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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. THUNE].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 30, 1997.

I hereby designate the Honorable JOHN R. THUNE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 25 minutes, and each Member except the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentlewoman from California [Ms. SANCHEZ] for 2 minutes.

THE DRUG COURT PROGRAM GIVES THOSE CHARGED WITH SUBSTANCE ABUSE CRIMES A FIGHTING CHANCE

Ms. SANCHEZ. Mr. Speaker, I rise today to tell my colleagues about a justice program that is working. The drug court is a program in use across our country to help give those charged with substance abuse crimes a fighting chance to make the difficult transition from a life of drug abuse to that of productive members of our society.

I worked hard to obtain Justice Department funding to keep this program going in Orange County, and I am glad that I was successful. The Orange County drug court is one of 160 drug courts throughout the Nation that are making a difference in helping to keep our courts from getting engulfed in a sea of cases.

Very simply put, this program allows some of those individuals who are charged with drug offenses the option of completing the drug court program which consists of individual specific community service and rehabilitation.

I recently went to the graduation of some of these people in the drug court program, and we affect not only individual's lives but entire families. Of the 14 who graduated that day, there were probably about 50 family members who had tears in their eyes that day to see the change that had overcome those people that they loved. Those who choose the option are placed in a highly structured program, and they are subject to intense supervision. Their successes are praised, and their failures are dealt with quickly and appropriately.

This program works. It makes our justice system more efficient, but, more important, it rebuilds peoples' lives. If any of my colleagues want to learn about this unique, effective drug court program, I would be happy to work with them to promote drug courts in their own areas.

PRESIDENT OPPOSES CITIZEN OVERSIGHT OF IRS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California [Mr. ROGAN] is recognized during morning hour debates for 5 minutes.

Mr. ROGAN. Mr. Speaker, as a new Member of Congress, I had the chance to go home during the break and talk to constituents throughout my district. One of the things that I was pleased to report back home was the fact that Congress, acting in a bipartisan fashion, was able to deliver the first balanced budget in almost 30 years, and the first broad-based tax cut in almost 16 years. That is good news. It was good news to deliver, and judging from the response of my constituents back home in California, it was good news to receive.

But the fight is far from over, because if we are going to be able to deliver meaningful tax reform to the people of this country, tax reform that does not last just for one Congress but will last through the years, we are going to have to look at restructuring, and perhaps abolishing, the tax collection agency known as the Internal Revenue Service.

There is an exciting debate that is about to occur in Congress, and I hope that it will be on the radar screen of every taxpayer and every citizen. We in Congress are going to debate whether we should move to a flat tax as proposed by our Republican Majority Leader DICK ARMEY, or move to a consumption tax, essentially a national sales tax, as proposed by the Ways and Means chairman, the gentleman from Texas, Mr. BILL ARCHER, and the gentleman from Louisiana, Mr. BILLY TAUZIN, and others. That that will be an important debate, because it will significantly change the process of tax collecting in America. Either one of those alternatives will be preferential to the status quo.

Unfortunately, the IRS over the years has become an agency that has gone beyond its limited role of being a collection agency to fund constitutional government, and instead has been used time and time again as an agency to reward political friends and oppose political enemies.

During the last week here in Congress, we have held hearings on the IRS, and have heard horror stories

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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about how taxpayers have been treated. These facts came not just from citizens who were injured by the IRS, but from IRS agents themselves who testified as to the practices of the IRS. The evidence shocked and stunned Americans. As a result of those hearings, one of the things we Republicans in Congress have proposed is a ''citizens' oversight board'' to protect Americans from agency abuses.

It ought to come as a shock to all taxpayers that we even have to consider appointing a board such as that to protect citizens from the abuses of an agency that was created to serve them, and not the other way around. Unbelievably, this morning I picked up the Washington Times and saw on the front page a headline that says, ''White House Champions IRS, President Opposes Citizen Oversight.'' The lead column said, ''The White House yesterday came to the defense of an embattled IRS vowing to 'vigorously oppose' congressional efforts to create a citizen oversight board to protect Americans from agency abuses.''

Mr. Speaker, we Republicans have tried to work with the White House and with Democrat colleagues to forge a bipartisan solution to a lot of the problems that are facing our country. If ever there was a time for bipartisanship, Mr. Speaker, it is now when it comes to dealing with the IRS.

I do not know where the President will eventually come down on the issues of a national sales tax or a flat tax or if he supports the status quo, but surely this President, surely this administration, which has shown as a hallmark over the last 5 years the ability to read the tea leaves of public opinion, ought to understand that this is not a partisan issue. This is an issue about good and decent Government.

The IRS for too many years has abused its power, has abused taxpayers, that have paid for this agency, and the time has come to make this agency responsive and accountable to those who pay its way. I urge the President to reconsider this unfortunate policy that was announced today, and to join with Republicans to create citizen oversight of the IRS. The best way to clean up the IRS is to have citizen accountability as Republicans have proposed in Congress.

PUT THE GULF WAR VETERANS FIRST BECAUSE THEY PUT OUR COUNTRY FIRST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas [Mr. DOGGETT] is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Mr. Speaker, America should never forget the contribution of the men and women of our Armed Forces in the gulf war. Unfortunately many of the families of our veterans of that gulf war can never forget it because the lingering consequences of illness and disability continue to afflict many of those who participated in our Nation's defense in that gulf war.

Indeed, those classified as having so-called gulf war syndrome, who were exposed to toxins, exposed to poison substances, and who continue to experience a wide variety of very serious symptoms as a result of their service for our country in the gulf war.

In all, some 3,000 Desert Storm veterans have filed claims concerning their illnesses against frozen assets of the Iraqi Government. It was following the invasion of Kuwait by Iraq in 1990, that the United States froze $1.3 billion of Iraqi assets in this country. Those veterans should get the priority with reference to any claims that they might have against those assets.

I have up for the consideration of this House later today a motion regarding these matters. Before reviewing the text of that motion, let me cover very briefly the history of this matter.

In 1991, the U.N. Security Council declared in a resolution that ''Iraq * * * is liable under international law for any direct loss, damage, or injury to foreign governments, nationals, and corporations as a result of Iraq's unlawful invasion and occupation of Kuwait.'' I think the type of claim that our gulf war veterans have is the very type of claim contemplated by that international resolution.

Accordingly, in 1994, when the Democrats were in charge of this House, legislation was passed through this House by an overwhelming majority, under the leadership then of the chair of the House Foreign Affairs Committee, the honorable gentleman from Indiana, Mr. LEE HAMILTON, that established an Iraq Claims Fund. I would quote from that bill in saying ''before deciding any other claim against the Government of Iraq, the United States Commission shall, to the extent practical, decide all pending noncommercial claims of members of the United States armed forces.'' This body went on record in giving a priority to those who put their life and limb at risk for the future of our Nation.

Unfortunately, quite a different turn has occurred in this Congress in this session. Legislation has been approved and is pending in conference committee at present that would place these same gulf war veterans in a position where they would never be allowed to recover one red cent against the Government of Iraq.

And why is that? Because the separate commercial claims that existed before this war ever occurred of the seven largest tobacco companies and of other commercial enterprises have been elevated over our veterans. Our veterans have been left in last place with no real right to make a recovery against these frozen Iraqi assets.

This all took place at the behest of Senator JESSE HELMS of North Carolina, who inserted it into the State Department authorization that is pending in conference committee. Fortunately, this House has not yet acceded to his demands. I would say that while he may be able to block an Ambassador to Mexico, he ought not to be able to block the claims of these 3,000 people who served with valor our country.

My motion would instruct our conferees, here in the House, to the State Department bill to not accede to the demands of those who would place the tobacco companies and the other commercial claims ahead of our veterans, who deserve to be heard first and foremost for what they have done for this country.

I would draw the attention of the House to communications from the National Gulf War Resource Center which concludes in a letter to this House by saying, ''Senator HELMS' legislation, if passed, would amount to a grotesque injustice against gulf war veterans poisoned by chemical warfare agents and other toxins during the gulf war. We ask you to consider the interests of gulf war veterans when voting on this legislation.''

That is what I will be asking my colleagues to do later today as we take up and consider this motion: Put the gulf war veterans first because they put our country first.

☐ 0915

INS: SERVICE VERSUS ENFORCEMENT

The SPEAKER pro tempore (Mr. THUNE). Under the Speaker's announced policy of January 21, 1997 the gentleman from Texas [Mr. REYES] is recognized during morning hour debates for 5 minutes.

Mr. REYES. Mr. Speaker, I rise this morning to speak on an issue that is very important to me. For more than 26 years, I was an employee of the Immigration and Naturalization Service. I am proud to say that I worked for the INS and that I helped to enforce our Nation's immigration laws as a Border Patrol agent and subsequently as a Border Patrol chief.

I am proud to have worked alongside some of the most dedicated and professional men and women this country has to offer. It is for these men and women that I will introduce the Border Security and Enforcement Act of 1997, a bill which will separate the Border Patrol and other enforcement components from the INS and create a new enforcement agency.

The INS has real problems that demand real answers. I believe I can provide those answers in a manner that is beneficial to the INS and the American people who demand more from their Government.

The inherent problem with the INS is that they are attempting to serve two masters. For all of its good intentions and willing personnel, the INS is doomed to fail. The problem is that they are tasked with conflicting missions: service versus enforcement.

Despite funding increases of more than 52 percent over the past 2 years, the INS has not adequately handled naturalization or enforcement. There are approximately 1.4 million people waiting for the INS to process their naturalization applications, and this backlog, unfortunately, is expected to increase. This situation is unacceptable. It is the duty of our Nation to provide timely service to those seeking admission under the legal immigration system.

Our efforts to control the border are also falling short of expectations by the American people. By recent INS estimates, there are more than 5 million illegal immigrants living in the United States. It is the duty of our Nation to effectively control illegal immigration and drug trafficking in order to provide safety and security to the American people.

Increasingly the physical presence of Border Patrol agents on the Southwest border to deter illegal crossings has been an integral part of our border control strategy, but there is much more to be done. In addition to placing agents in the field, we must ensure that they are properly equipped to control our borders. It should not be acceptable to have drug smugglers and alien smugglers taking shots at our agents on the border. It should not be acceptable to ask our agents to make do with what resources are available rather than with the resources that they need to do their jobs. We owe it to these officers to provide them the tools that they need to protect our borders and keep our communities safe.

Last year alone, there were more than 1.5 million apprehensions of illegal aliens attempting to enter the United States along the Southwest border. As if this is not enough, Border Patrol agents are playing a major and integral part in our Nation's drug control strategy. Drug traffickers attempting to supply the drugs to feed America's $50 billion a year drug habit have become increasingly dangerous and sophisticated.

The men and women of the U.S. Border Patrol are outmanned and outgunned. The INS, with its mission overload, is forced to fund programs depending on the priority of the moment despite an unprecedented increase in resources. These priorities vary from border control, interior enforcement, or naturalization. It is time to correct this.

We cannot expect our Border Patrol agents to effectively combat illegal immigration and drug trafficking without providing them the means to do so. This newly created agency will be enforcement-oriented and will dedicate the necessary resources to control our borders and protect the lives of our Border Patrol agents.

This legislation will also allow the INS to focus its attention and resources on naturalization and adjudication by relieving them of their enforcement duties. The deficiencies inherent in our immigration system will finally be addressed. We must place a priority on controlling our borders and properly serving those seeking admission to our Nation legally. It is time to protect those who serve us every day on the border and throughout our Nation.

OVERHAUL THE IRS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Florida [Mr. STEARNS] is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to discuss the imperative need for tax reform. It is not simply that Americans pay too much taxes, it is that the entire U.S. tax system is too complex, too bureaucratic, and too unfair.

When the income tax was first enacted 84 years ago, there was one page of instructions coupled with a one-page form. Today, there are 480 IRS tax forms and 17,000 pages of IRS laws and regulations. Even the instructions alone for the 1040 EZ form are 28 pages long, and 293,760 trees must be cut down each year just to supply the 8 billion pages of paper needed for filing the country's income taxes.

The complexity of the system requires 136,000 employees at the IRS and elsewhere in the Government to administer the laws, costing the American taxpayers $13.7 billion to enforce and oversee the Code. So while tax reduction is a very important, much-needed step forward, we must not forget that it is a first step in many that must be taken. We should continue to work to reduce the tax burden, but we also must simplify the Tax Code.

To address the latter, Congress has an obligation to pursue tax fairness, yes, and simplification for all Americans, whether that be a flat tax, a national sales tax, a graduated tax, or even a value-added tax. Each has its merits, and certainly all are better than the current flawed system. It is essential that any overhaul ostensibly based on fairness must be just that: fair to everyone. Otherwise, we have not bettered the system, we have only exacerbated the already existing problem.

Furthermore, and most importantly, the IRS itself is in dire need of reform. It is the exemplification of all that is wrong with our overly complex and burdensome Tax Code.

In a recent survey, American taxpayers rated the IRS last in customer satisfaction among 200 private companies, local government agencies, even the U.S. Postal Service. Furthermore, the GAO reports that the IRS has been unable to accurately balance its own books for the last 4 years, reporting that in 1992 the IRS could not even account for 64 percent of its own budget. After spending $4 billion, the IRS acknowledged that its Tax Systems Modernization Computer Program still has not produced a working system. As a result, the IRS clerks continue to type away at a computer set up 30 years ago with an error rate of 22 percent.

It should be obvious to everyone that the entire U.S. tax system is in desperate need of reform. Taxes are too high. The Tax Code is too complex and burdensome, and the IRS itself is a bureaucratic mess.

Congress has an obligation to act, an obligation to reform the burdensome and monstrous Tax Code. We should seize this opportunity now. We should work to affect positive changes in our Nation's revenue collection agency, work toward simplifying our overly complex Tax Code, and work to bring some sanity to the incomprehensible Tax Code.

The unfair and oppressive tax system of today is not unlike the system that gave rise to the American Revolution in 1776. We have, as I mentioned, an overly complicated system exemplified by an immense and impersonal Government bureaucracy.

Mr. Speaker, America deserves better. Americans deserve fairness. They deserve further tax relief; they deserve tax simplification, and they deserve a new, less intrusive and less burdensome IRS. We cannot just fix the system today, we must replace it.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 24 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 10 a.m.

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

Of all the gifts that we treasure in our hearts, O God, we are especially grateful for the gift of truth and we pray that we will cherish that gift with the unique respect and honor that is most fitting and appropriate. May we so use our thoughts and words in ways that truly reflect the right exchange of ideas between people and may every person, on every side of discourse or argument, use the wisdom and noble judgment that befits Your good creation. And may the words we say with our lips, be believed in our hearts, and all that we practice in our hearts, may we see lived out in our daily lives. In Your name we pray. Amen.

THE JOURNAL

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

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

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. MCNULTY. 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. Pursuant to the provisions of clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ] come forward and lead the House in the Pledge of Allegiance.

Mr. ROMERO-BARCELÓ led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 459. An act to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 15 1-minutes on each side.

YUCCA MOUNTAIN NUCLEAR WASTE REPOSITORY WILL MEAN LARGE GOVERNMENT PAYOFFS FOR DEVALUED PROPERTIES

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

Mr. GIBBONS. Madam Speaker, what will a temporary nuclear waste repository at Yucca Mountain, NV, mean to private property owners in some districts? It will mean large Government payoffs because the transportation of this radioactive waste will devalue their property. The New Mexico Supreme Court ruled that Mr. John Komis of Santa Fe be awarded more than $884,000 resulting from devaluation damage to his land due to the transportation of radioactive waste past his property.

If H.R. 1270 passes, almost 80,000 tons of nuclear waste will be transported across this country, devaluing property along the way. And who will pay for this devaluation in private property? Of course, the American taxpayer. They will foot the bill to support a radical and extremely costly policy mandated upon them by Congress.

It is time Members pay attention to this debate and represent the constituency that elected them to protect their property and their rights. Madam Speaker, this is a bill that America cannot afford.

SUPPORT FOR LORETTA SANCHEZ

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

Mr. ROMERO-BARCELÓ. Madam Speaker, I rise today to support our colleague, the gentlewoman from California, Ms. LORETTA SANCHEZ.

The Committee on House Oversight, in conducting its election probe, will not destroy her ability to represent the people of her district. This investigation has dragged out but will not drag down the gentlewoman from California.

Those of us who know the gentlewoman, know what the people of the 46th District knew when they voted her into Congress. She is going to stand up in Congress to the challenge. She is going to continue to stand up in Congress for the people of her district and the issues that matter most to them: education, crime prevention, and better jobs.

California's Secretary of State certified the gentlewoman was duly elected by the people of the 46th District. Yet the investigation continues.

The Committee on House Oversight is obviously stalling. The legal bills for the gentlewoman from California have exceeded $400,000, and this probe continues to cost her $10,000 a week. Is the committee protracting its investigation to keep her from raising funds for her reelection?

One way or another they want to bring her down, but we stand behind her, Madam Speaker, and we will not relent until this probe comes to an end. It is time to conclude this investigation, to terminate this extended fishing expedition, and for the attention of this Congress to be placed squarely on the people's business.

COMPULSORY CAMPAIGN CONTRIBUTIONS ARE WRONG

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

Mr. TIAHRT. Madam Speaker, the House has been drug through knotholes over campaign finance reform lately, and after numerous attempts to shut down the House and prevent us from doing the people's business, those few who are responsible have failed to address true campaign reform; and that is simply to follow the laws that are on the books today.

For campaign finance reform they have failed to address the injustice in the current system. Senator LOTT was quoted in today's Washington Times as saying most Americans would be shocked to learn that some workers in our Nation are forced to contribute to candidates or campaigns they do not support or they do not know anything about. But it happens, Madam Speaker, in every national campaign, and it is wrong.

Thomas Jefferson said, ''To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical.''

Madam Speaker, let us free the American workers from compulsory campaign contributions for candidates they cannot support. It is bad policy and it is wrong.

WHITE HOUSE'S DEFENSE OF IRS IS INDEFENSIBLE

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

Mr. TRAFICANT. Madam Speaker, the IRS has a quota system. The IRS promotes workers who bully taxpayers. The IRS targets opponents. The IRS literally snoops through our files. The IRS has caused Bruce Barron and Alex Council to actually commit suicide. And after all this, a spokesman says the White House will champion the cause of the IRS because the criticism has been blown way out of proportion. Beam me up.

Let us tell it like it is. The White House is defending an agency that has become absolutely a Gestapo-type agency, un-American, out of control. I am totally convinced that at the White House they are out for soup with the group; they have gone for lunch with the bunch; and they must be smoking dope, so help me God.

I yield back the balance of the atrocities of the IRS.

DEMOCRATS CALLING FOR CAMPAIGN FINANCE REFORM GIVES HYPOCRISY A BAD NAME

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

Mr. HEFLEY. Madam Speaker, to hear the liberals call for campaign finance reform is like Marv Albert scolding Mike Tyson for using his biting skills in an inappropriate manner.

Democrats have had to return over $2 million, $2 million, Madam Speaker, because they raised illegal money from foreign sources. In a town awash in hypocrisy, Democrats, who ran roughshod over existing fundraising laws in the last election, are giving hypocrisy a bad name.

One would expect the always fair, unbiased media to laugh them out of town when they hear the very same people who broke the law call for reform of the law. But here is the real

shocker: The ever-balanced media, far from exposing their hypocrisy, are leading the way for calls in campaign finance reform.

How many times have we heard our liberal elite friends in the media say, ''The real tragedy is not what is illegal but what is legal.'' Yes, shaking down impoverished Indian tribes, illegally mixing DNC funds with Teamster money, soliciting money from foreign nationals, laundering money and shredding evidence; no, I suppose that is not the real tragedy.

CAMPAIGN FINANCE REFORM A MUST TO HAVE A DEMOCRACY WORTH PROTECTING

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

Mr. BLAGOJEVICH. Madam Speaker, let me first of all start by quoting Winston Churchill, who said, ''Democracy is the worst system ever devised by man, except for all the rest.''

I think there is a clear need for campaign finance reform. I am a new Member and, clearly, most Members agree there is something wrong with the way we fund our campaigns and fuel our democracy. When we spend all the time we spend trying to raise money to get here, and when we consider all of the special interest money that helps us get elected to office, if that system is not corrupting, it certainly is corruptible.

We have an opportunity in this Congress to do something real about campaign finance reform. We live in a very special place. We live in the greatest country in the history of human history, and the reason we do is because of our system of government that is based on the consent of the governed. Unless the governed believe that we are acting in good faith and are truly trying to govern them in a fair way, we will not have a democracy worth protecting.

We must pass some form of campaign finance reform in this Congress if we are going to preserve what Abe Lincoln said is our last best hope on Earth.

FREEDOM MUST NOT BE COMPROMISED IN THE NAME OF REFORM

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

Mr. DELAY. Madam Speaker, for any democracy to work, it must have fair and honest elections. To have fair and honest elections, the people running for office must follow the law. Some people want to change those laws despite overwhelming evidence that they were broken during the last campaign by the Clinton-Gore reelection team.

Madam Speaker, I support efforts to make our elections more fair and honest. I support giving the American people the best information possible about candidates. I support full disclosure, so that the voters know where the money is coming from. And I support the current laws that have been broken with regularity by the Clinton-Gore campaign team. But I will not support any so-called reform effort that limits the freedom of American citizens to participate in the political process.

We must not compromise freedom in the name of reform.

REPUBLICANS HIDING BEHIND PREVIOUS ABUSES AND NOT ALLOWING CAMPAIGN FINANCE REFORM TO TAKE PLACE

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

Mr. DOGGETT. Madam Speaker, if it is illegal, prosecute it, but do not hide behind it as the Republicans have been doing throughout this session.

Indeed, our Republican colleagues came into this Congress in 1995 promising revolutionary change, and they have given us nothing but the most modest and cosmetic touchover of the way business as usual is conducted in this body.

If they had any real interest in revolutionary change in the way this Congress operates, campaign finance would have been considered in January 1995. Instead, we have had nothing but delays. And this year, having failed to reform the system in time for the last election, they are hiding behind any abuses that occurred, Democrat or Republican, in the last election, to defeat reform this time.

Even as our colleagues down the hall in the other body debate genuine campaign finance reform, they continue to refuse to schedule 1 minute for real debate, for presentation of bipartisan proposals on the floor of this House.

DEMOCRATS ATTEMPTING TO CONFUSE AND DISORIENT PUBLIC ABOUT CAMPAIGN FINANCE REFORM

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

Mr. RYUN. Madam Speaker, when I was a young boy growing up in the great State of Kansas, my friends used to play a game in which we would blindfold someone, spin them around until disoriented, and then hand them a paper tail with a thumbtack attached and point them toward a wall where a donkey was drawn. While blindfolded they were to pin the tail on the donkey.

That game represents what the Democrats are doing to the public. They have attempted to confuse and disorient the general public on campaign finance reform. Madam Speaker, this must stop.

The Democrats wrote the campaign finance rules when they were in the majority. The Democrats have now broken the rules while they are in the minority. Let us remove that mask and unblindfold the public.

Before we consider fixing campaign finance reform, let us pin the tail of blame fully on the Democratic donkey, and find out what went wrong with the Democrats first before we change the system.

□ 1015

IN SUPPORT OF FAIR REPRESENTATION FOR LATINOS

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Madam Speaker, the Republicans are trying to deny the gentlewoman from California [Ms. SANCHEZ] the seat she won in a fair election. They are carrying out an investigation whose only purpose is to harass and intimidate the gentlewoman from California [Ms. SANCHEZ] and Latino voters.

Now they are trying to prevent an accurate count in the 2000 census. By not counting Latinos, opponents of a fair census can justify slashing resources to these communities. By pretending that millions of people do not exist, Latinos are silent at every level, from school boards all the way up to Presidential elections.

Well, I have news for the Republicans. Latinos will not be silenced. Recently, the Republicans passed out a memo about how to appeal to Latinos. Well, the Republicans need to learn a lesson about politics. By insulting our community this way, they will never get another Latino to join the Republican Party.

MY, HOW THINGS HAVE CHANGED

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

Mr. BOB SCHAFFER of Colorado. Madam Speaker, my, how things have changed. George Washington, the Father of our Nation, was obsessed with the idea of establishing a national character. He believed in the marrow of his bones that the esteem and success of a nation derived above all from one thing and one thing only.

It was not the strength of its army, the wealth of its resources, the level of taxation extracted from its citizens, nor was it the refinement of his laws. No, Washington believed that the esteem and success of a nation derived above all from the virtue of its people.

To General Washington, the greatness of a nation and the greatness of its people lay in the moral character of individuals. He wrote that ''A good moral character is the first essential of man.''

How different things are today in the city that bears the name of such a great American hero. We see daily a

new standard of character, a never-never land of legalistic gymnastics that carefully avoids the outright lie, but plumbs the depths of deception, deceit, and verbal prestidigitation.

The campaign to deceive began with Medicare, blossomed in Filegate, and continues this very day with the corruption of American elections by foreign money. This new White House standard is a national disgrace.

SANCHEZ-DORNAN ELECTION

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

Ms. JACKSON-LEE of Texas. Madam Speaker, the truth will be told. Madam Speaker, Bob Dornan is fighting for a job, and the gentlewoman from California [Ms. SANCHEZ] is fighting for her life and the life of a people who deserve a right to be represented in the U.S. Congress. What a travesty.

First, the Republicans want to counter the real counting of people by opposing sampling so that urban dwelling Hispanics, African-Americans, Asians, new immigrants to this Nation, who become new citizens cannot be counted. Why? Sheer politics.

Why do the Republicans want to continue opposing the seating of the gentlewoman from California [Ms. SANCHEZ] when absolutely no fraud has been found? Because I guess they do not believe that all of us are equal in these United States.

Former Representative Bob Dornan has led a widespread abusive and costly search for voter fraud, claiming that the lost election, that he lost by more than a thousand votes, is due to massive illegal voting by Hispanics. There we go again bashing immigrants, now citizens. And yet, after $300,000 of taxpayer money has been expended, no fraud has been found.

Stop bashing Hispanics, count them. And leave the gentlewoman from California [Ms. SANCHEZ] alone to do her job for the 46th District of California.

NUCLEAR WASTE POLICY ACT OF 1997

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

Mr. ENSIGN. Madam Speaker, I rise to talk about the nuclear waste bill of this year. Almost 80,000 tons of nuclear waste are going to be transported on our roads throughout America.

What most people do not understand is that the private companies that will be shipping this waste, if they happen to have a driver who is drunk, driving in the middle of the night through, say, St. Louis, Denver, Kansas City, Omaha, Chicago, Atlanta, Salt Lake City, Philadelphia, or Los Angeles, all of those cities this nuclear waste will be transported through, if one of the drivers of these rigs happens to crash through a house because they were drunk, this nuclear waste bill will protect that company from any kind of lawsuit.

Madam Speaker, this is outrageous. This Nuclear Waste Policy Act of 1997 needs to go down in flames. It is wrong for America. it protects the wrong people. We need to vote against it.

MS. SANCHEZ WON ELECTION FAIR AND SQUARE

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

Mr. BARRETT of Wisconsin. Madam Speaker, several weeks ago this House took the extraordinary action of banning Bob Dornan from the floor because of the embarrassing display he put on for the Members of this House and the American people.

What is unfortunate is that even though he has been banned from this floor, neither he nor the Republican party have given up on trying to restore his seat that he lost fairly and squarely to the gentlewoman from California [Ms. SANCHEZ].

The Republican Party has continued to go after the gentlewoman from California [Ms. SANCHEZ], and I fear the reason they are going after her, frankly, is because she is a woman and a minority. They think she is fair game. And even though she won the election fair and square, they are trying to reverse a decision that was made by the people of California.

The people have spoken, Madam Speaker, and what we should do is we should honor that election. There have been allegations of fraud, but there certainly have not been any allegations of fraud sufficient to upset this election. This election should not be put aside. It should stand.

The people of California, in 1998, can decide at that time whether the gentlewoman from California [Ms. SANCHEZ] should be allowed to continue in office. But it is wrong for her and it is wrong for the democratic process to take that seat now.

WHITE HOUSE CHAMPIONS THE IRS

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

Mr. ROGAN. Madam Speaker, during this last week, the other body has conducted hearings that are extremely significant to all Americans. We finally had a congressional committee turn over the rock at the IRS. What we heard were horror stories coming from citizens, taxpayers, and even from IRS agents who testified anonymously.

It did not surprise me, Madam Speaker, to see on the front page of U.S.A. Today that 69 percent of Americans believe the IRS abuses power often—not just now and then, but often. What did surprise me, Madam Speaker, was to see on the front page of the Washington Times, in response to a Republican congressional proposal that a citizen oversight board protect Americans from the IRS, that the ''White House champions the IRS.'' The headlines say that ''the President opposes citizen oversight.''

Republicans in this Chamber, Madam Speaker, have made clear that the status quo with the IRS is unacceptable. I hope that the President will reconsider his apparent refusal to see citizens oversee the IRS, instead of having it the other way around.

CALL HALT TO INVESTIGATION OF MS. SANCHEZ

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

Ms. DELAURO. Madam Speaker, I rise today to say enough is enough. It is time to call a halt to the investigation of the gentlewoman from California [Ms. SANCHEZ].

Today's resolution on the floor is nothing more than an effort by the majority party to extend and to expand this investigation. The resolution has no authority to force the Justice Department to do anything. In fact, it will only impede the ongoing legal process.

The resolution is simply an attempt by the Republican Party to create enough smoke to steal this election. If they cannot do that, they hope to simply wear the gentlewoman from California [Ms. SANCHEZ] down, depleting her time, her energy, and her financial resources in order to weaken her for reelection.

The gentlewoman from California [Ms. SANCHEZ] won this seat fair and square. Bob Dornan's wild accusations of voter fraud have been proven false. This is an outrageous waste of taxpayers' funds. It is time to call an end to this investigation.

LIBERALS CREATED THE SYSTEM WE HAVE

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

Mr. ADERHOLT. Madam Speaker, I am truly struck by the volume and breadth of passion displayed by our liberal friends on the other side. Their compassion and zeal for campaign finance reform is touching, to say the least. And when they chant over and over ''the system is rotten to the core,'' I am really impressed.

But then I started thinking, something that liberals never want people to do. I started thinking about the system. And you know what, Madam Speaker? Liberals created the system we have. For liberals to come to the floor and bemoan the system is just a little misplaced and more than a little insincere.

Madam Speaker, liberals realize the trouble the White House and the DNC are getting into, and they know they have been sold out. The liberals do not want campaign finance reform, they want to change the subject.

CAMPAIGN FINANCE REFORM

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute.)

Ms. HOOLEY of Oregon. Madam Speaker, a bipartisan group of freshmen legislators have crafted a campaign finance reform bill that can pass with strong support from Members on both sides of the aisle.

This is not a radical measure. It is incremental and focuses exclusively on areas of consensus between Republicans and Democrats. No partisan poison pills were included in the bill.

I urge the leadership to bring a measure up that appeals to both sides like this one, not a bill loaded with partisan politics. Madam Speaker, the American people want to see reform, not political games on this floor. It is time to bring up campaign finance reform measures that address the issues we all agree on.

CAMPAIGN FINANCE REFORM

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

Mr. KINGSTON. Madam Speaker, when the White House was having organized fundraising events in the Lincoln bedroom for Democrat fundraising purposes, when it was raised by Republicans, Democrats said, ''You are being partisan.''

When the Vice President of the United States raised thousands and thousands of dollars in a Buddhist temple from Buddhist monks and nuns, who had to take vows of poverty but they came up with $5,000 each, we were called antireligious.

Now, because of some very questionable voting tactics in the California race, we are being dragged into this thing on a race count. You know, fair elections are not the domain of the party that lost, it belongs to everybody, Democrats and Republicans. We have a situation here where files have been subpoenaed.

The legislation that we are having to pass today, which I hope all the Democrats join us in voting for, simply says give us the files so we can get to the bottom of this. We want to know whether it is fair or not, because it is not a Democrat or Republican issue.

OUR RIGHT TO PRIVACY IS UNDER ATTACK

(Ms. FURSE asked and was given permission to address the House for 1 minute.)

Ms. FURSE. Madam Speaker, as an immigrant, as a Member of Congress, as one who won her second race by a very small minority, I want to say that I am appalled that new voters, and especially voters who have Hispanic surnames, are being targeted by the attacks on the gentlewoman from California [Ms. SANCHEZ].

All of us, all of us, our right to privacy, is under attack; and this attack is coming from a man who was not allowed to serve on this floor, Bob Dornan. It is time that the choice of the voters be honored. We who represent the people of our district must reject this attack on our democratic election process. We must reject this resolution. We must support what the voters supported, the election of the gentlewoman from California [Ms. SANCHEZ] to serve the people of her district.

MARRIAGE TAX ELIMINATION ACT

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

Mr. WELLER. Madam Speaker, let me address the House with a fairly simple question: Do Americans feel that it is fair that our Tax Code imposes a higher tax on married working couples? Do Americans feel it is fair that we tax married couples more than those who live together, with two incomes, outside a marriage? Do Americans feel that it is fair that 21 million average, middle-class married couples pay an average of almost $1,400 more in taxes than a working couple with identical dual incomes living outside of marriage?

I do not believe so. I believe that the folks back home, those who pay the bills, pay their taxes on time and live by the rules, also believe it is unfair. The marriage tax should be eliminated.

The Marriage Tax Elimination Act, which now enjoys the cosponsorship of 193 Members of this House, both Democrats and Republicans, will eliminate the marriage penalty. My colleagues, I ask for bipartisan support next year and we make it a bipartisan priority to eliminate the marriage tax.

□ 1030

UNITED STATES SHOULD LEAD THE FIGHT TO RID THE WORLD OF LANDMINES

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

Mr. ALLEN. Madam Speaker, 89 nations agreed in Oslo recently to an international treaty to ban landmines. This achievement is the product of years of hard work by humanitarian groups in the United States and around the globe and honors the legacy of the late Princess Diana. Unfortunately, the administration has decided not to sign the Ottawa treaty.

I fear we have missed an historic opportunity to do the right thing. The United States should lead the fight to rid the world of landmines.

The President said that total landmine ban was a line he could not cross for the safety of our troops. Their safety is of fundamental importance, but there are alternatives to mines that can protect our soldiers.

A child in Angola does not see the line between farm and minefield and does not know where she can safely cross. Every 22 minutes, an innocent civilian is killed or maimed by a landmine.

Madam Speaker, I urge Members and citizens across the country to call on the President to think of that little girl, do the right thing and sign the Ottawa Treaty in December.

CALLING INVESTIGATION OF VOTER FRAUD A WITCH HUNT OR ATTACK ON HISPANICS IS UTTER NONSENSE

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Ms. PRYCE of Ohio. Madam Speaker, never have we heard or seen a more shameless, despicable display of playing the race card from the bottom of the deck than that we are seeing here today with regard to the disputed Sanchez election.

I have heard investigations into voter fraud described as a witch hunt, an attack on all Hispanic voters, and an unprecedented attack on Hispanics throughout the Nation. I have heard our constitutional duty to ensure fair and honest elections characterized as targeting every Hispanic voter as if they did not have the right to vote.

What utter nonsense. Fair and honest elections are not a Republican issue or a Democratic issue. Is the other side really suggesting that voter fraud should not be investigated? Is the other side really suggesting that non-U.S. citizens should be able to vote?

The other side's reckless, irresponsible, and deliberately inflammatory charges are an insult to this great institution, to the American ideal of fair and honest elections.

WONDERING WHAT IRS WOULD MAKE OF WHITE HOUSE EXCUSES FOR CAMPAIGN FINANCE LAWBREAKING

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

Mr. PITTS. Madam Speaker, one wonders what the IRS would make of the excuses the White House makes whenever it comes to campaign finance law breaking. How ironic it is that the same administration that has an IRS out of control, an IRS that targets average citizens for political purposes, especially if they happen to work for the White House Travel Office, or used to,

an IRS that gives one absolutely no benefit of the doubt, is the same administration that actually claims to be cooperating fully with congressional investigators while putting up a stone wall bigger than the Great Wall of China.

Do my colleagues think the IRS would be satisfied with the sudden ''I don't recall'' syndrome that happens every time a White House official testifies before Congress? Do my colleagues think the IRS would let them slide with the ''no controlling legal authority'' defense? Do my colleagues think the IRS would cut them some slack if they got caught red handed and then turned around and said, ''The system made me do it, and anyway, everybody cheats''?

I wonder.

MOTION TO ADJOURN

Ms. VELÁZQUEZ. Madam Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mrs. MORELLA). The Clerk will report the motion.

The Clerk read as follows:

Ms. VELÁZQUEZ moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentlewoman from New York [Ms. VELÁZQUEZ].

The question was taken.

Ms. VELÁZQUEZ. Madam 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 132, nays 285, not voting 16, as follows:

[Roll No. 465]

YEAS—132

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Clayton
Clyburn
Coburn
Conyers
Coyne
Cramer
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Furse
Gejdenson
Goode
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilleary
Hinchey
Hinojosa
Hoyer
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
LaFalce
Largent
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moran (VA)
Murtha
Neal
Olver
Ortiz
Owens
Pascrell
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roybal-Allard
Rush
Sanchez
Sanders
Sawyer
Scott
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Waters
Watts (OK)
Waxman
Wexler
Woolsey
Wynn

NAYS—285

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilliard
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCarthy (MO)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Moakley
Mollohan
Moran (KS)
Morella
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sandlin
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Yates
Young (AK)
Young (FL)

NOT VOTING—16

Dellums
Flake
Foglietta
Gephardt
Gonzalez
Klink
Lampson
Livingston
Minge
Obey
Pallone
Pelosi
Rothman
Saxton
Schiff
Schumer

□ 1053

Messrs. KIM, CUNNINGHAM, NUSSLE, PORTER, DAVIS of Virginia, ROHRABACHER, and Ms. DUNN changed their vote from ''yea'' to ''nay.''

Messrs. MCINTYRE, BOYD, PAYNE of New Jersey, ORTIZ, OLVER, LAFALCE, and RUSH, and Mrs. LOWEY and Ms. LOFGREN changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ROTHMAN. Mr. Speaker, on roll-call vote No. 465, I was unavoidably detained in New Jersey attending funeral services for Florence Rothman. Had I been present, I would have voted ''no.''

THE JOURNAL

The SPEAKER pro tempore (Mr. NEY). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

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

RECORDED VOTE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 360, nays 56, not voting 17, as follows:

[Roll No. 466]

YEAS—360

Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook

Cooksey
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Foglietta
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryun
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—56

Abercrombie
Becerra
Bonior
Borski
Brown (CA)
Clay
Costello
DeFazio
DeLauro
Doggett
English
Ensign
Fawell
Filner
Fox
Gejdenson
Gibbons
Gutknecht
Hefley
Hill
Hilleary
Hinchey
Hooley
Hulshof
Kilpatrick
Kucinich
Lewis (GA)
LoBiondo
Lowey
Markey
McDermott
McGovern
McNulty
Menendez
Miller (CA)
Moran (KS)
Nussle
Oberstar
Pombo
Poshard
Ramstad
Rush
Sabo
Salmon
Schaffer, Bob
Schumer
Sessions
Stark
Stupak
Taylor (MS)
Thompson
Velazquez
Vento
Visclosky
Waters
Weller

NOT VOTING—17

Armey
Clayton
Coburn
Dellums
Dicks
Flake
Gephardt
Gonzalez
Hastert
Hilliard
Lampson
Pallone
Pelosi
Pickett
Rothman
Saxton
Schiff

□ 1111

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

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ROTHMAN. Mr. Speaker, on roll-call vote No. 466, I was unavoidably detained in New Jersey attending funeral services for Florence Rothman. Had I been present, I would have voted ''yes.''

CONFERENCE REPORT ON H.R. 2203, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 254 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 254

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

□ 1115

The SPEAKER pro tempore (Mr. NEY). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the distinguished ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only and should be limited to debate on the issue at hand.

Mr. Speaker, House Resolution 254 provides for the routine consideration of the fiscal year 1998 energy and water development appropriations bill. The resolution waives all points of order against the conference report and against its consideration. The rule provides that the conference report should be considered as read.

Let me begin my congratulating the gentleman from Pennsylvania [Mr. MCDADE] and the gentleman from California [Mr. FAZIO] for ably guiding the energy and water appropriations bill through conference. The product of their hard work is a fiscally responsible conference report that spends $1.9 billion less than the President requested, once again demonstrating to the taxpayers that this Congress is serious about cutting waste and prioritizing our spending.

Mr. Speaker, I believe this bill does an excellent job of accurately assessing our Nation's energy and water needs, adjusting the administration's request for water resources infrastructure. For example, the conference report provides funding for important flood control activities of the Army Corps of Engineers, a need that was definitely brought to light by the devastating floods that ravaged the South and Midwest last winter and throughout this past spring.

I would like to commend the gentleman from Pennsylvania [Mr. MCDADE] and the subcommittee for their continued support of the West Columbus flood wall project. In 1913, 1937, and 1959, melting snow and heavy rains caused the Scioto River to overflow its banks. The resulting catastrophic flood caused the loss of many lives, destroyed homes and businesses, and damaged millions of dollars' worth of residential and commercial property. Ensuring a continued Federal commitment to this project is essential to providing the West Columbus community peace of mind and a real measure of protection from the looming threat of destructive floods. There are examples all across our Nation of exactly the same situation found in this conference report.

I would also note that the conference report continues our commitment to downsizing and streamlining the Federal Government by imposing a number of management reforms on the Department of Energy, all designed to keep the Department focused, efficient, and accountable to the taxpayers. There are more than a few of my colleagues who view the Department of Energy as the epitome of wasteful bureaucracy that has outgrown its original limited purpose. How the Department responds to the reforms implemented by this bill will send an important message to Congress about what the future of this agency should be.

In the meantime, the conference report will provide the necessary DOE funds for basic scientific research, accelerated cleanup of contaminated DOE sites, maintenance of our Nation's nuclear weapons stockpile, and a continuation of solar renewable energy programs.

In addition, the conference report begins the phaseout of funding for another agency that has outlived its necessity by terminating the appropriations for the Tennessee Valley Authority after fiscal year 1998. I should note that through this legislation the TVA will receive $70 million for its nonpower program, but this amount represents a 34 percent cut below the current level and the administration's request.

Mr. Speaker, as the fiscal year draws to a close, I encourage my colleagues to adopt the rule before us without delay so that the House may proceed with consideration of the fiscal year 1998 energy and water conference report. I urge support for both the rule and the underlying legislation.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. I thank my colleague and friend, the gentlewoman from Ohio [Ms. PRYCE], for yielding me the customary half hour.

Mr. Speaker, I rise in support of this rule and in support of this energy and water conference report. I also would like to congratulate my colleagues, the ranking member, the gentleman from California [Mr. FAZIO], and the chairman, the gentleman from Pennsylvania [Mr. MCDADE], for a job well done. The gentleman from Pennsylvania [Mr. MCDADE], in his first year as chairman, has worked very hard with the other body to make sure that House Members were treated fairly.

This conference report will make some very serious improvements in our country, especially in our country's infrastructure, and the subcommittee members should be congratulated on their diligence and on their hard work.

Mr. Speaker, this rule, like most conference report rules, waives points of order against the conference report and provides for 1 hour of debate. This conference report also fully funds the budget request for the Energy Department's arms control and nonproliferation programs as the House has instructed them to do. It restores funding for the Energy Department, which means that they can continue to cut spending through normal attrition instead of making radical staff cuts which could hurt our country's energy program. The Energy Department, in addition to atomic defense activities, conducts basic science and energy research which I think is tremendously important, especially in today's high-tech world.

I am glad that the committee did not have to make major staff cuts, and once again, Mr. Speaker, I congratulate my ranking member, the gentleman from California [Mr. FAZIO], and my chairman, the gentleman from Pennsylvania [Mr. MCDADE], for the conference committee and all the other conference committee members for their hard work. I urge my colleagues to support the rule.

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

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

The previous question was ordered.

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

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

Mr. DOGGETT. 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 415, nays 3, not voting 15, as follows:

[Roll No. 467]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—3

Ensign
Gibbons
Kelly

NOT VOTING—15

Barr
Bishop
Cardin
Dellums
Farr
Flake
Gonzalez
Hunter
LaFalce
Pallone
Pelosi
Pickett
Rothman
Saxton
Schiff

☐ 1141

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

So the 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

Mr. ROTHMAN. Mr. Speaker, On rollcall vote No. 467, I was unavoidably detained in New Jersey attending funeral services for Florence Rothman. Had I been present, I would have voted ''yes.''

Mr. McDADE. Mr. Speaker, pursuant to House Resolution 254, I call up the conference report on the bill (H.R. 2203), making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. NEY). Pursuant to House Resolution 254, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 16, 1997, at page H7917.)

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes, and the gentleman from California [Mr. FAZIO] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. MCDADE].

□ 1145

GENERAL LEAVE

Mr. McDADE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the pending bill and that I may be permitted to include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, I rise, of course, in support of this conference report and urge my colleagues to do likewise. We are delighted, all of us on both sides of the subcommittee, to present this bill before the close of the fiscal year, and may I say to my colleagues that this required cooperative efforts on both sides of this aisle and on both sides of the Capitol to get this done.

We met in conference and concluded last Wednesday, after a very difficult series of negotiations with the Senate. The key numbers are that this bill is $2 billion, roughly, lower than the administration's budget request appropriating $20.7 billion. It is also lower than the Senate level. And of the total amount, $20.7 billion, roughly 56 percent of it is devoted to the atomic energy defense activities, the 050 account within the Department of Energy.

We had a lot of difficult issues, Mr. Speaker, and I am pleased that we were able to work them out in a manner that protected the Members of the House and the prerogatives of the House. As a consequence of all of that, the final appropriation for the Corps of Engineers is $3.9 billion, which is very roughly, almost to the penny, the amount that was agreed upon when we left the House.

In addition to that, Mr. Speaker, may I say that there were a number of initiatives that were agreed upon by the House, numbering about seven general provisions, all of which in one form or another survived the conference. I want to say to my colleagues in the House that they bear a bit of their attention because they do represent significant reforms with respect to the Department of Energy.

As we went through this account exercising our duty for general oversight, we discovered, to our shock, that the Department of Energy had the authority to enter into M&O contracts without ever going to competitive bid. The worst case that we found, Mr. Speaker, was a bid that had been outstanding and extended periodically, since the Manhattan Project, 40 years ago. I am talking about a contractor, Mr. Speaker, for 40 years not having to bid on a contract.

There are other examples, as well. That is the worst case. We denied them the opportunity of getting to go to a no-bid unless there is a unique research project, like hiring Albert Einstein, in which case we might consider a waiver. But they must get a waiver and they must consult with us.

We found out, as well, that the same sort of exemption removed the Federal acquisition regulations from the Department of Energy. In other words, they could not only go out and do a no-bid contract, but they could do one that need not comply with the Federal regulations on acquisition which apply to every other agency of the Government.

Mr. Speaker, those Federal acquisition rules and the requirement for competition are the taxpayers' guarantee that we will have competition and, therefore, lower prices and higher quality work. There will not be any rip-offs or abuses, or at least as few as we can help. And we hope we do not have any within the Department.

Perhaps the most difficult issue that we had as we went through the debate with the Senate was the issue of TVA. As my colleagues will recall, there was a zero appropriation for appropriated accounts within the TVA. We met with the Senate, which had a substantial amount; and we finally agreed, as we should have, on a number that represents a 33-percent reduction in appropriated funds for the TVA for the last fiscal year. And perhaps most importantly, working with all of my colleagues who have great interests, in return for that we agreed that this would be the final year in which TVA will receive any kind of appropriated dollars.

An item of great interest to the Members is the Bay-Delta Environmental Enhancement and Water Supply project in California; $85 million is included in the bill for that important project that affects the San Francisco Bay-Sacramento-San Joaquin Delta estuary in Northern California.

The amount is less than the $120 million that we appropriated, with the great help of my friend from California. But it is considerably more than the $50 million that the Senate included. And I think everybody's last analysis is this will really kick-start the project and get it moving expeditiously.

Mr. Speaker, there were several other items that were within the conference report with which we had great difficulties. We have resolved them. This is a unanimous conference report. Every single conferee has agreed to the provisions.

I want to say to my colleagues, Mr. Speaker, that without the able cooperation of the gentleman from California [Mr. FAZIO], the ranking member, we would not have achieved that kind of unanimity. I want to commend every single member of the subcommittee. Every one of them has put an imprint and a footprint on this bill and a positive one.

Finally, Mr. Speaker, I want to thank the very able staff members, who burn the midnight oil 24 hours a day, many days a week to bring this work product to us. I hope that there will be a resounding vote in the House to adopt it.

Mr. Speaker, I rise in support of the conference agreement to accompany H.R. 2203, making appropriations for energy and water development in fiscal year 1998.

Mr. Speaker, I am pleased that the conference agreement on energy and water development is being considered by the House before the expiration of the current fiscal year. Getting this agreement to the floor expeditiously required the concerted and cooperative efforts of the conferees from both sides of the Hill and both sides of the aisle. I am especially proud of the managers on the part of the House, whose dedicated work produced a fair compromise agreement.

The conference on the energy and water bill concluded last Wednesday night after difficult negotiations with the Senate. The total amount of spending in the conference agreement is $20.7 billion. This represents an increase of $729 million above the House level and $782 million over the fiscal year 1997 level. This amount, however, is $1.9 billion lower than the administration's budget request and $58 million below the Senate recommendation for fiscal year 1998. Of the $20.7 billion appropriated, $11.5 billion or 56 percent is committed to the atomic energy defense activities of the Department of Energy.

Negotiations were particularly arduous this year because of the substantial differences between the House and Senate versions of the legislation. I am pleased to report that the House conferees successfully defended the House position on a great number of items in disagreement between the two Chambers. In particular, the House conferees protected the interests of Members in water infrastructure development; as a consequence, the conference committee agreed to a final appropriation of $3.9 billion for the water resource programs of the Army Corps of Engineers. This amount, which is nearly identical to the House-passed level, is $262 million higher than had been included in the Senate bill.

Furthermore, the final agreement includes a number of initiatives recommended by the

House, including: General provisions to promote greater accountability and efficiency within the U.S. Department of Energy; transfer of the Formerly Utilized Sites Remedial Action Program from the Department of Energy to the Corps of Engineers; and a requirement for external review of DOE construction projects. The conferees crafted a delicate compromise with respect to the Tennessee Valley Authority. For fiscal year 1998, TVA will receive $70 million for its nonpower programs; this represents a 33-percent reduction from both the fiscal year 1997 level and the fiscal year 1998 budget request. For fiscal year 1999 and thereafter, the Authority will have to pay for these programs with internally generated revenues and savings.

The conference agreement also includes $85 million for the Bay-Delta Environmental Enhancement and Water Supply project, a new multiagency effort to protect and enhance water resources in the San Francisco Bay/Sacramento-San Joaquin Delta estuary (the bay-delta) in northern California. Although this amount is less than the $120 million recommended by the House, it is considerably more than the $50 million included in the Senate bill. We are confident that this sum, representing a generous first-year installment on a multiyear Federal commitment, will be sufficient to kick-start the effort to save the bay-delta.

As previously noted, the conference agreement includes a number of general provisions within the Department of Energy title of the bill. These provisions, originally recommended by the House, are intended to enhance accountability, promote efficiency, and control mission creep at the Department of Energy. One of these provisions, section 301, requires the Department to competitively bid all contracts, unless the Secretary of Energy determines that a waiver of this requirement is necessary and notifies Congress of the waiver 60 days in advance. These are contracts at the Department of Energy which have not been competed since the Manhattan project. Section 301 is designed to vigorously promote competition, an effective tool for reducing costs and increasing contractor accountability.

Another provision, section 302, requires the Department of Energy to adhere to the Federal Acquisition Regulation. As observed by the General Accounting Office, the Department has its own unique procurement regulations which permit deviations from normal contracting requirements used by most Federal agencies. These nonstandard contract clauses can limit DOE's ability to adequately protect the Government's interests and ensure the efficient use of contract funds. The conferees have directed the Department to ensure that Federal Acquisition Regulation policies are used in drafting new contracts or amending or modifying existing contracts. Along with competition in awarding contracts, consistency in contract requirements is a critical element in increasing contractor accountability.

Mr. Speaker, due to a production error, report language agreed to by conferees from the House and the Senate was inadvertently excluded from the joint statement of the managers. The text of that language follows:

> With respect to funds appropriated in fiscal year 1993 and made available to the Center for Energy and Environmental Resources, Louisiana State University, Baton Rouge, Louisiana, the conferees strongly recommend that the Department disperse these funds only in accordance with the original intent to place the facility on property owned by the Research Park Corporation in Baton Rouge, Louisiana or contiguous property thereto owned by Louisiana State University, Baton Rouge.

We fully expect that the Department of Energy and interested stakeholders will regard this language as though included in full in the joint explanatory statement of the committee of conference.

Mr. Speaker, I would like to once again thank and commend the Members of the House Subcommittee on Energy and Water Development for their extraordinary efforts with respect to this conference agreement. I am especially indebted to the ranking minority member, the Honorable VIC FAZIO, whose good will and cooperation were essential to the expenditous conclusion of conference.

Mr. Speaker, I urge all of my colleagues in the House to support the conference agreement to accompany H.R. 2203, making appropriations for energy and water development in fiscal year 1998.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1998 (H.R. 2203)

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations	153,872,000	150,000,000	157,260,000	164,065,000	156,804,000	+2,932,000
Construction, general	1,081,942,000	1,062,470,000	1,475,892,000	1,284,266,000	1,473,373,000	+391,431,000
(By transfer)	(1,000,000)					(-1,000,000)
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	310,374,000	266,000,000	285,450,000	289,000,000	296,212,000	-14,162,000
Emergency appropriations (P.L. 105-18)	20,000,000					-20,000,000
Operation and maintenance, general	1,697,015,000	1,618,000,000	1,726,955,000	1,661,203,000	1,740,025,000	+43,010,000
Emergency appropriations (P.L. 104-208)	19,000,000					-19,000,000
Emergency appropriations (P.L. 105-18)	150,000,000					-150,000,000
Regulatory program	101,000,000	112,000,000	112,000,000	106,000,000	106,000,000	+5,000,000
Flood control and coastal emergencies	10,000,000	14,000,000	14,000,000	10,000,000	4,000,000	-6,000,000
Emergency appropriations (P.L. 105-18)	415,000,000					-415,000,000
Formerly utilized sites remedial action program			110,000,000		140,000,000	+140,000,000
General expenses	149,000,000	148,000,000	148,000,000	148,000,000	148,000,000	-1,000,000
Total, title I, Department of Defense - Civil	4,107,203,000	3,370,470,000	4,029,557,000	3,662,534,000	4,064,414,000	-42,789,000
(By transfer)	(1,000,000)					(-1,000,000)
TITLE II - DEPARTMENT OF THE INTERIOR						
Central Utah Project Completion Account						
Central Utah project construction	25,827,000	23,743,000	23,743,000	23,743,000	23,743,000	-2,084,000
Fish, wildlife, and recreation mitigation and conservation	11,700,000	11,610,000	11,610,000	11,610,000	11,610,000	-90,000
Utah reclamation mitigation and conservation account	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	
Program oversight and administration	1,100,000	800,000	800,000	800,000	800,000	-300,000
Total, Central Utah project completion account	43,627,000	41,153,000	41,153,000	41,153,000	41,153,000	-2,474,000
Bureau of Reclamation						
General investigations	16,650,000					-16,650,000
Construction program	394,056,000					-394,056,000
Operation and maintenance	267,876,000					-267,876,000
Emergency appropriations (P.L. 105-18)	7,355,000					-7,355,000
Water and related resources		651,552,000	651,931,000	688,379,000	694,348,000	+694,348,000
California Bay-Delta ecosystem restoration		143,300,000	120,000,000	50,000,000	85,000,000	+85,000,000
Loan program	12,715,000	10,425,000	10,425,000	10,425,000	10,425,000	-2,290,000
(Limitation on direct loans)	(37,000,000)	(31,000,000)	(31,000,000)	(31,000,000)	(31,000,000)	(-6,000,000)
Policy and administration	46,000,000	47,658,000	47,658,000	47,558,000	47,558,000	+1,558,000
Colorado River Dam fund (by transfer, permanent authority)	(-3,774,000)			(-5,592,000)	(-5,592,000)	(-1,818,000)
Central Valley project restoration fund	38,096,000	39,130,000	39,130,000	33,130,000	33,130,000	-4,966,000
Total, Bureau of Reclamation	782,748,000	892,065,000	869,144,000	829,492,000	870,461,000	+87,713,000
Total, title II, Department of the Interior	826,375,000	933,218,000	910,297,000	870,645,000	911,614,000	+85,239,000
(By transfer)	(-3,774,000)			(-5,592,000)	(-5,592,000)	(-1,818,000)
TITLE III - DEPARTMENT OF ENERGY						
Energy supply	2,699,728,000	2,999,497,000	880,730,000	953,915,000	906,807,000	-1,792,921,000
Energy assets acquisition		43,582,000		13,025,000		
Uranium supply and enrichment activities	43,200,000					-43,200,000
Gross revenues	-42,200,000					+42,200,000
Net appropriation	1,000,000					-1,000,000
Non-defense environmental management			497,619,000	664,684,000	497,059,000	+497,059,000
Uranium enrichment decontamination and decommissioning fund	200,200,000	248,788,000	220,200,000	230,000,000	220,200,000	+20,000,000
Science	996,000,000	875,910,000	2,207,632,000	2,084,567,000	2,235,708,000	+1,239,708,000
Science assets acquisition		110,250,000		138,510,000		
Nuclear Waste Disposal Fund	182,000,000	190,000,000	160,000,000	160,000,000	160,000,000	-22,000,000
Departmental administration	215,021,000	232,604,000	214,723,000	220,847,000	218,747,000	+3,726,000
Miscellaneous revenues	-125,388,000	-131,330,000	-131,330,000	-131,330,000	-131,330,000	-5,942,000
Net appropriation	89,633,000	101,274,000	83,393,000	89,517,000	87,417,000	-2,216,000
Office of the Inspector General	23,853,000	29,499,000	27,500,000	27,500,000	27,500,000	+3,647,000
Environmental restoration and waste management:						
Defense function	(5,619,304,000)	(6,058,499,000)	(5,263,270,000)	(5,654,974,000)	(5,520,238,000)	(-99,066,000)
Non-defense function	(791,911,000)	(933,472,000)	(717,819,000)	(894,684,000)	(717,259,000)	(-74,652,000)
Total	(6,411,215,000)	(6,991,971,000)	(5,981,089,000)	(6,549,658,000)	(6,237,497,000)	(-173,718,000)

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1998 (H.R. 2203) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
Atomic Energy Defense Activities						
Weapons activities	3,911,198,000	3,576,255,000	3,943,442,000	4,302,450,000	4,146,692,000	+235,494,000
Defense environmental restoration and waste management	5,459,304,000	5,052,499,000	5,263,270,000	5,311,974,000	4,429,438,000	-1,029,866,000
Defense facilities closure projects	.....	.....	.....	.....	890,800,000	+890,800,000
Defense environmental management privatization	160,000,000	1,006,000,000	.....	343,000,000	200,000,000	+40,000,000
Subtotal, Defense environmental management	5,619,304,000	6,058,499,000	5,263,270,000	5,654,974,000	5,520,238,000	-99,066,000
Other defense activities	1,605,733,000	1,605,981,000	1,580,504,000	1,637,981,000	1,666,008,000	+60,275,000
Defense nuclear waste disposal	200,000,000	190,000,000	190,000,000	190,000,000	190,000,000	-10,000,000
Defense asset acquisition	.....	2,166,859,000	.....	.....	.....	.....
Total, Atomic Energy Defense Activities	11,336,235,000	13,597,594,000	10,977,216,000	11,785,405,000	11,522,938,000	+186,703,000
Power Marketing Administrations						
Operation and maintenance, Alaska Power Administration	4,000,000	1,000,000	1,000,000	3,500,000	3,500,000	-500,000
Capital assets acquisition	.....	.....	.....	20,000,000	10,000,000	+10,000,000
Operation and maintenance, Southeastern Power Administration	16,359,000	14,222,000	12,222,000	12,222,000	12,222,000	-4,137,000
Operation and maintenance, Southwestern Power Administration	25,210,000	26,500,000	25,210,000	26,500,000	25,210,000	.....
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	182,230,000	194,334,000	189,043,000	180,334,000	189,043,000	+6,813,000
(By transfer, permanent authority)	(3,774,000)	.....	.....	(5,592,000)	(5,592,000)	(+1,818,000)
Falcon and Amistad operating and maintenance fund	970,000	1,065,000	970,000	1,065,000	970,000	.....
Total, Power Marketing Administrations	228,769,000	237,121,000	228,445,000	243,621,000	240,945,000	+12,176,000
Federal Energy Regulatory Commission						
Salaries and expenses	146,290,000	167,577,000	162,141,000	162,141,000	162,141,000	+15,851,000
Revenues applied	-146,290,000	-167,577,000	-162,141,000	-162,141,000	-162,141,000	-15,851,000
Total, title III, Department of Energy	15,757,418,000	18,433,515,000	15,282,735,000	16,390,744,000	15,898,574,000	+141,156,000
(By transfer)	(3,774,000)	.....	.....	(5,592,000)	(5,592,000)	(+1,818,000)
TITLE IV - INDEPENDENT AGENCIES						
Appalachian Regional Commission	160,000,000	165,000,000	160,000,000	160,000,000	170,000,000	+10,000,000
Defense Nuclear Facilities Safety Board	16,000,000	17,500,000	16,000,000	17,500,000	17,000,000	+1,000,000
Nuclear Regulatory Commission:						
Salaries and expenses	471,800,000	476,500,000	462,700,000	476,500,000	468,000,000	-3,800,000
Revenues	-457,300,000	-457,500,000	-446,700,000	-457,500,000	-450,000,000	+7,300,000
Subtotal	14,500,000	19,000,000	16,000,000	19,000,000	18,000,000	+3,500,000
Office of Inspector General	5,000,000	4,800,000	4,800,000	4,800,000	4,800,000	-200,000
Revenues	-5,000,000	-4,800,000	-4,800,000	-4,800,000	-4,800,000	+200,000
Subtotal	.....	.....	.....	.....	.....	.....
Total	14,500,000	19,000,000	16,000,000	19,000,000	18,000,000	+3,500,000
Nuclear Waste Technical Review Board	2,531,000	3,200,000	2,400,000	3,200,000	2,600,000	+69,000
Tennessee Valley Authority: Tennessee Valley Authority Fund	106,000,000	106,000,000	.....	86,000,000	70,000,000	-36,000,000
Total, title IV, Independent agencies	299,031,000	310,700,000	194,400,000	285,700,000	277,600,000	-21,431,000
Grand total:						
New budget (obligational) authority	20,990,027,000	23,047,903,000	20,416,989,000	21,209,623,000	21,152,202,000	+162,175,000
Appropriations	(20,378,672,000)	(23,047,903,000)	(20,416,989,000)	(21,209,623,000)	(21,152,202,000)	(+773,530,000)
Emergency appropriations	(611,355,000)	.....	.....	.....	.....	(-611,355,000)
(By transfer)	(1,000,000)	.....	.....	.....	.....	(-1,000,000)

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

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

Mr. Speaker, I rise today in strong support of H.R. 2203, the Energy and water conference report for fiscal year 1998.

I want to thank the gentleman from Pennsylvania [Mr. MCDADE] for all the work he has done to bring about a balanced, reasonable, and fair bill that provides adequate funding for not only important water projects all over this country, but for vital energy programs as well.

I want to say on behalf of my Democratic colleagues on the subcommittee, the gentleman from Indiana [Mr. VISCLOSKY], the gentleman from Arizona [Mr. PASTOR], and the gentleman from Texas [Mr. EDWARDS], how much we appreciate the way in which the majority has worked with us, and also thank the staff for the degree to which they have cooperated in our mutual goal of bringing a bipartisan bill to the floor.

Mr. Speaker, Chairman MCDADE has reached out to Members on both sides of the aisle to try to move infrastructure-related projects to completion and to begin a limited number of reconnaissance and feasibility studies mandated by the Water Resources Development Act of 1996. We have all read in the Washington Post how some of these projects may be subjected to the line-item veto.

I think there is a serious question worth considering here: our continued commitment to the types of infrastructure funding that we present in this bill.

There is little debate about the need for a Transportation appropriations bill or an ISTEA bill to authorize and fund our highways and mass transit systems.

I believe the projects presented in this bill—projects that contribute to building our modern harbors and keeping them serviceable; projects that contribute to the flood control systems that protect our communities; and projects that contribute to our abundant production agriculture—these projects are equally important and equally worthy of both congressional and administration support.

For example, in the Sacramento area, the bill supplies funding for the long-term flood control improvements pointed out not by this year's floods, but by the flooding of 1986. However, funding is also provided for a comprehensive study of the Sacramento and San Joaquin River Basins, based on this year's flood event, to determine what additional flood control measures may need to be adopted. An important component of such a comprehensive study will be the post-flood assessment and a hydraulic/hydrologic model of the entire system.

Other Members can testify to the importance of these projects to the infrastructure in their own regions which the Nation depends upon for interstate commerce and sustained economic development.

I also want to particularly highlight a new program in our bill that has been generously funded—the Calfed initiative for San Francisco-Sacramento Bay-Delta. The Bay-Delta is a source of drinking water for 20 million people and irrigation water for over 200 crops—45 percent of the Nation's produce.

The people of the State of California made a significant commitment to this ecosystem restoration by approving a nearly $1 billion bond issue in 1996. There has been a bipartisan effort by a united California congressional delegation, and by urban and agricultural water users as well as the environmental community to acquiring the Federal share of ecosystem restoration projects. I am pleased to see that $85 million has been provided in this bill, and I can assure you that California will use this money well.

I also want to comment briefly on a complicated subject—the Central Valley project restoration fund. This fund is generated by assessments on water and power users, and is devoted to ecosystem restoration. The conferees ultimately settled on a $7 million reduction in the restoration fund, an even split between the Houses. Although this amount does not fully fund the restoration fund for 1998, the conference did well given California's extensive priorities.

The conferees were able to voice the limitations on the 1998 funding in terms that do not amend the Central Valley Project Improvement Act, and therefore will not affect restoration fund collections or appropriations in any other year.

The CVPIA's restoration fund provisions are confusing, contradictory, unfair, and counterproductive. They should be reformed by the authorizing committee as soon as possible.

On the energy side, this bill continues our investment in the development of alternative energy sources. Finding alternative means to help meet the energy needs of our growing economy is critical if we are to tackle air pollution and other environmental threats. Our strategy to reduce greenhouse gas emissions that contribute to global climate change assumes that cleaner solar and renewable energy sources will be available and economically viable in the future, and this bill supports that goal. Alternative energy sources are also critical to our energy security by helping reduce our reliance on foreign oil.

The bill invests $302 million in research and development into a range of promising technologies that make use of a variety of potential energy sources, including solar and photovoltaics, biomass, hydrogen, geothermal sources, and wind. And it does so while encouraging industry interest and commitment through cost-share programs that will later ensure the technologies will be commercially viable.

The bill also continues vital research and development in fusion energy, supports the national laboratories, and provides for national security by supporting the development of critical verification technology to assess the safety and reliability of our nuclear stockpile. It also funds the cleanup of the nuclear weapons complex to fulfill the country's obligation to restore those sites. The subcommittee has worked hard to encourage the Department to be more efficient and effective, and Secretary Peña has been highly responsive to this concern.

In short, this is a balanced bill, but one that should have the support of every Member and the administration as well. I ask that we support the work of our committee and the work of the House-Senate conference with a "yes" vote.

Mr. Speaker, if appropriate at this time, I would place my remarks in the RECORD and yield to Members who have an interest in colloquies.

Mr. Speaker, I yield 1½ minutes to the gentleman from Washington [Mr. DICKS], a colleague on the Committee on Appropriations.

Mr. DICKS. Mr. Speaker, I would like to engage the gentleman from Pennsylvania [Mr. MCDADE] and the gentleman from California [Mr. FAZIO] in a brief colloquy with regard to language in the conference report.

As the chairman will recall, during the deliberations over the conference report on the Energy and Water Appropriations Act for fiscal year 1998, both Senators from the State of Washington and I were interested in clarifying Senate language that addressed the Corps of Engineers' actions with regard to the Terminal 5 expansion project at the Port of Seattle. We appreciate the conference committee's decision to include a statement urging the corps to make a final decision with regard to the Port of Seattle permit application.

However, events that have occurred after the conference committee adjourned have rendered the language unnecessary. Specifically, the Muckleshoot Indian Tribe, which had been opposing the terminal 5 expansion, has now adopted a resolution approving a settlement that has been reached between the tribe and the port, including significant mitigation and enhancement measures that will benefit the tribes who utilize the Duwamish River fishery.

In this resolution of approval, the Muckleshoot Tribe has requested recognition in Congress that the language inserted in the conference report relating to the terminal 5 project is no longer necessary. We appreciate the committee's assistance in this project, which is critically important to the further development of international trading opportunities at the Port of Seattle.

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

Mr. DICKS. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Speaker, let me say to my friend, the gentleman from Washington [Mr. DICKS], that I appreciate the information that he has provided to update the Committee on the status of the terminal 5 expansion project in Seattle. We are grateful for his input.

Mr. FAZIO of California. Mr. Speaker, if the gentleman will yield, that certainly satisfies me. I appreciate the information the gentleman from Pennsylvania [Mr. MCDADE] provides.

Mr. DICKS. Mr. Speaker, reclaiming my time, I would take the remaining time to thank the chairman and ranking member for all the help for our State. We have many important projects, and they have done an outstanding job. We strongly support the bill.

Mr. FAZIO of California. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from

Connecticut [Ms. DELAURO] for purposes of a colloquy.

Ms. DELAURO. Mr. Speaker, I rise to engage in a colloquy with the subcommittee chairman.

I would like to applaud both the gentleman from Pennsylvania [Mr. MCDADE] and the gentleman from California [Mr. FAZIO], the ranking member, for the work that has been done to put this bipartisan bill together.

As my colleagues know, I have been concerned about the delays in contracting out the Point Beach, Milford Plain Army Corps of Engineers project. This project would enlist Army Corps of Engineers' assistance in raising 58 homes above flood level. The Corps of Engineers is authorized to provide this type of assistance to communities such as Milford under the Rivers and Harbors Act of 1962.

After consultation with Members of both the authorizing and appropriations committees, it is my understanding that no further authorization and no earmarked appropriation is necessary for the Corps to bid out this project.

Is that the understanding of the gentleman from Pennsylvania [Mr. MCDADE] as well?

Mr. MCDADE. Mr. Speaker, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. That understanding is mine completely.

Ms. DELAURO. Mr. Speaker, reclaiming my time, this is good news for the people of Milford, whose homes can now be made safe from flooding. I thank the chairman of the authorizing committee for clarification, and I thank the ranking member.

Mr. FAZIO of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS] for purposes of a colloquy as well.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman from California [Mr. FAZIO] for yielding me the time.

I need to ask the chairman's assistance in clarifying one aspect of the conference report. Section 304 of the conference report says that DOE cannot use funds from other accounts to augment the funds provided for ''severance payments and other benefits and community assistance grants authorized under section 3161'' of the 1993 Defense Authorization Act.

As the author of section 3161, I am aware that severance payments and other payments are authorized under it. I am also aware that sometimes DOE makes severance payments in order to comply with other contract provisions.

Am I right, Mr. Chairman, that section 304 should be understood as not intending to restrict DOE's ability to fulfill such contractual requirements but merely sets a ceiling on payments not required by contract but made under 3161?

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

Mr. SKAGGS. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. May I say to my friend, the gentleman from Colorado [Mr. SKAGGS], his understanding is absolutely correct.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, I thank the chairman for yielding me the time.

I ask the chairman of the Appropriations Subcommittee on Energy and Water if he would engage me in a colloquy regarding the transfer for a FUSRAP to the Army Corps of Engineers.

Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. MCDADE] for his patience in this issue. Mr. Chairman, my district in Missouri has a major FUSRAP site which contains nuclear contamination from the Manhattan Project and other hazardous waste. For 15 years, we have worked with the Department of Energy to clean up this site.

Finally, in just the past 2 weeks, after much frustration and delay, we have come to the point where DOE has begun preliminary cleanup efforts. Given this recent progress, the news of the FUSRAP program's transfer out of DOE has, quite understandably, caused a great deal of distress in the community.

While we are by no means questioning the corps' ability to handle the FUSRAP project, we are concerned that potential delays caused by the transfer will undo much of the recent progress.

With site recommendations already made, feasibility studies concluded, and contracts let, it is important that the corps honor the preliminary groundwork laid by DOE in order to avoid any further delays.

Will the corps be willing to respect these studies, site plans, and contracts?

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

Mr. TALENT. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Speaker, let me say to my distinguished colleague from Missouri, Mr. TALENT, that the committee fully intends that the feasibility studies and the site recommendations prepared by the DOE will be accepted and carried out by the Corps of Engineers.

Furthermore, may I say to my friend that the Energy and Water Development Conference Report for fiscal year 1998 specifically contains language requiring the Corps to honor all existing contracts.

Mr. TALENT. Mr. Speaker, reclaiming my time, I thank the gentleman from Pennsylvania [Mr. MCDADE] for his concern.

One further issue: The local community has been very involved in designing a plan to clean up the site. They are concerned that the administration of the cleanup will be moved away from the St. Louis area to Omaha or Kansas City, reducing their input and influence on the cleanup process.

When the Army Corps of Engineers takes over the FUSRAP program, will the St. Louis program be managed out of the St. Louis Corps' office?

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

Mr. TALENT. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Speaker, let me say to my friend that it is the understanding of the committee that the cleanup and restoration of contaminated sites following within the purview of FUSRAP will be managed and executed by the nearest civil works district of the Corps of Engineers which has been designated as an improved design center for handling hazardous, toxic, and radioactive wastes.

Local communities throughout the country have been very involved in designing cleanup plans at FUSRAP sites, and this strategy effectively maintains community input in the process.

Mr. TALENT. Mr. Speaker, I thank the gentleman from Pennsylvania for his assurances and his assistance.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY], who has had so much influence on the amount of funds for his State in this bill.

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

This Chamber at its best moments represents their work on a bipartisan basis of Members coming together to address problems, problems that really mean something to the people who are struggling with them. In representing the State of North Dakota, I would wager to say that the population I represent per capita has more, and verified, water problems than any other State in the entire country.

I rise to express particular personal gratitude to the chairman, to the chairman's staff, to the ranking member, and the ranking member's staff for all of the patience and time they have spent with me in understanding our problems and in crafting a bill that responds in a meaningful way to those problems.

Mr. Speaker, we did not get everything we wanted. Certainly some of the funding limits and some of the limiting language we would have liked to have had something different. But in balance, I mean it, this really is a responsive and meaningful effort to help the people of North Dakota with the problems that presently plague them. I am very, very grateful for this effort and have enjoyed working with my colleagues in this regard. I urge support for the bill.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. WISE], a member of the authorizing committee, who worked so hard for his State and is so influential in this bill.

Mr. WISE. Mr. Speaker, I want to thank the gentleman from Pennsylvania [Mr. MCDADE] and the ranking member, the gentleman from California [Mr. FAZIO], and rise in strong support of this conference report.

Very important in this legislation is language including $1.8 million for the Marment Locks, and the action of the gentleman from Pennsylvania [Mr. MCDADE] and the ranking member, the gentleman from California [Mr. FAZIO], begin to end a lot of uncertainty for 200 families in the affected Belle area, in the affected construction area of the Marment Locks.

The conference report also provides money for the Appalachian Regional Commission which is crucial to Appalachia, and I would like to make a tribute at this point, and I would like to take a moment to pay tribute to one of its adopted sons, Michael Wenger, the Appalachian Regional Commission's State representative.

Mike has a long and distinguished history with the ARC beginning 20 years ago when, under then Governor Rockefeller, he served as the West Virginia Governor's alternate to the ARC. He ably represented West Virginia in that role. Four years later, he began representing all 13 States of Appalachia as the State's Washington representative to the ARC. In this capacity, Mike has spent many years working with local development districts, States' alternates, and Members of Congress, defending the agency and its priorities through the 1980's and into the 1990's. He has provided the States' good perspective in discussions of commission programs and ensured that the Nation keeps its commitments to the people of Appalachia.

I am going to miss Mike's detailed knowledge of the ARC's history, its politics, and its policy. I wish Mike well in his new role as deputy director of the President's Advisory Board on Race Relations. A job well done.

Mr. McDADE. Mr. Speaker, I yield such time as he may consume to the very distinguished gentleman from Michigan [Mr. KNOLLENBERG], an able member of the subcommittee.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding this time to me. The gentleman from Pennsylvania [Mr. MCDADE] has done, I think, an extraordinary job, and I rise in strong support of this conference report.

I could express my appreciation to the gentleman from Pennsylvania [Mr. MCDADE] in many ways, but I think he has shepherded through not just an extraordinary bill but, frankly, something that I think is a credit to the gentleman, to the man, and it is not an easy job, as everybody knows, to perform this so-called miracle, if my colleagues will.

I also want to express my thanks to the ranking member, the gentleman from California [Mr. FAZIO]. Mr. FAZIO has again been also a strong contributor to bringing about some collegiality, some understanding, and it really has been a bipartisan effort.

I would be remiss if I did not also thank the staff. They have all been monumentally resourceful about this whole thing in bringing about closure on some very, very difficult points that we have brought to closure in a way that I think benefits everybody.

Mr. Speaker, I will have my statement, which is a longer version in support of H.R. 2203, included in the appropriate place in the CONGRESSIONAL RECORD.

I rise in strong support of this conference report. I want to reexpress my appreciation to Chairman MCDADE and Ranking Member FAZIO for their efforts and assistance with this bill. I also want to give a big thanks to the Energy and Water Subcommittee staff who were always ready and able to assist me and my staff on this bill.

H.R. 2203 includes several very important reforms that should have a dramatic impact on accelerating the environmental management cleanup of the Department of Energy and moving the Department forward after years of too little progress. Among the reforms are a funding mechanism to bring closure to the Rocky Flats site and the Ferndale site; transferring FUSRAP to the Corps of Engineers, who have been successfully completing similar low level cleanup programs for the Department of Defense; and stopping the flow of funding away from the mission-related work of the environmental management program to pay for separation benefits for workers who are displaced because of efficiency decisions of their employers. And, although not related to DOE, this bill contains another very important reform—the end of TVA appropriated funding after fiscal year 1998.

Mr. Speaker, I want to be clear about our resolve on the Department's efforts to accelerate cleanup. We support the vision brought forth by the Department but we were very discouraged in June with the 10-year plan—Accelerating Cleanup: Focus on 2006, Discussion Draft—that was brought forth. After a year of preparation, the result appeared to be nothing more than a top-level framework to begin the planning process. it was a document not supported by the details or by what could be realistically achieved. With this in mind, it is essential that DOE bring forth with next year's budget request, a detailed and defensible closure plan, based on aggressive but realistic estimates—that is, budget quality data—of the most that can be completed and closed out within the 10-year timeframe. I strongly believe that this vision can be accomplished by doing more sooner rather than later, by substantial mortgage and risk reduction, and by leveraging technology. As I've said many times before, it's time to get on with it.

One provision I worked with the committee to have included in H.R. 2203 is bill and report language under the Worker and Community Transition Program authorized under section 3161 of the 1993 National Defense Authorization Act. This year's appropriation stops the flow of funding from mission accomplishment to fund worker separations that are due to business and efficiency decisions. I believe this will be a tremendous benefit to the environmental management program, who has been required to bear the cost of the more than $500 million spent thus far on these types of separations. This bill provides more than enough funds to protect this narrow class of workers, displaced from current defense missions of the Department, who are the often unrecognized heroes of the cold war.

However, the enormous task of cleaning up the former nuclear defense facilities has been estimated to cost over $200 billion. Far too many dollars have been diverted away from the primary missions at these sites—to clean the environment. This bill protects those workers who may be displaced due to the end of the cold war, but it also protects the workers and nearby communities by keeping the cleanup dollars focused on cleanup.

Since its inception, more than 37,000 workers at Department of Energy sites across the Nation have benefited from the worker transition program. In fact, since that time, Congress has spent over $650 million providing very generous severance packages to workers displaced from the former nuclear weapons production sites. Of this, it is estimated that at least $500 million have been taken from mission-related funds of the environmental management program to fund separation benefits to workers, all of whom are being displaced not because of a current change in defense mission but because of business and efficiency decisions of their employers. Further, an additional $168 million has been provided to communities surrounding former nuclear weapons production sites for economic development activities.

It's been 6 years since we won the cold war and ceased nuclear weapons production. Most of these production sites have moved on to new missions and to cleaning up the legacy waste. Most of those who worked during the production era left these sites long ago or are protected under a seniority system of employment.

This bill says that it is no longer reasonable or sustainable to provide extraordinary benefits, to those who do not meet the original intent of section 3161 of the 1993 Defense Authorization Act. The $61 million provided for worker and community transition is more than enough to fund all cold war warriors who still work for a current or former nuclear facility and who would like to voluntarily separate during the next fiscal year. Frankly, I believe it is time to move toward giving the contractors more autonomy—those companies who are cleaning up the environmental management sites should manage and right-size their own work force without Federal subsidies.

Additionally, I would tell you that this program has been plagued by mismanagement and by questionable practices. The General Accounting Office has reported that individuals received extraordinary severance packages, in some cases in excess of $90,000 per person. Further, many of the workers receiving Federal assistance were hired in the years after the end of the cold war. Finally, the program has been criticized for providing benefits to terminate positions that were later refilled or rehired at added cost to the Government.

As I said before, the Department of Energy has provided over $168 million in economic assistance to the local communities surrounding DOE defense nuclear sites. Not only do I

believe that this is not a proper allocation of Federal dollars, but I believe that these dollars have not yielded the desired results.

Take the Savannah River site in South Carolina as an example—3 years ago, the South Carolina Regional Diversification Initiative was set up as an economic development initiative to help offset layoffs at the former defense plant. According to newspaper report, only 34 jobs have been created with a Federal investment of $7 million. My understanding is that the majority of the money was spent on studies and administration. Not exactly the return on investment or track record that would justify additional Federal investmnent. However, very recently, when the local community leaders met with the Department of Energy, they were given another $4.6 million for this initiative.

It is time to fund this program within it's authorized and appropriate levels—to provide help to the true cold war warriors—but stop diverting the money away from cleanup of the environmental management sites. This money should be used to accelerate cleanup and get this show on the road.

Mr. FAZIO. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

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

I would first like to congratulate the gentleman from Pennsylvania [Mr. MCDADE] and the gentleman from California [Mr. FAZIO] for their work on essential parts of this bill that contribute to the national infrastructure and to vital concerns of ports and other infrastructure concerns in my region.

I would like to go back to something that was vigorously debated in a somewhat confusing manner during the original consideration of the bill, and that was the DeFazio-Fazio amendment process regarding Animas la Plata.

Besides confusing the pronunciation of our names, many Members were confused over exactly what they were voting on, and when I look at the report from the committee, I think it is not quite on target if one refers back to the debate and would like to make that point here today.

The key point in the debate made with the Fazio amendment to the DeFazio amendment was that we were funding a process, the Romer-Schoettler process, to go forward and come up with a new proposal, all sides having admitted that the original Animas La Plata project was not affordable and was not going to go forward in its entirety.

Yet the report urges that the Corps of Engineers or Bureau of Reclamation go ahead with great dispatch in terms of beginning parts which were proved under the Endangered Species Act should be constructed without delay. I think that contradicts the debate we had here on the floor. Later on it does mention the Romer-Schoettler process and working toward a compromise.

I think it would be a great mistake if construction went forward at this point in time when the emphasis in the debate, in the close vote we had here on the floor of the House, was, no, we are going to develop an alternative that is cost effective and environmentally responsible.

So I would like to suggest that perhaps the drafting of the report is such that there could be a problem in dealing with the Bureau of Reclamation and would want the Bureau to refer back to the debate and the vote rather than looking at the report language.

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

Mr. Speaker, I just wanted to simply read the language in the report. It says the conferees directed funds previously appropriated for the project and still available, part to be used for the project and advancement of a modified project from the process which meets the original intent of the settlement.

So I think what we are saying here is, we are not restricting prior appropriations, but we are looking for the modification of the project, and the money that has been prior appropriated would be available for that purpose.

Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. GREEN].

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

Mr. GREEN. Mr. Speaker, like my colleagues on both sides of the aisle, I would like to rise today to thank both the chairman and ranking member, the gentleman from Pennsylvania [Mr. MCDADE] and the gentleman from California [Mr. FAZIO], for their fairness and courtesy to many Members, and also to the only Texas Member on the Subcommittee on Energy and Water, my colleague, the gentleman from Texas, Mr. CHET EDWARDS, who was instrumental in helping this project begin this year.

The Port of Houston is so important to many levels, not only to the Houston region, but also to the State and outlining our Nation. More than 5,535 vessels navigate the channel. It is the eighth largest port in the world, and with this startup money for the 45-foot depth and the 520-feet widening, it is so important to be competitive in this day and time. In fact, yesterday's Journal of Commerce talked about the importance of ports being at least 45 feet in depth.

Again, I would like to thank the chairman and the ranking member and the staff working on this and appreciate the first money for the startup here, and we will be back again

Mr. FAZIO of California. Mr. Speaker, I yield such time as he may consume to another gentleman from Houston, TX, Mr. BENTSEN.

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

Mr. BENTSEN. Mr. Speaker, I thank my colleague from California, Mr. FAZIO for yielding this time to me.

First of all, let me tell my colleagues I rise in strong support of H.R. 2203, the fiscal year 1998 Energy and Water Appropriations conference report. I want to thank the chairman, the gentleman from Pennsylvania [Mr. MCDADE], the ranking member, the gentleman from California [Mr. FAZIO], as well as my colleague, the gentleman from Texas [Mr. EDWARDS], who has done a lot of work on behalf of the Harris County delegation.

H.R. 2203 includes vital funding for several flood control projects in the Houston, TX area. These projects include Sims, Brays, Clear Creek, Greens, and White Oak Bayous, as well as Hunting Bayous, and provided much needed protection for our communities.

I am most grateful for the committee's decision to fully fund the Sims Bayou project at $13 million in fiscal year 1998 which will allow for speeding up construction of this much needed project to improve flood protection for an extensively developed urban area along Sims Bayou in southern Harris County.

Additionally, I appreciate the committee's decision to fully fund the Harris County Flood Control District's efforts to carry out three flood control projects on Brays, Hunting, and White Oak Bayous that were authorized last year in Public Law 104–303, the Water Resources Development Act of 1996, for some language that my colleague, the gentleman from Texas [Mr. DELAY], and I had pursued.

This is a new direct grant program to the counties, and I appreciate the fact that the committee has specifically included in the bill the implementation of section 211(f)(6) in funding $2 million for the reimbursement to the Harris County Flood Control District for Brays Bayou. This is an innovative program that the Congress authorized last year, as I mentioned, and the fact that the committee is doing this, I believe, sends a message to the Corps of Engineers to follow through with the word of the bill and the language in that, and I appreciate the members of the subcommittee for doing that.

Mr. Speaker, I am also pleased that this legislation provides $20 million to begin construction to the Houston Ship Channel expansion project which was also authorized in the word of the bill.

What is particularly important about this is not the fact that it is more than what was in the original request or the Senate request, although that is important, but also what is important is that it directs the Corps to move forward and implement a project cooperation agreement for the entire project. Had that not been done, there was some question, based upon the administration's original request, whether or not both Houston and Galveston authorities would be included in that.

I appreciate the committee for doing that, and in addition, by putting in the funding level and working with the Corps of Engineers, they ensured that the project will meet the 4-year time line which is critical to its implementation in the economic basis.

Mr. FAZIO of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

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

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for his work on this bill and the committee's work.

I rise in support of H.R. 2203, making appropriations for energy and water development for fiscal year 1998.

This conference report provides funds for critical flood control and navigation projects in Contra Costa County and the San Francisco Bay area of California. Also included is $1.5 million to begin construction of fish screens for the Contra Costa Water District's intake at Rock Slough. The screens are needed to reduce the number of fish drawn into the system's pumping and storage facilities. Securing the funding is critical not only as part of fishery protection efforts but also to ensure that the district's Los Vaqueros Reservoir will be completed on schedule. I appreciate the committee's continued support for these projects.

I am particularly pleased that the conference report provides $85 million to fund the initial share of Federal participation in the bay-delta programs authorized last fall in the California Bay-Delta Environmental Enhancement and Water Security Act. Funding the bay-delta programs will allow us to begin a comprehensive effort to restore the many components of this huge area that have been damaged by human activity.

The bill also contains a prohibition on taking steps to build the San Luis drain, a huge canal that would convey contaminated agricultural waste water up to the Sacramento-San Joaquin Delta, where it would be discharged. I firmly believe that this drain should not be built, as it would allow the export of toxic pollution to the delta.

In addition, the bill contains $100,000 to begin studying the removal of underwater rock formations near the mouth of San Francisco Bay that threaten oil tankers and other deep-draft vessels. This funding will be used to assess the benefits of oil spill avoidance and improved navigation relative to the cost of the project.

I thank the conferees for their hard work on this legislation, and I urge my colleagues to support H.R. 2203.

Mr. FAZIO of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Mrs. TAUSCHER] for a colloquy.

Mrs. TAUSCHER. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 2203. This spending bill makes a number of important commitments to improve our environment, and I want to also congratulate the gentleman from California [Mr. FAZIO] and the distinguished chairman of the subcommittee, the gentleman from Pennsylvania [Mr. MCDADE], for their leadership in this effort.

Mr. Speaker, H.R. 2203 also includes language that will allow the Corps of Engineers to participate in projects that will improve aquatic ecosystems such as the San Francisco Bay delta.

I would ask the distinguished ranking Democrat to clarify my understanding that the conference committee agreement allows the Corps of Engineers to work with the East Bay Municipal Utility District and the State of California on this project.

Mr. FAZIO of California. Mr. Speaker, will the gentlewoman yield?

Mrs. TAUSCHER. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Speaker, I would be happy to answer the gentlewoman's inquiry. She is correct that the agreements permit the Corps of Engineers to participate at the site of the Penn Mine.

The conference agreement provides that the Corps of Engineers shall have $6 million to support eligible projects which include that Penn Mine site as well as others. I would encourage the Corps to make available necessary funds for this project.

Mrs. TAUSCHER. Mr. Speaker, I thank the gentleman for his clarification on this important environmental issue.

Mr. FAZIO of California. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I just wanted to take this opportunity to express my support for the conference report on H.R. 2203, the Energy and Water Appropriations bill for fiscal year 1998.

While I would have preferred the version of H.R. 2203 that was passed by the House in July, this bill has much to be said for it. Not only does it keep spending within 1 percent of last year's level, but it helps address a longstanding inequity that the distinguished chairman of the Rules Committee reminded us of in a Dear Colleague distributed to all Members on August 28 of this year.

Attached to that Dear Colleague was a chart prepared by the Tax Foundation of Washington D.C. Entitled ''Federal Tax Burden by State,'' that chart compared all the taxes paid by each state to the federal government in 1996 to the total amount spend by Uncle Sam on those states in that year. Its figures are indeed interesting, reaffirming what those of us from the great state of Illinois have known for a long time. Our state continues to be one of the biggest of all donor states, only getting 73 cents back for every federal tax dollar it sent to Washington last year.

Mr. Speaker, according to the Tax Foundation's figures, only two other states in the country have a lower ratio of taxes paid to dollars returned than does Illinois. Therefore, it is important for a bill like this not to forget the needs of the Prairie State and this bill does not. Not only does the conference report on H.R. 2203 provide needed moneys for two projects in which I have a particular interest—the internationally recognized Des Plaines River Wetlands Demonstration Project [DPRWDP] and the Fox River Floodgate Installation Project [FRFIP]—but it also funds at least 10 other water-related projects that will benefit Chicago and some of the suburbs to the north and west. As a result, over $20 million will be coming back to the Chicago area this coming fiscal year that will be put to good use combatting the threat of flooding, promoting the preservation of wetlands, dealing with shoreline erosion and maintaining harbors.

With all the flooding the Chicagoland has suffered in recent years, this assistance could not come at a better time. That being the case, I want to express my particular thanks to the chairman of the Appropriations Committee, to the chairman of its Energy and Water Development Subcommittee, and to the conferees on H.R. 2203 for their support of such Chicago area projects as the Des Plaines River Wetlands Demonstration Project and the Fox River Floodgate Installation Project. Not only do I appreciate it but I am sure many others, who want to get a good return on the tax dollars they invest in our government, will as well.

Mr. PACKARD. Mr. Speaker, I would like to take this opportunity to personally congratulate Chairman JOE MCDADE and ranking member VIC FAZIO for crafting a bill that recognizes the vital energy and water needs of California while maintaining the needed funding levels required for the balanced budget agreement.

Despite fiscal constraints, my colleagues and I were able to secure funding for a variety of projects designed to help alleviate southern California's continual water problems including needed construction funding, flood control programs, beach erosion studies and financial support of operation and maintenance for navigation.

Mr. Speaker, I was very pleased to see that several projects that will greatly assist my constituents received adequate levels of funding. Key projects that directly impact my district include the Oceanside Harbor Maintenance and Operation Dredging program. Although it was not included in the President's budget request, we were able to secure $900,000 in funding for this important project. This project is seen as critical to the military, industrial and recreational communities that rely on Oceanside Harbor.

The Santa Ana River Mainstem Flood Control Project is another project that is of fundamental importance to the citizens of the 48th District and its surrounding communities. The funding provided will prove both important and essential for all three of my counties—Riverside, Orange and San Diego.

Mr. Speaker, let me once again commend the fine work of Chairman MCDADE and Mr. FAZIO for their fine work on the Energy and Water Appropriations Bill for FY 1998. Their hard work and dedication not only insured that critical projects received needed funding, but that they did so within the framework of a balanced budget.

Mr. LIPINSKI. Mr. Speaker, I rise in support of the Conference Report on the FY 1998 Energy and Water Development Appropriations bill. This legislation is very important in that it funds a number of vitally important flood control projects across the nation. I thank Chairman MCDADE, the ranking Democrat, Mr. FAZIO, and the other conferees on all the hard work they put into crafting this important of legislation. In particular, I would especially like to thank them for funding two Army Corps flood control projects in my district.

This legislation provides $250,000 for a feasibility study of Stoney Creek and $200,000 for a study of Tinley Creek. I strongly believe that this is a prudent allocation of federal funds. Funding the feasibility studies for these Army Corps projects is an important step in eliminating the flooding problems.

The flooding problems attributable to these creeks affect a number of communities in my district: Oak Lawn, Crestwood, Alsip, and the unincorporated Bluecrest subdivision of Worth Township. I have visited these communities in the aftermath of heavy rains and flooding, and I have seen firsthand the structural damages caused by the floods. It is estimated that average annual damages resulting from these floods total over one million dollars, and this does not even begin to take into account all of the heartache and grief experienced by the residents of the affected communities.

Mr. Speaker, I urge my colleagues to support this measure. We need to pass this important piece legislation to bring much needed funds for communities that live under the constant threat of floods.

Mr. WELDON of Florida. Mr. Speaker, I rise in strong support of the conference report and want to thank Chairman MCDADE and Ranking Member FAZIO for their hard work. I know they had a difficult task balancing hundreds of requests.

It is important to note the importance and priority the Congress has again placed on federal beach renourishment projects. As a member of the Coastal Caucus I believe it is critical that we pass this important legislation.

As the chairman is aware, we have experienced unprecedented erosion along the beaches in Brevard and Indian River counties in Florida. These beaches are not only important for our tourism industry, but they are home to the largest concentration of endangered sea turtle nests along our Nation's Atlantic coast. The failure to move forward with these beach renourishment efforts will continue erosion of this critical habitat.

Most of the erosion in Brevard County is directly attributable to the construction of the Canaveral Inlet by the Federal Government in the 1950's. Since that time homes and infrastructure that once stood 400 yards from the breaking waves are now at the water's edge. Indeed, study after study has shown that the inlet has acted as a barrier and has stopped sand from flowing to the beaches south of the inlet.

More than 300 residents of Brevard County whose property is in danger of falling into the Atlantic have filed suit against the federal government. This has the potential of costing the federal government hundreds of millions of dollars. The conference report before us moves forward with the Brevard County Storm Damage Prevention project and will help the U.S. government avoid several hundred million dollars in liability.

The project doesn't propose putting the beach back like it was. It would create a 50 foot buffer to protect properties and rectify some of the damage caused by the federal inlet.

Additionally, I am pleased that the Committee has included $500,000 that I requested for environmental restoration efforts along the Indian River Lagoon. This funding will help us move forward with the C–1 rediversion project which will help us reduce the flow of fresh water and sediment into this Estuary of National Significance. This will improve the health of the lagoon and benefit the manatee and the lagoon aquiculture industry.

I thank the Chairman and the conferees for their support of these projects.

Mrs. CLAYTON. Mr. Speaker, I rise in support of the Conference Report. On June 30 of this year, I toured the State Port Authority at Wilmington, NC with local and federal elected officials. Congressman VIC FAZIO joined us, and I thank him for that.

The Port of Wilmington has historically served as one of the greatest sources of revenue along the East Coast. While generating over $300 million in state and local taxes, the port creates over 80,000 jobs.

Along with North Carolina, many of the landlocked states of the South East have used the Port of Wilmington, and the Cape Fear River, as a conduit to the Atlantic Ocean and the rest of the world. The Cape Fear River has always been a vital resource for American overseas shipping.

The maximum water level is at an approximate depth of 38 feet, which is too shallow to accommodate the girth and weight of the larger commercial shipping vessels, which can carry more than 100 tons of goods, the kind of which are now being used. There is a plan to increase the draft space by four feet. This would allow the new, larger, vessels to use the Cape Fear River, as well as the Port of Wilmington, at an extremely faster rate than at the present time.

In the past, there have been three separate plans to improve the conditions of the Cape Fear River: widening the channel; deepening the river upstream of the Cape Fear Memorial Bridge; deepening the remainder of the river. The three proposals were considered individually, thereby financed separately. As distinct and separate projects, they would be far more costly and time consuming than necessary. Consolidating these three proposals into a single plan, results in the entire process costing considerably less time and money, and could be enacted with a heightened level of efficiency.

The Port of Wilmington is at a prime location for the overseas shipping of goods. Along with accommodating special purpose subzones, Wilmington can lower, defer, or avoid import duties. There is a 117,000 square foot heated on-dock warehouse, which is equipped with portable fumigation tents. There is also nearly one-half million square feet of warehouse space dedicated to forest products.

The larger vessels that would be permitted to use the Cape Fear River, as a result of the deepening and widening of the channel, possess a far greater load capacity. The increased speed and efficiency with which the new ships could travel the Cape Fear River would be a strong benefit for all manufacturers, transporters, distributors, and purchasers of any of the goods shipped on vessels coming to or from the Port of Wilmington.

Following the tour, as part of the Energy and Water Development Appropriations Bill, the Subcommittee on Energy and Water did pass a provision that embraces the consolidation, funds the first year effort and commits to funding the full project.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2203, the Energy and Water Development Appropriations for fiscal year 1998. I support this bill mainly because it provides $413 million which is (39 percent) more for the Army Corps of Engineers construction programs than requested by the Administration. The Administration originally requested $9.5 million for the construction of the Sims Bayou Project in Houston, Texas.

The Subcommittee on Energy and Water Development specifically earmarked an additional $3.5 Million bringing the total funding for the project to $13 Million.

Mr. Speaker, the Sims Bayou Project is a project that stretches through my district. Over the course of recent years, the Sims Bayou has seen massive amounts of flooding. Citizens in my congressional district, have been flooded out of their homes, and their lives have been disrupted. In 1994, 759 homes were flooded as a result of the overflow from the Sims Bayou. That is 759 families that were forced to leave their homes.

I mainly support the conference report, Mr. Speaker, because the subcommittee has earmarked in this bill $13 million for the construction and improvement of the Sims Bayou project that will soon be underway by the Army Corps of Engineers. I would like to thank the Army Corps of Engineers for their cooperation in bringing relief to the people of the 18th Congressional District in order to avoid dangerous flooding. The Subcommittee on Energy and Water Development added an additional $3.5 million for the construction of this Sims Bayou project and it remains in this conference report. I am quite certain, Mr. Speaker, that this project would not have been able to go forward if this additional money would not have been granted by the Subcommittee. For that I have to thank Chairman McDade, Ranking Member Fazio, and my friends and colleagues Chet Edwards, and Mike Parker who sit on the Appropriations Committee.

However, Mr. Speaker, I would like to call on the Army Corps of Engineers to do everything that they can to accelerate the completion of this project. The project will now extend to Martin Luther King and Airport Boulevards, and Mykaw to Cullen Boulevard. This is flooding that can be remedied and the project must be completed before the expected date of 2006. While I applaud the Army Corps of Engineers for their cooperation, this is unacceptable for the people in my congressional district who are suffering. They need relief and I know that they can not wait until the expected completion date of 2006. This must be done and I will work with the Army Corps of Engineers and local officials to ensure that this is done. I urge my colleagues to vote yes on this conference report.

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of this important legislation and want to take this opportunity to thank Chairman MCDADE for his continued support for the Ramapo River at Oakland Flood project.

This has been a long and hard-fought battle. And it has been a cooperative effort with Mayor Peter Kendall and the Oakland Council and State Senator McNamara and Assemblymen Felice and Russo all working effectively. With the funds included in this bill, we can finally make this project a reality for my constituents in Oakland. This is government doing what government should do—putting taxpayers to work helping real people with real problems.

Flooding along the Ramapo River has occurred 15 times in the past 24 years. The 330 families that live along the 3.3-mile stretch cannot continue to endure the repeated hardship and personal turmoil that the flood waters bring.

The principal problems along the Ramapo River are flooding caused by the backwater effect produced by the Pompton Lake Dam, the hydraulic constrictions produced by bridges crossing the river, and insufficient channel capacity.

The project is now ready to move into the construction stage. The overall cost of the project through construction is estimated at $12.2 million. This cost is shared by the Federal Government, 75 percent, and the State, 25 percent.

The $2.5 million included in this bill will allow construction to advance by 1 year and substantially complete the first piece of the project. The completion of the first piece, the channel widening, would provide immediate flood reduction benefits to Oakland.

Flood protection is about more than money. The emotional price of being forced from your home by raging flood waters and returning only to find your most prized possessions ruined with mud and water goes far beyond the economic price.

On behalf of those families who have endured these floods I support this appropriation and thank Chairman MCDADE and Congressman FRELINGHUYSEN.

Mr. SHUSTER. Mr. Speaker, I rise in support of H.R. 2203, the Energy and Water Development Appropriations Act for fiscal year 1998. This bill provides needed funding for the Nation's water resources infrastructure through such agencies as the Army Corps of Engineers.

H.R. 2203 includes funding for many of the critically needed Flood Control and Navigation Infrastructure projects that were contained in the Water Resources Development Act of 1996.

I would like to thank my colleague from Pennsylvania, Mr. MCDADE, for his leadership and cooperation and for clarifying several provisions in the Senate bill within the jurisdiction of the Transportation and Infrastructure Committee. While in a perfect world there would be no authorizing language at all in an appropriations bill, most of the authorizing provisions contained in this legislation have taken into account concerns of the authorizing committee. For example, the conferees have significantly limited the scope of the Senate provision regarding environmental infrastructure to take our concerns into account.

The conference report also includes provisions on Devils Lake, ND, addressing the emergency flooding conditions that continue to threaten citizens, property and the environment. I want to assure the North Dakota delegation and Governor Schafer, who have worked tirelessly on this issue, that we will continue to look for appropriate, long-term solutions that help to stabilize the lake levels and balance the concerns of citizens within and beyond the watershed.

I would also like to address provisions relating to the Tennessee Valley Authority. The final compromise language reflects the views of many that TVA must change. As chairman of the authorizing committee, I expect we will continue our review of TVA's appropriated and nonappropriated programs.

On the transfer of the formerly Utilized Remedial Action Program [FUSRAP] to the Army Corps of Engineers, I would simply note that it is not our intent—and I have been assured by the chairman of the House Energy and Water Development Subcommittee that it is not his intent—to affect the jurisdiction of the authorizing committee. For example, the Transportation and Infrastructure Committee will obviously continue to exercise jurisdiction over Corps of Engineers civil works programs, including its support for others program that involves activities to clean up hazardous, toxic, and radioactive wastes. I would also note that the statement of managers provides that "overall program management, schedule and resource priority setting and principal point of contact responsibilities for FUSRAP are to be handled as part of, and integrally with, the overall civil works program of the corps."

H.R. 2203 is a good bill and I urge my colleagues to support it.

□ 1215

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

The previous question was ordered.

The SPEAKER pro tempore [Mr. NEY]. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 17, not voting 12, as follows:

[Roll No 468]

YEAS—404

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—17

Campbell
Chenoweth
Deal
Ensign
Gibbons
Hoekstra
Kleczka
Klug
Neumann
Paul
Petri
Ramstad
Royce
Sanford
Sensenbrenner
Shays
Sununu

NOT VOTING—12

Brown (CA)
Clayton
Cox
Dellums
English
Gonzalez
Pallone
Pickett
Rothman
Saxton
Schiff
Smith (OR)

□ 1235

Mr. KLUG changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ROTHMAN. Mr. Speaker, on rollcall vote No. 468, I was unavoidably detained in New Jersey attending funeral services for Florence Rothman. Had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

Mr. FARR of California. Mr. Speaker, I rise for the purpose of explaining my absence on the last vote. Mr. Speaker, I was unavoidably absent during the last rollcall vote No. 467, the passage of the rule on the Energy and Water Appropriations Conference Report. I was in a lecture with a group of foreign military officers who are attending the naval postgraduate school in my district, and I was unable to return to the Chamber in time for the vote. Had I been present I would have voted ''aye.''

REAUTHORIZATION OF THE EXPORT-IMPORT BANK

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 255 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 255

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1370) to reauthorize the Export-Import Bank of the United States. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Banking and Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from California [Mr. DREIER] is recognized for one hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my very hard-working friend, the gentleman from South Boston, Massachusetts [Mr. MOAKLEY], who is carrying his second rule of the day for the minority, and I am sure he will do so very ably. All time that I will be yielding will be for debate purposes only.

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

(Mr. DREIER asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. DREIER. Mr. Speaker, this rule provides for consideration of H.R. 1370, legislation to reauthorize the U.S. Export-Import Bank, an organization often referred to as the Eximbank. The Eximbank provides the most significant direct U.S. government support for American exporters, a subsidized loan rate to some foreign entities that buy American-made products.

This is a modified closed rule providing 1 hour of general debate, divided equally between the chairman and ranking minority member of the Committee on Banking and Financial Services. The rule provides for consideration of the committee amendment in the nature of a substitute as an original bill for purpose of amendment under the 5-minute rule. The rule waives points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI, relating to germaneness.

In order to provide for orderly consideration of this bipartisan legislation, the rule makes in order only those amendments printed in the Committee on Rules report. However, I must note, Mr. Speaker, that the Committee on Rules made in order every germane amendment that was submitted to our committee in a timely fashion.

The amendments must be offered in the order printed in the report by the Member designated, shall be considered as read, shall be debatable for the time specified, shall not be subject to amendment, and shall not be subject to a division of the question in the House or the Committee of the Whole.

The rule also grants the authority to the chairman of the Committee of the Whole to postpone recorded votes on amendments and to reduce the voting time on amendments to 5 minutes, provided that the first vote in a series is not less than 15 minutes. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, in requesting a rule for consideration of this legislation, the chairman and ranking member of the Committee on Banking and Financial Services presented a unified front in support of this export financing organization, praising both the goals and operations of the Eximbank. The charter of the Eximbank expires at the end of this year, making action necessary to avoid a very disruptive break in its operations.

Many of my colleagues know that I have been a strong and vocal advocate for unfettered free trade. At the same time, I am not fond of export subsidies. I believe that the best thing for our economy and the economies of our trading partners around the world would be an end to government trade subsidy programs like the Eximbank.

However, Mr. Speaker, I do not believe in unilateral disarmament. The United States should try to eliminate export subsidies through a multilateral agreement, the way we have tried to end shipbuilding subsidies, for example. The global trading system would be better off without the distorting effects of subsidies.

I believe the American taxpayers should know that the Eximbank has been involved in just such efforts. The bank has helped lead U.S. efforts within the Organization for Economic Cooperation and Development, the [OECD] to reach agreement limiting the export subsidies of developed countries.

The Eximbank's ''tied aid war chest'' has been used successfully to bring down this trade-distorting practice by 75 percent since 1991.

□ 1245

Mr. Speaker, I believe the best near-term trade policy is served by enacting H.R. 1370 and extending the charter of the Eximbank through September 30, 2001. Currently, the bank helps finance $15 billion in U.S. exports each year.

We must be clear about the fact that the Eximbank does not entail U.S. taxpayers buying products that are then given away overseas. This is not, I underscore again, this is not, Mr. Speaker, foreign aid. Instead, this agency provides a slightly subsidized loan rate that permits overseas buyers to purchase American-made products. They buy the products, and they pay for the products.

While the Eximbank is only involved in 2 percent of total United States sales abroad, it is critical to sales in certain big-ticket capital projects, particularly in developing countries in Asia, Latin America, Eastern Europe, and the former Soviet Union.

Again, Mr. Speaker, I must repeat, while the nominal recipient of the slightly subsidized loan is a foreign company or government entity, that entity buys and pays for the American-made product. The American workers are the real beneficiaries, winning the jobs that go along with these major projects.

Mr. Speaker, the Committee on Rules has made in order the seven germane amendments that were timely submitted to the committee, four offered by the minority, the Democrats, and three from our side of the aisle, the Republicans.

While I will not go through each amendment, I would like to encourage the House to avoid trying to legislate foreign policy priorities on the backs of American export workers. Kicking American companies and their American workers out of legitimate export markets in the name of pet foreign policy goals strikes a blow against the effectiveness of this job protection tool. The only winners in such situations are the foreign competitors who will step in and fill the void left by American companies.

Mr. Speaker, this rule deserves bipartisan support and this bill deserves bipartisan support. I look forward to the House working its will on the amendments submitted to the Committee on Rules with the hope that the final product is something that can be signed into law with the purpose of encouraging job creation in this country.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. I thank my colleague and dear friend, the gentleman from California [Mr. DREIER], for yielding me the customary half hour.

Mr. Speaker, I rise in support of this rule. Although this bill normally comes to the floor under the suspension calendar, our Republican colleagues have decided to bring it to the floor this year with a rule.

Mr. Speaker, this bill passes this Congress every 2 years with strong bipartisan support. This year it passed the Committee on Banking and Financial Services by voice vote. It is a good bill. It is a noncontroversial bill. But in order to increase debate time on foreign policy, which has nothing to do with this bill, my Republican colleagues are bringing this noncontroversial bill to the floor with a rule and endangering the bank's authority to issue new export credits which expires tomorrow.

Mr. Speaker, the Export-Import Bank levels the playing field for American companies. It helps American companies overcome export credits from other countries and helps make American goods be affordable and accessible in these other countries. It is the primary way American businesses get credit to sell their goods overseas. Mr. Speaker, that creates jobs here, here at home.

American companies trying to do business overseas have a very hard time getting insurance and export credit in other countries. Foreign credit export agencies subsidize goods and undercut American competitors.

Mr. Speaker, even with the Export-Import Bank, we still do less for our businesses than any other of our major competitors. We provide export support only to 1.5 percent of our total exports. France provides the same support to 20 percent of their exports, and Japan provides support for 48 percent of the goods they export. In other words, Mr. Speaker, other countries have a lot easier time picking up business here than we do competing in their countries.

In New England, our manufacturing capacity has been declining for years. When manufacturing capacity declines, so do manufacturing jobs. Businesses move their operations overseas to take advantage of lower labor costs and overhead, and American workers are left holding the pink slips.

The Export-Import Bank enables us to convince companies that they can stay here, hire well-trained American workers, and develop competitive products. Last year, businesses in my district got $116 million in assistance from the Export-Import Bank. Some of those businesses include Horizon House Publications, Bird Machine Co., Harding and Smith Corp., which makes control system panels, Sea Beam Defense Contractors, Stone and Webster Corp., Engineering Contractors, and State Street Bank, and many, many others.

Mr. Speaker, every single employee at every single one of those companies who still has a job here in this country joins me, they join me in supporting the Export-Import Bank. When these companies do well, we all do well. Their success rate creates jobs here in the United States. I urge my colleagues to support this rule.

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

Mr. DREIER. Mr. Speaker, I yield 4 minutes to the gentleman from Lincoln, NE, Mr. BERUTER, chairman of the Subcommittee on Asia and the Pacific, who will have some very, very worthy advice on the amendments that we will be considering. I hope my colleagues will listen to that.

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

Mr. BEREUTER. Mr. Speaker, I rise in strong support of the rule and of H.R. 1370, a bill to reauthorize the Export-Import Bank for 4 years. I thank the distinguished gentleman from California for yielding me this time.

The Export-Import Bank is a crucial export promotion agency which provides insurance to lenders to facilitate the purchase of U.S. products abroad; in other words, to expand our export base. I appreciated the comments of the distinguished gentleman from Massachusetts and the gentleman from California [Mr. DREIER].

Opponents have sometimes labeled the Export-Import Bank as a corporate giveaway. Actually, the truth of the matter is that the Export-Import Bank facilitates the purchase of U.S. products abroad, which in turn provides jobs in the United States.

This Member doubts you will find any workers, even in one of the largest U.S. companies such as Boeing, who feel they are receiving welfare payments when they receive their paychecks at the end of a long week building state-of-the-art aircraft.

Export-Import Bank is not a giveaway program. It is a jobs and trade program. As long as our competitors continue to provide export assistance, as the gentleman from Massachusetts just indicated, and in great quantities beyond what we provide, we need to have this legislation and this agency to keep us competitive.

This Member contends that those who attack the Export-Import Bank as a wasteful government giveaway with little impact on international trade must really be living in a vacuum. If we compare the levels of support by our trade competitors, we will see that the United States lags far behind Japan, France, Canada, Germany, and the United Kingdom.

U.S. companies have realized the importance of operating in a global economy and have made it clear that if the United States is not willing to help them to play ball by providing export promotion, they will have no choice but to take their production facilities abroad and thus their jobs and tax dollars overseas as well.

As an example, one must only consider the recent decision by GE and Voith Hydro to seek German and Canadian export assistance to facilitate the purchase of equipment to be used in the Three Gorges Dam project in China. The Clinton administration has determined that Export-Import Bank participation in the Three Gorges project should not be available.

Does that mean the project will not go ahead? No. Does it mean that U.S. firms will not participate? No. It simply means that foreign subsidiaries of U.S. companies will receive the assistance overseas, and they will build their products there. And they will spend their money there in other countries, and U.S. workers do not have jobs here. We must not unilaterally disarm ourselves in this important global economy.

Therefore, this Member urges his colleagues to set aside the politically expedient rhetoric of attacking Export-Import Bank as corporate welfare and wake up to the fact that without the Export-Import Bank, the United States is unilaterally disarming in the global trade cold war. We must support U.S. products overseas.

I urge my colleagues to support the rule and to support the reauthorization of this 4-year extension of the Export-Import Bank's life and the LaFalce amendment which will soon be subject

to debate as well in the Committee of the Whole House.

The LaFalce amendment, for example, will finally rename the agency to indicate what it does, and that is to make it the U.S. export agency, because this agency has nothing in the world to do with imports. This is an export arm of the American economy and of the American Government.

I thank my colleague for yielding me this time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for yielding, and I would like to associate myself with the remarks of the gentleman from California [Mr. DREIER] and the gentleman from Massachusetts [Mr. MOAKLEY], the ranking member.

Some of us have some concerns with section 9, and the administration has expressed such, which requires the Bank to establish procedures to ensure that firms committed to job creation and reinvestment in the United States be given preference for receiving financial assistance.

The Bank is dedicated to the preservation and expansion of the U.S. jobs. In pursuing this goal, the Bank provides guarantees and loans to creditworthy foreign buyers of U.S. goods. Therefore, the bank evaluates foreign buyers, not U.S. firms. Because it is the foreign buyer that chooses the exporting company, the Bank is not in a position to decide if the U.S. firm has made the commitment called for in the bill.

Also by way of amendment, I am hopeful, and I believe the administration would be as well, of addressing the concerns expressed in section 5 which would have the effects of statutorily selecting the Bank's ethics official. This selection would undermine the effectiveness of the executive branch ethics programs by eliminating one of its basic requirements; that is, that the agency head is ultimately responsible for the conduct of the agency's employees.

I am just back, as a member of the Committee on International Relations, from a meeting of the Organization for Security and Cooperation in Europe. The Eximbank is most active in the big emerging markets such as Asia, Latin America, Eastern Europe, and the Newly Independent States. I call on my colleagues here to be mindful that places like Uzbekistan, Tajikistan, or a number of the Newly Independent States in the Transcaucasus would benefit from the Eximbank, and what we would and could do by not supporting it would be to unilaterally disarm and allow our competitors free access to emerging markets.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Syracuse, NY [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I thank my friend from California for yielding me the time.

I would also like to thank our majority leader, the gentleman from Texas [Mr. ARMEY], for allowing this bill to get to the floor. It is very timely. This legislation, the reauthorization expires today. That would be a real shame, and it would cause great difficulty for many American corporations and American workers.

I speak in favor of the rule and the bill. The Export-Import Bank was established in 1934 and requires periodic rechartering by the Congress. As I said, today the bill, the reauthorization, expires so we have to act on it quickly. This event would be unprecedented in the Bank's 64-year history and extremely harmful to the competitiveness of U.S. exports. The export authority, export financing provides direct loans, loan guarantees, and insurance which enables American exporters to make creditworthy sales when other sources of financing are unavailable. As my colleague from Florida mentioned, the competitive factor is vital in large emerging areas such as Asia, Latin America, and the Newly Independent States of Eastern and central Europe.

We feel the Export Bank represents the best kind of performance-based Federal program in which modest resources enable American businesses to compete for otherwise lost markets. I urge my colleagues to support this legislation, to reject all weakening amendments. This is a job creator.

□ 1300

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me this time. Later on in the course of the debate I will be talking about why I will support this legislation today, but let me just deal with some of the issues that my friends on the other side have raised which we should all be aware of when we talk about the Export-Import Bank.

The fundamental issue is whether working families in this country, who for many years have seen a decline in their real wages, people are working longer hours and are earning less, should be putting tens of millions of dollars in helping large multinational corporations who over the last 15 years have laid off hundreds of thousands of American workers. That is an issue we have to focus on.

The Boeing Co., which is the major recipient of this program, has laid off over 52,000 workers between 1990 and 1996. General Electric, which is taking jobs all over the world, hiring people at 50 cents an hour, laid off 153,000 workers from 1975 to 1995. AT&T laid off 127,000 workers. Are these the companies that the middle class taxpayers of this country should be supporting? I think there are real questions about that.

Now, some of my friends say, well, we need a level playing field. They are doing it in Europe and they are doing it in Japan. And there is truth to that argument. But there is another side to that story, and that is that corporations in Japan and corporations in Europe have a different ethic in many ways. Their systems are different.

In Europe they have a national health care system guaranteeing health care to all people. In Europe, German workers make 25 percent more than manufacturing workers do in the United States of America. In Europe, in many of those countries college education is free, not $25,000 or $30,000 a year. In many of those countries corporations pay significantly more in taxes than do companies in this country pay.

So what we have is corporations are coming in here and saying, help us with Exim programs, we need some help, but of course we want to pay less in taxes. We want to pay our workers lower wages. We want to move our jobs to Mexico or to China, but we really would like this form of corporate welfare.

Within the Committee on Banking and Financial Services I have successfully put in an amendment which begins to address some of these problems. Let me be very clear. If that amendment is taken out in conference committee, I will lead the effort in this body to defeat the Exim reauthorization. With the amendment, I think we will make some progress in saying that the companies that we are supporting should be companies who are reinvesting in America, who are trying to create jobs in America, and are not taking our jobs to China or Mexico.

Mr. DREIER. Mr. Speaker, I yield 6 minutes to the gentleman from Surfside Beach, TX [Mr. PAUL], who is a member of the Committee on Banking and Financial Services and joins me as an outspoken proponent of unfettered free trade.

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

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding me this time, and I appreciate the characterization of the benefits from the Export-Import Bank as being export subsidies because we are talking about subsidies.

Generally speaking, we on this side of the aisle are against subsidies, especially if the subsidies are for the poor people. I just suggest we should question whether we should oppose subsidies for the rich people as well.

So I rise in support of the rule. There could be a better rule but, under the circumstance, I support the rule but I do not support the legislation. There are very good economic and there are very good moral reasons why programs like this should not even exist.

I do want to take a moment to talk about something else I think is very important. Sometimes I think if one takes themselves too seriously around here one would become depressed, and I try very hard not to be depressed. But

I found something in the committee report that I think is very, very interesting.

We have a House rule that says that in the committee report on legislation, when it comes up, we have to explain which part of the Constitution justifies what we do here. Of course, there is legislation that is proposed that if we pass the legislation it would be the law and we would have to answer to that antiquated document, the Constitution. I happen to be so old-fashioned as to believe that if we were all as serious about the Constitution, all we would have to do is vote the Constitution and those convictions each day and we would not need rules or laws.

But nevertheless I think it is interesting to note exactly where the constitutional authority comes from for the Export-Import Bank. Of course, the old standby is the general welfare clause. We do this for the general welfare of the people. But if we think about it, we are using taxpayers' money, we are using subsidized interest rates, we are benefiting certain companies, and we do benefit the foreign recipients and many times these are foreign governments, so they are not the general welfare. If it is a cost to the taxpayer, we are doing this at a penalty of the general welfare, not to the benefit of the general welfare.

This is a wastebasket used especially in the 20th century as a justification for doing almost anything in the Congress. But then the justification goes on, and I find this even more fascinating. Of course, the other justification is the power to regulate commerce.

Well, regulating commerce between the States, actually the commerce clause was written to deregulate and make sure there were no impediments against trade, so we cannot under the Constitution regulate trade. But that does not say subsidize certain people at the expense of others. So that was a giant leap in the 20th century where the regulation of commerce permits us to do almost anything.

It certainly rejects the whole notion and challenges the whole concept of the doctrine of enumerated powers. So we either have a Constitution where there is a doctrine of enumerated powers or we do not. The document is very clear. It delegates powers. The powers are very limited and they are numbered. They are enumerated.

But today, if we casually look at the welfare clause, and if we casually look at the regulatory clause on commerce, we here in the Congress, under that understanding, we can do just about anything. And what happens? We do just about anything. And that is why our Government is so big and our regulatory bodies are so huge and we have tens of thousands of pages of regulations, because we have so little respect for the document that we should be guided by.

But there is another justification, according to the committee report, as to why we should and are permitted to pass legislation like the Export-Import Bank. Now, this one has to catch somebody's interest and it has to be slightly humorous to somebody other than myself.

In addition, the power to coin money and regulate its value gives us the justification to give subsidies to big corporations, to benefit companies overseas, to take credit from one group and give it to another, and to steal the money from the people through an oppressive tax system in order to provide these subsidies. And yet the justification is to coin money?

The Constitution still says that all we can do is use gold and silver as legal tender. Since we do not do that, we should have changed the Constitution. We should do one or the other. But to use the coinage clause to extend credit is a stretch beyond belief. It says, though, that the courts have broadly construed this to allow Federal regulation, the provision of credit, to provide credit.

Well, this is exactly opposite of what the founders said and exactly opposite of one of the major reasons why we had the Constitutional Convention. This power that they take through the coinage clause in order to extend credit is exactly opposite of the provision in the 1792 Coinage Act, which says we have to protect against counterfeiting, and anybody who would be so bold as to debase the currency and ruin the value of the money, there was a death penalty mandated.

But here we casually give to our agencies of government this authority under the coinage clause to provide credit. Credit is nothing more than the dilution of the value of money. And believe me, long term, this is detrimental.

Later on in the general debate, I would like to address the economic issues as well.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, if this was an ideological debate or an attempt at evolving a philosophy for the operation of the globe, we might want to discuss, in a theoretical sense, how government got to this point and where government should go. But this is a very practical life lesson for survival we are involved in.

The United States of America does very well in international trade. We have some very tough competitors. And, frankly, this is one of the few tools we have to prevent those international competitors from just rigging the system against American workers. We can talk about American companies, and sometimes there are differences in the interests of the company and the workers, but in this case the workers' and the companies' interests are joined. If we do not sell the product, that company loses but the workers are unemployed.

When we look at large capital areas, for a while the French, the Japanese, and others were simply stealing markets as the American trade representatives and American financial institutions were asleep at the switch. What we had time and time again was the Americans making a better product at a better price, but the French came in with 1-percent financing, or the Germans came in with no-percent financing, or the Japanese gave a kicker to begin the program.

Well, over the last decade we have started responding. As a result of that, we have brought back market share to this country, and that has indeed helped companies. It has helped the strength of the American dollar, I would say to my friend from Texas, and it has helped American workers. It is not just large companies, although oftentimes we need to use the threat of Eximbank financing to back off other countries trying to take away American projects by subsidized financing.

It is small companies as well. In Thompson, CT, Neumann Tool, a small family-held company, has been helped by Eximbank. Companies slightly larger, but still relatively new companies that are in international trade, like Gerber Garment and Technologies in Tolland, CT, they have been helped when they were facing partnerships between governments and corporations in other countries.

If we could stop all the other countries from subsidizing interest rates and financing around the world, we could talk about ending these programs. But unless we want to give away major markets to Asia and Europe, then we need this tool to protect American employment. That is what I see this program as.

What happens in the headlines is that we get ''Eximbank Finances Airplane Sale.'' What we really get are workers in America being able to compete internationally because they are not disadvantaged by a world that used to exist, where only the other side had some financing institutions to help save jobs.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Langley, WA [Mr. METCALF], a member of the Subcommittee on Domestic and International Monetary Policy of the Committee on Banking and Financial Services.

Mr. METCALF. Mr. Speaker, the Boeing Co. was mentioned by a previous speaker. By the way, right now Boeing Co., in my district and in my State, is hiring workers as fast they can right at this moment.

To get to the Export-Import Bank, it is one of the most important tools that we have to help the United States compete in the international marketplace. For more than 60 years, Exim has supported more than $300 billion in U.S. exports, and has more than met its primary goal of preserving and creating jobs in the United States and working to level the playing field against aggressive subsidized foreign competition.

The facts show that current accusations leveled against Exim by its opponents are unfounded. Exim creates jobs. One-fourth of the new net jobs created since 1992 came from export growth. During the last 5 years, Exim financing supported jobs for nearly 1 million Americans. Exim helps United States companies compete against subsidized foreign competition.

Japan and France currently finance 32.4 and 18.4 percent of their exports respectively. By comparison, the United States finances 3 percent of its exports. Eliminating Exim would result in lost jobs to American workers and lost market share to American companies.

Exim has a great return for the taxpayer. For every dollar appropriated to Exim the bank returned approximately $20 to $25 worth of exports. Exim programs do not just favor big business; Exim plays an important role in reaching small businesses interested in exporting. Last year 81 percent of Exim's transactions were with small business.

□ 1315

Exim programs do not create an unhealthy risk for the taxpayer. Since its creation, Exim has maintained a strong and healthy portfolio with a loan-loss ratio of 1.9 percent. The loss ratios of commercial banks average around 6 percent to foreign governments.

In addition, Exim has more than an adequate reserve of $6.7 billion to protect the taxpayer in the event of any unforeseeable loss. We should reauthorize Exim today to preserve American jobs.

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

Mr. DREIER. Mr. Speaker, I would simply close by saying that I urge strong support of this rule and the bill.

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

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the resolution.

The question is on the resolution.

Mr. MILLER of California. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from California [Mr. MILLER] objects to ordering the previous question.

The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 423, nays 3, not voting 7, as follows:

[Roll No. 469]

YEAS—423

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
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Jackson (IL)
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Johnson (CT)
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Johnson, E. B.
Johnson, Sam
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Lewis (CA)
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Pascrell
Pastor
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Poshard
Price (NC)
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Ros-Lehtinen
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Roukema
Roybal-Allard
Royce
Rush
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Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
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Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
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Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—3

DeFazio
McKinney
Taylor (MS)

NOT VOTING—7

Gonzalez
Hansen
Moran (VA)
Nadler
Pallone
Saxton
Schiff

□ 1333

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SAXTON. Mr. Speaker, due to a memorial service in New Jersey for the airmen from McGuire Air Force Base who were killed off the coast of Namibia, I was unable to make rollcall votes 465, 466, 467, 468, and 469. Had I been present I would have voted ''nay'' on vote No. 465, ''yea'' on vote No. 466, and ''yea'' on votes Nos. 467, 468, 469.

The SPEAKER pro tempore. Pursuant to House Resolution 255 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1370.

The Chair designates the gentleman from California [Mr. CALVERT] as the Chairman of the Committee of the Whole and requests the gentleman from Indiana [Mr. PEASE] to assume the chair temporarily.

□ 1336

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1370) to reauthorize the Export-Import Bank of the United States, with Mr. Pease (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] each will control 30 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, the Committee meets today to consider the bill, H.R. 1370, legislation to reauthorize the Export-Import Bank of the United States, Eximbank, as it is known, for an additional 4 years. The bill, as amended, was favorably reported by the Committee on Banking and Financial Services by voice vote to the House of Representatives on July 9 with a report on this bill, Report No. 105–224, being filed on July 31, 1997. Without timely reauthorization, Eximbank will have to shut down its operations at the end of this fiscal year, literally less than a day away.

Briefly, H.R. 1370 provides for the following:

First, a 4-year renewal of Eximbank's charter through September 30, 2001;

Second, an extension of the tied aid credit fund authority;

Third, an extension of the authority for providing financing for the export of nonlethal defense articles;

Fourth, a clarification of the President's authority to prevent bank financing based on national interest concerns;

Fifth, the creation of an Assistant General Counsel for Administration position;

Sixth, authorization for the establishment of an advisory committee to assist the bank in facilitating United States exports to sub-Saharan Africa;

Seventh, a requirement that two labor representatives be appointed to the Bank's existing advisory committee;

Eighth, a requirement that the Bank's chairman design an outreach program for companies that have never used its services;

Ninth, the establishment of regulations and procedures as appropriate to ensure that when the Bank is making a determination as among firms that receive assistance, that preference be given to those firms that have shown a commitment to reinvestment and job creation in the United States.

Not every Member may be familiar with the work of Eximbank, so let me clarify what the Bank is and what it is not. Eximbank is an independent Federal agency established in 1934 to provide export financing for U.S. businesses. It has the twofold purpose of neutralizing an aggressive financing by foreign export credit agencies and to furnish export credit financing when private financing is unavailable and only when the Bank has a reasonable assurance of repayment.

Eximbank is not a foreign policy agency. Eximbank is not a development agency. The Bank's narrow purpose is to create jobs in the United States by promoting exports abroad.

Why do we need Eximbank?

Largely because many foreign governments provide official financing to their countries' exporters.

Although many of us would like to reduce or eliminate export credit subsidies, it is clear that without Eximbank the United States would have no leverage to help bring more market discipline to the rules governing international trade finance.

Likewise, American exporters would be hindered in their efforts to establish market presence in developing countries lacking full and easy access to private sources of finance.

While American workers and companies have made enormous strides to compete in the global economy, they cannot compete and win against Government-supported foreign competition. We need Eximbank to deter the distorting tied aid and other forms of economic pressure used by some of our trading partners. We also need Eximbank to help secure the necessary financing that will enable our dynamic small businesses to export their goods and services to the broader global market.

American firms will simply not thrive at home unless they take full advantage of the tremendous opportunities abroad. Today, 96 percent of U.S. firms' potential customers are outside U.S. borders, and key developing markets alone will account for almost half of the world's market by the year 2010. These markets are already our country's best economic opportunity, with developing countries already accounting for 67 percent of world import growth.

This body and the American people should have no illusions about the intensity of commercial competition for export contracts in emerging markets, competition that frequently hinges on the terms of export financing. The simple fact of the matter is that without Eximbank, U.S. exporters would lose contracts in important developing countries to companies in Japan, France, and Germany that receive trade finance from their Government-supported export credit agencies. Moreover, in critical technology, such as aerospace, power generation, and telecommunications, the loss of markets is long-term as the initial choice of a supplier determines services, parts, and follow-on sales.

In closing, Mr. Chairman, the committee has reported out a solid bipartisan bill reauthorizing this vitally important agency. I would urge Members to give it their enthusiastic support.

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

□ 1345

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

Mr. Chairman, I rise today in support of this bill and urge that my colleagues would support the Committee on Banking and Financial Services's report on the reauthorization of the Export-Import Bank of America.

Let me first thank the gentleman from Iowa [Mr. LEACH], the chairman of the committee, for his consistent efforts to reach an agreement on each and every one of the difficult issues that we have had to face. I would be remiss if I did not thank the gentleman from Delaware [Mr. CASTLE] for his efforts at the subcommittee level. We worked well together on the bill that is before this House this afternoon. I also wish to thank the gentleman for continually including my staff in bipartisan deliberations throughout this past 2 years as we have moved forward on this bill.

We have accomplished a great deal in the Committee on Banking and Financial Services's markup of the Export-Import Bank reauthorization, H.R. 1370. We reached three major goals. First, we instruct the State Department to expressly use the Chafee amendment process when it has national interest concerns with potential Ex-Im deals. Last year, the bank was requested to more or less take a role in deciding foreign policy. That is not the bank's mission. With guidance from the gentleman from Nebraska [Mr. BEREUTER], we have adopted a policy in this bill which would make Congress's intent clear with respect to the Chafee amendment.

We also create an advisory panel to counsel the bank on efforts to increase United States imports to sub-Saharan Africa. Congress has witnessed, over the past 5 months, the bipartisan commitment to increase trade with Africa. This commitment seems to resonate from the administration, the Congressional Black Caucus, the Speaker, and the rank and file Members of this Congress. I believe this is the right thing to do, and in fact, we should have done it years ago. Nevertheless, I am happy to have created this panel now, and even as we move forward, my hope is that it will do what we have created it to do.

Finally, we create mandated ethics counseling within the Ex-Im. Consequently, we assure that employees have the best possible ethical advice when major financing decisions are made.

Mr. Chairman, let me expand my remarks by stating that we need the Export-Import Bank. We need the institution because the global market for U.S.

products shrinks when foreign companies consume lucrative opportunities. Furthermore, this market contraction is most often due to the fact that the companies have the complete support of their export credit agencies when they come to the table from other countries. While these companies have this explicit support from their governments, our companies face financial reluctance from private capital markets, and tend to find it extremely difficult to finance their exports and thus maintain a viable employment base of economically empowered U.S. citizens. Their lender of last resort policy has thus become a problem for the Export-Import Bank.

Ex-Im also is the financier of companies willing to export to risky markets. As we all know, taking risks is in the great American tradition of creating opportunities throughout entrepreneurship. Export-oriented entrepreneurs are the enterprises which government should assist, and supporting new opportunities and emerging markets will continue job growth where we need it the most, here in our own labor markets. As many should come to realize, Ex-Im operates under the adage, ''jobs through exports.''

My last remarks will again focus attention on Africa. We have a tremendous opportunity to foster trade with this last untapped market in the world. The export markets in Europe, Latin America and Asia are saturated, and new opportunities will come far and few between in the years to come. Africa, on the other hand, is still ripe for business. Countries like South Africa, Zimbabwe, Botswana, and Namibia have growing economies with sophisticated indigenous business cultures and represent viable markets for United States exports. French, English, German, and Malaysian businesses are moving aggressively into these marketplaces, and they are doing so with tremendous support from foreign credit agencies. U.S. businesses also need that same kind of support which only the Ex-Im Bank can give.

Toward that end, I am pleased to note that Ex-Im has recently sent a delegation to sub-Saharan Africa to explore opportunities for United States exports, and I am equally delighted to see efforts by the administration and colleagues of ours like the gentleman from New York [Mr. RANGEL] and the gentleman from Illinois [Mr. CRANE] who promote trade between the United States and Africa. I will encourage Ex-Im to work within these discussions, and signal my intent to encourage and craft a working system within Ex-Im to explore the very new opportunities that have been made available to us in sub-Saharan Africa.

Mr. Chairman, I close by noting that there are detractors of the agency, and we certainly are cognizant of corporate welfare arguments. This line of reasoning, however, ignores the fact that 81 percent of Ex-Im's financing deals go to small businesses. It also ignores the reality that for the 29 percent of deals that Ex-Im does with large enterprises, it inherently still maintains the operations of small business subcontractors and suppliers. These enterprises operate throughout the Nation and employ thousands of American citizens.

Thus, if we examine the institution's impact on American employment, we cannot come to the conclusion that Ex-Im is an exclusive concessional window of credit to corporate America. Rather, it is a lender of last resort, and it is successful in financing billions of dollars in U.S. exports for a rather small budget. In short, we need Ex-Im, and I intend to support its reauthorization and hope that my colleagues in the House will join me.

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

Mr. CASTLE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. MANZULLO], a member of the Committee on Banking and Financial Services.

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

Mr. MANZULLO. Mr. Chairman, every bill and subsequent law that we pass in the House of Representatives has a face to it, and I would like to tell my colleagues about a couple thousand faces, people who get up at the crack of dawn, pack their lunch, get their kids off to school, go off to work, come back home, and oftentimes their spouses are also working. These are the 2,000 faces of the highly skilled union members of Beloit Corp. in Beloit, WI, and South Beloit, IL. They are the ones on behalf of whom I speak this afternoon in urging this body to reauthorize the Export-Import Bank.

Mr. Chairman, there are only three manufacturers of papermaking machines in the world: one in Finland, one in Germany, and one in the United States. These are obviously very sophisticated and huge machines. Some run as long as an entire football field. In doing battle with countries overseas that have subsidies of a sort to the manufacturers, these men and women who work very hard at the Beloit Corp. do not quite understand the intricacies of international banking, but they do understand when their company is put in a position where it is being hammered by overseas export agencies that prefer Finland and Germany. So the Export-Import Bank was started on behalf of these working men and women so that the corporation for which they work could be on an equal footing with the Finns and the Germans.

An opportunity came up for these men and women to build some huge machines to go to Indonesia. We helped Beloit Corp., and we helped those 2,000 people, and by helping those 2,000 people get that type of loan, the loan of last resort, the loan that would not exist otherwise, the loan were it not for the existence of Ex-Im Bank would have meant that they would have lost their jobs for a considerable period of time, that that loan not only made possible the work for these 2,000 people, but also 2,940 suppliers all over the United States. In fact, over 640 in the State of Massachusetts alone; several hundred in the State of Illinois, and likewise throughout the country. Because these types of loans that are given to companies doing royal battle in the international market really are not about corporate subsidies, end of quote; they are about the 2,000 people I represent at Beloit Corp. and about the nearly 3,000 suppliers, many of whom are little bitty guys that are battling it out, and Ex-Im is really for them.

Now, most of these people do not even know what the Ex-Im Bank is. All they know is whether or not they have an order to ship parts and to do some labor for Beloit Corp. So I am here today to speak on behalf of these 3,000 suppliers and the 2,000 people directly involved at Beloit Corp., and to the tens of thousands of workers across the land whose very livelihood depends upon the ability of the United States to engage competitively for overseas markets.

That is really what Ex-Im Bank is all about; it is about people. It is not about big companies, it is not about corporate welfare; it is about people, people who get up at the crack of dawn, pack their lunch, go off to work and thank God that they have a job so that they can raise their children.

Mr. Chairman, I would urge the Members of this body to reauthorize Ex-Im Bank because it does one thing that the private sector simply cannot do. It provides the tough, last-chance financing that companies need in order to be competitive globally. Ex-Im, in fact, in 1995 helped generate $13.5 billion in exports for the U.S. economy, which directly exported 200,000 high-wage U.S. jobs.

Mr. FLAKE. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. LAFALCE], the outstanding senior member of the Committee on Banking and Financial Services.

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

Mr. LAFALCE. Mr. Chairman, I thank the gentleman for yielding me this time.

First of all, I want to commend both the chairman of the subcommittee, the gentleman from Delaware [Mr. CASTLE], and the ranking Democrat on the subcommittee, the gentleman from New York [Mr. FLAKE], especially Mr. FLAKE because he will be retiring from Congress on October 15, for the outstanding job they did, both in subcommittee and full committee, in developing this bill and having it reported out in a bipartisan and enthusiastic fashion.

Some individuals ask the question: Should governments be involved in the subsidy of exports? And the theoretical answer to that is well, no, they should not be. So if we lived in this theoretical world that we would like to, governments would not subsidize.

But the fact of the matter is, we do not live in a theoretical world, we live in a very real world, a very real global economy, in which other governments assist companies in their countries to export. How much do they do this? Well, in the United Kingdom, 2.7 percent of national exports are subsidized. In Italy, 3.1 percent. In Germany, 5.2 percent. In Canada, 7.9 percent. In Spain, 8.3 percent. In France, 19.6 percent. In Japan, 47.9 percent. I repeat, in Japan, 47.9 percent. In the United States, 1.58 percent.

□ 1400

Our subsidy is infinitesimally small in comparison to the subsidies of some of our principal competitors, such as Japan, France, et cetera.

Until the real world conforms to this theoretical world that we would like to exist, we must not unilaterally disarm. We must reauthorize our export agency, the Export-Import Bank.

There are a number of amendments that have been allowed by the Committee on Rules, seven. As we consider these amendments, let us realize that this bank is not a foreign policy instrument. This bank does not give subsidies to foreign countries. This bank gives business exclusively to United States companies for U.S. exports, regardless of the country involved. We ought not to try to make this an instrument of foreign policy micromanaged by the U.S. Congress.

Let us also keep in mind that there is a significant small business impact. I reiterate the comments of the gentleman from New York [Mr. FLAKE]. In fiscal year 1996 there were almost 2,000 small business transactions, a 60-percent increase since 1992. Of these, about 25 percent were first-time transactions for small businesses. Of all the transactions of the Eximbank, 81 percent of all transactions, accounting for about 21 percent of the dollar amount handled, were for the small business community. Of all the transactions, 81 percent were for small businesses in the United States.

For all of these reasons, I hope this body will overwhelmingly endorse and reauthorize this Bank. I hope we will look at these amendments that will be offered, these seven, one of which is mine, which would be to simply rename the Bank, and be selective in our acceptance or rejection of them, not trying to make it a foreign policy judgment, but a trade judgment, a jobs judgment that we make.

Mr. CASTLE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas [Mr. PAUL], with whom I disagree on this bill, but I totally agree with his right to present his points of view.

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

Mr. PAUL. I thank the gentleman for yielding time to me, Mr. Chairman, and for the disclaimer.

Mr. Chairman, it is correct, I am going to vote no on this bill, for various reasons. I stated some of those earlier on. One is constitutional. There is a strong moral argument against a bill like this. But I am going to talk a little bit about the economics. Also, one other reason why I am going to vote against this bill has to do with campaign finance reform. If we vote no against this, I think we would be working in the direction of campaign finance reform.

I myself get essentially no business PAC money. I do not have any philosophic reasons not to take it. I would take the money on my conditions, but that sort of excludes me. But not infrequently when I would visit with large corporations they would ask me, what is my position on the Export-Import Bank. And when they would find out, of course they would not give me any money.

So I would say that the incentive to get people to do certain things for subsidies gives this incentive for big corporations to subsidize and to donate money to certain politicians. If we did not have so much economic power here, there would not be the incentive for big business to come and buy our influence.

Mr. Chairman, I do not happen to believe that campaign finance reform will ever be accomplished by merely taking away the right of an individual or company to spend money the way they see fit. Regulating finances of a company, once a company can come in here and put pressure on us to pass the Export-Import Bank, I think is an impossible task.

There have been certain economic arguments, so-called, in favor of this bill, but I think there are some shortcomings on the economics. One thing for sure, I think even the supporters of this bill admit that this is not free trade, this is an infraction that we have to go through because the other countries do this.

But we might compare this. It is true, we subsidize our companies less than Japan, but would Members like to have Japan's economy right now? Japan has been in the doldrums for 8 years. They subsidize it 30, 40, 50 percent of the time. Maybe it is not a good idea. Yes, ours are small in number, but why should we expand it and be like Japan? So I would suggest that the benefits, the apparent benefits, are not nearly as great as one might think.

The other thing that is not very often mentioned is that when we allocate credit, whether we expand credit, which was mentioned earlier, that we do expand credit, we extend credit, we allocate it, we subsidize it, so we direct certain funds in a certain direction, but we never talk about at the expense of what and whom.

When a giant corporation or even a small business gets a government-guaranteed loan, it excludes somebody else. That is the person we never can hear from, so it is the unseen that is bothersome to me. Those who get the loans, sure, they will say yes, we benefited by it. Therefore, it was an advantage to us. But we should always consider those individuals who are being punished and penalized, that they do not have the clout nor the PAC to come up here and promote a certain piece of legislation.

Another good reason to vote against this piece of legislation, it is through this legislation that we do support countries like China and Russia. This is not supporting free markets. They are having a terrible time privatizing their markets. Yet, our taxpayers are being required to insure and subsidize loans to state-owned corporations.

China receives the largest amount of money under Eximbank. I do believe in free trade. I voted for low tariffs for China. I support that. But this is not free trade. This is subsidized trade. It is the vehicle that we subsidize so much of what we criticize around here. Some people voted against low tariffs for China because they said, we do not endorse some of the policies of China. They certainly should not vote for the subsidies to China nor the subsidies to the corporations that are still owned by the state in Russia, because it is at the expense of the American taxpayer.

It is said that the companies that benefit will increase their jobs, and that is not true. There are good statistics to show that the jobs are actually going down over the last 5 or 6 years. Jobs leave this country from those companies that benefit the most.

It is also said quite frequently here on the floor that this is a tremendous benefit to the small companies. Eighty-some percent, 81 percent of all the loans made go to small companies. There is some truth to that. That is true, but what they do not tell us is only 15 percent of the money. Eighty-five percent of the money goes to a few giant corporations, the ones who lobby the heaviest, the ones who come here because they want to support high union wages and corporate profits for sales to socialist nations and socialist-owned companies.

For these reasons, I urge a no vote on this bill.

Mr. FLAKE. Mr. Chairman, I yield myself 20 seconds.

Mr. Chairman, I just want the gentleman from Texas [Mr. PAUL] to understand that when the gentleman from Delaware [Mr. CASTLE] and I started putting the bill together, campaign finance reform was not such a hot issue. I think it is a bit of a stretch to include it in the bill.

Mr. Chairman, I yield 2½ minutes to the gentleman from Minnesota [Mr. VENTO], a senior member of the Committee on Banking and Financial Services.

Mr. VENTO. Mr. Chairman, I rise in support of this 4-year reauthorization and the tied aid program that is also being reauthorized in this measure.

Mr. Chairman, this measure is necessary because so often in the markets in which we are exporting in an increasingly global marketplace, the nature of the risks and the structure of

the economies in these nations does not permit our companies, our entities that want to sell a product, a quality American product, to in fact be purchased; often there is not the financial structure.

As an example of that, look at the newly independent nations, the newly emerging nations that formerly comprised the Soviet Union. It is a very good point in fact that the committee report outlines. Here the banking and finance structure in these nations does not facilitate the extension of credit. So in order to facilitate the sale, many nations, our competition, in fact, provide for a more integrated type of credit structure to provide the sale of those products at the end of the day.

This credit that we extend here in fact attempts to do that. Usually it is a blended credit, a credit that we provide in conjunction with other U.S. financial institutions and other international financial institutions. So we are simply taking some of the risks, but an essential part. In doing so, the Ex-Im Bank, by taking that position, actually builds a foundation upon which credit in turn is built in these newly independent nations, as I pointed out, or states, newly independent states in the former Soviet Union.

Of course, it facilitates then a new marketplace for our products and facilitates an economic growth. For I think most of us, it is in our interests obviously in terms of jobs, in terms of making our global economy and marketplace work, to have this program in place. While a large number of the loans, 81 percent, are to small business, they make up only about 20 percent of the export credit.

So I want to credit the subcommittee ranking member and chairman for their work, and especially the ranking member, for whom it will probably be his last bill on the floor that he manages. He has been a good and dedicated Member. He shall be missed. We appreciate very much the gentleman's work, and I thank him.

Mr. CASTLE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BRADY].

Mr. BRADY. Mr. Chairman, American companies and American workers can compete against anyone in the world if they are given a fair chance. With 95 percent of the world's consumers residing outside of America, we have economic battles going on around the globe.

Just as a strong national defense has ensured American military superiority, the Eximbank allows our companies to have a level playing field, and allows our companies to have an opportunity to compete against workers and companies anywhere throughout the world.

Right now the Government Accounting Office has said the most compelling reason for reauthorizing the Export-Import Bank is to level the international playing field for U.S. exporters, and to provide leverage, very much needed leverage, in trade policy negotiations to induce foreign governments to reduce and ultimately eliminate subsidies. Without the Bank, we do not have that opportunity, that leverage, and that strength, and our companies need that.

My goal is to have throughout the world a playing field where decisions of purchasing are made on the basis of price and quality and product and service. But that is the world we live in today. We need a strong economic tool, the Eximbank, to guard against unfair foreign subsidies and to give our companies and our workers a fair chance.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WATERS], a ranking member of the subcommittee.

Ms. WATERS. Mr. Chairman, I rise today in support of H.R. 1317 to reauthorize the Eximbank. As a member of the Committee on Banking and Financial Services, I want to congratulate the gentleman from Delaware [Mr. CASTLE], the chairman of the Subcommittee on Domestic and International Monetary Policy, and the gentleman from New York [Mr. FLAKE] for their work on this important bill.

The Eximbank provides low-interest rate direct loans, export credit insurance, and loan guarantees to finance the purchase of U.S. goods internationally. There have been some criticisms today of the Bank. I share in some of those criticisms.

There are those who would believe that somehow I want to do away with the Bank. If we ask a lot of people, their first thought is the gentlewoman from California [Ms. MAXINE WATERS] is not going to support it, because too many big businesses receive the benefit from it. Not true.

Yes; I am concerned that too much of this goes to big businesses, but I am also concerned that we have the kind of dollars to support American firms that will make them competitive in the international market. Therefore, I want to expand this to more small businesses. I want to pay some attention to Africa, I want to make sure we make it what it should be. I do not want to get rid of this money. I do not want to do away with this opportunity.

There have been some important reforms that have been put into the legislation by the gentleman from Vermont [Mr. SANDERS] and others to make sure that labor is represented on the advisory board, to make sure that we have recommendations about how we can increase projects in Africa. I think we have some opportunities here.

I do not think we should just sit back and say, well, it is all right. It has not done everything we would like it to do. I think we should say, let us take this opportunity to provide subsidies, to provide credit, to provide loan guarantees, to be more competitive in the international market, to create jobs, to do all of those things. But let us not just sit back and criticize it and say the big firms are getting it all. I want some of the firms in my district to be involved, and I am going to make sure they are. I am going to make sure I pay attention to it.

Mr. CASTLE. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. MICA].

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

□ 1415

Mr. MICA. Mr. Chairman, before coming to Congress, I was involved in international trade and saw firsthand what is happening in the trade arena. In fact, if all things were equal, we would not need Eximbank, but I am here to tell my colleagues that in fact we need Exim. In fact, it is one of the most valuable programs of this Government. In fact, the United States is in an economic fight for its life. In fact, the United States is now running a trade deficit that exceeds the national annual deficit. The fact is that we are competing against Japan, the United Kingdom, France, and a host of other countries that do a much better job backing up their business and creating an unlevel playing field for our business people.

Exim creates thousands, tens of thousands of jobs. Exim allows U.S. companies to compete in this international marketplace. Exim is not corporate welfare. Exim is not any type of subsidy. Exim in fact gives our American companies and our men and women that are seeking jobs and opportunity in this country that opportunity and the ability to compete in a growing world marketplace.

Mr. Chairman, I strongly recommend the passage of this legislation and request support from every Member of this Congress that is interested in jobs and opportunity for every American.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

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

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of this legislation because it contains some amendments which I think make the reauthorization palatable. But I should be very clear that if the amendments are taken out in conference, I will do everything that I can to defeat this reauthorization.

Mr. Chairman, one of the great economic crises of our time is the decline in real wages of American workers and the loss of millions of good manufacturing jobs. In my view, we are not going to rebuild the middle class and create good paying jobs unless we rebuild our manufacturing sector. Given that reality, Mr. Chairman, it is unacceptable that the taxpayers of this country continue to provide financial support for large multinational corporations who are laying off hundreds of thousands of American workers,

they are taking our jobs to China, to Mexico, to countries where workers are paid 20 or 30 cents an hour. But then they come into this building and they say, help us, we need some money to participate in the export-import program.

Mr. Chairman, I have introduced an amendment which was accepted by the Committee on Banking and Financial Services which has a very simple goal. It demands that the Export-Import Bank implement procedures to ensure that in selecting among firms to which to provide financial assistance, preference is given to a firm which has shown commitment to reinvest in America and create jobs in America.

I do not think that is too much to ask. If the American taxpayers are going to help out in this process, they have a right to know that the companies who receive that help have a commitment to reinvest in America and create jobs in America and not to run to Mexico, not to run to China.

Mr. CASTLE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. HOUGHTON].

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

Mr. HOUGHTON. Mr. Chairman, I am not going to spend a lot of time because most of the arguments that I would use have already been used and they have been gone over and over and Members understand the merits and the demerits.

I think the only thing I can say is, I have been there. I understand what the Eximbank can do. It is a little bit like the Olympics. It used to always be amateur, and then all of a sudden it changed, and then people said, gee, maybe we ought to change, too.

Commercial banks used to be able to do what they are no longer able to do, and you find corporations, little companies, competing against countries. That is wrong. We can see it in the marketplace. Many times you have a good product, good service, good reputation, terrific quality, cannot sell your equipment because the financing terms are wrong. That is what the Eximbank does. I strongly support this amendment.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York [Mrs. MALONEY].

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, first I would like to commend the gentleman from Delaware [Mr. CASTLE], the chairman, and the ranking member, the gentleman from New York [Mr. FLAKE], for their hard work on this legislation and particularly to add my words of appreciation to the gentleman from New York [Mr. FLAKE] for his many years of service. We regret that he has chosen to retire from this body, and we will miss him.

If we want to compete in the world economic arena, we must stand with the people who make the products which are exported. American companies need to enter the trade battle well armed, and the best way we can arm them is by allowing the Export-Import Bank to continue its work. Since 1990, one-third of the total growth in U.S. output has been in exports. In other words, if we want the tremendous growth we are seeing at this point to continue, we need to be aggressive in promoting exports.

The Export-Import Bank helps to level the playing field with U.S. exporters by using specific tools to make sure our industries are able to do business overseas. These tools include export credit insurance, guarantees on commercial loans for purchases of U.S. exports, and working capital guarantees to encourage banks to lend money to small exporters.

The bank only provides these tools when the private sector does not or cannot. The bank does not prevent anyone else from providing these services. It only provides them at or above market rate when no one else can or will.

I know from the experience of my own State of New York just how great an impact the Export-Import Bank has had on our economy. Between 1992 and 1996, the bank supported 345 companies and financed $3.8 billion in exports. This has translated into an estimated 56,000 jobs. During this 5-year period, the bank has returned about $20 worth of exports for each dollar it has spent. I support this.

Mr. CASTLE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Iowa [Mr. LEACH], chairman of the Committee on Banking and Financial Services.

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

Mr. LEACH. Mr. Chairman, I thank the gentleman for yielding me the time. I would like to also express my great appreciation for his leadership on this issue and also that of the gentleman from New York [Mr. FLAKE].

In that the gentleman from New York [Mr. FLAKE] is retiring from this body, I would think it very appropriate to point out that the gentleman from New York [Mr. FLAKE] is not only one of the most decent Members I have ever served with, he has a streak of pragmatic practicality that is as large as any Member in this body. I think that is something that is much appreciated by everyone who has ever worked with him.

As for the Export-Import Bank, I know of no institution in the U.S. Government that has been more successful and is more supported on a bipartisan basis. Republicans, Democrats, business, labor, all have come to appreciate this particular small institution that helps the American worker and American business to compete in a very sophisticated global environment. Reauthorization of this institution is, thus, highly critical for America's competitive position in the world.

Just to give one example, because sometimes in vignettes there is great truth, I spoke at an event in East Moline, IL, this spring at the John Deere Co., where business and labor came together to celebrate an Export-Import Bank supported production assembly of hundreds of tractors and combines that were sent to the Ukraine. At this event, a train actually took off with a group of combines on it. A series of people talked abstractly about the Export-Import Bank, but real meaning was brought by an 18-year-old woman who had been hired by Deere and Company, their first literally youthful hiree in the last decade. Her job was made possible simply because of this export-supported program. I think that is a very telling circumstance.

The issue of corporate welfare has properly been raised. On the other hand, the Export-Import Bank over its long history has about broken even, slightly made a little bit of money, but approximately broken even. But if one adds to the U.S. Government revenue all the funds that are derived from those that pay taxes because of jobs they had that they would not otherwise have had, the Export-Import Bank is enormously in the black. So I think one can say that this is a very pragmatic institution of government.

If there is a corporate welfare argument, which properly arrises any time there is government intervention, it should be noted that the real corporate welfare would be to Japanese and French and German companies if we do not reauthorize Export-Import Bank.

In conclusion, let me just suggest that if we look at our own economy, that is doing rather well the last few years, it is impressive to point out that fully one-third of the economic growth in this country is related directly to exports. That export-driven growth is singularly important to the well-being of all Americans.

Finally, because this is a fairly partisan era, let me say to the Clinton administration that they have appointed decent people to work at the Export-Import Bank, decent people to lead it, and they have led in a very pragmatic direction that has emphasized small business support, and as chairman of the authorizing committee, I want to tip my hat to the administration for its attention to this institution.

Let me also express my gratitude to our distinguished retiring former chairman, Representative GONZALEZ, Representative LAFALCE, the chairman of the Asia Subcommittee, Mr. BEREUTER, and one of this body's strongest supporters of small business, Representative MANZULLO, among many others.

Mr. Chairman, as Members are aware, Eximbank is an independent Federal agency established to provide export financing for

U.S. businesses. The Bank has a dual purpose: to neutralize aggressive financing by foreign export credit agencies, and to furnish prudent export credit financing when private financing is unavailable or insufficient to complete the deal. It does this through a variety of loan, guarantee, and insurance programs. Since its founding, Eximbank has supported more than $300 billion in U.S. exports, almost $100 billion in this decade alone. The Bank currently supports about $15 billion in U.S. exports annually. More than 80 percent of Eximbank's transactions are for exports from small businesses, a dramatic increase from just a few years ago.

Most of Eximbank's activities are directed at supporting U.S. exports to emerging market economies. As we all understand, developing markets offer tremendous opportunities for American businesses. More than 40 percent of U.S. exports, worth about $180 billion, go to developing countries, and the amount is rising. The World Bank estimates that by the year 2010, these countries will consume 40 percent of all goods and services produced worldwide. From a midwestern agribusiness perspective, exports not only of crops, but value-added products from processed pork to refined steel, tractors and combines are increasingly in demand.

In many respects, the heightened importance of exports to my home State of Iowa parallels the growing importance of exports to the overall national economy and the Nation's standard of living. In 1970, for example, the overall value of trade to the U.S. economy equals about 11 percent of GDP. Over the past 3 years, exports have accounted for about one-third of total U.S. economic growth. In 1995, some 11 million jobs depended on exports, and by the year 2000 that number will have risen substantially.

But commercial competition for sales in the global economy is formidable, particularly in emerging markets. Evidence of competitive financing is often a requirement just to bid on a contract. To sweeten the financing terms for potential buyers, many foreign export credit agencies eagerly offer officially backed loans or guarantees as a way to cinch the deal for their own country's exporters. At other times, the requirement of official financing for the import of goods and services is simply written into the terms of the foreign contract.

If the United States is to remain the world's preeminent exporter, which I am sure is the goal of every Member in this body, then American companies and American workers need the support of Eximbank to defend themselves against foreign government-supported competition. And that competition is substantial.

According to the General Accounting Office [GAO], no less than 73 export credit agencies now exist worldwide. Yet the United States devotes fewer resources to trade finance than our competitors. For example, in terms of the percentage of national exports financed by the G–7 industrialized countries, Eximbank is tied for last. In 1995, Eximbank supported 2 percent of total U.S. exports. By contrast, Japan supported 32 percent of its countries exports that year, with France second at 18 percent.

That lower level of spending is also consistent with a U.S. preference for fair competition in free markets. Again according to GAO, unlike Eximbank, other export credit agencies ''appear to compete to varying degrees with private sources of export financing. They do not aim to function exclusively as 'lenders of last resort,' as Eximbank strives to do.''

Eximbank is the last line of defense for American businesses that are competitive in terms of price, quality, and service but which are facing officially financed foreign competition. As one witness testified before the Banking Committee earlier this year, ''This is the crux of the matter. No U.S. company, no matter how big, can compete against a foreign government in international finance. Neither can U.S. commercial lenders.''

In this context, Eximbank estimates that in 1995 almost three-quarters of its activity was directed at leveling the playing field for American exporters, while the rest went toward making up gaps in private financing. Eximbank also helps give our negotiators leverage to bring greater discipline to the rules governing official export-credit-agency financing. And this trade policy leverage has been used effectively to negotiate subsidy reductions. For example, tied aid export promotion offers by foreign governments have declined by 75 percent since 1991.

Interest rates on Eximbank's direct loans are priced at the cost of borrowing plus 1 percent. Guaranteed loans are priced by commercial banks at market levels. Eximbank also charges U.S. exporters exposure fees to cover the risk of loans. The Bank's annual program budget reflects the difference between these fees and losses which may be incurred on new business committed that year. This appropriation acts as a loan loss reserve. As a result of the Bank's requirement of a reasonable assurance of repayment for each transaction, losses on the approximately $125 billion of loans financed since 1980 are less than $2.5 billion—a loan loss ratio of 1.9 percent. This figure is superior to that of commercial banks lending to foreign governments. It should also be noted that the Bank is fully reserved against potential losses in its guarantee and insurance portfolio.

In closing, I would stress that Eximbank's role in U.S. trade finance reflects the almost instinctive American philosophical preference for open markets and open trade. As GAO testified before the Banking Committee, Eximbank functions as a lender of last resort to American exporters. But while Congress has mandated that Eximbank complement the market and not compete with the private sector, other well-supported export credit agencies have historically demonstrated less fidelity to the precepts or free markets of fair trade.

Without Eximbank, American exporters would be left defenseless in the face of aggressive officially financed foreign competition. The ability of American firms to win contracts, market-share, and follow on deals in important emerging market economies—and the high paying jobs that support those exports—would be placed in jeopardy. Congress needs to reauthorize Eximbank to help continue to reduce export credit subsidies and make international trade more market-oriented. I urge support for this important legislation.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. Mr. Chairman, let me thank my colleague, the gentleman from New York [Mr. FLAKE], and congratulate him on his service in this House, working with the chairman of the subcommittee, the gentleman from Delaware [Mr. CASTLE], on getting this bill through.

As an original cosponsor of H.R. 1370, I strongly support its passage. I am going to bypass getting into the issue of the amount of exports it has done for my State and talk about a couple of issues that my colleague from Texas raised earlier.

I think we need to get at the real issues about this. This is not a question of living in a perfect world. We do not live in a perfect world. We cannot go back to mercantilism, and, as a matter of fact, mercantilism did not work. I am afraid my colleague from Texas is advocating just that.

The fact is, it is not an issue of free trade. If it were free trade, the Japanese would not subsidize their export market up to 32 percent, the French would not subsidize their export market up to 18 percent. This is a question of leveling the playing field.

What Exim does is to extend credit where the private market will not go or at the price that will not allow U.S. companies to participate in the deals. The fact is, only 3 percent of the U.S. export market is involved in this. The loss rate is 1.9 percent, which is less than the commercial lending loss ratios.

The classical view offers no empirical evidence of any misallocation of credit. That would assume both an extremely finite capital market, which I think is unlikely, and the nonexpansive U.S. business strategy that, if you go one place, you are not going to try and get business somewhere else. Those of us who came from the private sector realize you try and get business where you can.

The fact is, U.S. companies which cannot obtain financing without Exim would either lose the business or would partner with foreign companies who had more favorable financing terms from their home countries. That would be at the expense of both the United States economy and U.S. workers at home.

I would encourage my colleagues not listen to these cries of corporate welfare but to look at the facts, look at what really has been laid on the table, because the opponents of this in the hearings before the committee brought no evidence whatsoever to the contrary that Exim does, in fact, create U.S. jobs and protect U.S. jobs.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. SMITH], in a sense of fairness and comity, because he is on the other side of this.

□ 1430

Mr. SMITH of Michigan. Mr. Chairman, I rise to address the issue of corporate welfare.

The Export-Import Bank subsidizes loans and loan guarantees to American exporters and it has cost hundreds of

millions of dollars. The experts agree Ex-Im Bank should be abolished.

The Congressional Budget Office makes the following observation: Ex-Im Bank has lost $8 billion on its operation, practically all in the last 15 years. ''Little evidence exists that the bank's credit assistance creates jobs.'' ''Providing subsidies to promote exports is contrary to the free market. It subsidizes big companies at the loss of small companies.''

The Heritage Foundation recommends that Congress close down the Export-Import Bank. Heritage further states, ''Subsidized exports promote the business interests of certain American businesses at the expense of other Americans.''

Mr. Chairman, I think it needs to be closed down. I do not think we can close it down all at once. It needs to be phased out, but let us alert ourselves to what is happening. We are subsidizing huge corporations at the expense of small business.

Mr. Chairman, I rise to address the issue of corporate welfare. As we eliminate the fat from the Federal budget, we should recommit ourselves to making sure all projects and programs are closely examined—not just the politically easy ones.

The Export-Import Bank [Eximbank] subsidizes loans and loan guarantees to American exporters. These corporate welfare subsidies have been appropriated $787 million for 1996.

The experts agree; Eximbank should be abolished.

The Congressional Budget Office makes the following observations:

Eximbank ''has lost $8 billion on its operations, practically all in the last 15 years'';

Little evidence exists that the bank's credit assistance creates jobs;

Providing subsidies to promote exports is contrary to the free-market policies the United States advocates.

The Congressional Research Service writes that:

Most economists doubt that a nation can improve its welfare over the long run by subsidizing exports;

At the national level, subsidized exports financing merely shifts production among sectors within the economy, rather than adding to the overall level of economic activity;

Export financing ''subsidizes foreign consumption at the expense of the domestic economy'';

Subsidizing financing ''will not raise permanently the level of employment in the economy . . .

The Heritage Foundation recommends Congress close down the Export-Import Bank.

Heritage further states:

Subsidized exports promote the business interests of certain American businesses at the expense of other Americans;

Little evidence exists to demonstrate that subsidized export promotion creates jobs—at least net of the jobs lost due to taxpayer financing and the diversion of U.S. resources in to government-favored export activities at the expense of non-subsidized business.

According to Heritage, phasing out subsidies will save 2.3 billion over 5 years.

The director of regulatory studies at the Cato Institute calls the subsidy activity of Eximbank "corporate pork." He stated, "Even in the face of unfair international competition, the U.S. government doesn't have a right to use tax dollars to match equally stupid subsidies."

Eximbank's financial statements show that the Bank has paid $3.8 billion in claims from 1980–94. These dollars paid off commercial banks who couldn't collect from foreign borrowers. American taxpayers took the hit.

Exports financed by Eximbank actually hurt competitive U.S. exporters not selected for subsidies. The Bank chooses winners and losers in the economy. The only winners are selected foreign consumers and selected U.S. corporations.

The Eximbank is a prime example of corporate welfare. The majority of Eximbank subsidies go to Fortune 500 companies that could easily afford financing from commercial banks: Boeing—over $2 billion worth of loan guarantees; McDonnell Douglas—$647 million; Westinghouse Electric—$492 million; General Electric—$381 million; and At&T—$371 million.

To raise funds for its lending and guarantee programs, Eximbank puts additional pressure on Treasury borrowing, driving up interest rates for private borrowers. That's all of us. From a corner barbershop wanting to expand to a young family trying to finance their first home. We all pay the price.

Sadly, there's more.

Eximbank appears to have wasted money on frivolous items as well. After 50 years with the same agency logo, Eximbank decided it needed a new one. Designing a new logo—including creation, copyright search, and the redesign of Bank brochures and literature—cost nearly $100,000 last year.

And in 1993, Eximbank spent $30,000 to train 20 employees how to speak in public—including chairman Kenneth Brody. An outside consultant was paid $3,000 a day for this task.

Mr. Chairman, I believe Government shouldn't choose winners in the economy. With Eximbank, the big winners are foreign consumers, large corporations, and professional speech coaches. The losers are American taxpayers.

Mr. Chairman, it's time to derail this gravy train.

Mr. FLAKE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut, Mrs. KENNELLY.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I urge my colleagues today to reauthorize the Export-Import Bank for one very, very important reason, and that is because it will create jobs.

In my home State of Connecticut the bank has already supported $251 million in exports from almost 100 local companies. Not big companies, small companies. In short, these exports mean jobs.

Connecticut is far from alone in benefitting from the Export-Import Bank. Over the last 5 years, the Bank has supported over $76 billion in foreign sales of American products which supported almost 200,000 jobs. The Bank produces these results by providing loans and insurance to help American companies export products, and this point is very, very important.

We do, in fact, live in an international world. If we are to keep our standard of living in the United States as we want it to be, we are going to have to export more and more. Small companies can begin if they have help, if they can get that insurance, if they have that initial financing. Then, once they become exporters and become savvy in the way of exporting, they can be on their own. But right now the export-import financing is so important, especially in developing countries.

The Bank has a very good record of using taxpayer resources. Its loan loss ratio of 1.9 percent compares favorably to commercial loans that are made by banks. The mission of the Export-Import Bank is simple: Create jobs by increasing exports.

I urge my colleagues to vote for this reauthorization.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I rise in strong support of the reauthorization of the Exim Bank, and I do so for the following reason:

Certainly the economy is doing well. Nobody can argue that. But we are not doing well enough in terms of manufacturing products in the United States, in terms of the $114 billion trade deficit projected for this year, and in terms of too big a trade deficit with the Japanese and the Chinese.

So some might come to the floor and say, well, we need to eliminate the Exim Bank. That is exactly the wrong thing to do. The accusations here on the floor about corporate welfare, about exporting jobs, about foreign aid are absolutely wrong.

The Exim Bank, while not a perfect tool yet, is moving in absolutely the right direction to manufacture more products in this country. There is a requirement in the charter, that the product must be manufactured in the good old United States of America.

Second, Mr. Chairman, we are seeing more and more of the business, in terms of transactions, move to small businesses. Eighty-one percent of Exim's transactions went to small businesses. Almost 2,000 small business transactions took place. The number of first-time small businesses in the Exim financing, 411, and many of those in my great State of Indiana.

So if my colleagues are concerned, Republicans and Democrats, about a $115, $114 billion projected trade deficit, if we are concerned about corporate welfare, if we are concerned about more small businesses getting in on these transactions, if we are concerned about making products in the good old USA, let us work together to make the Exim Bank be a product, a tool, an instrument more of our trade policy in addressing these things. While not perfect, it is moving in this direction.

Mr. FLAKE. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. MENENDEZ].

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

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding me this time.

In the years to come, our domestic fortunes will be directly tied to our place in the global marketplace, and those countries that get a foothold today in the major markets of tomorrow will be the ones that thrive.

If Japan becomes the major supplier of telecommunications technology to South American countries, for example, whose technology will become their standard? Whose spare parts will they buy in the years to come? And who will they call to upgrade their systems in the next century? Japan. But with the support of the Export-Import Bank, they will be calling us in the 21st century, and our kids and grandkids will be making the technology. That is America's future.

The mission of the Export-Import Bank in this process is simple but critical: finance U.S. exports where commercial banks cannot or will not because of unfair foreign subsidies. If and when our trading partners throughout the world reduce their export programs, then we might begin looking at modifying ours. But in today's world, a show of anything less than the strongest support for our Export-Import Bank would be a sign of unilateral economic disarmament.

This is about jobs. It is why Republicans and Democrats alike are getting up to support it. It is about American jobs that will feed American families, that will pay American mortgages, that will send the kids to school. So I urge my colleagues to send a strong signal that America is not going to stand down in this competition for new export markets; that we are going to be able to stand up on behalf of American jobs and get this bill reauthorized.

Mr. FLAKE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me this time.

This is not a selfish stance I take, Mr. Chairman. This is one that really comports with what we should be doing in the U.S. Congress. I support the work of the gentleman from Delaware [Mr. CASTLE] and the ranking member, the gentleman from New York [Mr. FLAKE] to avoid a shutdown of the Export-Import Bank, and offer that we should reauthorize it. We should extend it for another 4 years. I wish we could do it for more. But $76 billion is not something to sneeze at. This is what has been generated by this bank in economic opportunity for American companies.

Additionally, in Texas it has helped textile manufacturing and petrochemical and energy companies in my district. I am delighted to emphasize that small businesses are, in fact, also targeted; that 81 percent of the bank's total transactions are with small businesses, 60 percent since 1992.

In sub-Saharan Africa we have made a decided difference in helping to enhance economic development with our own community of businesses there in Africa. And, yes, this is about jobs, 200,000 jobs. Jobs in the West, jobs in Houston, jobs in the Midwest, in South Dakota, in Michigan, in New York, in Atlanta, and all over this country people are benefiting with jobs because of the Export-Import Bank reauthorization act.

I would simply say to those who would argue corporate welfare, the fact is that Americans who work look to us to keep working to provide jobs. This bill will do this, Mr. Chairman. This is the right action to reauthorize this bill.

Mr. Chairman, I am gratified to have had just a small time to work with the gentleman from New York [Mr. FLAKE]. He is someone that is not only practical but is compassionate. I pay tribute to him, because of the great leadership that he has shown in this Congress.

And might I say that I have his wonderful family in Acres Home, TX, in the 18th Congressional District, which I represent. He is a friend, but he is a friend of all Americans. And I thank the gentleman from Delaware [Mr. CASTLE] for working as well with him on this very, very important legislation.

Mr. Chairman, I rise today in support of H.R. 1370, the Export-Import Bank Reauthorization Act. My colleagues, in today's highly competitive global marketplace the reauthorization of the Export-Import Bank will ensure that U.S. companies have the ability to compete globally and compete against other countries which subsidize their exports.

The Export-Import Bank has proven to be a productive tool in selling American-made products overseas. Over the past 5 years the Export-Import Bank has helped to sell more than $76 billion in U.S. exports in the world. In our global economy, opportunities for American trade with fast growing emerging economies around the globe have never been greater, and the stakes for U.S. business and labor in competing effectively for those markets have never been higher. The United States major trading competitors, with strong and abundant support from their governments are working to win these markets for their own. The Export-Import Bank is a key tool in our economic arsenal, and ensures that U.S. companies have a competitive edge.

In Texas, the impact of these exports on our economy is significant. In my district, Export-Import Bank financing has helped small textile manufacturing companies, to the large petrochemical and energy companies, as it exports abroad. Texas companies sell the second highest level of exports in our Nation. The Export-Import Bank helps to ensure that our State will continue to prosper and sell more Texas-made products.

I strongly believe that the Export-Import Bank is a good investment by our taxpayers. The Export-Import Bank works to level the playing field for U.S. companies and only targets those investments where our private capital markets have failed to serve.

Further, I was pleased to learn that H.R. 1370 is targeting small businesses. It is very important that small businesses do not feel left our of this economic boom because they have become an important engine of the economy which account for half of our gross domestic product while employing 54 percent of the private work force. In fact, a recent study by the Export-Import Bank shows that 81 percent of the Banks total transactions were with small businesses. This is an increase of 60 percent since 1992.

Being a adamant supporter of increasing trade with Africa, I am pleased to see the provision for promoting the Bank's financial commitments in sub-Saharan Africa under the Bank's program. Africa has been neglected by this Congress in terms of trade and economic development for far to long. I think this is a step in the right direction by the Export-Import Bank.

Some have labeled this program to be corporate welfare, others have argued that it is inefficient. In fact, Export-Import Banks' role cannot be dismissed. Over the last 5 years, the Bank has supported over 76.3 billion in exports, which in turn supported almost 200,000 jobs directly and over 1 million indirectly each year. This is a good deal for the U.S. Taxpayers.

My colleagues, all the evidence highlights the continued need for the Export-Import Bank. If the reauthorization of the Export-Import Bank is denied it would put U.S. companies at a disadvantage in that every other developed country has an export credit agency. If the Export-Import Bank is disbanded, it will put U.S. exporters at an unacceptable disadvantage. It would be foolhardy and dangerous to unilaterally disarm U.S. exporters. I urge my colleagues to support H.R. 1370 to ensure the reauthorization of the Export-Import Bank. Thank you.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume to comment that the gentlewoman does much to squeeze much out of a minute.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to also add my personal tributes to the gentleman from New York [Mr. FLAKE] who will be leaving us; and I also want to commend both the chair of the subcommittee, along with him, in bringing this reauthorization bill here.

We create jobs through promoting trade. By maintaining an effective marketing promotion program, we can more effectively compete globally.

Export promotion programs are producing unprecedented gain. The balance of trade deficit compels us to take a close look at American trade policy and at the institution responsible for carrying out those policies. But we should not ignore the fact that the best opportunity for growth in America lies beyond the borders of the United States.

There are some who question the wisdom of investing in global competition;

whether we should continue the Export-Import Bank. I think that questioning is really shortsighted. There is much to be had.

Look at the Pacific Rim, where two-thirds of the world's commerce flows. How can we ignore that? Look at China. One and a half billion citizens, potential consumers of American products, producing American jobs. Look at India, where people buy products and services, with a middle class larger than the United States. We cannot ignore that. America must be involved in that.

How must we be involved in that? The Export-Import Bank of the United States provides fertile ground and opportunity for those companies having that vision and who will take the time to venture out in those foreign markets. Their emphasis should be, indeed, on exports, because jobs are created as a result of that.

Yes, I say we should vote to reauthorize the Export-Import Bank and vote also ''yes'' on the LaFalce amendment.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume to close the debate by urging all my colleagues to understand the valuable resource that that Export-Import Bank is; to understand that we, as a nation, cannot afford to not be in a position to be globally competitive, and that our small businesses are in great need of the resources that are provided by this Bank.

This is not an entity where we are giving money away; therefore, any argument for corporate welfare is not consistent with what the Eximbank is. As a matter of fact, this Bank actually brings resources back to the Nation. Dollars that are invested actually bring money back to this country. It creates jobs in this country. It is a major economic development vehicle.

So it is my hope that all my colleagues will understand that it is important for us to put this Nation in a competitive situation, put our small businesses in the best possible posture so that they are not competing against governments of other nations.

I am pleased to have served in this last term of Congress with the gentleman from Delaware [Mr. CASTLE] as my chairman; with the gentleman from Iowa [Mr. LEACH] as chairman of the Committee on Banking and Financial Services; with the gentleman from Texas [Mr. GONZALEZ] preceding him; with the gentleman from New York [Mr. LAFALCE], and others who I have had an opportunity to work with.

This probably is my last bill on the floor, but my calling to ministry supersedes my election here, so I leave by saying I am grateful for the opportunity to have served.

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

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

I would like to start by standing in praise of our distinguished colleague, the ranking member of our subcommittee, the gentleman from New York [Mr. FLAKE]. We said goodbye to him on the floor about a week ago and here he is back again. But that shows us something about just how good he is.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from New York.

Mr. FLAKE. Mr. Chairman, I would just say to the gentleman, that is politics.

Mr. CASTLE. Mr. Chairman, reclaiming my time, the gentleman is a tremendous asset to this House and, unfortunately, it is the good people who we tend to lose in circumstances like this, and he will be missed tremendously. I have enjoyed working with him in every way possible.

I will not add too much more to what has already been stated on this legislation. I think there is some confusion about what we are dealing with. We are not dealing with OPIC. We are not dealing with foreign policy. I think the gentleman from New York [Mr. LAFALCE] made that comment. This is not a foreign policy instrument.

We are going to see amendments here in a little while which would make one think it is a foreign policy instrument in which we will try to impose our different standards on various countries, some of which we will oppose, some of which we will swallow on a little bit, but all of which, I think, are a little bit dubious in terms of what this policy should be. This truly is what it may be renamed to, which is an export bank for the United States to help our businesses, large and small.

I think it is important to understand there has been a change in the mindset at the Eximbank, and that is that small businesses need to be served. There has been a mindset change already, and we have also put it into this legislation as well, as well as some of the other amendments that were put on at the committee level which were discussed today, to make sure that we are encouraging this Bank to help American businesses, dealing with Americans, giving jobs in America, and giving jobs particularly to the small businesses in our country.

□ 1445

While in the past some of our large companies have dominated and to some degree still do dominate the loan scene with the Eximbank, that is changing very, very rapidly. I think if we can chart that pace of change, we will see that the small businesses are now sharing dramatically.

Plus, I think, from comments of the gentleman from Illinois [Mr. MANZULLO], we saw what it means to the various suppliers to one company where the suppliers are all over the United States of America producing jobs in various parts of the country, and I think that is every bit equally as important.

Would taxpayers save money if we closed Eximbank? That issue has been raised by my colleagues here. The taxpayers would save no money by closing the Eximbank. A very credible study by the Economic Strategy Institute suggested, after 10 years, closing the bank would actually cost the Federal Government $24 billion annually due to the loss of Federal tax revenues that are generated by bank-approved exports and their indirect effect on the Nation's economy. And that is very, very important.

We need to understand all the economic ramifications of this, and I think that has been well studied and well demonstrated.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, just according to the Heritage Foundation, phasing out subsidies will save $2.3 billion over 5 years.

Mr. CASTLE. Mr. Chairman, reclaiming my time, I thank the gentleman from Michigan [Mr. SMITH].

Obviously, that kind of discussion is money that would be foregone, not spent. But it does not use the offset of the revenue that comes in from the jobs which are created, which produces the $24 billion net surplus to the Federal coffers as a result of the tax payments which are made.

We have dealt with the issues of the distorting of free trade, does it do that. No, it does not. It is actually making trade more market driven than it otherwise would be. The so-called tied aid export promotion offered by foreign governments worldwide has declined 75 percent by 1991, a dramatic U.S. policy success. We have heard some mention of that. The gentleman from California [Mr. DREIER] is very concerned about that issue, and I am too.

I think we have had some modicum of success in trying to deal with that issue and drive it down as well as some of the other things that we have done, and I think that is the way that we should go.

We deal with Eximbank's policy on domestic content. The bank currently only finances products at no more than 15 percent foreign content. The bank will only finance the U.S. portion of the export. So we have paid attention to what happens in the United States of America.

We are paying more attention to the environmental guidelines. Quite frankly, I think a lot of this is because of the pressure which has been applied by the Congress of the United States. We are concerned about labor laws. We are concerned about jobs. So we are concerned about environmental laws and regulations in this country. We are raising these issues. And this is one agency which has responded to it and which has come forward and said that we are going to make the changes, and they have started to make the changes and, in my judgment, is worthy of the support of each and every one of us in Congress.

We do have, I believe, 7 amendments which will be coming up here shortly. I hope the Members will listen to the discussion of those 7 amendments, keeping in mind the mannerisms in which this bank has already worked and whether or not we should make substantial changes which could be harmful to it. And then at the end of it all, I hope we can have votes where we need to on the amendments and vote for full support of the reauthorization of the Eximbank for the next 4 years.

Mr. SANDERS. Mr. Chairman, I rise in support of H.R. 1370, the Export-Import Bank reauthorization bill, because I believe that the Export-Import Bank will have been made better as a result of amendments which were added to its authorization bill during its consideration of the Banking Committee.

I am very pleased that the committee approved an amendment that directs the Export-Import Bank [Exim] to establish procedures to ensure that, when selecting firms to provide financial assistance, preference is given to any firm which has shown a commitment to reinvestment and job creation in the United States. Because the purpose of Exim is to support U.S. jobs through exports, the Bank should give preference to U.S. corporations which reinvest and support jobs in the United States, as opposed to corporations which are laying off American workers only to locate production and other facilities in countries which have less expensive, unprotected workforces.

This preference provision gets at, I believe, the heart of the issue of the relationship between the U.S. Government, the taxpayers of this country and corporate America. A number of Federal programs are being criticized, inside and outside Congress, as corporate welfare and these programs are being targeted for spending cuts by people with widely different political philosophies. The Export-Import Bank is one of those programs.

The Journal of Commerce reported on June 12, 1997, that Exim, like the rest of the country, is presently facing a money crunch. The journal reports that Exim: ''faced with strong exporter demand, may run out of money this fiscal year as early as July, officials indicate. Next year, the money squeeze could be worse.'' It seems clear that it is time for the Export-Import Bank to prioritize; this money squeeze should indicate to us that there is actually a need for a system of priorities, such as that in this amendment, to ensure that companies which are the most committed to jobs in the U.S. are given preference over companies that are not.

It is becoming too common for U.S. corporations, including corporations which are supported by Exim, to downsize their U.S. workforce and move their production facilities to take advantage of cheap labor in other countries. According to information from Exim, among the top 25 companies which receive assistance from Exim are Boeing, General Electric, and AT&T. A brief look at the employment practices of these corporations underscores the need for an amendment which gives preference to corporations that show a commitment to employment in the United States.

Boeing is the top recipient of Exim loans and guarantees. Reports indicate that in 1990 Boeing had 155,900 employees. In 1996, it had 103,600 employees—a decline of 52,300 jobs during that period. In other words, it laid off ⅓ of its workforce, despite being the top recipient of Exim aid.

General Electric [GE] is listed as the No. 2 recipient of Exim aid. In 1975 GE had 667,000 American workers. Twenty years later, it had 398,000, a decline of 269,000 jobs. General Electric is well known for its politics of moving GE jobs to anyplace in the world where it can get cheap labor—Mexico, China, and other poor Third World countries.

As for AT&T, in 1995 AT&T laid off 40,000 workers. Interestingly enough, reports show that in that same year, AT&T provided its CEO, Robert Allen, with $15 million in options plus a $11 million grant.

The point here is that the entire approach of Exim in terms of job creation is too narrow. They approach the idea of jobs through exports on a project-by-project basis, and ignore the totality of what the company is doing. This amendment, on the other hand, expands Exim's focus when making the determination as to how many jobs a transaction will support. This amendment directs the Export-Import Bank's to look at the totality of the situation regarding a company's commitment to job creation in the United States, and not just a particular project. In other words, if there is a company that is showing a commitment to job creation and reinvestment in the United States, then that company should receive preference for assistance.

At a time when the Congress is working very hard to balance the budget, it seems only right that if U.S. taxpayer funds are to be used to support U.S. corporations' exports, then incentive and priority must be given to those corporations to reinvest and support jobs in the United States. A preference system, as provided by this amendment, would provide such an incentive to corporations, while at the same time, allowing the Bank some discretion in implementation, to ensure that both the purpose of the Bank and this amendment are fulfilled.

TWO REPRESENTATIVES FROM THE LABOR COMMUNITY ON THE ADVISORY BOARD OF THE EXPORT-IMPORT BANK

The committee also approved an amendment which directs the Export-Import Bank to include upon its advisory committee no less than two representatives from the labor community.

Because the purpose of the Export-Import Bank is to support U.S. jobs through exports, it is important to have two members representing the American workforce on the advisory committee to ensure that the influence of the advisory committee is more evenly balanced for the sake of U.S. workers.

Mr. ARCHER. Mr. Chairman, I rise today in support of reauthorization of the Export-Import Bank of the United States. This institution is absolutely vital for our Nation in order to keep American companies and workers competitive in the world marketplace.

My philosophy on trade has always been that we should take every step possible to make it free and fair for all countries, and that purchases should be made based on quality, price and service. I firmly believe that, under such circumstances, American companies will excel. Unfortunately, as my colleagues know, this is not always the case today. In a perfect world, France, Germany, Japan, England, and our other competitors would not provide unfair advantages to their exporters. If that were the case, we would be having a different debate today. We would not need the Eximbank to level the playing field.

However, the fact remains that the Eximbank finances American exports where commercial financing is simply not available or competitive and where, without Government action, the sale would be lost. The Eximbank does this at a low cost to the taxpayers and with a tremendous positive impact on the American economy. Last year alone, Eximbank supported over 200,000 high quality American jobs.

It is also important to note that the Eximbank is not a giveaway program. The Bank must be repaid every dollar it lends, and has had a default rate of only 1 percent over the last 15 years. This is significantly better than our own commercial banks have performed over the same period of time.

Last week I met with Mr. James Harmon, the new president of Eximbank. Frankly, I was impressed with his determination to institute management and policy changes at the Bank that will make it an even better value for the taxpayers. He has some great innovative ideas that will help make American companies even more competitive in the 21st century. I look forward to working with him and I urge my colleagues to vote against unilateral economic disarmament and vote in favor of reauthorizing the Export-Import Bank.

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

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

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

H.R. 1370

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

SECTION 1. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking ''1997'' and inserting ''2001''.

SEC. 2. TIED AID CREDIT FUND AUTHORITY.

(a) Section 10(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(c)(2)) is amended by striking ''through September 30, 1997''.

(b) Section 10(e) of such Act (12 U.S.C. 635i–3(e)) is amended by striking the first sentence and inserting the following: ''There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the purposes of this section.''.

SEC. 3. EXTENSION OF AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

Section 1(c) of Public Law 103–428 (12 U.S.C. 635 note; 108 Stat. 4376) is amended by striking ''1997'' and inserting ''2001''.

SEC. 4. CLARIFICATION OF PROCEDURES FOR DENYING CREDIT BASED ON THE NATIONAL INTEREST.

Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended—

(1) in the last sentence, by inserting '', after consultation with the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate,'' after ''President''; and

(2) by adding at the end the following: ''Each such determination shall be delivered in writing to the President of the Bank, shall state that the determination is made pursuant to this section, and shall specify the applications or categories of applications for credit which should be denied by the Bank in furtherance of the national interest.''.

SEC. 5. ADMINISTRATIVE COUNSEL.

Section 3(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended—

(1) by inserting ''(1)'' after ''(e)''; and

(2) by adding at the end the following:

''(2) The General Counsel of the Bank shall ensure that the directors, officers, and employees of the Bank have available appropriate legal counsel for advice on, and oversight of, issues relating to ethics, conflicts of interest, personnel matters, and other administrative law matters by designating an attorney to serve as Assistant General Counsel for Administration, whose duties, under the supervision of the General Counsel, shall be concerned solely or primarily with such issues.''.

SEC. 6. ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA.

(a) IN GENERAL.—Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by inserting after paragraph (8) the following:

''(9)(A) The Board of Directors of the Bank shall take prompt measures, consistent with the credit standards otherwise required by law, to promote the expansion of the Bank's financial commitments in sub-Saharan Africa under the loan, guarantee, and insurance programs of the Bank.

(''(B)(i) The Board of Directors shall establish and use an advisory committee to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion described in subparagraph (A).

''(ii) The advisory committee shall make recommendations to the Board of Directors on how the Bank can facilitate greater support by United States commercial banks for trade with sub-Saharan Africa.

''(iii) The advisory committee shall terminate 4 years after the date of the enactment of this subparagraph.''.

(b) REPORTS TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Export-Import Bank of the United States submit to the Congress a report on the steps that the Board has taken to implement section 2(b)(9)(B) of the Export-Import Bank Act of 1945 and any recommendations of the advisory committee established pursuant to such section.

SEC. 7. INCREASE IN LABOR REPRESENTATION ON THE ADVISORY COMMITTEE OF THE EXPORT-IMPORT BANK.

Section 3(d)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(d)(2)) is amended—

(1) by inserting ''(A)'' ''(2)''; and

(2) by adding after and below the end the following:

''(B) Not less than 2 members appointed to the Advisory Committee shall be representative of the labor community.''.

SEC. 8. OUTREACH TO COMPANIES.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is amended by adding at the end the following:

''(I) The Chairman of the Bank shall design and implement a program to provide information about Bank programs to companies which have not participated in Bank programs. Not later than 1 year after the date of the enactment of this subparagraph, the Chairman of the Bank shall submit to the Congress a report on the activities undertaken pursuant to this subparagraph.''.

SEC. 9. FIRMS THAT HAVE SHOWN A COMMITMENT TO REINVESTMENT AND JOB CREATION IN THE UNITED STATES TO BE GIVEN PREFERENCE IN FINANCIAL ASSISTANCE DETERMINATIONS

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)), as amended by section 8 of this Act, is amended by adding at the end the following:

''(J) The Board of Directors of the Bank shall prescribe such regulations and the Bank shall implement such procedures as may be appropriate to ensure that, in selecting from among firms to which to provide financial assistance, preference be given to any firm that has shown a commitment to reinvestment and job creation in the United States.''.

The CHAIRMAN. No amendment shall be in order except those printed in House Report 105–282, which may be considered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, shall be debated for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

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

PREFERENTIAL MOTION OFFERED BY MR. MCDERMOTT

Mr. MCDERMOTT. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Washington [Mr. MCDERMOTT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MCDERMOTT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 128, noes 291, not voting 14, as follows:

[Roll No. 470]

AYES—128

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Berry
Bishop
Blagojevich
Bonior
Borski
Boyd
Brown (OH)
Capps
Cardin
Carson
Clayton
Clyburn
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Ensign
Eshoo
Etheridge
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Green
Harman
Hastings (FL)
Hefner
Hilleary
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Kaptur
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Levin
Lewis (GA)
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Millender-McDonald
Miller (CA)
Mink
Moakley
Neal
Oberstar
Obey
Olver
Owens
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Rangel
Reyes
Rothman
Roybal-Allard
Sanchez
Sawyer
Schumer
Serrano
Shadegg
Sherman
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Woolsey
Wynn

NOES—291

Aderholt
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Evans
Everett
Ewing
Fawell
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Rush
Ryun
Sabo
Salmon

Sanders	Smith (NJ)	Thune
Sandlin	Smith (OR)	Traficant
Sanford	Smith (TX)	Upton
Saxton	Smith, Linda	Visclosky
Scarborough	Snowbarger	Walsh
Schaefer, Dan	Solomon	Wamp
Schaffer, Bob	Souder	Watkins
Scott	Spence	Watts (OK)
Sensenbrenner	Stearns	Weldon (FL)
Sessions	Stokes	Weldon (PA)
Shaw	Stump	Weller
Shays	Sununu	Wexler
Shimkus	Talent	White
Shuster	Tanner	Whitfield
Sisisky	Tauzin	Wicker
Skaggs	Taylor (MS)	Wise
Skeen	Taylor (NC)	Wolf
Skelton	Thomas	Young (AK)
Smith (MI)	Thornberry	Young (FL)

NOT VOTING—14

Archer	Meek	Roukema
DeGette	Nadler	Schiff
Foglietta	Norwood	Tiahrt
Gonzalez	Pallone	Yates
Gutierrez	Price (NC)	

□ 1509

Messrs. LEWIS of Kentucky, WHITE, SANFORD, KINGSTON, and BAESLER changed their vote from ''aye'' to ''no.''

Mr. JOHN, Ms. DELAURO, Mr. PAYNE, Mr. GREEN, Ms. MILLENDER-MCDONALD, Ms. DANNER, and Mr. SERRANO changed their vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. COOKSEY) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 94. Joint Resolution making continuing appropriations for the fiscal year 1998, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

REAUTHORIZATION OF THE EXPORT-IMPORT BANK

The Committee resumed its sitting.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 105–282.

AMENDMENT NO. 1 OFFERED BY MR. EVANS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. EVANS:

At the end of the bill, add the following:

SEC. 10. PREFERENCE IN EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO CHINA TO BE PROVIDED TO COMPANIES ADHERING TO CODE OF CONDUCT.

(a) IN GENERAL.—Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

''(f) PREFERENCE IN ASSISTANCE FOR EXPORTS TO CHINA TO BE PROVIDED TO ENTITIES ADHERING TO CODE OF CONDUCT.—

''(1) PROHIBITIONS.—

''(A) IN GENERAL.—In determining, whether to guarantee, insure, extend credit, or participate in the extension of credit with respect to the export of goods or services destined for the People's Republic of China, the Board of Directors shall give preference to entities that the Board of Directors determines have established and are adhering to the code of conduct set forth in paragraph (2).

''(B) PENALTY FOR VIOLATION.—The Bank shall withdraw any guarantee, insurance, or credit that the Bank has provided, and shall withdraw from any participation in an extension of credit, to an entity with respect to the export of any good or service destined for the People's Republic of China if the Board of Directors determines that the entity is not adhering to the code of conduct set forth in paragraph (2).

''(2) CODE OF CONDUCT.—An entity shall do all of the following in all of its operations:

''(A) Provide a safe and healthy workplace.

''(B) Ensure fair employment, including by—

''(i) avoiding child and forced labor, and discrimination based upon race, gender, national origin, or religious beliefs;

''(ii) respecting freedom of association and the right to organize and bargain collectively;

''(iii) paying not less than the minimum wage required by law or the prevailing industry wage, whichever is higher; and

''(iv) providing all legally mandated benefits.

''(C) Obey all applicable environmental laws.

''(D) Comply with United States and local laws promoting good business practices, including laws prohibiting illicit payments and ensuring fair competition.

''(E) Maintain, through leadership at all levels, a corporate culture—

''(i) which respects free expression consistent with legitimate business concerns, and does not condone political coercion in the workplace;

''(ii) which encourages good corporate citizenship and makes a positive contribution to the communities in which the entity operates; and

''(iii) in which ethical conduct is recognized, valued, and exemplified by all employees.

''(F) Require similar behavior by partners, suppliers, and subcontractors under terms of contracts.

''(G) Implement and monitor compliance with the subparagraphs (A) through (F) through a program that is designed to prevent and detect noncompliance by any employee or supplier of the entity and that includes—

''(i) standards for ethical conduct of employees of the entity and of suppliers which refer to the subparagraphs;

''(ii) procedures for assignment of appropriately qualified personnel at the management level to monitor and enforce compliance;

''(iii) procedures for reporting noncompliance by employees and suppliers;

''(iv) procedures for selecting qualified individuals who are not employees of the entity or of suppliers to monitor compliance, and for assessing the effectiveness of such compliance monitoring;

''(v) procedures for disciplinary action in response to noncompliance;

''(vi) procedures designed to ensure that, in cases in which noncompliance is detected, reasonable steps are taken to correct the noncompliance and prevent similar noncompliance from occurring; and

''(vii) communication of all standards and procedures with respect to the code of conduct to every employee and supplier—

''(I) by requiring all management level employees and suppliers to participate in a training program; or

''(II) by disseminating information orally and in writing, through posting of an explanation of the standards and procedures in prominent places sufficient to inform all employees and suppliers, in the local languages spoken by employees and managers.

''(3) SMALL BUSINESS EXCEPTION.—This subsection shall not apply to an entity that is a small business (within the meaning of the Small Business Act.''.

(b) ANNUAL REPORT.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A) is amended by adding at the end the following: ''The Bank shall include in the annual report a description of the actions the Bank has taken to comply with subsection (f) during the period covered by the report.''.

(c) RECEIPTS OF ASSISTANCE FROM THE EXPORT-IMPORT BANK TO BE PROVIDED WITH RESOURCES AND INFORMATION TO FURTHER ADHERENCE TO GLOBAL CODES OF CORPORATE CONDUCT.—The Export-Import Bank of the United States shall work with the Clearinghouse on Corporate Responsibility that is being developed by the Department of Commerce to ensure that recipients of assistance from the Export-Import Bank are made aware of, and have access to, resources and organizations that can assist the recipients in developing, implementing, and monitoring global codes of corporate conduct.

The CHAIRMAN. Pursuant to House Resolution 255, the gentleman from Illinois [Mr. EVANS] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. EVANS].

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

Mr. Chairman, my amendment to the Export-Import Bank reauthorization bill directs the Bank to provide a financial carrot for firms to adopt, adhere, and comply with their own business standards while operating in China. Under this proposal, priority for Export-Import Bank financing would be granted to firms who have pledged to avoid the use of child or prison labor, avoid discrimination based on religion, race, gender, and national origin, respect freedom of association and the right to organize, provide a safe and healthy workplace, obey applicable environmental laws, comply with U.S. and local laws in promoting good business practices, including laws prohibiting illicit payments, and assure that their business partners in China adhere to those same principles.

□ 1515

In order to qualify for this preference, firms must demonstrate that they are making a good faith effort to comply with these principles. The board of directors would evaluate a firm's qualifications based on guidelines outlined in this amendment.

Most companies are aware of these procedures because they are modeled after chapter 8 of the U.S. Federal Sentencing Guidelines relating to organizational defendants. Those guidelines were implemented in 1991 as an incentive for U.S. corporations to prevent and detect violations of U.S. laws within their organization. If a firm implements a compliance system to prevent

corporate crimes such as bribery or fraud, the firm can mitigate any fines incurred in court. As a result, these guidelines have been a powerful incentive for firms to establish ethics codes as well as compliance measures.

The amendment also directs the bank to work with the Commerce Department's Clearinghouse on Corporate Responsibility to ensure that the recipients of financing from the bank are aware of and have access to resources and organizations, such as Businesses for Social Responsibility, that assist businesses in developing, implementing and monitoring codes of conduct.

Good corporate citizenship is being embraced by more and more companies who are realizing that they do not have to sacrifice profits for principles. In fact, an article in the January issue of WorldBusiness notes that the conference board estimates that at least 95 percent of Fortune 500 companies now have such codes.

The time has come to strengthen our international trade and investment policies by fostering and rewarding the private sector's commitment to human and worker rights as well as environmental concerns. In the case of China, it is time to search for new avenues for promoting and fostering democracy and human rights. This amendment ensures that the constructive engagement with China works.

While critics of this amendment claim that this is an administrative burden on the bank, I believe placing priority on human rights and workers' rights is worth the effort. Additionally, in an era of tight budgets, should we not be very careful about spending taxpayers' dollars?

My amendment employs economic incentives to reward good corporate citizenship. No firms should be precluded from receiving financial assistance from the bank for activities in China. Rather, this amendment would ensure that the global corporate responsibility is a part of the strategy for improving and expanding global partnerships and opportunities. It is time that the U.S. invests in an international trade and investment policy that is both a competitive and a positive force abroad, not just a license to exploit workers and children.

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

Mr. CASTLE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Delaware [Mr. CASTLE] is recognized for 5 minutes

Mr. CASTLE. Mr. Chairman, I yield myself 2 minutes.

I do rise in reluctant opposition to this, because I have a great deal of respect for the gentleman who has sponsored it, but I think we really need to understand what we are dealing with here. This is not just a labor vote per se or anything of that nature. We need to know who is opposed to this.

First of all, the State Department of the administration is opposed to this amendment and they state that we encourage companies to adopt and implement voluntary codes of conduct for doing business around the world. In adopting these voluntary codes of conduct, U.S. companies can serve as models, encouraging similar behavior by their partners, suppliers and contractors.

A mandatory, and that is what we are dealing with here, code of conduct is impractical and unworkable. It would be virtually impossible for Ex-Im Bank to monitor compliance. In China alone, there are more than 20,000 United States-China joint ventures.

Mr. Chairman, we are talking about U.S. firms which might export to other countries who have adopted and adhered to a code of conduct for their international operations, as what would be in the amendment. That code would include workplace safety, workers' union and collective bargaining rights, environmental protection, no political coercion of workers, community service, good ethical practices, et cetera. These are standards which are not even public all through America, much less in a lot of countries with which we deal. We basically eliminate a substantial percentage of the present work which goes on in the Ex-Im Bank.

At the same time, I think that we are the leaders through the Ex-Im Bank in having a lot of these practices put in place in some of these other countries for which we deserve credit, but on a voluntary basis, not on a mandatory basis. It imposes extraterritorial enforcement of U.S. labor and environmental laws, which is a substantive question that needs to be raised from a legal point of view. It would impose corporate enforcement requirements that would conflict with local laws. It imposes standards on non-U.S. firms which supply and contract with U.S. firms, and makes U.S. firms liable for contractor/supplier conduct.

As I said, I respect what the gentleman is trying to do and I respect the gentleman, but I believe this amendment is out of place. We are not making foreign policy here.

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

Mr. EVANS. Mr. Chairman, is it my understanding that I have the right to close on this amendment.

The CHAIRMAN. The gentleman from Delaware [Mr. CASTLE] has the right to close.

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

Mr. CASTLE. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New York [Mr. FLAKE], the ranking member of the Subcommittee on Domestic and International Monetary Policy.

Mr. FLAKE. Mr. Chairman, I rise to oppose this particular amendment because there is no guidance given as to the nature of the preference that is required here. The amendment appears to reflect a fundamental misconception of the bank's approval process. There is no ranking of transactions within which preferences would be invoked.

This would force Ex-Im Bank to breach its obligations under the full faith and credit of the United States, and would subject the United States Government to lawsuits. Requiring foreign importers to follow U.S. law in their employment practices and other corporate dealings constitutes an inappropriate extraterritorial extension of U.S. law. Requiring U.S. firms to act as if the U.S. laws applied in China, where clearly they do not, both encroaches on the legislative prerogatives of the foreign State and puts such U.S. companies at a severe disadvantage.

The amendment places impossible administrative burdens on the bank, as it is unable to monitor firms who adhere to such codes. This provision would reduce exports to China, thereby worsening the United States trade deficit with China overall.

This provision would result in a loss of trade-related jobs. I ask my colleagues in the House to stand opposed to this amendment and defeat it.

Mr. EVANS. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding.

The arguments are interesting. First off, this gives preference and we are being told it would be too difficult for a U.S. agency, for the Export-Import Bank, with our tax dollars, to determine preference. Well, we do that in many other areas of Federal procurement. I do not think that would be too tough to deal with.

It would put U.S. firms at a severe disadvantage, a severe disadvantage if they avoided child-enforced labor. I do not believe that for a moment. I do not believe that there are any responsible U.S. firms sanctioning the use of child-enforced labor, or discrimination based on religion, race, gender and national origin. So I do not believe that should put our firms at a disadvantage.

These are big corporations. They are getting a very nice gift from the taxpayers through the Export-Import Bank, and we are saying, in return for that, here is a carrot. We will give preference to those firms that comply with this code, and that have an audit done independently and submit that audit to the Export-Import Bank. All the Export-Import Bank staff has to do is look at and verify that the independent audit was done. Yes, there will be a little expense in doing the audit, but nowhere near the subsidy that is being given to those firms by the U.S. taxpayers. It is just to ask some consideration for the use of our dollars by these huge corporations, that they follow some standards of basic international decency.

I heard it would worsen the trade deficit. It is not going to worsen the trade deficit. The trade deficit with China is going through the roof. The goods that are being produced in China that are driving the trade deficit through the

roof are in good part being produced by United States firms in China. It is not going to worsen the deficit in any manner.

There are other problems with our trade policy. The fact that there is no reciprocity, the fact that the Chinese levy a 40-percent tariff on our goods, when we add in the VAT, and we levy 4 percent on goods coming from China, those are the causes of the trade deficit. This would not worsen the trade deficit.

The United States needs to stand for something, and when these corporations are getting U.S. taxpayer dollars, we should stand for something. We are against child enforced labor. We do not want discrimination based on religion, race, gender, and national origin, particularly not promoted by United States firms getting subsidies to operate in China.

Mr. CASTLE. Mr. Chairman, we have one speaker remaining and we have the right to close, so I would yield to the gentleman from Illinois.

The CHAIRMAN. All time for the gentleman from Illinois [Mr. EVANS] has expired.

Mr. CASTLE. Mr. Chairman, I yield the balance of our time to the gentleman from Iowa [Mr. LEACH], chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Chairman, first let me say I think the gentleman from Illinois has a very thoughtful series of concerns which are thoroughly valid. However, it would appear, based on administration judgment and those of an awful lot of other people on the trade front that the results of his approach will be counter-productive.

What we will have established if this amendment passes is a carrot-and-stick approach in which the carrots will be given to competitors of U.S. businesses and the stick will be given to the U.S. worker. The fact of the matter is, as we isolate problems in foreign societies, and they are in many countries on many different continents, if our firms cannot deal with imperfect buyers, foreign competitors will be happy to step in and deal with them themselves. Who then gets the carrot? The foreign companies. Who gets the stick? It is the American worker who will not have a job to export a given kind of good.

So I would simply say this is a good, thoughtful, decent perspective that the gentleman from Illinois has brought us, but by the same token, the end result is probably counter-productive.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. EVANS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. EVANS. Mr. Chairman, 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 CHAIRMAN. Pursuant to House Resolution 255, further proceedings on the amendment offered by the gentleman from Illinois [Mr. EVANS] will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 2 printed in House Report 105–282.

AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment as provided for in the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FRANK of Massachusetts:

At the end of the bill, add the following:

SEC. 10. COMMUNITY WORK REQUIREMENT FOR MEMBERS OF BOARDS OF DIRECTORS OF FIRMS RECEIVING ASSISTANCE FROM THE EXPORT-IMPORT BANK.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

''(f) COMMUNITY WORK REQUIREMENT FOR MEMBERS OF BOARDS OF DIRECTORS OF FIRMS RECEIVING ASSISTANCE FROM THE BANK.—

''(1) PROHIBITION.—The Bank shall not provide assistance to a firm during a fiscal year unless each member of the board of directors of the firm agrees to perform not less than 8 hours of work (other than political activities) during each month of the immediately succeeding fiscal year in the community in which the member resides.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to an individual who is—

''(A) at least 62 years of age;

''(B) a person with disabilities;

''(C) working full time, attending school or vocational training, or otherwise complying with work requirements applicable under public assistance programs (as determined by the agencies or organizations responsible for administering such programs);

''(D) otherwise physically impaired, to the extent that the individual is unable to comply with paragraph (1), as certified by a doctor; or

''(E) the primary caregiver to a disabled individual or to a child who has not attained 6 years of age.

''(3) PERSON WITH DISABILITIES DEFINED.—

As used in paragraph (2)(B), the term 'person with disabilities' means a person who—

''(A) has a disability as defined in section 223 of the Social Security Act;

''(B) is determined, pursuant to regulations issued by the Secretary of Housing and Urban Development, to have a physical, mental, or emotional impairment which—

''(i) is expected to be of long-continued and indefinite duration;

''(ii) substantially impedes the ability of the person to live independently; and

''(iii) is of such a nature that such ability could be improved by more suitable housing conditions; or

''(C) has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.''.

The CHAIRMAN. Pursuant to House Resolution 255, the gentleman from Massachusetts [Mr. FRANK] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

I rise out of my respect for this institution to give it the opportunity to rebut an unfair accusation. There have people who argue that a double standard obtains, that when it comes to showing compassion for people who have not fared well in life for one reason or another, we have tended to be hard-hearted, but that when wealthy and powerful people come to our door, we are much more generous.

Recently this House voted to say that if one lives in public housing, if one is simply taking advantage of public housing because one cannot live anywhere else, one is paying what the law requires one to pay in rent, but because of the subsidy inherent in the rent one pays in public housing, if one does not have a job, we will require one to do 8 hours of community service. Even if one has to be taking care of someone who is ill or a child, one will still do 8 hours of community service per month.

Well, I did not agree with that principle, but I believe majority should rule and that is the principle the House has adopted. If one is getting the benefit of living in public housing and one is not otherwise employed, one has to do 8 hours of community service. And to show how conciliatory I am, I think the majority's principle ought to be applied generally.

Now, Mr. Chairman, let me ask, if we had to choose between getting the guarantee of one's business from the Export-Import Bank to make a $100 million sale, or the right to live in Cabrini Green, Chicago, which would one pick? My guess is most people would pick exporting with a guarantee.

I disregard that, however. I am willing to treat them equally. My amendment takes literally, word for word, the language from the bill imposing a community service requirement on people in public housing, and it applies that to members of boards of directors who are similarly situated if their corporation is getting something from the Export-Import Bank.

□ 1530

As I said, because of my respect for this institution, I would not want Members to be laboring under the view that when it comes to the poor we are hard-hearted and tough, but when it comes to the wealthy we roll over and say, here, what do you want? Therefore, I offer this amendment to make that no longer the case.

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

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

Mr. Chairman, I rise in opposition to the amendment. I will also be brief. I

have tried to point out throughout this discussion today that the Export-Import Bank has a very positive financial benefit, not just to members of board of directors or officers of corporations, but to many employees throughout the country, and even the revenues of the United States of America, due to the exports which we have.

The amendment, if it is to be treated seriously, in my judgment may be misplaced. If we are going to have the members of the board of directors do community work, why do we not have the stockholders do community work? They are the true beneficiaries of whatever this particular program may be, or even the workers, it may be argued, if we are going to extend it to this group.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would ask unanimous consent to amend the amendment, if the gentleman would be supportive.

Mr. CASTLE. Mr. Chairman, I do not translate that as support.

Mr. FRANK of Massachusetts. I apologize for taking the gentleman seriously.

Mr. CASTLE. Reclaiming my time, Mr. Chairman, extending it even more, we could talk about farmers who receive agricultural subsidies, Medicare recipients. There are a whole group of people who for various reasons we have elected in Congress to be able to help in some way or another, all of which programs are judged on their merits.

For that reason, I would hope that this is an amendment which could be withdrawn. I think the gentleman does make a valid point. I would hope that the Eximbank is doing a better job of managing how its various loans are handled.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

As I said, I would be prepared to go in to the stockholders as well, but obviously, what we have here is a view that when wealthy people are involved, we ought not to do anything but simply say, is that enough?

Yes, it is true that people who are engaged in exporting are decent people doing a good thing, and so are people who live in public housing. It does not mean that we think these are bad people when we impose this requirement. People who live in public housing are decent, hard-working people, on the whole, who are taking advantage of this program. Public housing, the construction of public housing, the payment of these funds, that has a positive effect on the community. So it is not a badge of dishonor, I hope, to live in public housing.

Similarly, the fact that people who are exporting are doing something good for the country does not take away the fact that they are receiving a significant benefit. The ability to have your exports guaranteed to some extent by the Export-Import Bank is important.

I support the Export-Import Bank. I worked hard in terms of the Raytheon Corporation to help them get guarantees that helped them to win a $1 billion contract. I was very glad. If in return some members of the board of directors would do 8 hours of public service, I think it would be a good thing.

Let me put it this way, we are simply asking people to give back who are able-bodied, younger or middle-aged, who have the capacity to give something back to the community. How this strikes anybody as unreasonable is beyond me. Now, of course, I am quoting the gentleman from New York [Mr. LAZIO] with regard to public housing tenants.

I guess the question is, why is it good for the public housing goose and not for the export-import gander? Why do we say if you are poor, if you are down on your luck and you take advantage of a Federal program that we think is overall a good thing, we are going to make you give us 8 hours of community service, but if you are wealthy enough, respected in the community, and you are a member of the board of directors, you will be the beneficiary of this for nothing, with no competition?

Let us have one rule. If the House votes this down, when we get the bill back, and let me say this is very relevant, because the other body has rejected that 8 hours of community service in that public housing bill. Let me say to the Members, I hope people are prepared to have a certain degree of consistency. If we are going to reject this for people in the Export-Import Bank, let us not impose it on the people in public housing.

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

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BRADY].

Mr. BRADY. Mr. Chairman, what a silly amendment. People who live in public housing often complain they do so because they do not have a job, or the job that they have does not pay enough to live in housing like many others have the privilege to do. To punish them who are trying to get off of welfare and out of public housing by discouraging the very jobs that they need is silly.

Exports now and imports are creating about 40 percent of all new jobs in this country. In our area, in the Houston region, and where we have a lot of people in public housing, one out of every three new jobs is related to export-import, and they may more than domestic jobs. The Eximbank levels the playing field for American companies and American workers so people in every type of housing have an opportunity to go to work.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the failed premise of that last comment is that if we ask members of board of directors to do 8 hours of community service, they will reject the loan. I reject that. People who serve on the board of directors have a responsibility to the stockholders whom they represent, they have a fiduciary responsibility.

I reject the notion that they would be so mean-spirited and so unwilling to contribute that if they were told they had to do 8 hours of community service, they would refuse the loan.

I was disappointed, I must say to the gentleman. When he began, people who live in public housing, I thought he was going to say people who live in public housing should not throw stones. If he had, I think it would have been a better argument than the one he made.

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

The CHAIRMAN. The gentleman from Delaware [Mr. CASTLE] is recognized for 2½ minutes.

Mr. CASTLE. Mr. Chairman, I would say that the amendment should be defeated. I think it makes a point, but my judgment is that if we carry it out to its nth degree, as I pointed out when I first spoke, we would have a serious problem with how to deal with this, and to add in all the various people who might have to do community work would go too far.

I do not want to denigrate in any way those people who may be in public housing or on welfare who have some work requirements placed on them, which I have always hoped to be a constructive program in terms of helping them develop so they can enter into the workplace. I do not treat that as punitive, perhaps as the sponsor of this amendment would. I would encourage all of us to take the position that this is not something that should be attached to the Exim authorization, and I encourage its defeat.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The amendment was rejected.

PRIVILEGED MOTION OFFERED BY MS. DE LAURO

Ms. DELAURO. Mr. Chairman, I offer a privileged motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Ms. DELAURO moves that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentlewoman from Connecticut [Ms. DELAURO].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 257, not voting 14, as follows:

[Roll No. 471]

AYES—162

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Berry
Bishop
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilleary
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Neal
Obey
Olver
Owens
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sawyer
Schumer
Serrano
Shadegg
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—257

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Coble
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stokes
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wolf
Young (AK)

NOT VOTING—14

Berman
Burr
Coburn
Delahunt
Foglietta
Gonzalez
LaTourette
Nadler
Oxley
Pallone
Schiff
Sessions
Wicker
Young (FL)

□ 1556

Mr. SKAGGS changed his vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. EVANS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois [Mr. EVANS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 182, not voting 10, as follows:

[Roll No. 472]

AYES—241

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Bono
Borski
Boswell
Boucher
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Cox
Coyne
Cramer
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dingell
Dixon
Doggett
Doyle
Duncan
Edwards
Ehlers
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Goode
Goodling
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hayworth
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Hunter
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Largent
LaTourette
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pappas
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Pitts
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schumer
Scott
Serrano
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith, Linda
Souder
Spratt
Stabenow
Stark
Stearns
Strickland
Stupak
Talent
Tauscher
Taylor (MS)
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates

NOES—182

Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boyd
Brady
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Cook
Cooksey
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
Dickey
Dicks
Dooley
Doolittle
Dreier
Dunn
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Flake
Foley
Fowler
Fox
Frelinghuysen
Gallegly
Gekas
Gillmor
Goodlatte
Gordon
Goss
Graham

Granger	McCollum	Roukema
Greenwood	McCrery	Ryun
Gutknecht	McDermott	Salmon
Hall (TX)	McKeon	Saxton
Hamilton	Metcalf	Schaefer, Dan
Hansen	Mica	Schaffer, Bob
Hastert	Miller (FL)	Sensenbrenner
Hastings (WA)	Moran (KS)	Shadegg
Herger	Morella	Shaw
Hill	Myrick	Shays
Hilleary	Nethercutt	Skeen
Hobson	Neumann	Smith (OR)
Hoekstra	Northup	Smith (TX)
Hostettler	Norwood	Smith, Adam
Houghton	Nussle	Snowbarger
Hulshof	Oxley	Snyder
Hutchinson	Packard	Solomon
Hyde	Parker	Spence
Istook	Paxon	Stenholm
John	Pease	Stump
Johnson (CT)	Peterson (MN)	Sununu
Johnson, Sam	Peterson (PA)	Tanner
Kasich	Pickering	Tauzin
Kelly	Pickett	Taylor (NC)
Kim	Pombo	Thomas
Klug	Porter	Thornberry
Knollenberg	Portman	Tiahrt
Kolbe	Pryce (OH)	Walsh
LaHood	Radanovich	Watkins
Latham	Ramstad	Watts (OK)
Lazio	Redmond	Weldon (FL)
Leach	Regula	Weldon (PA)
Lewis (KY)	Riggs	White
Linder	Riley	Whitfield
Livingston	Roemer	Wicker
Lucas	Rogan	Young (AK)
Manzullo	Rogers	

NOT VOTING—10

Brown (CA)	Nadler	Stokes
Foglietta	Pallone	Young (FL)
Gonzalez	Schiff	
Lewis (CA)	Sessions	

□ 1613

Mr. GRAHAM changed his vote from ''aye'' to ''no''.

Messrs. GILCHREST, QUINN, DAVIS of Illinois, and BONO changed their vote from ''no'' to ''aye''.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 105–282.

AMENDMENT NO. 3 OFFERED BY MR. LAFALCE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. LAFALCE:

At the end of the bill, add the following:

SEC. 10. RENAMING OF BANK AS THE UNITED STATES EXPORT BANK.

(a) AMENDMENTS TO THE EXPORT-IMPORT BANK ACT OF 1945.—

(1) The first section of the Export-Import Bank Act of 1945 (12 U.S.C. 635 note) is amended to read as follows:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'United States Export Bank Act of 1945'.''.

(2) The following provisions of such Act are amended by striking ''Export-Import Bank of the United States'' and inserting ''United States Export Bank'':

(A) Section 2(a)(1) (12 U.S.C. 635(a)(1)).

(B) Section 3(a) (12 U.S.C. 635a(a)).

(C) Section 3(b) (12 U.S.C. 635a(b)).

(D) Section 3(c)(1) (12 U.S.C. 635a(c)(1)).

(E) Section 4 (12 U.S.C. 635b).

(F) Section 5 (12 U.S.C. 635d).

(G) Section 6(a) (12 U.S.C. 635e(a)).

(H) Section 7 (12 U.S.C. 635f).

(I) Section 8(a) (12 U.S.C. 635g(a)).

(J) Section 9 (12 U.S.C. 635h).

(3) The following provisions of such Act are amended by striking ''Export-Import Bank'' any place its appears and inserting ''United States Export Bank'':

(A) Section 2(b)(1)(A) (12 U.S.C. 635(b)(1)(A)).

(B) Section 3(c)(3) (12 U.S.C. 635a(c)(3)).

(b) DEEMING RULES.—Any reference in any law, map, regulation, document, paper, or other record of the United States to the Export-Import Bank of the United States is deemed to be a reference to the United States Export Bank, and any reference in any law, map, regulation, document, paper, or other record of the United States to the Export-Import Bank Act of 1945 is deemed to be a reference to the United States Export Bank Act of 1945.

The CHAIRMAN. Pursuant to House Resolution 255, the gentleman from New York [Mr. LAFALCE] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York [Mr. LAFALCE].

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

Mr. Chairman, the purpose of my amendment is very simple. It is to change the name of the bank so that we could help clarify the function and purpose of the bank.

The amendment would change the name of the bank to the United States Export Bank. It would eliminate the confusion that exists as to what the bank does. In fact, the bank imports nothing. In fact, the bank does not assist in the importation of anything. The bank has not imported anything or supported any imports since its very earliest days.

When it was named Eximbank at the time of its chartering, the bank sought to support trade with Russia, which at that time did not have hard currency. The bank then sought to arrange barter trade with Russia, and hence the name Export-Import Bank. That function, though, lasted only a few years. For approximately 60 years, since those early years, the only function of the Export-Import Bank of the United States has been to assist exporting by U.S. businesses.

My amendment would simply change the name to the United States Export Bank, a simple change that Eximbank supports and I believe the chairman of the subcommittee and the chairman of the full committee will support, also. This name change will clearly indicate that the Bank's purpose is to support U.S. exporters and workers whose jobs depend on exports.

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

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

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. LAFALCE].

Mr. Chairman, I could not disagree with my colleague, the gentleman from New York [Mr. LAFALCE], who stated that this would be a better name because it would more clarify what the Export-Import Bank does.

In fact, I would think that if we want to clarify what the Export-Import Bank does, it would be better to call it the American Import Bank or Subsidy of Foreign Imports into the United States Bank.

These businesses that are getting subsidized by our tax dollars, they are not saying, please subsidize my company so I can go over there and sell socks or refrigerators or some type of consumer items. That is a total myth that has been perpetuated in this argument, especially in arguments concerning trade with China.

What is happening instead are corporations, by and large, who want to set up manufacturing units overseas, especially in dictatorships, I might add, like Communist China and Vietnam and elsewhere, go to the Export-Import Bank and are receiving guaranteed loans and subsidies in order to set up a manufacturing unit, which will take advantage of people who have no right to set up unions, no right to protect their own interests, standards that are way below those of the United States.

So we subsidize them, creating a manufacturing unit by using taxpayer dollars. And then what happens? Those manufacturing units produce goods and services that are imported into the United States.

Yes, we should clarify that. We should clarify this so that American people know their tax dollars are being used to subsidize the competition for their own jobs in dictatorships overseas. And, yes, there are several companies that, yes, do indeed have their exports subsidized. That is in the aerospace industry. There are some situations where that exists. I acknowledge that. But that is not the majority of what is going on here.

Even with those loans to the aerospace industry, quite often demands are made in those other countries that we set up manufacturing units so that part of the airplanes that are being sold in those countries are produced in China and elsewhere. So what we end up doing is subsidizing the development of industries overseas with our tax dollars.

This has got to stop. If we want to clarify anything here, it should be the U.S. Government should not be subsidizing anybody who is setting up a manufacturing unit overseas, especially in dictatorships.

So let us clarify it, yes, and change the name to not the Export-Import Bank, but to the bank that subsidizes imports into the United States.

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

Mr. LaFALCE. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from New York [Mr. LAFALCE] has 3 minutes remaining.

Mr. LaFALCE. Mr. Chairman, I would merely make the comment that I think the gentleman from California [Mr. ROHRABACHER] is confused between the functions and activities of this Bank and the OPIC, the Overseas Private Investment Corp.

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

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

Mr. Chairman, I am not confused. And the fact is OPIC does offer private insurance for investment overseas. The Export-Import Bank is involved with these things as well.

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

Mr. LAFALCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH], chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Chairman, let me just say on behalf of the Committee on Banking and Financial Services that I consider this to be a very constructive amendment. The new name well-defines the institution that we are talking about that is the subject of legislation on the floor today.

I have some pains that the current name, which has such a fine general reputation, may go by the boards. But I think this is a very constructive and helpful amendment.

Finally, let me stress as carefully as I can that the currently named Export-Import Bank only subsidizes the sales of U.S. goods and services abroad. There is no mandate of the bank to construct any kind of American company on anybody else's shores. It is simply to support goods and services produced in the United States to be sold abroad.

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

The CHAIRMAN. The gentleman from California [Mr. ROHRABACHER] has 2¼ minutes remaining.

Mr. ROHRABACHER. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

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

Mr. STEARNS. Mr. Chairman, I rise in opposition to the amendment.

Mr. LAFALCE. Mr. Chairman, how much timed do I have remaining?

The CHAIRMAN. The gentleman from New York [Mr. LAFALCE] has 2 minutes remaining.

Mr. LAFALCE. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. WATKINS].

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

Mr. WATKINS. Mr. Chairman, I rise in support of the LaFalce amendment.

I rise for two reasons. I am from a rural area of the heartland of America, and we have not utilized the Export-Import Bank very much. I think one of the major things is the confusing name. I think the gentleman from New York [Mr. LAFALCE] has a change here that might improve it.

I have talked to them at the Export-Import Bank on numerous occasions about trying to involve more of the smaller towns, smaller businesses and industries across this country. I think a name change would help. I think named the United States Export Bank would better describe the purpose and activities of the bank.

Second, I am in support of it because the United States economic future is going to depend a great deal on our involvement in exporting. In fact, some economists have said that 90 percent of our future economic growth has got to come from export trade.

I think we need to do everything within our power to try to help our businesses and industries and agriculture be able to export more, and I think this would clarify and encourage economic enterprises to seek assistance. By changing the name, it would be less confusing to a lot of people out there in the business and agriculture world that want to participate in the global economy.

Mr. ROHRABACHER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from California [Mr. ROHRABACHER] has 2 minutes remaining.

Mr. ROHRABACHER. Mr. Chairman, do I have the right to close?

The CHAIRMAN. The gentleman is not on the committee. The gentleman from New York [Mr. LAFALCE] has the right to close.

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

Mr. Chairman, I, of course, philosophically would believe that the Federal Government should not be involved in taking our taxpayers' dollars and using it for selected companies who are planning to do business overseas.

It is particularly repugnant, Mr. Chairman, for us to be loaning any money for people who want to invest in manufacturing units overseas who are receiving benefits from not the Export-Import Bank, but from OPIC and other government institutions.

I have two amendments that are coming up on Export-Import Bank, one which would prevent the Export-Import Bank from subsidizing the People's Liberation Army in China or any other government-owned entities and would not permit us to, basically, subsidize business in dictatorships.

But this idea that American business needs to have subsidies in big companies in order to sell their products overseas is a misnomer, and certainly we need to clarify that. In many, many cases, what we really are talking about is instead of subsidizing our exports, trying to make it possible facilitating exports. We are actually facilitating the building of manufacturing units which uses low-cost labor to ship things back into the United States.

That is why we have such a heinous situation with China. Because our people will go over to China, they will build a manufacturing unit there with subsidization from the Federal Government, the manufacturing unit will then use this basically slave labor over there and import these goods at a 3- or 4-percent tariff. The goods over there, however, when we want to sell our goods directly in China, there is about a 30- or 40-percent tariff when we want to sell our goods over there.

The most important thing that we could be doing is not subsidizing big corporations to the Export-Import Bank, or OPIC, or whatever. Instead, what we should be doing is knocking down impediments to our people doing business, like, for example, trying to eliminate their tariffs.

So I would oppose this measure. I do believe it does not clarify anything.

Mr. LAFALCE. Mr. Chairman, I yield 45 seconds to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I just want to clarify for the House and my colleagues that what we heard about Eximbank is not the case. It is not subsidizing any foreign manufacturing.

What it is doing is allowing U.S. companies, the working men and women of this country, to be employed to assist in financing the sale of U.S. goods overseas. Most of the Exim funds for United States goods that go into China are to assist with financing Boeing aircraft, who must compete with Airbus and other international competitors. Boeing employs thousands of U.S. workers in the United States with the aid of this Exim Program.

I think there is great confusion about what this program does. But in fact, Exim does not do the things that are alleged. It allows American men and women to get high paying jobs and to compete in the international market where we find the opportunities for tomorrow, and those are the facts. We can not relegate our next generation to minimum wage jobs—we must not back away from supporting U.S. small and large business in selling their goods in a tough international marketplace.

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

Mr. Chairman, I remind all my colleagues that my amendment to change the name of the Bank to comport with reality; that is, the United States Export Bank, is supported by the Bank and is supported by the gentleman from Iowa [Mr. LEACH], the chairman of the full committee, the gentleman from Delaware [Mr. CASTLE], chairman of the subcommittee, and I hope virtually by all the Members of this body.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LAFALCE].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 362, noes 56, not voting 15, as follows:

[Roll No. 473]

AYES—362

Abercrombie
Ackerman
Allen
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Tierney
Torres
Towns
Turner
Upton
Velazquez
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NOES—56

Aderholt
Andrews
Armey
Barr
Berry
Bono
Burr
Burton
Callahan
Cannon
Chabot
Coble
Cox
Davis (VA)
DeFazio
DeLay
Doolittle
Duncan
Ganske
Goode
Hall (TX)
Hastert
Hilleary
Houghton
Jenkins
Johnson, Sam
Kanjorski
Kingston
Largent
McInnis
McIntosh
McKinney
Mink
Nethercutt
Neumann
Packard
Paul
Paxon
Pombo
Radanovich
Rogan
Rohrabacher
Royce
Scarborough
Schaefer, Dan
Schaffer, Bob
Shadegg
Snyder
Solomon
Stearns
Stump
Thune
Traficant
Vento
Wamp
Whitfield

NOT VOTING—15

Chenoweth
Cunningham
Gilchrest
Gonzalez
Gordon
Holden
Lucas
Moakley
Nadler
Pallone
Pelosi
Rangel
Schiff
Smith, Linda
Young (FL)

☐ 1649

Mr. PAXON changed his vote from ''aye'' to ''no.''

Mr. NUSSLE and Mr. RILEY changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PALLONE. Mr. Chairman, I missed nine recorded votes while I was in New Jersey bringing my newborn daughter and wife home from the hospital today. If I had been present, my vote would have been cast as follows:

Rollcall vote 465, motion to adjourn, I would have voted ''yes.''

Rollcall vote 466, the Journal, I would have voted ''no.''

Rollcall vote 467, the rule for H.R. 2203 conference report, I would have voted ''yes.''

Rollcall vote 468, energy and water appropriations conference report, I would have voted ''yes.''

Rollcall vote 469, previous question for House Resolution 255, I would have voted ''yes.''

Rollcall vote 470, motion to rise, I would have voted ''yes.''

Rollcall vote 471, motion to rise, I would have voted ''yes.''

Rollcall vote 472, the Evans amendment to H.R. 1370, I would have voted ''yes.''

Rollcall vote 473, the LaFalce amendment to H.R. 1370, I would have voted ''yes.''

Mr. CASTLE. Mr. Chairman, I move the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. CALVERT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1370), to reauthorize the Export-Import Bank of the United States, had come to no resolution thereon.

CONFERENCE REPORT ON H.R. 2378, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

Mr. KOLBE. Mr. Speaker, pursuant to the order of the House of Monday, September 29, 1997, I call up the conference report on the bill (H.R. 2378) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 1998 and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to the order of the House of Monday, September 29, 1997, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 29, 1997, at page H8137.)

The SPEAKER pro tempore. The gentleman from Arizona [Mr. KOLBE] and the gentleman from Maryland [Mr. HOYER] each will control 30 minutes.

The Chair recognizes the gentleman from Arizona [Mr. KOLBE].

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 2378, and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, I am pleased to rise today in support of the conference report on Treasury, Postal Service and General Government. This is a very good conference report and one which represents a great success on all sides. It provides $12.7 billion for agencies that come under this Subcommittee's jurisdiction and, for the first time in 3 years, an increase in funding. I would point out that it is in strict compliance with the 1997 Balanced Budget Agreement.

The actions taken by the conferees boost support for both drug and law enforcement programs. The bill puts us on track for a drug-free America by the

year 2001. In total, the conferees have recommended $3.9 billion, $737 million over 1997, that is a 24-percent increase, for the Customs Service, ATF, the Secret Service, the Financial Crimes Enforcement Network, the Office of National Drug Control Policy.

Specifically, let me just highlight a couple of the specific items in this bill in the area of law enforcement. Mr. Speaker, we provide $1.6 billion for Customs to combat drugs that come in through our borders and to facilitate passenger and cargo processing. So both the interdiction and the processing of legitimate traffic across the border are accommodated. We provide an additional $8.4 million for the next stage of Operation Hardline, an initiative that was started years ago to harden our borders against drugs, and $4.5 million to equip Customs helicopters with night vision equipment.

There is $195 million for the drug czar's anti-drug media campaign aimed at youth, $20 million more than the President had proposed. We believe this is a major step toward a comprehensive campaign for a drug-free America. There is $10 million for the recently authorized Drug Free Communities Act; $7.3 million for the Office of National Drug Control Policy's efforts to combat the dangers and growing problems of methamphetamine use in the U.S.; $13 million to provide counter drug technology assistance to State and local law enforcement; $159 million for the High Intensity Drug Trafficking Areas that I know many Members are concerned about; and $5.2 million for ballistic imaging systems for State and local law enforcement.

In other areas outside of purely law enforcement, we also continued the Committee on Appropriation's aggressive oversight of the IRS, prohibiting the IRS from spending more money on its computer modernization programs without congressional approval. By maintaining restrictions on the IRS's use of money absent a solid set of blueprints or an architectural plan for how that is going to be spent, the conference committee ensures that there is not going to be even 1 more year of wasteful spending on the computer systems for the Internal Revenue Service.

The conferees also make year 2000 computer compliance a priority within the IRS, providing $377 million for Century Date Conversion efforts.

The conferees also include requirements ensuring that IRS is in compliance with the Taxpayer Bill of Rights.

Finally, the agreement ends taxpayer subsidy of political events at the White House. In conjunction with the White House, we have worked out language that includes a new accounting mechanism for the Executive Residence. The agreement requires not only that expenses of all political events be carefully tracked, but that all of these events be paid for up front so that taxpayers are not tagged with the cost of, even for 1 day, fronting the money for political events in the White House, no matter which party is in the White House.

I strongly urge my colleagues to support this conference agreement. Not only are there no more free coffees at the White House, but the drug lords are not going to like this bill one bit. I think it is a bill that every Member of this body can support and support enthusiastically.

Mr. Speaker, I insert the following:

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1998 (H.R. 2378)

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices	112,048,000	116,314,000	113,410,000	114,794,000	114,771,000	+2,723,000
Counterterrorism fund	15,000,000	.....	.....	.....	.....	-15,000,000
Supplemental funding (P.L. 105-18)	1,950,000	.....	.....	.....	.....	-1,950,000
Automation Enhancement	27,100,000	29,389,000	25,989,000	29,389,000	25,889,000	-1,211,000
(Delay in obligation)	.....	.....	.....	(15,000,000)	.....	.....
Office of Inspector General	29,770,000	31,333,000	29,927,000	29,719,000	29,719,000	-51,000
Office of Professional Responsibility	1,500,000	1,625,000	1,500,000	1,250,000	1,250,000	-250,000
Treasury Buildings and Annex Repair and Restoration	28,213,000	12,484,000	6,484,000	10,484,000	10,484,000	-17,729,000
Financial Crimes Enforcement Network	22,387,000	23,006,000	22,835,000	22,835,000	22,835,000	+448,000
Department of the Treasury Forfeiture Fund (limitation on availability of deposits)	10,000,000	9,500,000	.....	.....	.....	-10,000,000
Violent Crime Reduction Programs:						
Bureau of Alcohol, Tobacco and Firearms	36,595,000	42,378,000	21,528,000	24,023,000	19,421,000	-17,174,000
Departmental Offices	18,300,000	.....	.....	.....	.....	-18,300,000
Financial Crimes Enforcement Network	1,000,000	3,000,000	1,000,000	3,000,000	1,000,000	.....
United States Secret Service	20,000,000	20,664,000	16,837,000	21,178,000	15,731,000	-4,269,000
ONDCP - HIDTA	13,105,000	.....	5,000,000	8,500,000	23,200,000	+10,095,000
Gang Resistance Education and Training: Grants	8,000,000	8,000,000	8,000,000	10,000,000	10,000,000	+2,000,000
Federal Law Enforcement Training Center	.....	24,058,000	1,000,000	19,619,000	1,000,000	+1,000,000
United States Customs Service	.....	20,100,000	43,635,000	44,635,000	60,648,000	+60,648,000
Total, Violent Crime Reduction Programs	97,000,000	118,200,000	97,000,000	130,955,000	131,000,000	+34,000,000
Federal Law Enforcement Training Center:						
Salaries and Expenses	56,185,000	65,663,000	64,663,000	64,663,000	64,663,000	+8,478,000
Acquisition, Construction, Improvements, and Related Expenses	21,584,000	11,111,000	32,548,000	13,930,000	32,548,000	+10,964,000
Total, Federal Law Enforcement Training Center	77,769,000	76,774,000	97,211,000	78,593,000	97,211,000	+19,442,000
Interagency Law Enforcement:						
Interagency crime and drug enforcement 1/	.....	73,794,000	73,794,000	73,794,000	73,794,000	+73,794,000
Financial Management Service	196,518,000	202,560,000	199,675,000	202,490,000	202,490,000	+5,972,000
Reimburse Federal Reserve Bank (indefinite)	.....	122,000,000	.....	.....	.....	.....
Bureau of Alcohol, Tobacco and Firearms:						
Salaries and Expenses	460,394,000	496,954,000	478,649,000	473,490,000	478,934,000	+18,540,000
Laboratory facilities	6,978,000	55,022,000	55,022,000	55,022,000	55,022,000	+48,044,000
Total, Bureau of Alcohol, Tobacco and Firearms	467,372,000	551,976,000	533,671,000	528,512,000	533,956,000	+66,584,000
United States Customs Service:						
Salaries and Expenses	1,549,585,000	1,566,826,000	1,526,078,000	1,551,028,000	1,522,165,000	-27,420,000
Customs facilities, construction, improvements	.....	5,512,000	.....	.....	.....	.....
Operation and Maintenance, Air and Marine Interdiction Programs	83,363,000	92,758,000	97,258,000	92,758,000	92,758,000	+9,395,000
Customs Services at Small Airports (to be derived from fees collected)	2,406,000	2,406,000	2,406,000	2,406,000	2,406,000	.....
Harbor Maintenance Fee Collection	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	.....
Total, United States Customs Service	1,638,354,000	1,670,502,000	1,628,742,000	1,649,192,000	1,620,329,000	-18,025,000
Bureau of the Public Debt	165,335,000	169,426,000	169,426,000	169,426,000	169,426,000	+4,091,000
Internal Revenue Service:						
Processing, Assistance, and Management	1,790,288,000	2,943,174,000	2,915,100,000	2,943,174,000	2,925,874,000	+1,135,586,000
Tax Law Enforcement	4,104,211,000	3,153,722,000	3,108,300,000	3,153,722,000	3,142,822,000	-961,389,000
Rescission	.....	.....	-14,500,000	.....	-32,000,000	-32,000,000
Earned Income Tax Credit Compliance Initiative	.....	107,105,000	.....	.....	138,000,000	+138,000,000
Information Systems	1,323,075,000	1,272,487,000	1,292,500,000	1,272,487,000	1,272,487,000	-50,588,000
Rescission	-174,447,000	.....	.....	.....	.....	+174,447,000
Information technology investments	.....	500,000,000	326,000,000	325,000,000	325,000,000	+325,000,000
Net total, Internal Revenue Service	7,043,127,000	7,976,488,000	7,627,400,000	7,694,383,000	7,772,183,000	+729,056,000
United States Secret Service:						
Salaries and Expenses	531,288,000	575,971,000	555,736,000	570,809,000	564,348,000	+33,060,000
Rescission	-7,600,000	.....	.....	.....	.....	+7,600,000
Acquisition, Construction, Improvement, and Related Expenses	37,365,000	9,176,000	5,775,000	9,176,000	8,799,000	-28,566,000
Total, United States Secret Service	561,053,000	585,147,000	561,511,000	579,985,000	573,147,000	+12,094,000
Net total, title I, Department of the Treasury	10,494,496,000	11,770,518,000	11,188,575,000	11,315,801,000	11,378,484,000	+883,988,000

1/ Funded in CJSJ bill in FY 1997.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1998 (H.R. 2378) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE II - POSTAL SERVICE						
Payments to the Postal Service						
Payment to the Postal Service Fund	85,080,000	86,274,000	86,274,000	86,274,000	86,274,000	+1,194,000
Supplemental funding (P.L. 105-18)	5,383,000	.....	.....	.....	.....	-5,383,000
Payment to the Postal Service Fund for Nonfunded Liabilities	35,536,000	34,850,000	34,850,000	34,850,000	.....	-35,536,000
Total, title II, Postal Service	125,999,000	121,124,000	121,124,000	121,124,000	86,274,000	-39,725,000
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Compensation of the President and the White House Office:						
Compensation of the President	250,000	250,000	250,000	250,000	250,000	.....
Salaries and Expenses	40,193,000	51,199,000	51,199,000	51,199,000	51,199,000	+11,006,000
Executive Residence at the White House:						
Operating Expenses	7,827,000	8,045,000	8,045,000	8,045,000	8,045,000	+218,000
White House Repair and Restoration	.....	200,000	200,000	200,000	200,000	+200,000
Special Assistance to the President and the Official Residence of the Vice President:						
Salaries and Expenses	3,280,000	3,378,000	3,378,000	3,378,000	3,378,000	+98,000
Operating expenses	324,000	334,000	334,000	334,000	334,000	+10,000
Council of Economic Advisers	3,439,000	3,542,000	3,542,000	3,542,000	3,542,000	+103,000
Office of Policy Development	3,867,000	3,983,000	3,983,000	3,983,000	3,983,000	+116,000
National Security Council	6,648,000	6,648,000	6,648,000	6,648,000	6,648,000	.....
Office of Administration	26,100,000	28,883,000	28,883,000	28,883,000	28,883,000	+2,783,000
Office of Management and Budget	55,573,000	57,240,000	57,240,000	57,240,000	57,440,000	+1,867,000
Office of National Drug Control Policy	35,838,000	36,016,000	43,516,000	36,016,000	35,016,000	-822,000
Unanticipated Needs	.....	1,000,000	.....	.....	.....	.....
Federal Drug Control Programs: High Intensity Drug Trafficking Areas Program	127,102,000	140,207,000	146,207,000	140,207,000	159,007,000	+31,905,000
Special forfeiture fund	112,900,000	175,000,000	205,000,000	145,300,000	211,000,000	+98,100,000
Total, title III, Executive Office of the President and Funds Appropriated to the President	423,341,000	515,925,000	558,425,000	485,225,000	568,925,000	+145,584,000
TITLE IV - INDEPENDENT AGENCIES						
Committee for Purchase from People Who Are Blind or Severely Disabled	1,800,000	1,940,000	1,940,000	1,940,000	1,940,000	+140,000
Federal Election Commission	28,165,000	34,216,000	34,550,000	29,000,000	31,650,000	+3,485,000
Federal Labor Relations Authority	21,588,000	22,039,000	21,803,000	22,039,000	22,039,000	+451,000
General Services Administration:						
Federal Buildings Fund:						
Appropriation	400,544,000	84,000,000	.....	.....	.....	-400,544,000
Limitations on availability of revenue:						
Construction & acquisition of facilities	(657,711,000)	.....	.....	.....	.....	(-657,711,000)
Environmental cleanup activities	(20,000,000)	.....	.....	.....	.....	(-20,000,000)
Consolidated Federal Law Enforcement Bldg	(81,000,000)	.....	.....	.....	.....	(-81,000,000)
Repairs and alterations	(639,000,000)	(434,000,000)	(300,000,000)	(350,000,000)	(300,000,000)	(-339,000,000)
Installment acquisition payments	(173,075,000)	(142,542,000)	(142,542,000)	(142,542,000)	(142,542,000)	(-30,533,000)
Operations and rental of space	.....	.....	(3,607,129,000)	.....	.....	.....
Rental of space	(2,343,795,000)	(2,275,340,000)	.....	(2,275,340,000)	(2,275,340,000)	(-68,455,000)
Building Operations	(1,552,651,000)	(1,331,789,000)	.....	(1,331,789,000)	(1,331,789,000)	(-220,862,000)
Repayment of Debt	(88,312,000)	(105,720,000)	(105,720,000)	(105,720,000)	(105,720,000)	(+17,408,000)
Previously appropriated activities	.....	(680,543,000)	(680,543,000)	(680,543,000)	(680,543,000)	(+680,543,000)
Total, Federal Buildings Fund	400,544,000	84,000,000	.....	.....	.....	-400,544,000
(Limitations)	(5,555,544,000)	(4,969,934,000)	(4,835,934,000)	(4,885,934,000)	(4,835,934,000)	(-719,610,000)
Policy and Operations	110,173,000	104,487,000	107,487,000	104,487,000	107,487,000	-2,686,000
Office of Inspector General	33,863,000	33,870,000	33,870,000	33,870,000	33,870,000	+7,000
Allowances and Office Staff for Former Presidents	2,180,000	2,250,000	2,208,000	2,208,000	2,208,000	+28,000
Expenses, presidential transition	5,600,000	.....	.....	.....	.....	-5,600,000
Rescission (P.L. 105-18)	-5,600,000	.....	.....	.....	.....	+5,600,000
Total, General Services Administration	546,760,000	224,607,000	143,565,000	140,565,000	143,565,000	-403,195,000
John F. Kennedy Assassination Record Review Board	2,150,000	1,600,000	1,600,000	1,600,000	1,600,000	-550,000
Merit Systems Protection Board:						
Salaries and Expenses	23,923,000	24,450,000	25,290,000	24,810,000	25,290,000	+1,367,000
(Limitation on administrative expenses)	(2,430,000)	(2,430,000)	(2,430,000)	(2,430,000)	(2,430,000)	.....
Morris K. Udall scholarship and excellence in national environmental policy foundation	.....	2,000,000	2,000,000	.....	1,750,000	+1,750,000

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1998 (H.R. 2378) — continued

	FY 1997 Enacted	FY 1998 Estimate	House	Senate	Conference	Conference compared with enacted
National Archives and Records Administration:						
Operating expenses	196,963,000	206,479,000	202,354,000	206,479,000	205,166,500	+8,203,500
Reduction of debt	-4,012,000	-4,012,000	-4,012,000	-4,012,000	-4,012,000	.....
Archives Facilities and Presidential Libraries:						
Repairs and Restoration	16,229,000	6,650,000	10,650,000	13,650,000	14,650,000	-1,579,000
National Historical Publications and Records Commission:						
Grants program	5,000,000	4,000,000	5,500,000	5,000,000	5,500,000	+500,000
Total, National Archives and Records Administration	214,180,000	213,117,000	214,492,000	221,117,000	221,304,500	+7,124,500
Office of Government Ethics	8,078,000	8,265,000	8,078,000	8,265,000	8,265,000	+187,000
Office of Personnel Management:						
Salaries and Expenses	87,286,000	85,350,000	85,350,000	85,350,000	85,350,000	-1,936,000
(Limitation on administrative expenses)	(94,736,000)	(91,236,000)	(91,236,000)	(91,236,000)	(91,236,000)	(-3,500,000)
Office of Inspector General	960,000	960,000	960,000	960,000	960,000	.....
(Limitation on administrative expenses)	(8,645,000)	(8,645,000)	(8,645,000)	(8,645,000)	(8,645,000)	.....
Government Payment for Annuitants, Employees Health Benefits	4,059,000,000	4,338,000,000	4,338,000,000	4,338,000,000	4,338,000,000	+279,000,000
Government Payment for Annuitants, Employee Life Insurance	33,000,000	32,000,000	32,000,000	32,000,000	32,000,000	-1,000,000
Payment to Civil Service Retirement and Disability Fund	7,989,000,000	8,336,000,000	8,336,000,000	8,336,000,000	8,336,000,000	+347,000,000
Total, Office of Personnel Management	12,169,246,000	12,792,310,000	12,792,310,000	12,792,310,000	12,792,310,000	+623,064,000
Office of Special Counsel	8,116,000	8,450,000	8,116,000	8,450,000	8,450,000	+334,000
United States Tax Court	33,781,000	34,293,000	33,921,000	34,293,000	33,921,000	+140,000
Total, title IV, Independent Agencies	13,057,787,000	13,367,287,000	13,287,665,000	13,284,389,000	13,292,084,500	+234,297,500
(Limitation on administrative expenses)	(5,661,355,000)	(5,072,245,000)	(4,938,245,000)	(4,988,245,000)	(4,938,245,000)	(-723,110,000)
Net grand total	24,101,623,000	25,774,854,000	25,155,789,000	25,206,539,000	25,325,767,500	+1,224,144,500
Appropriations	(24,276,337,000)	(25,774,854,000)	(25,170,289,000)	(25,206,539,000)	(25,357,767,500)	(+1,081,430,500)
Rescissions	(-182,047,000)	.....	(-14,500,000)	.....	(-32,000,000)	(+150,047,000)
Emergency funding (P.L. 105-18)	(7,333,000)	.....	.....	.....	.....	(-7,333,000)
(Limitations)	(5,661,355,000)	(5,072,245,000)	(4,938,245,000)	(4,988,245,000)	(4,938,245,000)	(-723,110,000)
Scorekeeping adjustments:						
Bureau of The Public Debt (Permanent)	129,000,000	144,000,000	144,000,000	144,000,000	144,000,000	+15,000,000
Ethics Reform Act Adjustment	-6,000,000	.....	.....	-2,000,000	.....	+6,000,000
Gold and platinum bullion	-12,000,000	.....	.....	.....	.....	+12,000,000
Section 409	1,000,000	.....	.....	.....	.....	-1,000,000
Federal Savings & Loan Insurance Corp. (Sec. 638)	26,100,000	34,000,000	.....	.....	34,000,000	+7,900,000
Emergency funding for anti-terrorism	-275,328,000	.....	.....	.....	.....	+275,328,000
Trust fund budget authority	105,700,000	102,311,000	102,311,000	102,311,000	102,311,000	-3,389,000
US Mint revolving fund	.....	30,000,000	30,000,000	30,000,000	30,000,000	+30,000,000
Sallie Mae	.....	1,000,000	1,000,000	1,000,000	1,000,000	+1,000,000
Federal buildings fund	.....	.....	-50,000,000	.....	-50,000,000	-50,000,000
Total, scorekeeping adjustments	-31,528,000	311,311,000	227,311,000	275,311,000	261,311,000	+292,839,000
Total mandatory and discretionary	24,070,095,000	26,086,165,000	25,383,100,000	25,481,850,000	25,587,078,500	+1,516,983,500
Mandatory	12,245,786,000	12,885,100,000	12,885,100,000	12,885,100,000	12,850,250,000	+604,464,000
Discretionary:						
Crime trust fund	97,000,000	118,200,000	97,000,000	130,955,000	131,000,000	+34,000,000
General purposes	11,727,309,000	13,082,865,000	12,401,000,000	12,465,795,000	12,605,828,500	+878,519,500
Total, Discretionary	11,824,309,000	13,201,065,000	12,498,000,000	12,596,750,000	12,736,828,500	+912,519,500

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

□ 1700

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

Mr. Speaker, I rise in support of this conference report. The chairman has outlined well the provisions of this conference report. I think all of the Members on my side of the aisle, as well as all of the Members on the chairman's side of the aisle, can be pleased with the fact that this bill addresses significant law enforcement problems: fighting drugs, fighting crime, providing funds to the ONDCP to make sure that our young people know of the dangers of drugs, and convince them to stay off and to just say no, as Mrs. Reagan so aptly suggested.

It also provides other funds for the IRS to make sure that we have a system that works. We have new people in place that are addressing the problems that the committee has seen and that the Congress has seen, and very frankly, I think this bill is a good bill that could be unanimously supported by the committee.

I want to make a point to the chairman. I do not see the major chairman on the floor. I understand there is a colloquy, and I will wait perhaps and hopefully the gentleman from Louisiana, Chairman LIVINGSTON, will be on the floor. I understand he is on his way. I understand the gentleman from Arizona [Mr. KOLBE] has a colloquy to enter into.

Mr. Speaker, let me simply say that I congratulate the gentleman for his work on this bill, I congratulate him on the bipartisan fashion in which he has worked toward fashioning a bill that I think is acceptable to all parties.

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

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

Mr. Speaker, I would just say, since I did not in my opening remarks, I would like to return the compliment to the gentleman from Maryland [Mr. HOYER]. It has been a great pleasure to work with him. We have not agreed on everything, by any means, but I think we have always worked in a spirit of constructive cooperation, of finding answers to the problems, and I think what we have is a bill that has such bipartisan support because of the work of the gentleman from Maryland [Mr. HOYER] and his staff, who I complimented when we considered the bill before. But I want to again compliment all the staff, the committee staff as well as the personal staffs on both sides of the aisle, for the work they have done.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. DAVIS] for the purposes of a colloquy.

Mr. DAVIS of Virginia. Mr. Speaker, is it correct that in this bill Congress has increased the Office of Management and Budget's budget by $200,000 in order to help OMB facilitate their oversight and coordination of both new and ongoing statutory responsibilities, including the Congressional Review Act?

Mr. KOLBE. That is correct.

Mr. DAVIS of Virginia. Mr. Speaker, this appropriated sum is significant because the House Committee on Government Reform and Oversight has learned in hearings over the past year and a half that OIRA has not been implementing and coordinating the Congressional Review Act, despite its organizing statute and President Clinton's Executive order.

To make the Congressional Review Act work, Congress and the agencies need OIRA'S expertise to coordinate agency input to the General Accounting Office on the new rules they promulgate. The Government Accounting Office has reported to us that they have been frustrated by OIRA's refusal to work with them in their role of helping Congress understand the impact of each major rule.

I appreciate the chairman's leadership on this bill.

Mr. KOLBE. Mr. Speaker, I appreciate the concern of the gentleman from Virginia [Mr. DAVIS] and the remarks that he has made. I look forward to working with him, and other Members who have expressed the same views on this issue, in the forthcoming year to ensure that the OMB dedicates the necessary resources to this and to other issues.

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

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Cleveland, OH [Mr. KUCINICH].

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

Mr. Speaker, as a former local official, I know every dollar counts, and that local taxpayers are being asked to shoulder the ever-increasing burden of services the Federal Government no longer provides. That is why I support a money-saving program for local and State governments, and why I now oppose the Treasury-Postal appropriation.

The cooperative purchasing program, which Congress passed into law in 1994, at section 1555 of the Federal Acquisition Streamlining Act, was designed to allow local and State governments, school districts and public hospitals, to purchase goods and services at a super discount off the Federal rate, saving local taxpayers hundreds of millions of dollars per year. Unfortunately, some have moved to take this particular program out of the conference report.

Here is how the cooperative purchasing program is supposed to work. A school district has to purchase computers, chalkboards, and basic furniture. Thanks to the cooperative purchasing program, the school district could buy the supplies and services it needed directly from vendors at the discounted prices the GSA negotiated. The GSA, as we know, is a procurement agency for the government.

These GSA-negotiated prices are often the lowest anywhere, allowing local taxpayers an opportunity to save money. Unfortunately, certain industry groups that benefit from government inefficiency would like nothing more than to have the law repealed. So the pharmaceutical industry wants to see the program repealed, because cooperative purchasing would entitle public hospitals and AIDS clinics to significant discounts on life-saving drugs. The medical equipment industry is also mobilizing against the discounts.

Mr. Speaker, we have a way to reduce the cost of government. It is called the cooperative purchasing program. Today the House will keep this idea and the program alive by rejecting the conference committee report. Let us tell our constituents we want to keep local taxes low and we reject the repeal of the cooperative purchasing program.

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

Mr. Speaker, I thank the gentleman for his comments. Just briefly, obviously, that was an issue that there was strong feeling on, particularly in the Senate, and frankly it was impossible to prevail on that position from the House perspective.

Mr. Speaker, I would enter into a colloquy with the distinguished chairman. The chairman and I have had long discussions and worked many years on the FEC. We differ in our perspectives in some respects, but we have come, I think, to what is a fair agreement on both sides, given the status of the conference report.

Mr. Speaker, I would ask the gentleman, am I correct that under the language that we have adopted with respect to FEC term limits, that there are two Republican vacancies currently and two Democratic vacancies? As I understand it, there are three pending nominations and one Republican that was withdrawn and one that will be made. Hopefully both the executive and the legislative will cooperate to make sure those nominations are made prior to December 31.

It is our understanding that under those circumstances, they would then be able to be reappointed once after the initial appointment.

Is that correct, Mr. Speaker?

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

Mr. HOYER. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, if the gentleman will yield, my friend, the gentleman from Maryland, is correct. As the gentleman knows, I have been a proponent of term limits for appointed members in the executive branch for some time, and especially on the Federal Election Commission.

It now appears that we are in the final days of resolving this with the prospect that those term limits could be adopted for members on the Federal

Election Commission. In view of the fact that some members of the Commission have served for the duration of the Commission, since about 1974, it just seemed to me that term limits are an appropriate remedy.

That being the case, in order to get the bill signed without too much undue negotiation and/or a veto, I have agreed with the gentleman that we would make sure that any person currently on the Commission or any person who might be appointed to or nominated for an appointment to the Commission between now and December 31 of this year would not be subject to that term limit immediately, but would be able to be appointed for a subsequent term, and that would be their last term. Anybody nominated or appointed following December 31 of this year would in fact be subject to the one-term, one 6-year term limit, and would only be able to serve 6 years at the most.

Mr. HOYER. I thank the chairman for his comments. That is, indeed, my understanding, that the four vacancies, two Republicans and two Democrats that are pending now, three being nominated, one Republican to be nominated, they would be subject to these limits, to the extent that they could serve the term for which they are now nominated and one additional; that is, sitting members, now, could be reappointed for one term, but that all future commissioners would be limited to the one term.

Mr. LIVINGSTON. That is correct.

Mr. HOYER. I appreciate the chairman's clarification.

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

Mr. KOLBE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. Mr. Speaker, I thank my friend for yielding time to me. I appreciate the gentleman's efforts that have gone into this.

I join with my friend, the gentleman from Ohio [Mr. KUCINICH] in being very disappointed and expressing our disappointment in the fact that this bill has come back from conference that repeals the cooperative purchasing program, which was a program established under Federal Acquisition Streamlining Act in the 103rd Congress.

This act allows local governments to buy at a discount items off the GSA schedule that the Federal Government buys and at prices the Federal Government currently pays. This provision could have saved local governments, State and local governments tens of millions, perhaps hundreds of millions of dollars annually.

Instead of passing this cost down to State and local taxpayers, the Senate, without holding one hearing, has decided to repeal this provision. I am particularly disappointed that the Group 70 schedule, a schedule with over 1,200 vendors, where over 90 percent of the vendors who applied to get on that schedule can get on, was discarded.

This is going to cost State and local governments millions of dollars, perhaps billions of dollars over the next decade as they go to acquisitions of information technology, computers, and very complex procedures that take a lot of time to go out with a request for proposal, responses to the proposals, best and final.

If they had been allowed to purchase under the Cooperative Purchasing Act, they could have purchased right off the GAO's schedule, could have defined exactly what they wanted, and it would have compressed the acquisition time in a significant manner, and literally would have saved millions of dollars.

So I am very disappointed, as is the National Governors' Association, the National Association of Counties, the National League of Cities, the Conference of Mayors, and other State and local government organizations who have worked with this Congress over the last couple of years to try to help them bring savings to their taxpayers, as we are trying to do here at the Federal level.

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

Mr. DAVIS of Virginia. I yield to the gentleman from Maryland.

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

Mr. Speaker, I understand and appreciate the gentleman's position. As the gentleman knows, in fact, I share his position on this issue, and voted that way in committee before the bill was reported to the floor. As the gentleman well knows, I lost, and his position, as articulated now, lost as well. On a point of order it was struck, but the fact of the matter is the reality was that the majority of the conferees on the House side and the majority of the conferees on the Senate side were for doing what the Senate did.

I will tell my friend, who I believe serves on the Committee on Government Reform and Oversight, the real problem is the chairman of the Committee on Government Reform and Oversight did not demand that the jurisdiction of the committee be honored in this instance. Very frankly, this is an issue for the gentleman's committee. He is absolutely correct.

I regret that the initial recommendation of the gentleman from Arizona, Chairman KOLBE, which was, back when we did the supplemental in March, to defer this issue to the gentleman's committee for action, did not in fact happen. I appreciate the gentleman's point.

Mr. DAVIS of Virginia. Mr. Speaker, I include for the RECORD a letter from the Vice President supporting my position.

The letter referred to is as follows:

THE VICE PRESIDENT,
Washington, September 23, 1997.

Hon. THOMAS M. DAVIS, III,
U.S. House of Representatives,
Washington, DC.

DEAR TOM: Thank you for your strong support for the use of cooperative purchasing authority for state and local governments. The Administration opposes repeal of this authority in the Treasury-Postal Appropriations Act for 1998 and would support the House's position in conference.

In 1993, as part of my work on reinventing government, I recommended to the President that General Services Administration be granted the authority to allow states and localities to purchase items from the federal supply schedules so they could enjoy the same advantageous prices GSA is often able to negotiate under contracts it has set up for the federal government's use. Used in appropriate circumstances, this cooperative purchasing authority might result in significant savings to the American taxpayer. Congress agreed and in 1994, gave GSA cooperative purchasing authority in the historic Federal Acquisition Streamlining Act.

It is surprising that efforts are underway to repeal this authority without the benefit of congressional hearings or other opportunities to assess the advantages of this program for taxpayers. The General Accounting Office studied this issue and concluded that the provision, if managed effectively, would not harm the federal government. As a result, the Administration opposes this attempt to repeal the provision because it could deny state and local taxpayers the opportunity to share in the savings the Federal Government is able to negotiate as a large buyer of commercial items.

However, if the repeal cannot be stricken in Conference, the Administration is willing to work with the Congress on a compromise to permit such purchases for a number of specified product categories in demand by State and local governments and whose affected producers have not objected. We would further urge that this authority include a limited pilot program for pharmaceuticals used to treat life-threatening conditions, beginning with drugs used to treat HIV. We also urge the retention of GSA's authority to make any of the services it provides to Federal agencies available to a qualified nonprofit agency for the blind or other severely handicapped that is to provide a commodity or service to the Federal Government under the Javits-Wagner-O'Day Act. GSA's total collection of administrative fees will not increase by more than the incremental increase in the cost of administering the program.

As a former county official, you appreciate more than most that taxpayers do not make much distinction between the federal, state, and local governments when they pay taxes. They want the benefit of savings and efficiency, from whatever level of government. If we do not work together to make this happen, we will never be able to restore the public's confidence in government. The cooperative purchasing program is an important example of how we need to use common sense to save tax dollars and do the right thing for all Americans.

Again, thank you for your leadership in this good fight.

Sincerely yours,

AL GORE.

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

Mr. Speaker, let me say to my friend, the gentleman from Virginia, and to all those who are concerned about this issue, the fact of the matter is, I am on their side and we lost. But I would urge the gentleman to look at the balance of the bill, because in terms of all of the rest of the bill, in terms of IRS, in terms of Customs, in terms of Secret Service, in terms of ATF, in terms of the White House, in terms of all of the other issues that this bill covers, it is

a very positive bill for many of the folks that the gentleman and I represent.

I would urge the gentleman that this is really an issue that needs to be addressed in the gentleman's committee. It should not be in our committee, the gentleman is absolutely right. The fact of the matter is the majority believed that this should pass, and we did not have the votes to stop it. I thank the gentleman.

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

Mr. KOLBE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Speaker, it is unfortunate that the most felicity about this bill has been because our pay raise, our COLA increases, are tied to the salaries in this bill, because in actuality that is less of the amount of dollars than we are increasing the IRS. We as Republicans are going around the country right now criticizing the IRS, while we are increasing their dollars here. There are many reasons why we are doing it, but nevertheless, it is rather an inconsistent message.

Furthermore, many Republicans went around the country criticizing the Bureau of Alcohol, Tobacco, and Firearms, and many gun owners around this country have been concerned about their abuses and civil rights abuses, yet we are not only not eliminating ATF, we are increasing ATF. I have great problems with this, as well as with the pay increase, and Members need to know that that is what is tied to this bill.

The second major concern I have is the process. It was not that we were not aware that this bill had us tied to the pay increase, it was that there was no rule vote, so we could not object to the rule. The rule, because we could not object to a rule, it meant that we were not allowed to offer any amendment to stop the pay raise. Therefore, the only thing we could do the first time was to vote against this bill the first time it went through. We could not do a motion to recommit or a motion to instruct conferees, because that is left to the minority leadership, so we had a procedural vote.

Once again, because it is a conference report, we cannot have a vote in this Congress on the pay raise. I think that is unfortunate. Thaere are a lot of Members, and I realize it is the will of this House, the majority of the Members favor a pay increase, but in fact this is another backdoor way to do it through, and it is unfortunate we did not have a straightforward vote.

□ 1715

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

Following up on the comments of the gentleman who has just spoken, this is not a back-door way to do anything. The amendment that the gentleman refers to, as I understand it, has been introduced in the form of a bill. It is in committee. It can be reported out. The fact of the matter is, we could add the amendment that the gentleman suggests to any bill being considered by this House. It is not germane on this bill because nothing in this bill deals with pay, as the gentleman knows. I presume he knows that. If he does not know it, I will inform him. Nothing in this bill deals with pay.

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

Mr. HOYER. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Speaker, is it not true that our salary increases are tied to the increases of Federal employees?

Mr. HOYER. To the extent that we cannot get any COLA adjustment if Federal employees do not get it, that is accurate. It is not included in this bill. No, sir. Nothing in this bill deals with the COLA's of Federal employees; nothing in this bill deals with the COLA's of Members; nothing, not one jot or tittle.

Mr. SOUDER. Mr. Speaker, if this would fail, would we get our increase?

Mr. HOYER. Absolutely. If it would pass, we would get our increase.

Mr. SOUDER. The gentleman is saying that our salaries go up regardless of what we do?

Mr. HOYER. Mr. Speaker, I am saying to the gentleman that nothing in this bill will affect his salary one way or the other.

Mr. SOUDER. Is it not true that this bill has historically, because it contains the salaries of Federal employees, the amendment to not have the pay raise, to eliminate the COLA is historically placed?

Mr. HOYER. Reclaiming my time, Mr. Speaker, obviously salaries and expenses for Federal employees are in every bill that deals with every agency, as the gentleman knows.

The gentleman is correct that this bill deals with the Office of Personnel Management. He is further correct that from time to time this bill has been used as a vehicle to stop the COLA adjustment. It could be effected in any bill, I tell the gentleman. So the gentleman's comments are as relevant to any bill that we consider as they are to this one.

Mr. SOUDER. Mr. Speaker, if the gentleman will continue to yield, is it not true that the Senate had placed their amendment on this bill and if we did it on another bill, the Senate has not passed it, therefore it could die in conference or could be vetoed by the President if it is freestanding, but if you do it on an appropriations bill, that it is less likely to be vetoed, and, secondly, that we have had no precedent in any other bill that the Senate has ever put that amendment on?

Mr. HOYER. Mr. Speaker, I think we could make that observation. Obviously, the Senate receded in this instance, as the gentleman knows, I think wisely so. I would hope that this conference committee would pass based upon the merits of this bill.

Mr. SOUDER. I thank the gentleman.

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

Mr. KOLBE. Mr. Speaker, I yield myself such time as I may consume. I would briefly like to respond to a couple of the other things that the gentleman from Indiana spoke about on the IRS.

I am very pleased with what we did here with the IRS. There are three increases that are in here for, as the gentleman from Indiana spoke about. Yes, it is an increase for IRS; $377 million of that increase is for Y–2K, that is the Year 2000 Compliance, to make sure that the computers are able to handle the shift to the new millennium. I do not think there is anybody that believes that we should have the whole system crash and the IRS not be able to function after the year 2000. That is what this money is in there for. We have funded that completely.

There is also $325 million for technology investment, what we used to call the tax system modernization where, we know, money was unfortunately frittered away in past years. So we have gone to a new system where now the money that we put aside for that is going to be fenced. We will not allow one dime of that to be spent until the committees, both the House and Senate, have seen the architectural plan for the spending of that money. There again, I think this is wise management and prudent spending.

Finally, for another initiative that this body has said is extraordinarily important, the $138 million for the earned income tax compliance initiative. We heard during the debate recently on the budget about the tremendous abuse of the earned income tax credit. We put in $138 million to enhance compliance and to cut down on the fraud and abuse of the earned income tax credit.

For all of those reasons, I think that the money that we have appropriated here, the increased money for the Internal Revenue Service, which, by the way, is still $204 million below the President's request, that that money that is in here is well spent. It has been carefully thought out. It has been worked out very carefully not only with the Internal Revenue Service, but also with the minority side, with the Senate, and I think that we have a very good handle on that money.

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

The fact of the matter is that I would hope that Members would concentrate on what this bill is, not what it is not, what it possibly could be, what could be added. There are a lot of great things that probably could be added to this bill that are not added to this bill. There are probably a lot of great things or bad things that this bill could preclude that it does not. But what it is, what this bill is that Members are going to consider is an excellent bill that does good and is bipartisan in nature. We all gave to reach agreement.

I thank the chairman for his leadership and effort on this issue.

REQUEST FOR QUORUM CALL

Mr. HOYER. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER pro tempore (Mr. LATOURETTE). Does the gentleman from Maryland move a call of the House? Under clause 6(e)(1) of rule XV, a point of no quorum is not in order at this point in the debate. Does the gentleman move a call of the House?

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Speaker, could I be told how much time remains in the debate?

The SPEAKER pro tempore. The gentleman from Maryland [Mr. HOYER] has 17 minutes remaining, and the gentleman from Arizona [Mr. KOLBE] has 18 minutes remaining.

REQUEST FOR CALL OF THE HOUSE

Ms. DELAURO. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The gentlewoman will withhold that motion. Under clause 6(e)(2) of rule XV, recognition for a motion for a call of the House is entirely in the discretion of the Chair.

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

I want to reiterate why Members ought to vote for this bill. The reason they ought to vote for this bill is because it does some things that are very important to average Americans, families in neighborhoods, in communities, concerned about the safety of their children, concerned about the safety of their families, concerned about the safety of their neighborhoods.

It provides $3.9 billion for law enforcement efforts. Every Member in this House supports that kind of effort. The fact of the matter is, $1.6 billion of that money is for antidrug activities. We could all talk about making communities safe. We can go back to our town meetings and say, I want to keep America safe from drugs; I want to keep American kids off of drugs. But the fact of the matter is, this effort makes that happen. This is an important initiative.

ONDCP, which is the organization that General McCaffrey heads up, as all of you know, the most decorated soldier in America, General McCaffrey heads up the ONDCP. He has organized an effort across the Government to make sure that we maximize our effort to make our communities safe. We provide for monies to go on television. We know that there is nothing that impacts young people in America like television.

What this bill does is provide funds so that we can communicate with young people with reference to staying off drugs, as I said earlier, just saying no. That is a critically important effort. I would ask Members to focus on that. There are some of you who think this bill is not perfect. You are absolutely right, it not perfect, but it is a very important effort in trying to address the drug problem in America, safe communities in America.

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

Mr. HOYER. I yield to the gentleman from Arizona.

Mr. SALMON. Mr. Speaker, I have a question about the funding in this for the IRS. Is it true or not true that the funding for the IRS increases by a half a billion?

Mr. HOYER. Mr. Speaker, let me get that figure for the gentleman. Maybe the chairman has the exact figure.

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

Mr. HOYER. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I just covered this a moment ago. Let me tell the gentleman again what is in here. Although it is $204 million below what the President requested, we have three increases for the IRS.

We have $377 million for Y–2K, year 2000 compliance, to make sure that the computers are compliant and that we will be able to process tax returns at the new millennium, which I do not know of any Member who thinks we should not be able to do in our Federal agencies.

There is $325 million in this bill for technology investment. This was formerly called the tax system modernization program, but unfortunately that money was wasted, and we have now gone back and said that not one dime of this $325 million can be spent by the IRS until there is actually an architectural blueprint or a plan for how it is going to be used.

Finally $138 million is in there for the earned income tax compliance initiative. We heard about this during the debate over the budget, the concerns about fraud and abuse of the EITC. I think it is a priority of this House that we have more compliance with the EITC. That is why we have it in here.

Mr. SALMON. Mr. Speaker, if the gentleman will continue to yield, so the overall figure is somewhere over a half a billion?

Mr. HOYER. Mr. Speaker, the answer to the gentleman's question is yes, but I would point out to the gentleman, the bill is over $200 million below what the President felt necessary to fund the IRS. The committee cut that figure by over $200 million.

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

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 220, nays 207, not voting 7, as follows:

[Roll No. 474]

YEAS—220

Abercrombie
Ackerman
Archer
Armey
Ballenger
Barrett (NE)
Barton
Bateman
Becerra
Bentsen
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Cox
Coyne
Crapo
Cummings
Cunningham
Davis (VA)
Delahunt
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Engel
Eshoo
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Fowler
Frank (MA)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gilchrest
Gilman
Gingrich
Green
Greenwood
Hall (OH)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefner
Hilliard
Hobson
Hoekstra
Horn
Houghton
Hoyer
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Kanjorski
Kennedy (MA)
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Linder
Lipinski
Livingston
Manton
Markey
Martinez
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne
Pelosi
Pickering
Pickett
Porter
Portman
Pryce (OH)
Quinn
Rahall
Rangel
Redmond
Regula
Rogers
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Sabo
Saxton
Scott
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stark
Stokes
Stupak
Tanner
Tauzin
Taylor (NC)
Thomas
Thompson
Torres
Towns
Upton
Vento
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wolf
Woolsey
Wynn
Yates
Young (AK)

NAYS—207

Aderholt
Allen
Andrews
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (WI)
Bartlett
Bass
Bereuter
Berry
Bonior
Boswell
Brady
Brown (OH)
Bryant
Bunning
Burr
Campbell
Canady
Capps
Carson
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cramer
Crane
Cubin
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
DeLauro
Deutsch

Duncan	Klug	Royce
Edwards	Kucinich	Ryun
Emerson	LaHood	Salmon
English	Lampson	Sanchez
Ensign	Largent	Sanders
Etheridge	Lazio	Sandlin
Evans	Lewis (GA)	Sanford
Everett	Lewis (KY)	Sawyer
Forbes	LoBiondo	Scarborough
Ford	Lofgren	Schaefer, Dan
Fox	Lowey	Schaffer, Bob
Franks (NJ)	Lucas	Schumer
Gejdenson	Luther	Sensenbrenner
Gekas	Maloney (CT)	Sessions
Gephardt	Manzullo	Shadegg
Gibbons	Mascara	Shays
Gillmor	McCarthy (MO)	Sherman
Goode	McGovern	Shimkus
Goodlatte	McIntyre	Slaughter
Goodling	McKinney	Smith (MI)
Gordon	Menendez	Smith, Adam
Goss	Metcalf	Smith, Linda
Graham	Mica	Snowbarger
Granger	Minge	Snyder
Gutierrez	Moran (KS)	Souder
Gutknecht	Myrick	Spratt
Hall (TX)	Neumann	Stabenow
Hamilton	Northup	Stearns
Hayworth	Norwood	Stenholm
Hefley	Nussle	Strickland
Herger	Pappas	Stump
Hill	Pascrell	Sununu
Hilleary	Paul	Talent
Holden	Pease	Tauscher
Hooley	Peterson (MN)	Taylor (MS)
Hostettler	Peterson (PA)	Thornberry
Hulshof	Petri	Thune
Hutchinson	Pitts	Thurman
Inglis	Pombo	Tiahrt
Istook	Pomeroy	Tierney
Jenkins	Poshard	Traficant
John	Price (NC)	Turner
Johnson (CT)	Radanovich	Velazquez
Johnson (WI)	Ramstad	Visclosky
Jones	Reyes	Walsh
Kaptur	Riggs	Wamp
Kasich	Riley	Watkins
Kelly	Rivers	Watts (OK)
Kennedy (RI)	Rodriguez	Weller
Kennelly	Roemer	Weygand
Kildee	Rogan	White
Kim	Rohrabacher	Whitfield
Kind (WI)	Rothman	Wise

NOT VOTING—7

Gonzalez	Maloney (NY)	Young (FL)
Hinchey	Pastor	
Hinojosa	Schiff	

□ 1750

Messrs. SHAYS, COOK, and Mr. BARTLETT of Maryland changed their vote from ''yea'' to ''nay.''

Messrs. BONO, MCINTOSH, and BONILLA changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, during rollcall vote No. 474 on H.R. 2378 I was unavoidably detained. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall vote No. 474, final passage of the Treasury, Postal Appropriations Conference Report, H.R. 2378, I was unavoidably delayed. Had I been present to vote, I would have voted ''nay.''

PERSONAL EXPLANATION

Mrs. MALONEY of New York. Mr. Speaker, on rollcall vote No. 474, the conference report to H.R. 2378, Treasury, Postal appropriations for fiscal year 1998, had I been present, I would have voted ''no.''

CONTINUING NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–137)

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

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency declared in 1979 is to continue in effect beyond November 14, 1997, to the *Federal Register* for publication. Similar notices have been sent annually to the Congress and the *Federal Register* since November 12, 1980. The most recent notice appeared in the *Federal Register* on October 31, 1996. This emergency is separate from that declared with respect to Iran on March 15, 1995, in Executive Order 12957.

The crisis between the United States and Iran that began in 1979 has not been fully resolved. The international tribunal established to adjudicate claims of the United States and U.S. nationals against Iran and of the Iranian government and Iranian nationals against the United States continues to function, and normalization of commercial and diplomatic relations between the United States and Iran has not been achieved. In these circumstances, I have determined that it is necessary to maintain in force the broad authorities that are in place by virtue of the November 14, 1979, declaration of emergency and that are needed in the process of implementing the January 1981 agreements with Iran.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 30, 1997.*

NOTICE

CONTINUATION OF IRAN EMERGENCY

On November 14, 1979, by Executive Order 12170, the President declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States constituted by the situation in Iran. Notices of the continuation of this national emergency have been transmitted annually by the President to the Congress and the *Federal Register*. The most recent notice appeared in the *Federal Register* on October 31, 1996. Because our relations with Iran have not yet returned to normal, and the process of implementing the January 19, 1981, agreements with Iran is still underway, the national emergency declared on November 14, 1979, must continue in effect beyond November 14, 1997. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Iran. This notice shall be published in the *Federal Register* and transmitted to the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 30, 1997.*

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on further consideration of the bill, H.R. 2267, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to House Resolution 239 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2267.

□ 1755

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Friday, September 26, 1997, amendment No. 16 by the gentleman from Georgia [Mr. BARR] had been disposed of and section 616 was open to further amendments.

Are there further amendments to this section of the bill?

Mr. ROGERS. Mr. Chairman, I move to strike the last word to discuss the evening schedule.

Mr. Chairman, the first order of business on the consideration of this bill is the matter dealing with the census. Under the unanimous-consent agreement of last week, debate time on this amendment was limited to 80 minutes.

On this side of the aisle, I do not anticipate any extraneous motions, in which case, if the other side could agree to that, we could have 80 minutes where Members would be able to attend

to other business while the debate on this matter proceeds.

I wonder if the gentleman from West Virginia [Mr. MOLLOHAN] would like to discuss that. If so, I will yield.

Mr. OBEY. Mr. Chairman, would the gentleman from Kentucky [Mr. ROGERS] renew his motion? We could not hear it.

Mr. ROGERS. I did not have a motion. What I had attempted to do was to try to explain to the Members that the first order of business now is the consideration of the census matter, which under the unanimous consent of last week, the debate time is limited to 80 minutes.

If there are no extraneous motions intervening during that period of time on either side, Members can feel free to attend to other business during that period of time without fear of a vote.

□ 1800

I think I can assure the body that there will not be such motions on this side, and if we can have that assurance from that side, Members could have 80 minutes.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. With all due respect, Mr. Chairman, I cannot give that assurance on this side because I intend to make one of the motions myself.

AMENDMENT OFFERED BY MR. MOLLOHAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part II amendment printed in House Report 105–264 offered by Mr. MOLLOHAN:

In the first paragraph under ''DEPARTMENT OF COMMERCE—BUREAU OF THE CENSUS—PERIODIC CENSUSES AND PROGRAMS'' strike ''Subject to the limitations provided in section 209, for'' and insert ''For''.

Strike section 209 and insert the following:

SEC. 209. None of the funds made available in this Act for fiscal year 1998 may be used by the Department of Commerce to make irreversible plans or preparations for the use of sampling or any other statistical method (including any statistical adjustment) in taking the 2000 decennial census of population for purposes of the apportionment of Representatives in Congress among the States.

SEC. 210. (a) There shall be established a board to be known as the Board of Observers for a Fair and Accurate Census (hereinafter in this section referred to as the ''Board'').

(b)(1) The function of the Board shall be to observe and monitor all aspects of the preparation and implementation of the 2000 decennial census (including all dress rehearsals) to determine whether the process has been manipulated in any way so as to bias the results in favor of any geographic region, population group, or political party, or on any other basis.

(2) In carrying out such function, the Board shall give special attention to the design and implementation of any sampling techniques and any statistical adjustments used in determining the population for purposes of the apportionment of Representatives in Congress among the several States.

(3) The Board shall promptly report to the Congress and the President evidence of any manipulation referred to in paragraph (1).

(c)(1) The Board shall be composed of 3 members as follows:

(A) 1 individual appointed by the President.

(B) 1 individual appointed jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate.

(C) The Comptroller General of the United States.

The members appointed under subparagraphs (A) and (B), respectively, shall be former Presidents or others of similar stature.

(2) Members shall not be entitled to any pay by reason of their service on the Board, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(d)(1) The Board shall have an Executive Director who shall be appointed by the Board and paid at a rate not to exceed level IV of the Executive Schedule.

(2) The Board may appoint and fix the pay of such additional personnel as it considers appropriate, subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

(3) Subject to such rules as may be prescribed by the Board, the Board may procure temporary and intermittent services under section 3109(b) of such title 5, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of pay payable for grade GS–15 of the General Schedule.

(4)(A) Upon request of the Board, any personnel of an agency under subparagraph (B) may be detailed to the Board, on a reimbursable basis or otherwise, to assist the Board in carrying out its duties.

(B) The agencies under this subparagraph are the General Accounting Office, the Congressional Research Service, and the Congressional Budget Office.

(e)(1) Notwithstanding any provision of title 13, United States Code, or any other provision of law, members of the Board and any members of the staff who may be designated by the Board under this paragraph shall be granted access to any data, files, information, or other matters maintained by the Bureau of the Census (or received by it in the course of conducting a decennial census of population) which they may request, subject to such regulations as the Board may prescribe in consultation with the Secretary of Commerce.

(2) The regulations shall include provisions under which individuals gaining access to any information or other matter pursuant to paragraph (1) shall be subject to sections 9 and 214 of title 13, United States Code.

(f) The Board shall transmit to the Congress and the President—

(1) interim reports, as least semiannually, with the first such report due by August 1, 1998; and

(2) a final report not later than August 1, 2001.

The final report shall contain a detailed statement of the findings and conclusions of the Board with respect to the matters described in subsection (b), together with any recommendations regarding future decennial censuses of population.

(g) Of the amounts appropriated to the Bureau of the Census for each of fiscal years 1998 through 2001, $2,000,000 shall be available to the Board to carry out this section.

(h) To the extent practicable, members of the Board shall work to promote the most accurate and complete census possible by using their positions to publicize the need for full and timely responses to census questionnaires.

(i) The Board shall cease to exist on September 30, 2001.

The CHAIRMAN. Pursuant to House Resolution 239, the gentleman from West Virginia [Mr. MOLLOHAN] and a Member opposed will each control 40 minutes.

Who seeks time in opposition?

Mr. HASTERT. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. HASTERT] will control 40 minutes.

The gentleman from West Virginia [Mr. MOLLOHAN] is recognized for 40 minutes.

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

Mr. Chairman, I rise to offer an amendment to the bill.

I would first like to thank the distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], and the distinguished ranking member, the gentleman from Massachusetts [Mr. MOAKLEY], for making the Mollohan-Shays amendment in order. It was the fair thing to do.

Mr. Chairman, this is a bipartisan amendment offered jointly with my colleague from Connecticut [Mr. SHAYS]. I want to take this opportunity to thank him and the many other Members on both sides of the aisle, especially the gentleman from Ohio [Mr. TOM SAWYER] and the gentlewoman from New York [Mrs. CAROL MALONEY], who have worked so hard in support of this amendment.

Mr. Chairman, the Constitution requires that we take a census of the entire population of the United States every 10 years. That means we count everyone, rich people, poor people, rural, urban, all races.

We are increasingly having a problem doing this count accurately. The error rate skyrocketed in 1990 to include 26 million people with an undercount of 1.6 percent of the population, and if we do not do something, Mr. Chairman, it is estimated that in 2000 the undercount will continue to climb. That is a lot of men, women, and children that will be left out of our Nation's family, just left out, Mr. Chairman, a lot from the inner city, a lot of the very rural, a lot of poor folks just left out of the count.

We can do something about this by building on sampling methods which have been a part of the census for the last 50 years. The Census Bureau wants to employ sampling, not only in this Democratic administration, but going back to President Bush's administration when Barbara Bryant, Republican appointed director of the 1990 census, started working to increase the use of sampling in the census. She says now, Mr. Chairman: ''I am very much in favor of the plan the Census Bureau has. It builds work that I started on back in 1990.''

Well, these plans and recommendation are good. It is also good that this bill contains $381 million to plan and

run tests next spring for what could be the most accurate census in our Nation's history.

But there is a very bad provision in this bill, the Hastert substitute which calls for a constitutional review of sampling, and during that review, this provision kills sampling by prohibiting the Census Bureau from spending any money on sampling planning. If the Census Bureau cannot spend money planning for sampling, then we cannot use sampling in the 2000 census; it is just that simple.

Now, Mr. Chairman, the amendment the gentleman from Connecticut [Mr. SHAYS] and I offer removes the Hastert prohibitions and replaces them with the most reasonable language contained in the Senate-passed bill which lets the Census Bureau test scientific sampling methods so long as they are not irreversible. And our amendment goes one step further. We propose to create a board of advisors for a fair and accurate census. This body would be made up of three individuals, one appointed by the President, one jointly appointed by the Speaker and the President pro tem of the Senate, and third, the Comptroller General. The first two appointments shall be former Presidents or men and women of similar stature. The main purpose of the board would be to observe and monitor all aspects of the preparation and the implementation of the 2000 census to assure the process is not in any way manipulated.

Mr. Chairman, those who object to sampling use three main arguments which I think can be soundly refuted. In their first arguments, opponents of sampling cite the Constitution. They assert that the Constitution requires an actual head count of the population. However, separate opinions issued by the Department of Justice under Presidents Carter, Bush, and Clinton, bipartisan in nature, all concluded that the Constitution permits the use of sampling and statistical methods as a part of the census.

Stuart M. Gerson, assistant attorney general, Civil Division, in the Bush administration, concluded in a July 1991 memorandum to the Commerce Department's attorney general that the meaning of the term ''enumeration of the Constitution'' is, quote, more likely found in the accuracy of census-taking than in the selection of any particular method. Continuing, he says, nothing indicates any additional intent on the part of the Framers to restrict for any time, for all time, the manner in which the census is conducted, end of quote.

Additionally, on this issue of constitutionality of sampling, Mr. Chairman, Federal courts have uniformly upheld the use of sampling. For example, in the City of New York v. Department of Commerce, a 1990 case, the court concluded that, quote, because article 1, clause 2, requires the census to be as accurate as practicable, the Constitution is not, is not, a bar to statistical adjustment.

In their second argument, Mr. Chairman, opponents of sampling say that it is bad science. Quite the opposite. The experts and statisticians disagree. After the 1990 census, the Congress asked, because of the bad count, the Congress asked the National Academy of Sciences what could be done to make sure that every person in our country is counted in the 2000 census, unlike the 1990 census. And the National Academy of Sciences recommended sampling, a greater use of sophisticated sampling techniques.

Further, the National Research Council, the American Statistical Association, and the General Accounting Office all have endorsed the use of sampling, the increased use of sampling, in the census.

Barbara Bryant, again, census director under none other than President Bush, had the following to say in a recent letter to Speaker NEWT GINGRICH:

In the long run, our Nation is best served by accuracy. Sample surveys to estimate those who will not or cannot be counted in the 2000 census after the Census Bureau has made every reasonable and good-faith effort to voluntarily enumerate them will increase the accuracy of the census.

Mr. Chairman, in their third argument, opponents of sampling say that the Commerce Department will politicize the results of the census. While I do not in any way share this view, its nature makes it impossible to refute through fact or expert opinion. It can only be refuted through a guarantee of careful oversight, and that is precisely what the Mollohan-Shays amendment does with the board of advisers for a fair and accurate census; it assures oversight.

Mr. Chairman, having refuted the three most used arguments against sampling, only one remains: Fear, the fear that using sampling will affect the political makeup of the House of Representatives. The real manipulation going on today is the Republicans' majority attempt to control funding to prevent the Census Bureau from using the one technique all the experts say will yield the most accurate census. And why are they doing this? By their words, it is, they indicate, that it is because they are afraid of what will happen if every person in this country is counted, afraid they may lose seats in the Congress. I do not agree with that view. It is a false fear.

But in any event, let me remind my colleagues that the purpose of the census is to count the people of our Nation, not to ensure that any political party controls the Congress. We should strive toward accuracy and let the political chips fall where they may. To quote the recent commentary in a Business Week magazine, Census 2000, Math, Not Politics, Please, end of quote.

Mr. Chairman, I would like to close by reaching out to my Republican colleagues, perhaps some from States that had a large undercount in the 1990 census. We cannot pass this amendment without them. Join us in fashioning a census where we count all women, all men, and all children, where we do not leave out four or five or six million inner city, rural, and poor folks. Let us take advantage of this historic opportunity in a bipartisan way to have the best census ever.

Vote for the Mollohan-Shays amendment.

Following are excerpts from decisions of several Federal courts which have considered the issue of the constitutionality and legality of use of sampling and statistical adjustment in the census, and from legal memoranda by senior Justice Department officials from both Republican and Democratic administrations.

United States Court of Appeals for the Sixth Circuit: ''Although the Constitution prohibits subterfuge in adjustment of census figures for purposes of redistricting, it does not constrain adjustment of census figures if thoroughly documented and applied in a systematic manner.''

Young v. *Klutznik*, 652 F.2d 617, 625 (6th Cir. 1981)

United States District Court for the Eastern District of New York: ''This Court concludes that because Article I, section 2 requires the census to be as accurate as practicable, the Constitution is not a bar to statistical adjustment.''

City of New York v. *U.S. Dept. of Commerce*, 739 F.Supp. 761, 767 (E.D.N.Y. 1990)

United States District Court for the Southern District of New York: ''It appears to the Court that this language [in the Constitution] indicates an intent that apportionment be based on a census that most accurately reflects the true population of each state.''

''Consequently, the Court finds defendants' constitutional and statutory objections concerning the impropriety of employing statistical adjustments to compensate for the undercount without merit.''

Carey v. *Klutznik*, 508 F.Supp. 404, 415 (S.D.N.Y. 1980)

United States District Court for the Eastern District of Michigan: ''It is unthinkable to suggest, that, when the allocation of federal resources and the apportionment of Congressional Representatives rest upon an accurate census count, and when the Census Bureau itself knows that there is an undercount, which heavily disfavors Blacks and minorities, and when a method can be found to correct that undercount, that the words 'actual enumeration' in the Constitution prevent an adjustment to obtain a more accurate figure than the actual headcount.''

Young v. *Klutznik*, 497 F.Supp. 1318, 1333 (E.D. Mich 1980)

United States District Court for the Eastern District of Pennsylvania: ''It may be that today an actual headcount cannot hope to be an accurate reflection of either the size or distribution of the Nation's population. If so, it is inconceivable that the Constitution would require the continued use of a headcount in counting the population. Therefore, the Court holds that the Constitution permits the Congress to direct or permit the use of statistical adjustment factors in arriving at the final census results used in reapportionment.''

City of Philadelphia v. *Klutznick*, 503 F.Supp. 663, 679 (E.D.Pa. 1980) (emphasis in original)

United States Court of Appeals for the Second Circuit: ''Reading sections 141 and 195 [of

the Census Act] together in light of their legislative history, we conclude that Congress intended the Secretary (a) to conduct an actual enumeration as part of the decennial census, and (b) in lieu of a 'total' enumeration to use sampling and special surveys 'whenever possible'. Accordingly, we conclude that a statistical adjustment to the initial enumeration is not barred by the Census Act and indeed was meant to be encouraged.''

City of New York v. *U.S. Department of Commerce,* 34 F.3d 1114, 1125 (2d Cir 1994) (citations omitted)

Stuart Gerson, Assistant Attorney General (Civil Division) in the Bush Administration (Legal Opinion for Commerce Dept., July 9, 1991): ''Though the conclusion is not entirely free from doubt, it does appear the Constitution would permit a statistical adjustment if it would contribute to an accurate population count.''

Stuart Gerson, Assistant Attorney General (Civil Division) in the Bush Administration, (Legal Opinion for Commerce Dept., July 9, 1991): ''By directing the conduct of an 'actual Enumeration' for use in subsequent congressional apportionments, the Framers replaced the 'conjectural ratio' used in the initial apportionment, with a more permanent and precise standard. Nothing in the constitutional debates or any other historical records, insofar as we are aware, indicates any additional intent on the part of the framers to restrict for all time—except by constitutional amendment—the manner in which the census is conducted. Rather, the thrust of the 'actual Enumeration' language appears to be simply that the decennial census should represent an accurate counting of the population 'in such manner as [the Congress] shall by Law direct'.''

* * * * *

''In sum, the essence of enumeration, as the term is both generally and constitutionally understood, is more likely found in the accuracy of census taking rather than in the selection of any particular method, i.e., a headcount.''

Walter Dellinger, Assistant Attorney General in the Clinton Administration (Memorandum for the Solicitor General, Oct. 7, 1994): ''Accordingly, we conclude that the Constitution does not preclude the [Census] Bureau from employing technically and administratively feasible adjustment techniques to correct undercounting in the next decennial census.''

Walter Dellinger, Assistant Attorney General in the Clinton Administration (Memorandum for the Solicitor General, Oct. 7, 1994): ''These discussions [at the constitutional convention] make clear that, in requiring an 'actual' enumeration, the Framers meant a set of figures that was not a matter of conjecture and compromise, such as the figures they had themselves provisionally assumed. An 'actual' enumeration would instead be based, as George Mason put it, on 'some permanent and precise standard'. There is no indication that the Framers insisted that Congress adopt a 'headcount' as the sole method for carrying out the enumeration, even if later refinements in the metric of populations would produce more accurate measures.''

John M. Harmon, Asst. Attorney General (Office of Legal Counsel) in the Carter Administration, (Memorandum dated Sept. 25, 1980): ''In sum, the position that the Constitution prohibits any statistical adjustment is not supportable—not as a matter of semantics, Framers' intent, or Supreme Court case law.''

THE AMERICAN STATISTICAL ASSOCIATION REPORT OF THE CENSUS BLUE RIBBON PANEL

EXECUTIVE SUMMARY

In order to improve the accuracy and to constrain the costs of the Decennial Census for the year 2000 the Census Bureau is planning to make increased use of scientific sampling when conducting the Census. Critics have questioned the Bureau's intent to make greater use of sampling. Their criticism may be based upon a misunderstanding of the scientific basis of the Census Bureau's sampling plans. The President of the American Statistical Association appointed this panel and charged it with considering this aspect of the Bureau's plans and the criticisms of them. In our statement, we point out that sampling is an integral part of the scientific discipline of statistics and explain how its use can be an appropriate part of the methodology for conducting censuses.

Congress directed the Bureau of the Census to develop plans for the 2000 Decennial Census that (1) reduce the undercount, particularly the differential in the undercount across population groups, and (2) constrain the growth of costs. Because sampling potentially can increase the accuracy of the count while reducing costs, the Census Bureau has responded to the Congressional mandate by investigating the increased use of sampling. An additional benefit of sampling is that its appropriate use can also reduce the response burden on the population. We endorse the use of sampling for these purposes; it is consistent with best statistical practice.

BACKGROUND

The Bureau of the Census is planning to improve coverage and constrain the costs of the Decennial Census for the year 2000 by making greater use of scientific sampling. Sampling is not new to the Census; it has been used for decades in compiling the Census. The Census Bureau has employed sampling to monitor and improve the quality of interviewers' work, to reduce respondent burden by asking some questions of only a sample of households, to estimate the number of vacant housing units, and to evaluate the completeness of the Census's coverage of the population. In addition, for the year 2000, the Census Bureau's plans include sampling households that do not respond to the mail questionnaire and are not reached in initial interviewer follow-up. This is a procedure known as sampling for ''non-response follow-up.'' The Census Bureau also plans to use sampling to account for the remaining small percentage of households that cannot be counted in the enumeration. This procedure is referred to as ''integrated coverage measurement.'' This increased use of sampling has been criticized; however, we believe the critics may have misunderstood the scientific basis of the Census Bureau's sampling plans.

Plans for the 2000 Census have been developed in response to a dual Congressional mandate to the Bureau. First, the Census Bureau is charged with improving the population count by reducing the undercount (which increased from 1.2% of the population in 1980 to 1.8% of the population in 1990) and, in particular, with reducing or eliminating the differentially higher undercount of some groups, such as Africa-Americans and Hispanics. Second, the Census Bureau is charged with constraining the cost of the 2000 Census (census costs escalated sharply between 1970 and 1990, even after allowing for inflation and population growth). In carrying out this dual mandate from the Congress, the Census Bureau has considered a variety of procedural and technical improvements to the 2000 Census and has developed plans to use sampling for non-response follow-up and for integrated coverage measurement. The Bureau has also created and consulted with a number of advisory groups and has sought the advice of several National Academy of Science panels.

As the Decennial Census draws nearer, Congress has been monitoring the Bureau's planning process more closely. The Bureau's proposed additional uses of sampling have created some controversy within Congress. Several recent actions, as well as proposed legislation, would affect the Bureau's ability to use sampling in the 2000 Census.

Two bills have been introduced in Congress that would restrict the role of sampling in the 2000 Census. One bill, HR3558, sponsored by Congresswoman Carrie Meek (D-Florida), states that ''the Bureau shall attempt to contact every household directly (whether by mail or in person), and may use sampling as a substitute for direct contact in a particular census tract only after direct contact has been made with at least 90 percent of the households in such tract.'' This bill reflects concern about the Census Bureau's proposed plan to begin the use of sampling for non-response follow-up when 90 percent of the households have been enumerated in each county (counties are usually larger and more diverse geographic areas than are census tracts). The other bill, HR3589, sponsored by Congressman Thomas Petri (R-Wisconsin), states that Title 13 of the U.S. Code shall be amended to add the following: ''In no event may sampling or other statistical procedures be used in determining the total population by states . . . for purposes of the apportionment of Representatives in Congress among the several States.'' This bill would prohibit the use of any sampling to determine population counts used for congressional apportionment. This effectively prevents the use of sampling for any purpose other than collection of demographic or economic data through the ''long form.''

In June, the House Committee on Government Reform and Oversight prepared a report that recommended against sampling in the Census either to complete the field work or to correct the undercount. The committee has not yet considered or voted on the report. In early August, the Senate Committee on Appropriations approved a report to accompany the Fiscal Year 1997 Commerce Department funding bill that would prohibit the Census Bureau from preparing to use sampling in the Decennial Census. The full Senate is expected to consider the bill in September.

This statement has been composed by a panel appointed by the President of the American Statistical Association to consider the Census Bureau's plans to increase the use of sampling in the conduct of the next Census. The purpose of this statement is to point out that sampling is an integral part of the scientific discipline of statistics and to explain briefly how its use can be an appropriate part of the methodology for conducting censuses.

STATEMENT

Uses of and the Scientific Basis for Sampling

Sampling is used widely in science, medicine, government, agriculture, and business because it is the fundamental basis for addressing specific questions in these arenas. Sampling is a critical tool for reducing uncertainty; it is possible to draw conclusions from a scientific sample of empirical observations with specific levels of confidence in our conclusions. Statistics, a branch of applied mathematics, is a rigorous discipline based upon centuries of development of the principles of probability and the empirical study of their applications. The use of sampling combined with the mathematics of

probability provide the basis for drawing scientific inferences from observations. Without this basis, confirming or rejecting scientific theories would be impossible.

Specific areas that use statistical sampling extensively include auditing, market research, quality assurance, approving new drugs, and medical testing. For example, physicians use a sample of blood drawn from a patient to draw conclusions about all the blood in the patient's body. A full census of a patient's blood is not possible, and a small sample is fully adequate to measure the concentration of a specific chemical in the patient's blood system. Sampling permits observations to be made efficiently, economically, and fairly. Without sampling, we would not have quality control in our industries, soil testing in agriculture, or most of the national statistics on which the nation depends. Well-designed samples are used to draw accurate conclusions in many applications. The specific design of a sample in a particular setting depends on the particular problem being addressed. In complex situations such as the census, the detailed sample designs require careful analysis by people skilled and experienced in census taking.

Using Sampling to Improve the Population Count

The appropriate use of sampling can improve the count of a population. The basic idea underlying this conclusion is that some parts of the population will be easier to count and some more difficult. After an effort has been made to reach all households, some number of households will not have been reached; little is known about these households. Well-designed sampling to obtain information about them can reduce what would otherwise be a differential undercount between the easier to count and harder to count groups in the population. The attachment to this statement briefly explains the underlying logic of how sampling can improve population counts and also reduce costs.

In fact, every census is, in some sense, a sample, since everyone cannot be reached. Some countries, more authoritarian than ours, have ordered all people to remain in their homes all day on Census Day until the police or the army have come to count them. In democratic countries, however, everyone cannot be reached and counted. Those who have been counted amount to a sample of the total population, but this is not a sample based on probability theory because the reasons for missing information in the census are not understood. A probability based sample design, as planned by the Census Bureau, permits inferences to be drawn about the entire population with a specified level of confidence. The discipline of statistics largely focuses on reducing uncertainty through the use of sampling and other statistical techniques that permit inferences to be drawn about those missing in a sample. Thus, scientific probability sampling is broadly applicable to census taking.

In addition, sampling can reduce the burden on respondents to the census. Just as it is not necessary to impose on the medical patient the burden of withdrawing all the blood to measure the platelet count, it is not necessary to count every household and every person in the country in order to draw conclusions about the country. Careful design and execution of probability sampling can permit samples to generate data and precise inferences in which we can have considerable confidence. Indeed, the ability to employ sampling is perhaps the single most important element in the government's effort to reduce the burden it imposes on the population from which it collects statistics.

Conclusion

Congress directed the Bureau of the Census to develop plans for the 2000 Decennial Census that (1) reduce the undercount particularly the differential in the undercount across population groups, and (2) constrain the growth of costs. Because sampling has the potential to increase the quality and accuracy of the count and reduce costs, the Census Bureau has responded to the Congressional mandate by investigating the increased use of sampling. An additional benefit of sampling is that its appropriate use can also reduce the response burden on the population. The use of sampling for these purposes is consistent with sound statistical practice.

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, September 29, 1997.

To: Honorable Carolyn B. Maloney, Attention: David McMillen
From: American Law Division
Subject: Questions re Legislative Provision for Expedited Judicial Review of Use of sampling and statistical Adjustment in Year 2000 Census

This memorandum is in response to your request for our consideration of four questions dealing with the implementation and likely impact of language added to H.R. 2267, the Commerce, Justice, State, and Judiciary Appropriations Bill. By the terms of the Rule granted the bill by the Committee on Rules, H. Res. 239; H. Rept. 105–264, the provision, set out in the cited report, was adopted upon the adoption of the Rule.

Briefly stated, the provision §209 of H.R. 2267, authorizes ''[a]ny person aggrieved'' by the use of a statistical method of determining population in connection with the year 2000, or later, census, to bring a civil action for declaratory, injunctive, and other appropriate relief against the use of the method on the ground that it is contrary to the Constitution or statute. The definition of an ''aggrieved person'' for purposes of the section is stated to be any resident of a State whose congressional representation or district ''could'' be changed by the use of a statistical method, any Representative or Senator, or either House of Congress. The action authorized is to be heard and determined by a three-judge district court, pursuant to 28 U.S.C. §2284. Expedited appeal direct to the Supreme Court of any decision by the district court is provided for under specified deadlines for filing.

A significant provision, subsection (b), states that ''the use of any statistical method in a dress rehearsal or similar test or simulation of a census in preparation for the use of such method, in a decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress shall be considered the use of such method in connection with that census.''

Under subsection (d)(2), no appropriated funds may be used for any statistical method, in connection with the decennial census, once a judicial action is filed, until it has been judicially determined that the method is authorized by the Constitution and by act of Congress.

Three of your questions relate to the likelihood of a Supreme Court decision, using the expedited procedure, either by the time of the beginning of the 1998 census dress rehearsal (approximately March 15, 1998) or prior to the census in 2000. Inasmuch as the date of the decision in any such case depends substantially on the filing date of the suit, and the beginning of the running of any period of expedition, we cannot even guess whether a Supreme Court decision would be likely before either event. Certainly, the date of the start of the dress rehearsal, if it is March 15, 1998, is less than six months from now, much less from the time of enactment of the provision, if it is enacted, and from the time a statistical method is tested, if that is sufficient to confer standing. Thus, we can be confident that a decision by March 15, 1998, is highly unlikely. A decision by the beginning of the start of the 2000 census is certainly possible, if a suit may be filed early enough. However, as we indicate below, it is doubtful that anyone would have standing by then, even in light of the section, to bring an action.

We can indicate, from the time line of past cases, especially those where Congress has provided especially for judicial review and expedited consideration, that the courts are enabled to proceed promptly and in less time than with respect to the ordinary case. For example, the most recent case was handled very expeditiously. *Raines* v. *Byrd*, 117 S.Ct. 2312 (1997). Congress in 1996 enacted the Line-Item Veto Act, which went into effect on January 1, 1997. The following day, six Members of Congress filed suit. The District Court handed down its decision on April 10, 1997. Pursuant to the statute's authorization, an appeal was filed in the Supreme Court on April 18, the Court granted review on April 23, and, even though the argument period for the Term had run, special oral argument was entertained on May 27, and the decision by the Supreme Court was rendered on June 26.

Thus, the time from filing in the District Court to the issuance of a decision by the Supreme Court was less than seven months, although we must observe that the decision was based on the lack of standing by the Members, perhaps a less difficult issue than the question on the merits. Nonetheless, the time frame was significant.

Other cases could be cited. For example, in *Bowsher* v. *Synar*, 478 U.S. 714 (1986), testing the constitutionality of certain features of the Gramm-Rudman-Hollings law, the Balanced Budget and Emergency Deficit Control Act of 1985, the courts moved promptly, again acting within a congressionally-enacted provision for expedited judicial review. The President signed the bill into law on December 12, 1985, and suit was filed the same day. A three-judge district court was impaneled, and a decision was issued on February 7, 1986. An appeal was filed in the Supreme Court on February 18, review was granted on February 24, oral argument was held on April 23, and the Court's decision was issued on July 7.

The time line was thus about seven months.

One may assume, therefore, that a suit, properly brought, challenging the use of some form of statistical adjustment, could be processed within a relatively brief time, perhaps within seven months and perhaps within a briefer period. However, that assumption is of little importance, because the substantial question, the hard issue, turns on what party has standing to bring such a suit; that is, when is a suit ''properly brought''?

That the use of statistical methods, of samplings and adjustments, is not a frivolous question is evident. The argument is whether the Constitution in requiring an ''actual Enumeration,'' Art. I, §2, cl. 3, mandates an actual counting or permits some kind of statistical analysis to enhance the count; the further argument is whether Congress, in delegating to the Secretary of Commerce its authority to conduct the census ''in such Manner as [it] shall by Law direct,'' has by instructing him to take ''a decennial census of the population . . . in such form and content as he may determine . . .'', 13 U.S.C. §141(a), supplied him with sufficient authority to supplement or to supplant the

actual count through statistical methods. The Supreme Court has reserved decision on both issues. *Wisconsin* v. *City of New York,* 116 S.Ct. 1091, 1101 nn. 9, 11 (1996).

Courts have entertained suits arising out of these and similar issues. E.g., *Wisconsin* v. *City of New York,* supra; *Franklin* v. *Massachusetts,* 505 U.S. 738 (1992); *Dept. of Commerce* v. *Montana,* 503 U.S. 442 (1992). However, all three cases arose after the actual conduct of or official decision about a particular action that resulted in actual injury to a State or to a political subdivision. These cases, and earlier decisions in the lower courts concerning the 1990 and 1980 censuses, certainly stand for the proposition that polities have standing to sue to contest actions that have already occurred and that have injured them. They do little to advance the inquiry required by §209.

All citizens, of course, have an interest that the Constitution be observed and followed, that laws be enacted properly based on and permitted by the Constitution, and that laws be correctly administered. However, this general interest, shared by all, is insufficient to confer standing on persons as citizens or as taxpayers. *Schlesinger* v. *Reservists Com. to Stop the War,* 418 U.S. 208 (1974); *United States* v. *Richardson,* 418 U.S. 166 (1974). See also *Valley Forge Christian College* v. *Americans United,* 454 U.S. 464, 483 (1982); *Allen* v. *Wright,* 468 U.S. 737, 754 (1984); *Lujan* v. *Defenders of Wildlife,* 504 U.S. 555, 560 (1992). Congress may not overturn this barrier to suit in federal court by devising a test law suit. E.g., *Muskrat* v. *United States,* 219 U.S. 346 (1911) (striking down a statute authorizing certain named Indians to bring a test suit against the United States to determine the validity of a law affecting the allocation of Indian lands, in which the attorneys' fees of both sides were to be paid out of tribal funds, deposited in the Treasury).

Standing is one element of the justiciability standard, which limits Article III federal courts to the decision only of cases that properly belong within the role allocated to federal courts. ''[A]t an irreducible minimum,'' the constitutional requisites under Article III for the existence of standing are that the party seeking to sue must personally have suffered some actual or threatened injury that can fairly be traced to the challenged action of the defendant and that the injury is likely to be redressed by a favorable decision. E.g., *Allen* v. *Wright,* 468 U.S., 751; *Lujan* v. *Defenders of Wildlife,* supra, 504 U.S., 560; *Raines* v. *Byrd,* 117 S.Ct., 2317–18. ''We have always insisted on strict compliance with this jurisdictional standing requirement.'' Id., 2317.

The first element, injury in fact, is a particularly stringent requirement. ''[T]he plaintiff must have suffered an 'injury in fact'—an invasion of a legally protected interest which is (a) concrete and particularized, . . . and (b) actual or imminent, not conjectural or hypothetical. ''*Lujan* v. *Defenders of Wildlife,* 504 U.S., 560 (internal quotation marks omitted). As the latter part of the element indicates, a party need not await the consummation of the injury in order to be able to sue. However, as the decisions combining parts of standing and of Article III ripeness show, pre-enforcement challenges to criminal and regulatory legislation will be permitted if the plaintiff can show a realistic danger of sustaining an injury to his rights as a result of the governmental action impending; a reasonable certainty of the occurrence of the perceived threat to a constitutional interest is sufficient to afford a basis for bringing a challenge, provided the court has before it sufficient facts to enable it to intelligently adjudicate the issues. *Buckley* v. *Valeo,* 424 U.S. 1, 113–18 (1976); *Duke Power Co.* v. *Carolina Environmental Study Group,* 438 U.S. 59, 81–2 (1978); *Babbitt* v. *Farm Workers,* 442 U.S. 238, 298 (1979); *Regional Rail Reorganization Act Cases,* 419 U.S. 102, 138–48 (1974). The Court requires, though, particularized allegations that show a reasonable certainty, an actual threat of injury. See *Renne* v. *Geary,* 501 U.S. 312 (1991); *Lujan* v. *Defenders of Wildlife,* 504 U.S., 564–65 & n. 2.

Critically, in any event, the certainty of injury requirement is a constitutional limitation, while the factual adequacy element is a prudential limitation on judicial review. *Regional Rail Reorganization Act Cases,* 419 U.S., 138–48.

Congress is free to legislate away prudential restraints upon the jurisdiction of the courts and to confer standing to the utmost extent permitted by Article III. But, Congress may not legislatively dispense with Article III's constitutional requirement of a distinct and palpable injury to a party or, if the injury has not yet occurred, a realistic danger of its happening. *Warth* v. *Seldin,* 422 U.S. 490, 501 (1975); *Raines* v. *Byrd,* 117 S.Ct., 2318 n. 3. Cf. *United States* v. *SCRAP,* 412 U.S. 669 (1973), disparaged in *Whitmore* v. *Arkansas,* 495 U.S. 149, 159 (1990), asserting that it ''surely went to the outer limit of the law.'' The Court has firmly held that Congress, in pursuit of judicial oversight over government activity in areas of general public interest, areas that would not support standing in the first instance, may not enlarge the scope of judicial review by definitionally expanding the meaning of standing under Article III. *Lujan* v. *Defenders of Wildlife,* 504 U.S., 571–78. ''Whether the courts were to act on their own, or at the invitation of Congress, in ignoring the concrete injury requirement described in our cases, they would be discarding a principle fundamental to the separate and distinct constitutional role of the Third Branch—one of the essential elements that identifies those 'Cases' and 'Controversies' that are the business of the courts rather than of the political branches.'' Id., 576. ''[Statutory] broadening [of] the categories of injury that may be alleged in support of standing is a different matter from abandoning the requirement that the party seeking review must himself have suffered an injury.'' Id., 578 (quoting *Sierra Club* v. *Morton,* 405 U.S. 727, 738 (1972)).

Turning, then, to the proposed §209, we must observe that the precedents strongly counsel that the conferral of standing, especially in its definitional design of injury in fact, would be inadequate to authorize judicial review until the occurrence of the injury, the calculation of population figures showing the gains and losses of seats in the House of Representatives.

First, the conferral of standing in subsections (c)(2) and (3) is likely ineffective. In *Raines* v. *Byrd,* supra, Congress had included in the Line-Item Veto Act authorization for ''[a]ny Member of Congress'' to bring an action to contest the constitutionality of the Act. The Court held that the Members seeking to sue had suffered no personal, individualized injury, only rather an assertion of an institutional injury to their status as Members, that was inadequate under Article III. Conceivably, Members representing a State that lost one or more seats in the House as a result of statistical re-evaluation of the census enumeration could suffer the same injury that all residents of the State incurred, but that injury would be confined as we discuss below.

Second, while either the House of Representatives or the Senate may have interests that could be injured by Executive Branch action, giving either body or both bodies standing to bring an action, what interest either House could assert in the reallocation of seats in the House of Representatives is unclear at best.

Third, §209(a) authorizes ''[a]ny person aggrieved by the use of any statistical method . . . in connection with . . . [a] census, to determine the population for purposes of the apportionment or redistricting of members of Congress . . .'' to bring a court action to challenge the constitutionality of or the statutory basis of the statistical method. Under §209(c)(1), an ''aggrieved person'' is defined to include ''an resident of a State whose congressional representation or district *could* be changed as a result of the use of a statistical method.'' (Emphasis supplied). By §209(b), it is provided that ''the use of any statistical method in a dress rehearsal or similar test or simulation of a census in preparation for the use of such method . . . *shall be considered the use of such method in connection with that census.*'' (Emphasis supplied). That is, any person residing in a state that ''could'' lose House representation as a result of a statistical adjustment of a census may sue as soon as there is ''a dress rehearsal or similar test or simulation of a census.''

The case law makes it clear that this authorization, if enacted, would run afoul of constitutional barriers to congressional conferral either of standing or of ripeness or both.

Under Article III, for a litigant to have standing, he must allege an injury in fact to himself or to an interest; if the injury has not yet occurred, he must allege a strong basis for fear that the injury will happen, that there is a real danger of the injury being felt. The quoted provisions purport to confer standing far beyond this constitutional requirement.

To illustrate, when each census occurs, it is the responsibility of the Bureau of the Census to calculate, using what is called ''the method of equal proportions,'' 2 U.S.C. §2a(a), the number of seats, above the one each State is constitutionally guaranteed, to be allocated to each State, and the numbers are processed by the Department of Commerce, which refers them to the President, who has the responsibility to transmit them to Congress. See generally *Dept. of Commerce* v. *Montana,* 503 U.S. 442 (1992); *Franklin* v. *Massachusetts,* 505 U.S. 788, *Wisconsin* v. *City of New York,* 116 S.Ct. 1091 (1996). The allocation is not final until the President submits the figures to Congress. *Franklin* v. *Massachsuetts,* 505 U.S. 796–801. It is then that the loss of a seat or seats is legally final, and it seems clear that the States losing seats have suffered a cognizable injury, enabling them to bring suit to challenge at least certain aspects of the conduct of the census. Id., 801–803.

Whether residents of a State that has lost one or more seats in the House of Representatives have standing to bring suit is questionable. Certainly, voters in a State in which redistricting is not accomplished through the creation of equally-populated districts have standing to complain about the dilution of their voting strength. E.g., *Wesberry* v. *Sanders,* 376 U.S. 1 (1964); *Darcher* v. *Daggett,* 462 U.S. 725 (1983). And a resident of a congressional district that has been drawn impermissibly using race has standing to challenge that districting. *United States* v. *Hays,* 515 U.S. 737 (1995). But in the context of a State losing a House seat, every resident of that State has a general interest that is shared by all other residents. It is not a particularized injury in fact that is what normally confers standing.

Let us, however, assume that residents would have standing. The injury would not occur until the President transmits the figures to Congress. Even if one could allege the imminent likelihood of injury, a realistic danger of injury, that development is only

going to mature when the census is completed and the calculations are made awarding the correct number of seats to each House. And we hear speak of a challenge to the actual census.

The challenge, however, authorized by §209, is to the use of a statistical method that ''could'' change the result of the census enumeration. An injury in fact would not occur, again, until the result is reported to Congress by the President; an imminent injury in fact could conceivably occur when the Census Bureau and the Commerce Department utilize a statistical adjustment that changes the allocation of seats. But that occurs after the tabulation of the census result and the utilization of a statistical method that changes the result of the census count itself.

The Supreme Court has never approved standing premised on an allegation that a particular governmental action ''could'' cause an injury. Of course, the application of a statistical method ''could'' work a change in the census, but to which States and with what results would be extremely speculative under the best of circumstances.

Moreover, the definition of the ''use of any statistical method'' to include a test, or dress rehearsal, or simulation of a census would confer standing that is even further removed from the occurrence of the event that ''could'' or ''might'' result in an injury. It would be impossible to point to any result of the conduct of a test or whatever that might conceivably occasion the loss of one or more House seats.

Because Congress lacks the power to create a definition of standing or of the imminent likelihood of injury giving standing that would infringe the constitutional requirement of standing—of injury in fact or of the imminent likelihood of injury—it appears extremely likely that the Supreme Court would either strike down the provision, cf. *City of Boerne* v. *Flores*, 117 S.Ct. 2157 (1997), or disregard it. Cf. *Raines* v. *Byrd*, supra.

Finally, we must note §209(e) that purports to authorize any executive branch agency or entity having authority to carry out the census to bring a civil action to obtain a declaratory judgment as to its constitutional and statutory powers in this regard. It seems doubtful that this authority could be exercised. It would likely fall under the principle that no suit may be maintained unless there is adversity between the plaintiffs and the defendants. See *Muskrat* v. *United States*, 219 U.S. 346 (1911). What government agencies have to do is to proceed on the basis of their judgment about their powers, and then they will be subject to suit challenging that judgment. This subsection appears to do nothing less than to authorize an agency to seek an advisory opinion.

JOHNNY H. KILLIAN,
Senior Specialist,
American Constitutional Law.

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

Mr. HASTERT. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I believe that every Member of this House can agree that we need to conduct the census that includes all Americans and is free of any partisan manipulation. There are those who say that this no longer can be accomplished by actually counting Americans. They want to restore the statistical methods in order to estimate or guess how many people are in this country. They have thrown up their hands and said an accurate census cannot be done by counting.

Mr. Chairman, it can be done, and in fact it has been done. Once again Washington bureaucrats need to listen and learn from folks outside the beltway.

In testimony before my subcommittee, communities like Milwaukee, Wisconsin, Indianapolis, and Cincinnati describe how they conducted an actual count at accuracy levels higher than those the Census Bureau proposes to achieve with their risky statistical scheme. Census Bureau Director Riche may not trust her ability to count, but Michael Morgan in Milwaukee proved he knew how to do it.

Mr. Chairman, census sampling is a bad idea, but there is a more fundamental question: Is it legal and constitutional to use sampling and statistical adjustment to apportion this House among the States? I believe it is clear that census sampling and statistical adjustments are both illegal and unconstitutional. In that light, to blindly move forward with a $5 million census that could well be thrown out by the Supreme Court would be very foolish.

□ 1815

Article I, section 2 of the Constitution states that actual enumeration of the population be conducted every 10 years.

To enumerate means to count, one-by-one. It does not mean that we should use sampling as a shortcut just because counting might be hard. Nor does it mean that we should use statistical adjustment to manipulate the count so that the results are more to someone else's liking.

The 14th amendment to the Constitution States that ''Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State.'' The 14th amendment does not tell us to use statistics; it tells us to count.

Title 13 of the United States Code, section 195, states that ''Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as sampling.''

Mr. Chairman, the statute is crystal clear. While allowing statistical methods for nonconstitutionally required purposes, the 1957 statute explicitly maintained an absolute firewall against the use of statistical methods for reapportionment. This was a wise, bipartisan precaution designed to prevent the census from deteriorating into a partisan power grab.

Mr. Chairman, the Congress reaffirmed this firewall once again in 1976 when it passed into law Title 13, section 141 of the United States Code. This section allows the Secretary broad discretion in the use of statistical methods for nonapportionment purposes. Let me repeat: for nonapportionment purposes.

The supporters of census sampling would have us believe that section 141 allows that sampling be used for reapportionment. That is simply not true. Congress specifically left intact the absolute prohibition on their use of apportionment purposes established in section 195. If Congress had intended that sampling be used for reapportionment, they would have repealed section 195 at that time. They did not.

Mr. Chairman, the law is clear, and I believe that the Justices will confirm that. The Justices know that actual enumeration means to count. Listen to what Justice Scalia said during the last census case, and I quote:

> The text of the Constitution, as I read it, does not say that there will be an estimate of the number of citizens. It talks about actual enumeration. It doesn't even use the word ''census''. It says actual enumeration.

He added, and I quote,

> Adjustment techniques ultimately involve kinds of value choices and are therefore politically manipulable.

Mr. Chairman, the Justices also know that they will ultimately be called on to rule on the legality of sampling. In the case that I just mentioned the city of New York tried to force a statistical adjustment of the census. The Supreme Court ruled that the Secretary of Commerce could not be forced to do so. During the oral arguments, Justice Scalia said that this case will decide whether you must use statistical estimates and the next one will decide whether you may use it.

Mr. Chairman, the Supreme Court will answer that fundamental question sooner or later. My language in this bill is designed to make it sooner. My colleagues on the other side of the aisle should not be afraid to let the Supreme Court rule. It is our duty as the people's representatives to see their tax money is spent wisely, not wasted. The wisest course for Congress today is to take the politics out of the census and let the Supreme Court decide before billions of tax dollars are wasted.

Mr. Chairman, the Mollohan-Shays amendment does not protect the census from political mischief or the taxpayers from fiscal disaster. The Mollohan-Shays amendment will leave taxpayers wide open to multibillion dollar boondoggles. Protect the integrity of our census and the tax dollars of hard-working Americans. Reject the Mollohan-Shays amendment and allow the Supreme Court to rule.

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

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. DAVIS].

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS. Mr. Chairman, I rise in support of the Mollohan-Shays amendment.

Mr. Chairman, I rise today and join my colleagues in strong support of the Mollahan-Shays amendment. This amendment is about

ensuring an accurate count of the 2000 census. The Constitution requires an accurate count, not a headcount. This amendment would allow the use of statistical sampling to conduct the 2000 census.

Since 1790, during the first census there was a significant undercount especially among minorities. Two hundred years later in 1990, it is estimated that the census missed 10 percent of the population. The Government Accounting Office estimates that as many as 26 million people were missed. Locally, in the State of Illinois, the undercount was about .98 percent. In Cook County undercount was about 1.6 percent. The city of Chicago undercount was about 2.4 percent.

Furthermore, African-Americans were said to have anywhere from a 5–6 percent undercount; Latinos were about 5 percent; and Asian Pacific Islanders were about a 3-percent undercount.

The statistics demonstrate that the poor and mainly racial minorities are seriously missed. Africans-Americans are 7 times as likely to be missed as Whites. That translates into being—7 times more likely to be denied resources and representation in Congress, State legislatures, city councils, county boards and other political subdivision. An undercount among minorities furthers their deprivation to Federal money while devaluing their political power. Billions of Federal dollars are at stake. Governmental agencies often use census data to dole out money or at least to determine targeted areas for distribution. There are some 120 federally-funded programs that move approximately $150 billion a year, which use the census data in their formulation for distribution.

In 1990, children made up only one-fourth of the population but accounted for 52 percent of the undercount. The children, the most vulnerable people in our society have been denied representation and valuable resources because of this significant undercount.

This amendment simply seeks to ensure that each and every individual is counted without regard to color, wealth, or status. This amendment protects both the urban and rural dweller.

If the primary goals of the upcoming census are to reduce cost and to eliminate the differential undercount, then let's take the politics out of the census. The real issue is how to get the most accurate count and the real answer is sampling.

Statistical sampling and estimation techniques have been proposed as a means to finish the undercount for the 10 percent that are the hardest to reach—the hardest to find, the left out, the hopeless and helpless, traditionally minorities and the poor. This is not the first time that sampling has been used in the census. This approach has also been endorsed by expert panels of the National Academy of Sciences, the American Statistical Association, the Commerce Department's Inspector General, the GAO and various other professional organizations.

As a matter of fact, three separate panels convened by the National Academy of Sciences have recommended that the Census Bureau use sampling in the 2000 census to save money and improve accuracy. The commerce IG has said that sampling and statistical methods are the only way to eliminate the historic, disproportionate undercount of people of color and the poor.

Ten percent of the count in 1990 was wrong. The Census Bureau will make an unprecedented effort to count all Americans directly. Sampling is scientific, not guessing.

Conducting the most accurate census must be the goal for the 2000 census, that goal cannot be met without the use of sampling. We owe it to ourselves and we owe it to the American people.

Therfore, I urge my colleagues to join me in support of this amendment that would allow for the use of statistical sampling.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY].

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

Mr. CLAY. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of the Mollohan-Shays amendment.

Mr. Chairman, no one honestly or seriously disputes that the 1990 census undercounted the population. Nor does anyone honestly or seriously dispute the fact that minority populations, blacks and Hispanics especially, as well as rural residents and children were disproportionately undercounted.

Though my colleagues on the other side of the aisle will try to confuse the issue, there is no debate at all within the scientific community that the use of statistical sampling would improve the accuracy of the census.

So what is this debate about? Some have contended that statistical sampling may be a means by which the census would be intentionally distorted. The sponsors of this amendment have dealt with that concern by crafting an amendment that, among other things, provides assurances that sampling will be conducted in a scientific, non-partisan manner.

So what are the real concerns? Well, Mr. Chairman, it is blatantly obvious to me that those who oppose sampling fear that their own political power would be threatened by an accurate census. And, rather than contest for political power out in the open, they prefer a system that denies millions of Americans the representation they are due under our Constitution.

In the end, what this debate is about is whether we reject the view that some people may as well be invisible and whether we will abide by the principle of one man-one vote. I urge my colleagues to support the Mollohan-Shays amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY], who is the ranking minority member on the Subcommittee on Government Management, Information, and Technology of the Committee on Government Reform and Oversight.

Mrs. MALONEY of New York. Mr. Chairman, sending the census sampling issue before the Supreme Court certainly sounds like a righteous compromise, but beware of a wolf in sheep's clothing. The Supreme Court will decide in favor of sampling, but while we are waiting as long as a year, the stalling will kill sampling for the 2000 census. Indecision will become the decision. Missing the Census Bureau deadlines for as long as a year means certain death for a fair and accurate census.

There has been a great deal of misinformation that has been bandied about, and I would like to set the record straight on the Census Bureau's plan. What the Census Bureau plans to do will be the largest peacetime mobilization ever. Ninety percent of the people will be counted using traditional methods. People will be contacted four times through the mail. They will be contacted by phone for the first time. Community outreach will include forms that are in post offices, stores, churches, malls, and TV ads are in the works.

Then the Bureau will begin to knock on doors, but we know that many of these doors will remain shut because people do not open their doors to strangers, they are not there, they are at work. And only for the last 10 percent, for those people who could not be reached by mail, phone, a knock on the door, or through the media, only for that last 10 percent will statistical sampling be used.

Mr. Chairman, we know that some people are more likely to be missed than others. They are our Nation's poor, our Nation's minorities. They are the people who most need to be heard and who are most often silenced. The use of sampling is the civil rights issue of the 1990's.

There are hundreds of professional organizations, community groups, editorial boards across the country, experts, who all endorse sampling. The Mollohan-Shays amendment will give people the simple right to the representation that they deserve.

I urge my colleagues to do what is right for all of their constituents. Make sure they can count on us not to count them out in the year 2000 census. Vote for the Mollohan-Shays bipartisan amendment.

Mr. Chairman, I include for the RECORD data from the Congressional Research Service in support of my position. The CRS report says that the Hastert amendment will just block forward-going of an accurate census.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, September 29, 1997.

To: Honorable Carolyn B. Maloney, Attention: David McMillen.

From: American Law Division.

Subject: Questions re Legislative Provision for Expedited Judicial Review of Use of sampling and statistical Adjustment in Year 2000 Census.

This memorandum is in response to your request for consideration of four questions dealing with the implementation and likely impact of language added to H.R. 2267, the Commerce, Justice, State, and Judiciary Appropriations Bill. By the terms of the Rule granted the bill by the Committee on Rules, H. Res. 239; H. Rept. 105–264, the provision, set out in the cited report, was adopted upon the adoption of the Rule.

Briefly stated, the provision §209 of H.R. 2267, authorizes ''[a]ny person aggrieved'' by the use of a statistical method of determining population in connection with the year 2000, or later, census, to bring a civil action for declaratory, injunctive, and other appropriate relief against the use of the method on

the ground that it is contrary to the Constitution or statute. The definition of an ''aggrieved person'' for purposes of the section is stated to be any resident of a State whose congressional representation or district ''could'' be changed by the use of a statistical method, any Representative or Senator, or either House of Congress. The action authorized is to be heard and determined by a three-judge district court, pursuant to 28 U.S.C. §2284. Expedited appeal direct to the Supreme Court of any decision by the district court is provided for under specified deadlines for filing.

A significant provision, subsection (b), states that ''the use of any statistical method in a dress rehearsal or similar test or simulation of a census in preparation for the use of such method, in a decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress shall be considered the use of such method in connection with that census.''

Under subsection (d)(2), no appropriated funds may be used for any statistical method, in connection with the decennial census, once a judicial action is filed, until it has been judicially determined that the method is authorized by the Constitution and by act of Congress.

Three of your questions relate to the likelihood of a Supreme Court decision, using the expedited procedure, either by the time of the beginning of the 1998 census dress rehearsal (approximately March 15, 1998) or prior to the census in 2000. Inasmuch as the date of the decision in any such case depends substantially on the filing date of the suit, and the beginning of the running of any period of expedition, we cannot even guess whether a Supreme Court decision would be likely before either event. Certainly, the date of the start of the dress rehearsal, if it is March 15, 1998, is less than six months from now, much less from the time of enactment of the provision, if it is enacted, and from the time a statistical method is tested, if that is sufficient to confer standing. Thus, we can be confident that a decision by March 15, 1998, is highly unlikely. A decision by the beginning of the start of the 2000 census is certainly possible, if a suit may be filed early enough. However, as we indicate below, it is doubtful that anyone would have standing by then, even in light of the section, to bring an action.

We can indicate, from the time line of past cases, especially those where Congress has provided especially for judicial review and expedited consideration, that the courts are enabled to proceed promptly and in less time than with respect to the ordinary case. For example, the most recent case was handled very expeditiously. *Raines* v. *Byrd,* 117 S.Ct. 2312 (1997). Congress in 1996 enacted the Line-Item Veto Act, which went into effect on January 1, 1997. The following day, six Members of Congress filed suit. The District Court handed down its decision on April 10, 1997. Pursuant to the Statute's authorization, an appeal was filed in the Supreme Court on April 18, the Court granted review on April 23, and, even though the argument period for the Term had run, special oral argument was entertained on May 27, and the decision by the Supreme Court was rendered on June 28.

Thus, the time from filing in the District Court to the issuance of a decision by the Supreme Court was less than seven months, although we must observe that the decision was based on the lack of standing by the Members, perhaps a less difficult issue than the question on the merits. Nonetheless, the time frame was significant.

Other cases could be cited. For example, in *Bowsher* v. *Synar,* 478 U.S. 714 (1986), testing the constitutionality of certain features of the Gramm-Rudman-Hollings law, the Balanced Budget and Emergency Deficit Control Act of 1985, the courts moved promptly, again acting within a congressional-enacted provision for expended judicial review. The President signed the bill into law on December 12, 1985,and suit was filed the same day. A three-judge district court was impaneled, and a decision was issued on Feburary 7. 1986. An appeal was filed in the Supreme Court on February 18, review was granted on February 24, oral argument was held on April 23, and the Court's decisions was issued on July 7.

The time line was thus about seven months.

One may assume, therefore, that a suit, properly brought, challenging the use of some form of statistical adjustment, could be processed within a relatively brief time, perhaps within seven months and perhaps within a briefer period. However, that assumption is of little importance, because the substantial question, the hard issue, turns on what party has standing to bring such a suit; that is, when is a suit ''properly brought''?

That the use of statistical methods, of samplings and adjustments, is not a frivolous question is evident. The argument is whether the Constitution in requiring an ''actual Enumeration,'' Art. I, §2, cl. 3, mandates an actual counting or permits some kind of statistical analysis to enhance the count; the further argument is whether Congress, in delegating to the Secretary of Commerce its authority to conduct the census ''in such Manner as [it] shall by Law direct,'' has by instructing him to take ''a decennial census of the population . . . in such form and content as he may determine . . .'', 13 U.S.C. §141(a), supplied him with sufficient authority to supplement or to supplant the actual count through statistical methods. The Supreme Court has reserved decision on both issues. *Wisconsin v. City of New York,* 116 S.Ct. 1091, 1101 nn. 9, 11 (1996).

Courts have entertained suits arising out of these and similar issues, E.g., *Wisconsin v. City of New York,* supra; *Franklin v. Massachusetts,* 505 U.S. 738 (1992); *Dept. of Commerce v. Montana,* 503 U.S. 442 (1992). However, all three cases arose after the actual conduct of or official decision about a particular action that resulted in actual injury to a State or to a political subdivision. These cases, and earlier decisions in the lower courts concerning the 1990 and 1980 censuses, certainly stand for the proposition that polities have standing to sue to contest actions that have already occurred and that have injured them. They do little to advance the inquiry required by §209.

All citizens, of course, have an interest that the Constitution be observed and followed, that laws be enacted properly based on and permitted by the Constitution, and that laws be correctly administered. However, this general interest, shared by all, is insufficient to confer standing on persons as citizens or as taxpayers. *Schlesinger v. Reservists Com. to Stop the War,* 418 U.S. 208 (1974); *United States v. Richardson,* 418 U.S. (1974). See also *Vallety Forge Christian College v. Americans United,* 454 U.S. 464, 483 (1982); *Allen v. Wright,* 468 U.S. 737, 754 (1984); *Lujan v. Defenders of Wildlife,* 504 U.S. 555, 560 (1992). Congress may not overturn this barrier to suit in federal court by devising a test law suit. *E.g., Muskrat v. United States,* 219 U.S. 346 (1911) (striking down a statute authorizing certain named Indians to bring a test suit against the United States to determine the validity of a law affecting the allocation of Indian lands, in which the attorneys' fees of both sides were to be paid out of tribal funds, deposited in the Treasury).

Standing is one element of the justiciability standard, which limits Article III federal courts to the decision only of cases that properly belong within the role allocated to federal courts. ''[A]t an irreducible minimum,'' the constitutional requisites under Article III for the existence of standing are that the party seeking to sue must personally have suffered some actual or threatened injury that can fairly be traced to the challenged action of the defendant and that the injury is likely to be redressed by a favorable decision. E.g., *Allen v. Wright,* 468 U.S., 751; *Lujan v. Defenders of Wildlife,* supra, 504 U.S., 560; *Raines v. Byrd,* 117 S.Ct., 2317–18, ''We have always insisted on strict compliance with this jurisdictional standing requirement.'' Id., 2317.

The first element, injury in fact, is a particularly stringent requirement. ''[T]he plaintiff must have suffered an 'injury in fact'—an invasion of a legally protected interest which is (a) concrete and particularized, . . . and (b) actual or imminent, not conjectural or hypothetical.'' *Lujan v. Defenders of Wildlife,* 504 U.S., 560 (internal quotation marks omitted). As the latter part of the element indicates, a party need not await the consummation of the injury in order to be able to sue. However, as the decisions combining parts of standing and of Article III ripeness show, pre-enforcement challenges to criminal and regulatory legislation will be permitted if the plaintiff can show a realistic danger of sustaining an injury to his rights as a result of the governmental action impending; a reasonable certainty of the occurrence of the perceived threat to a constitutional interest is sufficient to afford a basis for bringing a challenge, provided the court has before it sufficient facts to enable it to intelligently adjudicate the issues, *Buckley v. Valeo,* 424 U.S. 1, 113–18 (1976); *Duke Power Co. v. Carolina Environmental Study Group,* 438 U.S. 59, 81–2 (1978); *Babbitt v. Farm Workers,* 442 U.S. 289, 298 (1979); *Regional Rail Reorganization Act Cases,* 419 U.S. 102, 138–48 (1974). The Court requires, though, particularized allegations that show a reasonable certainty, an actual threat of injury. See *Renne v. Geary,* 501 U.S. 312 (1991); *Lujan v. Defenders of Wildlife,* 504 U.S., 564–65 & n. 2.

Critically, in any event, the certainty of injury requirement is a constitutional limitation, while the factual adequacy element is a prudential limitation on judicial review. *Regional Rail Reorganization Act Cases,* 419 U.S., 138–48.

Congress is free to legislate away prudential restraints upon the jurisdiction of the courts and to confer standing to the utmost extent permitted by Article III. But, Congress may not legislatively dispense with Article III's constitutional requirement of a distinct and palpable injury to a party or, if the injury has not yet occurred, a realistic danger of its happening. *Warth v. Seldin,* 422 U.S. 490, 501 (1975); *Raines v. Byrd,* 117 S.Ct., 2318 n. 3. Cf. *United States v. SCRAP,* 412 U.S. 669 (1973), disparaged in *Whitmore v. Arkansas,* 495 U.S. 149, 159 (1990), asserting that it ''surely went to the outer limit of the law.'' The Court has firmly held that Congress, in pursuit of judicial oversight over government activity in areas of general public interest, areas that would not support standing in the first instance, may not enlarge the scope of judicial review by definitionally expanding the meaning of standing under Article III. *Lugan v. Defenders of Wildlife,* 504 U.S., 571–78, ''Whether the courts were to act on their own, or at the invitation of Congress, in ignoring the concrete injury requirement described in our cases, they would be discarding a principle fundamental to the separate and distinct constitutional role of the Third Branch—one of the essential elements that identifies those 'Cases' and 'Controversies' that are the business of the courts rather than of the political

branches.'' Id., 576. ''[Statutory] broadening [of] the categories of injury that may be alleged in support of standing is a different matter from abandoning the requirement that the party seeking review must himself have suffered an injury.'' Id., 578 (quoting *Sierra Club v. Morton*, 405 U.S. 727, 738 (1972)).

Turning, then, to the proposed §209, we must observe that the precedents strongly counsel that the conferral of standing, especially in its definitional design of injury in fact, would be inadequate to authorize judicial review until the occurrence of the injury, the calculation of population figures showing the gains and losses of seats in the House of Representatives.

First, the conferral of standing in subsections (c)(2) and (3) is likely ineffective. In *Raines v. Byrd*, supra, Congress had included in the Line-Item Veto Act authorization for ''[a]ny Member of Congress'' to bring an action to contest the constitutionality of the Act. The Court held that the Members seeking to sue had suffered no personal, individualized injury, only rather an assertion of an institutional injury to this status as Members, that was inadequate under Article III. Conceivably, Members representing a State that lost one or more seats in the House as a result of statistical re-evaluation of the census enumeration could suffer the same injury that all residents of the State incurred, but that injury would be confined as we discuss below.

Second, while either the House of Representatives or the Senate may have interests that could be injured by Executive Branch action, giving either body or both bodies standing to bring an action, what interest either House could assert in the reallocation of seats in the House of Representatives is unclear at best.

Third, §209(a) authorizes ''[a]ny person aggrieved by the use of any statistical method . . . in connection with . . . [a] census, to determine the population for purposes of the apportionment or redistricting of members of Congress . . .'' to bring a court action to challenge the constitutionality of or the statutory basis of the statistical method. Under §209(c)(1), an ''aggrieved person'' is defined to include ''any resident of a State whose congressional representative or district *could* be changed as a result of the use of a statistical method.'' (Emphasis supplied). By §209(b), it is provided that ''the use of any statistical method in a dress rehearsal or similar test or simulation of a census in preparation for the use of such method . . . *shall be considered the use of such method in connection with that census.*'' (Emphasis supplied). That is, any person residing in a state that ''could'' lose House representation as a result of a statistical adjustment of a census may sue as soon as there is ''a dress rehearsal or similar test or simulation of a census.''

The case law makes it clear that this authorization, if enacted, would run afoul of constitutional barriers to congressional conferral either of standing or of ripeness or both.

Under Article III, for a litigant to have standing, he must allege an injury in fact to himself or to an interest; if the injury has not yet occurred, he must allege a strong basis for fear that the injury will happen, that there is a real danger of the injury being felt. The quoted provisions purport to confer standing far beyond this constitutional requirement.

To illustrate, when each census occurs, it is the responsibility of the Bureau of the Census to calculate, using what is called ''the method of equal proportions,'' 2 U.S.C. §2a(a), the number of seats, above the one each State is constitutionally guaranteed, to be allocated to each State, and the numbers are processed by the Department of Commerce, which refers them to the President, who has the responsibility to transmit them to Congress. See generally *Dept. of Commerce v. Montana*, 503 U.S. 442 (1992); *Franklin v. Massachusetts*, 505 U.S. 788, *Wisconsin v. City of New York*, 116 S.Ct. 1091 (1996). The allocation is not final until the President submits the figures to Congress. *Franklin v. Massachusetts*, 505 U.S., 796–801. It is then that the loss of a seat or seats is legally final, and it seems clear that the States losing seats have suffered a cognizable injury, enabling them to bring suit to challenge at least certain aspects of the conduct of the census. Id., 801–803.

Whether residents of a State that has lost one or more seats in the House of Representatives have standing to bring suit is questionable. Certainly, voters in a State in which redistricting is not accomplished through the creation of equally-populated districts have standing to complain about the dilution of their voting strength. E.g., *Wesberry v. Sanders*, 376 U.S. 1 (1964); *Darcher v. Daggett*, 462 U.S. 725 (1983). And a resident of a congressional district that has been drawn impermissibly using race has standing to challenge that districting. *United States v. Hays*, 515 U.S. 737 (1995). But in the context of a State losing a House seat, every resident of that State has a general interest that is shared by all other residents. It is not a particularized injury in fact that is what normally confers standing.

Let us, however, assume that residents would have standing. The injury would not occur until the President transmits the figures to Congress. Even if one could allege the imminent likelihood of injury, a realistic danger of injury, that development is only going to mature when the census is completed and the calculations are made awarding the correct number of seats to each House. And we hear speak of a challenge to the actual census.

The challenge, however, authorized by §209, is to the use of a statistical method that ''could'' change the result of the census enumeration. An injury in fact would not occur, again, until the result is reported to Congress by the President; an imminent injury in fact could conceivably occur when the Census Bureau and the Commerce Department utilize a statistical adjustment that changes the allocation of seats. But that occurs after the tabulation of the census result and the utilization of a statistical method that changes the result of the census count itself.

The Supreme Court has never approved standing premised on an allegation that a particular governmental action ''could'' cause an injury. Of course, the application of a statistical method ''could'' work a change in the census, but to which States and with what results would be extremely speculative under the best of circumstances.

Moreover, the definition of the ''use of any statistical method'' to include a test, or dress rehearsal, or simulation of a census would confer standing that is even further removed from the occurrence of the event that ''could'' or ''might'' result in an injury. It would be impossible to point to any result of the conduct of a test or whatever that might conceivably occasion the loss of one or more House seats.

Because Congress lacks the power to create a definition of standing or of the imminent likelihood of injury giving standing that would infringe the constitutional requirement of standing—of injury in fact or of the imminent likelihood of injury—it appears extremely likely that the Supreme Court would either strike down the provision, cf. *City of Boerne v. Flores*, 117 S.Ct. 2157 (1997), or disregard it. Cf. *Raines v. Byrd*, supra.

Finally, we must note §209(e) that purports to authorize any executive branch agency or entity having authority to carry out the census to bring a civil action to obtain a declaratory judgment as to its constitutional and statutory powers in this regard. It seems doubtful that this authority could be exercised. It would likely fall under the principle that no suit may be maintained unless there is adversity between the plaintiffs and the defendants. See *Muskrat v. United States*, 219 346 (1911). What government agencies have to do is to proceed on the basis of their judgment about their powers, and then they will be subject to challenging that judgment. This subsection appears to do nothing less than to authorize an agency to seek an advisory opinion.

JOHNNY H. KILLIAN,
Senior Specialist,
American Constitutional Law.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 29, 1997

SUPPORT MOLLOHAN-SHAYS

CRS: Supreme Court Review Won't Happen

DEAR COLLEAGUE: Last week the Rules Committee changed the restrictive language on the census in the Commerce, Justice, State Appropriations bill at the request of Rep. Hastert, to ban the use of modern statistical methods pending a court decision. Proponents of the Hastert language argue that they have provided a compromise, but in reality this is just another attempt to stop the census from counting everyone.

We have always believed that it is legal to use sampling in the Census, based on Supreme Court decisions and opinions from the Justice Department under three Presidents. Because we take seriously concerns about partisan manipulation of the census, we support the Mollohan-Shays Amendment setting up a three-member bipartisan panel to oversee Census 2000. Mr. Hastert instead proposed a court review. Today we received a memorandum from the Congressional Research Service responding to a request to analyze the Hastert language. In short, the Hastert language will not result in a decision on the constitutionality of sampling, it will only block the use of appropriated funds.

The first issue is what lawyers call standing: whether someone can sue over the use of sampling in the census. In other words, has someone been injured by a government action, and can thus use the courts to address that injury. The Hastert language tries to get around this issue by declaring in the bill who has standing to sue. Unfortunately, the Constitution does not allow that. There is a Constitutional test to determine who has standing in a case, and Congress cannot bypass that requirement in a law. As CRS said, ''The case law makes it clear that this authorization, if enacted, would run afoul of constitutional barriers to Congressional referral either of standing or of ripeness or both.''

Even if standing were not a constitutional problem for the Hastert proposal, the Supreme Court has made it quite clear that a challenge to the census must take place after the numbers are final. As the CRS report says, ''[W]e must observe that the precedents strongly counsel that the conferral of standing, especially in its definitional design of injury in fact, would be inadequate to authorize judicial review until the occurrence of injury, the calculation of population figures showing the gains and losses of seats in the House of Representatives.''

The CRS memorandum is quite clear that this language will not work. ''The case law makes it clear that this authorization, if enacted, would run afoul of constitutional barriers to congressional conferral either of

standing or of ripeness or both.'' The memorandum goes on to say ''. . . it appears extremely likely that the Supreme Court would either strike down the provision, or disregard it.''

Only the Mollohan-Shays Amendment works towards a fair and accurate census.

CAROLYN MALONEY,
CHRISTOPEHR SAHYS,
Members of Congress.

PROFESSIONAL ORGANIZATIONS THAT HAVE ENDORSED THE USE OF SAMPLING IN THE 2000 CENSUS

National Academy of Sciences Panel on Census Requirements in the Year 2000 and Beyond.

National Academy of Sciences Panel to Evaluate Alternative Census Methods.

American Statistical Association.

American Sociological Association.

Council of Professional Associations on Federal Statistics.

National Association of Business Economists.

Association of University Business and Economic Research.

Association of Public Data Users.

Decision Demographics.

Mr. HASTERT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio [Ms. PRYCE].

Ms. PRYCE of Ohio. Mr. Chairman, I rise today in strong opposition to the Mollohan amendment on census sampling, and in support of the provision offered by the gentleman from Illinois [Mr. HASTERT].

As a former judge I want to stress that sampling is neither a Republican issue nor a Democratic issue. It is a legal issue and a constitutional issue which ultimately should and must be settled by the U.S. Supreme Court, not a politicized commission as proposed by the Mollohan amendment. By defeating the Mollohan amendment, we will help clear the way for enactment of the Hastert provision.

Now, here is what the Hastert provision does. First, it recognizes that the legislative and executive branches have reached an unresolvable impasse on the subject of sampling and statistical adjustment. Then it asks the judicial branch to fulfill the role envisioned for it by the Founding Fathers in the Constitution, and step in and decide this dispute through the court system. Then it protects the taxpayer by getting a court decision on the legality of sampling and statistical adjustment before billions of taxpayer dollars are spent and potentially wasted.

Now, just like a judge would issue a temporary restraining order to prevent further harm in a dispute between two private parties, the Hastert provision would move to protect the taxpayers from potential harm by putting a temporary hold on funding for sampling while the court hears the case. Once the Supreme Court has reached a final decision, the temporary funding hold is removed and the Census Bureau will be free to spend money in compliance with the law as determined by the court.

Mr. Chairman, I urge my colleagues to defeat the Mollohan amendment and to allow the enactment of the Hastert provision. Then we will count. We will count the poor, we will count the minorities, we will count all Americans, as is required by the Constitution.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in strong support of the Mollohan-Shays amendment. The Census Bureau needs the full $381.8 million appropriated in fiscal year 1998 to prepare for the Census 2000. Fencing off all but $100 million would jeopardize critical components of census preparation, including the dress rehearsal and the preparation of the long form.

As Members of Congress, we depend on the accurate information provided by the census to give us insight into our changing communities and constituencies. If this amendment is not passed and data is not collected in Census 2000, we will lose the only reliable and nationally comparable source of information on our population. Both the private and public sectors, including State, county and municipal agencies, educators and human service providers, corporations, researchers, political leaders, and Federal agencies rely on the census long form.

The Mollohan-Shays amendment is critical if we are to prevent the mistakes that were made in 1990. I served on the Committee on Post Office and Civil Service during the 1990 census and I saw firsthand the mistakes that were made.

According to the GAO, the 1990 census got 10 percent of the count wrong. Over 26 million people were missed, double-counted, or counted in the wrong place. Let me quote from the GAO Capping report on the 1990 census, which makes it clear that a straight count will not work. GAO reported that, ''the current approach to taking the census needs to be fundamentally reassessed.''

''The current approach to taking the census appears to have exhausted its potential for counting the population cost-effectively,'' et cetera.

''Specifically, the amount of error in the census increases precipitously as time and effort are extended to count the last few percentages of the population.''

There is, my friends, strong scientific evidence that sampling will result in the most accurate census possible. The experts agree that spending more money to go door-to-door will result in errors as large or larger than 1990, and that the 2000 census will be more accurate for all congressional districts than 1990, 19 times more accurate for the Nation.

As a result of the GAO evaluation and bipartisan direction from Congress, the Census Bureau turned to the National Academy of Science for advice. The first panel said, ''physical enumeration or pure 'counting' has been pushed well beyond the point at which it adds to the overall accuracy of the census.''

That panel went on to recommend a census that started with a good faith effort to count everyone, but then truncate physical enumeration and use sampling to estimate the characteristics of the remaining nonrespondents.

Following these recommendations, the Census Bureau announced in February of 1995 a plan for the 2000 census which makes an unprecedented attempt to count everyone by mail, followed by door-to-door enumeration until reaching 90 percent of the households in each census tract. A sample of households is then used to estimate the last 10 percent.

I know my time has expired. A whole list of scientific organizations agree with it. It will save money, and it will be an accurate count.

Mr. HASTERT. Mr. Chairman, I yield myself 15 seconds just to inform the gentlewoman from Maryland that the Census Bureau gets all of the money that they asked for, it is not fenced off, and so she is misinformed.

Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Kentucky [Mr. ROGERS], chairman of the subcommittee.

□ 1830

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to the Mollohan amendment and in support of the provisions in the bill regarding the 2000 census. While I certainly respect and appreciate the efforts of my distinguished ranking member, the gentleman from West Virginia [Mr. MOLLOHAN], and I know that his intention is good, his amendment fails to address any of the real issues surrounding the 2000 census.

My colleagues, this is one of the most important issues that will come before the Congress. It is the Congress' constitutional responsibility to ensure that an actual enumeration of the population is conducted once every 10 years. Those are the words in the Constitution.

There is no other activity conducted by the Federal Government that has more of an impact on the daily lives of each and every one of our constituents. The census is used for everything, from ensuring that our constituents' constitutional right of one person-one vote is upheld, to determining how Federal dollars are apportioned to our communities.

Many of us are all too familiar with the consequences of a disputed census. In 1990, the American taxpayer spent $2.6 billion on the 1990 census. What did we get? A botched census, a census whose results were litigated for most of the decade, a census whose results will forever be questioned. We cannot afford another disaster like 1990. But that is exactly where we are headed if the Congress does not accept its responsibility

to ensure that the 2000 census is above reproach.

The administration's plan for the 2000 census represents the most radical departure from the manner in which the census has been conducted for the last 200 years. Serious doubts have been raised about whether the administration is planning a fair census, a legal census, a constitutional census. Many of us believe the administration plans are not fair, and that they will not result in a more accurate census.

Why? For starters, we have already seen how dangerous an error-prone statistical manipulation can be in the census. In 1990, over the objections of the Census Bureau ''experts'', the Secretary of Commerce refused to adjust the census numbers using statistics because he thought they were inaccurate. He was right. Years after the fact the same Census Bureau ''experts'' discovered their statistically manipulated numbers had overestimated the number of people missed by millions, and because of a computer glitch would have mistakenly caused Pennsylvania to lose a seat in this body.

Just last month, the Census Bureau had to retract their own report extolling the accuracy of their census plans because a computer glitch underestimated the error rates. But even more importantly, unlike 1990, we are not even going to have an actual count of the population. Why? Because the administration only wants to count 90 percent of us, and then guess the rest. So how will we ever know what the actual count was, and how will we ever know if statistical adjustment is more accurate? The answer is, we never will. The administration expects us to trust the experts, the same ones that recommended we use faulty numbers to adjust the 1990 census.

But even more fundamental to this debate is the question of whether the administration's plans are legal and constitutional. Many of us believe they are not. We can debate those issues all day and night. It would not matter, because only the courts can decide that, and the courts will decide that, one way or the other. The only question is, when.

Under the bill, we say, have the courts resolve the questions now before we spend $4 billion on a census that is likely to be held illegal or unconstitutional. Does the Mollohan amendment address those questions? No. Even worse, it strikes the very provisions in the bill that would ensure the courts answer these questions before the fact.

In fact, instead of addressing any of these serious questions surrounding the census, the Mollohan amendment avoids them entirely, and instead tries to say that the only concern surrounding the census is the threat of political manipulation. That is just not the case, though certainly, given the track record of this administration, I can understand how people would be so concerned.

Even if it were the only concern, the Mollohan amendment is not the answer. Why? Because the commission has neither the expertise nor the power to oversee the administration's complicated, convoluted census 2000.

If Members want to know how well an oversight commission works, we have a recent example, the Teamsters election. The taxpayers spent $21 million on an oversight board for the Teamsters election, and what was the result? They threw out the election and they are going to start all over again, I guess. They are going to ask us to oversee it a second time. They had better ask us real hard about that. If we need any evidence about whether an oversight commission can protect the census, look to the Teamsters. We will spend $4 billion on the census, and then we will have to start all over again in 2001.

It is the Congress' duty to oversee the census. It is our duty to ensure that it is fair, that it is legal, and that it is constitutional. The Mollohan amendment would have us abdicate that constitutional responsibility.

At a time when the public's faith in the institutions of government is at an all-time low, we have a duty to ensure that the 2000 census is above reproach. Make no mistake about it, the very integrity of the census is at stake here, not to mention a multibillion dollar taxpayer investment.

Mr. Chairman, I urge rejection of the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from California [Ms. ROYBAL-ALLARD].

(Ms. ROYBAL-ALLARD asked and was given permission to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in strong support of the Mollohan-Shays amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, if what the gentleman who just spoke wanted to have happen could happen, I would support it. What he said is look, there is a constitutional question here. Let us, before anything happens, go to the United States Supreme Court and ask them to tell us. They will not do it. There is a core principle of American constitutionalism, which conservatives usually adhere to, which says they do not issue advisory opinions. The United States Supreme Court does not decide until there is a case or controversy, defined repeatedly by Justice Scalia, who was quoted only partially on one point, as injury in fact.

We recently had an effort to try to get around that by getting an advisory opinion in effect on the line item veto. The Supreme Court unanimously said, or almost unanimously said no, you cannot have it. What the gentleman from Kentucky is asking for is impossible. What he says is, we will go to court.

But the Supreme Court will not decide it. Standing is a core conservative principle. I thought the gentleman's amendment was written by William O. Douglas. I thought William O. Douglas had channeled himself through to somebody on the other side, because he is the great liberal justice who says there is a constitutional question, let me at it, I will handle it. What in fact the conservatives said is, no. You talk about judicial activism, this is a monument to judicial activism. This is a constitutional question. We will ask the United States Supreme Court for an advisory opinion. It will not give it to you. It requires an injury in fact.

Here is how you define standing. Here is who could bring this lawsuit. Any resident of a State, resident, not even a citizen, any resident of a State whose congressional district could, not was, could, in fact be changed. If you thought that your district might gain under this, you could go in and get an advisory opinion.

The Supreme Court will not do it. No one familiar with this jurisprudence thinks remotely that you could force this. If it were possible, it would be a good way. But remember, we said, we will have to deal with these first through the electoral process and the political process, and only after the fact can you go to court. Who said that? That was done by conservatives to keep the non-elected judiciary from being too intrusive. What the gentleman's amendment does is to reverse that principle of judicial restraint.

Mr. HASTERT. Mr. Chairman, I yield 2 minutes and 40 seconds to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, there is a story of a very learned doctor of theology, a distinguished minister, who was walking through the park one day. He sees a guy who is kind of an itinerant of sorts, and he is reading the Book of Revelations. The doctor of theology says to him, in a condescending, intellectual way, my good man, ''Do you have any idea at all of what you are reading in the Book of Revelations?'' To which the guy said, ''No, I can't say I understand every little bit of it.'' And he says, ''Then sir, why are you reading it?'' He said, ''Because I know how it ends.''

What I am saying, Mr. Chairman, is I do not believe this is a debate of pointy-headed intellectual bean-counters. I think this is a debate about common sense. Here is how I understand this issue. Under the normal U.S. census procedure, you go to a house. You ask how many folks live there. Three. You go to the second house. How many live there? Seven. How many live in the third house? Six. You write down three, seven, six. You come up with 16.

Now, under the Democratic samplematics, you are doing it a little more creatively. You go to the first house and count three, to the second

house and count seven, and at the third house you go to the drugstore and get yourself a Coca-Cola, and you sample about 20 people there. Then, depending on how many you need, you say, in total, we got maybe 15 to 25 people, depending on how many the folks need back in the office, and that is the count.

Now, let us say that is how this thing works, in layman's terms, so I can understand it. Now think about it in other potential applications. We may want to take a second look at this as Members of Congress. What would be some other potential sampling applications?

How about balancing your checkbook? No problems with overdrafts. How about adjusting your income taxes; you know, sending it to the IRS, and when they start complaining, there is a lot of IRS passion going on these days, you can say, ''Hey, look, I just used sampling to send you what I owed you.''

That has often handicapped us. I will just say that a lot of people sample on their golfing already. On the SAT, for those Members with teenaged kids trying to get into college, sample up the SAT score, 1,500. Speeding tickets: ''Officer, I was going about 100, but I was sampling. Just give it to me at 55.'' That is what this is about.

Mr. Chairman, the 14th Amendment of the United States says it real easy for someone like me and a lot of other folks, that counting the whole number of persons in each State is the way to do your sampling.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I do not believe there is a Member of this House who over the last 5 years has risen in defense of the United States Constitution more than I have. I honestly would tell the Members if I thought statistical sampling was unconstitutional, regardless of the political consequences. I would be rising in support of the Constitution, in defense of the Constitution.

I think this whole constitutional argument is a bogus argument, however, and it fails to read the entire sentence in Article I, Section 2, clause 3 of the Constitution, because that section of the Constitution requires an actual enumeration, but then it goes on to say, ''. . .in such manner as the Congress shall by law direct.'' And all of these gentlemen who have gotten up and talked about requiring a head count seem to be ignoring the second part of the sentence.

Every single Justice Department that has opined on this issue, the Bush Justice Department, the Carter Justice Department, the Clinton Justice Department, have all said that statistical sampling is fine under the Constitution. Every single court that has addressed this issue has said that statistical sampling is acceptable under the Constitution.

□ 1845

The Federal District Court, Eastern District of New York, said it is no longer novel or in any sense new law to declare that statistical adjustment of the census is both legal and constitutional because article I, section 2, requires the census to be as accurate as practical. The Constitution is not a bar to statistical sampling. This is a bogus argument that my colleagues are using. Statistical sampling is constitutional.

I rise in support of the amendment.

Mr. HASTERT. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LATHAM], a member of the subcommittee, who is well familiar with bean counters.

Mr. LATHAM. Mr. Chairman, I guess being in the soybean business, we do count a few beans there.

But I think we have to look at what this debate really is all about. We are talking about the census, but really what it gets down to is money and power. It really gets down to the debate of whether we want those things distributed in a fair and honest manner or if we want someone possibly with political motivation to guess at where those things go.

No. 1, with the money, as everyone here knows, and I do not know if the folks at home know that where the Federal dollars are distributed is based on the count, would we rather have an actual real count to know that we are getting our share of Federal dollars or would we like a bureaucrat here in Washington to guess at it?

As far as power, it has to do with how many Representatives we have from our States. If our State is kind of on the bubble here as to whether we are going to lose a seat or gain a seat, do we want that determined by an actual real count or do we want a bureaucrat here in Washington to make that determination for us and mute our voices? It is simply wrong to go that route.

I do not necessarily say that there is going to be politics involved in this census or this guessing that we are proposing do here, but let us look at the record. Has this administration politicized any other departments in government? Look at the FBI. There are 900 files of private citizens for political reasons in the White House today. They brought in over a million citizens last year for the election and did not check the background, for political reasons, of 180,000 of them. There are 30,000 convicted felons in this country because they politically wanted to get more people registered to vote.

Would they politicize the census? What do my colleagues think? We need an honest, fair, real, legal, and constitutional census, and that means to count real people.

Mr. MOLLOHAN. Mr. Chairman, I yield myself 45 seconds to respond to the gentleman, if he would stay at the podium.

I would just like to assure the gentleman, that is precisely the reason. That is the one argument against the census that cannot be refuted by fact, because it is based upon suspicion. That is why we created this oversight board, which is composed of former Presidents, people who have absolute credibility, to give the census credibility, because this kind of a debate that the gentleman just engaged in, in and of itself, is the greatest underminer of public confidence.

Also, with regard to the efficacy of sampling, our own Speaker GINGRICH must have believed in the efficacy of sampling because on April 30, 1991, he wrote, in part, to the Secretary of Commerce, I quote, I respectfully request that the census numbers for the State of Georgia be readjusted to reflect the accurate population of the State so as to include the over 100,000 which were not previously included.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Chairman, though much of the debate on correcting the undercount of the census is centered around the number of people not counted in urban areas, as one who represents a very rural district, I want to highlight the fact that people in rural areas are being missed as well. In fact, some of our rural areas are undercounted to a greater degree than the entire country.

According to the Census Bureau, the net undercount for the Nation in 1990 was 1.6 percent, while rural areas were undercounted at a rate of 5.9 percent. I want to emphasize that accuracy is critical. Let there be no disagreement on that as we prepare for the 2000 census. The Census Bureau should form early and active partnerships with State and local governments so that these governments will have an early opportunity to review census address lists and maps for their area.

This amendment will remove the restrictive language included in the bill and allow the Census Bureau to continue to plan for the 2000 census. Their proposal, which is supported by scientists and statistical experts, should improve accuracy and save costs.

It is fascinating to sit here and listen to colleague after colleague argue against the best science available. I have taken to this well day after day after day, arguing that we should use the best science available, whether we are talking about environmental issues, food safety issues, or census issues. But tonight in this debate, we are being selective as to which science we should use. I find this a fascinating argument to listen to.

I am convinced, absolutely convinced, that statistical sampling is the best method to get an accurate census,

and I urge my colleagues to listen to this debate and to listen to those who are saying that only some science is good and we will be selective in which we choose to agree to. Statistical scientists say that sampling will help us get an accurate count. Is that not what we all should really be for?

I urge my colleagues to support the Mollohan-Shays amendment.

Mr. HASTERT. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. MILLER]

Mr. MILLER of Florida. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from West Virginia and in opposition to the use of sampling.

I am a former statistics professor. I taught statistics at both the undergraduate and graduate level at several universities. I have respect for sampling, but sampling is used when you do not have enough time or money. What you really want to have is census information, statistics. When you use sampling, you have bias. You have nonsampling bias, and you have sampling bias.

In my first lecture on statistics both at the graduate level and the undergraduate level, I used to use this book, still available to buy in the book store. It is ''How To Lie With Statistics.''

Statistics can be manipulated in a variety of ways that can be legitimately defended. I do not trust statistics. I teach my students to be suspicious of statistics, to be cautious of the use of statistics. I used to make the statement, tell me the point you want me to prove, and I will prove it with statistics, because it can be done.

I know all the statisticians say sampling is great. Statisticians would not have a job if we did not have sampling. That is what statistics is based on. Statisticians are biased to start with.

I think we are doing a good job. What we need to do is do a good census. Dr. Riche is moving in that direction. Let us look at the examples of what took place in Milwaukee and what took place in Cincinnati. We can do a good census. Let us do the job right and not play around with sampling.

Mr. MOLLOHAN. Mr. Chairman, I yield 1¾ minutes to the gentlewoman from Florida [Mrs. MEEK].

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, first of all, I do not trust statistics any more than the rest of my colleagues. But I trust even less the belief that everyone is going to be counted fairly.

If we look at the history of this, we have never had an accurate count. The under-count has been shown more in African Americans than it has in any other group. Do we want this repeated? Then we are sending a message that we do not want a fair census count.

This country does not look like it did in 1990. You better look around and see that it is different. You see more minorities. There will be even more. So you may as well learn that you have to count them accurately. You cannot count them accurately by the kinds of enumeration that you are doing or that you expect to do.

So it tells me that the issue is that because you know there are more of them than there are of you, that you do not want an accurate count. They are going to be there. They are going to be under the bridges. They are going to be in the homeless shelters. There are going to be people who do not return those things to the census.

All I am saying to you is, it is fruitless, it is crazy, it is a waste of money, but you would rather do that politically and for power than to go to a sampling which the Mollohan amendment is asking us to do. You would rather take that useless method because you do not want to count everybody. You want to go back to the time when there was a serious undercount.

It will repeat itself. It was in 1990, as you see from this chart. It is going to be in the year 2000, because you are going to insist on counting every head.

Mr. Chairman, they cannot enumerate and count every head because they are not going under the bridges, they are not going on the highways and byways of this country to find these little people and count them. If that is the way you want it, then you will not support the Mollohan amendment.

I support the Mollohan amendment because it is fair. African-Americans will be counted. It has got to be done.

Mr. HASTERT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

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

Mr. HYDE. Mr. Chairman, this is a fascinating debate. I listened to my good friend, the gentleman from Texas [Mr. STENHOLM], talk about the scientists. I do not think you have to be a scientist, rocket or otherwise, to read the plain language of the Constitution: ''The actual enumeration,'' those are not tough words, ''shall be made within 3 years after the first meeting of the Congress.''

And then a constitutional scholar, the gentleman from North Carolina [Mr. WATT], brought in the entire text. He said, ''in such a manner as they,'' meaning Congress, ''shall by law direct.''

Well, you cannot by law amend the Constitution. You cannot pass a statute and erase the first three words of article I, ''the actual enumeration.''

It is a stretch to ask us to trust the sampling of the population to an administration that has shown, at best, a reckless disregard for the letter and the spirit of the law.

It goes beyond the Constitution. We have a statute. Title 13, section 195, says, ''Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the secretary shall, if he considers it feasible, authorize the use of the statistical method.'' It specifically excludes counting by sample, by guess, a determination, ''for the purposes of apportionment.''

We want to count everybody. If they are under the bridges, go down there and count them. You are getting paid to count them. Why is that less accurate than guessing how many people are under the bridge? Your administration does not exactly wear a T-shirt saying, ''trust me,'' and engender an awful lot of confidence to have you count how many people there are and where they are and what the districts shall be in the next 10 years.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. MILLER of Florida) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2203) ''An Act making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes.''

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Committee resumed its sitting.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, because sampling equals one vote and good science and good constitutional support, I rise to support the Mollohan-Shays amendment.

Mr. Chairman, I rise in support of the Mollohan-Shays amendment to H.R. 2267, the Commerce-Justice-State appropriations. This amendment if adopted would add language prohibiting use of any 1998 funds to make irreversible plans or preparations for the use of sampling or any other statistical method, including statistical adjustment, in taking the census for purposes of congressional apportionment. This same language is included in the Senate-passed version of the bill.

This amendment would also create a Board of Observers for a Fair and Accurate Census, with the function of observing and monitoring all aspects of the preparation and execution of Census 2000, to determine whether the process has been manipulated—through sampling, statistical adjustments, or otherwise—in any way that biases the results in favor of any geographic region, population group, or political party.

The constitutional requirements for the census are simple. Article I, section 2 clause 3, as amended by the 14th amendment, provides that the Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State.

It has come to my attention that the revised language in the rule regarding the census which would be automatically incorporated into the bill does not as reported provide for an expedited judicial review to determine the legality and constitutionality of sampling for purposes of apportionment or redistricting.

The critical test which would authorize judicial review is standing. From precedents we can be strongly counseled that the conferral of standing, especially in its definitional design of injury in fact, would be inadequate to authorize judicial review until the occurrence of the injury, the calculation of population figures showing the gains and losses of seats in the House of Representatives.

The case law makes it clear that this authorization, if enacted, would run afoul of constitutional barriers to congressional conferral either of standing or ripeness or both.

This would leave Congress in a poor light judicially, because we lack the power to create a definition of standing or of the imminent likelihood of injury giving standing that would infringe the constitutional requirement of standing of injury in fact or of the imminent likelihood of injury. This is not where this body should leave the issue of an accurate census for our Nation.

Under article II, of the Constitution for a litigant to have standing, he must allege an injury in fact to himself or to an interest; if the injury has not yet occurred, he must allege a strong basis for fear that the injury will happen, that there is a real danger of the injury being felt. The quoted provisions purport to confer standing far beyond this constitutional requirement.

If I recall correctly, in the last Congress, a number of proposals came forward which failed to limit the terms of those who serve in this body. Now, that the Census is upon us as a natural mechanism to creating turnover in the House we want a judicial challenge to the use of sampling that most believe is an accurate and reliable means of counting the population of this country.

The legal issue is sampling. Sampling and statistical adjustment of the decennial population census taken for the purpose of apportioning the Representatives in Congress among the States, have become increasingly controversial during the past two decades.

According to a Congressional Research report, the constitutional and statutory language relevant to sampling and statistical techniques appears to be clear, but never the less have been the subject of competing interpretations which would either permit or prohibit sampling and other statistical techniques in the census for apportionment. Although no court has ever decided the issue squarely on point, several courts have expressed opinions in dicta.

Today, some Members of the House of Representatives have declared a political and philosophical Jihad on the use of sampling for the 2000 census.

As a Member of the House Committee on Science, I am here to state clearly that this is not a matter of political philosophy, but scientific fact.

In 1990, the city of Houston, TX, was undercounted by 3.9 percent during that year's census which only recorded 1,630,553 residents. Based on sampling that was prepared for that census, but never used it is estimated that over 66,000 Houstonians were missed by the 1990 census.

It is impossible to count every resident of this country in the time allotted, for the census with the funds which have been appropriated. I am aware of the work done by three separate panels convened by the National Academy of Science which have recommended that the Census Bureau use sampling in the 2000 census to save money and improve census accuracy.

The National Academy of Sciences is a private, nonprofit, self-perpetuating society of distinguished scholars engaged in scientific and engineering research, dedicated to the furtherance of science and technology and to their use for the general welfare.

It is a fact that despite the gains made by the Bureau of the Census in address list development, form design, pre-notice and reminder mailings, and various outreach efforts, exclusive reliance on physical enumeration of all households cannot be successful in 2000. Based on the results of the 1990 census, it is highly unlikely that the Census Bureau can carry out this type of decennial census with acceptable accuracy within the current expected levels of funding.

The ability to use sampling during the 2000 census will ensure that any undercounting which may occur in this census because of sparsely populated regions of States like Texas or more densely populated cities like Houston, and Dallas can be held to a minimum. Undercounting the results of the 2000 census would negatively impact Texas' share of Federal funds for block grants, housing, education, health, transportation, and numerous other federally funded programs. The census, as you know, is also used in projections and planning decisions made by States, counties, and city governments.

I would ask that all of my colleagues support the Mollohan-Shays amendment to the Commerce-Justice-State appropriations.

□ 1900

Mr. MOLLOHAN. Mr. Chairman, I yield 1¾ minutes to the distinguished gentleman from California [Mr. BECERRA].

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

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to read from a document entitled ''How To Use The Language of the 21st Century'' by a pollster often used by a number of Members, mostly Republican Members. It states as follows, regarding Hispanic Americans:

''Our majority is at stake.

''Republicans barely maintained their congressional majority in 1996, and a major reason their support dropped from 1994 was the utter collapse of the Hispanic vote. In all the large key States, California, Texas, Florida and New York, the Hispanic percentage of the total vote is significant and growing.

''We do not need a majority of Hispanics to win a majority of the vote. In areas of heavy Latino concentration, any Republican who wins more than a third of the Latino vote will be elected. It is that simple. But if we allow our percentage among Hispanics to fall below 25 percent, the Bob Dornan loss in California will be repeated again and again.''

We do not want to have a census that counts us all accurately because if we do there is a good chance that we will catch all those Hispanics that were not counted in the 1990 census. And if we look at the 1996 election, we will see that Hispanics are not voting Republican because of all the assaults on the Hispanic community by this Republican majority.

Does it make any sense for the Republicans to want to count all Latinos in this country when they are not voting for Democrats? Is anyone surprised that we do not want to see an accurate count come out of the 2000 census and count the one community that was most undercounted in the 1990 census?

It makes perfect political sense. Unfortunately, we should not be driven by politics in deciding what the Constitution has called one of the most important activities in this country, and that is counting every single American. Unfortunately, with this bill, we do not count every American. If we had the Mollohan-Shays amendment, we would.

We should vote for that amendment because it is the right thing to do. It is not the political thing to do.

Mr. HASTERT. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. WICKER].

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

Mr. WICKER. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in the strongest possible opposition to the Mollohan amendment and to the concept of census sampling.

This vote goes to the heart of the question: Will our Nation carry out an honest, accurate and complete census in the year 2000? And, beyond that, to the question: Will the United States have a fair congressional reapportionment in the year 2002?

As my other colleagues have said, my opposition to sampling is based on a variety of reasons. The guessing scheme is unconstitutional, it is contrary to statutory law, it is unreliable, and it is subject to abuse. The Constitution calls for ''actual enumeration,'' and actual enumeration means actual counting. It says count the ''whole number'' in the 14th amendment. The United States Code specifically precludes the use of sampling for determining congressional reapportionment.

The chairman of the subcommittee is right. This may be one of the most significant and far-reaching votes of this entire Congress. The Constitution requires an actual count. Vote ''no'' on the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from North Carolina [Mrs. CLAYTON].

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

Mrs. CLAYTON. Mr. Chairman, I rise in the strongest possible support of this amendment and also for sampling. It is the fair way to count, it is a proven way to count, and it is scientific. This is the fair way to make sure everybody is included in a democracy.

Mr. Chairman, I am strongly in favor of this important amendment. The impartial, outside experts—including GAO and the National Academy of Sciences agree that sampling must be used in the next census for it is the best method as well as the most cost-effective method.

Undercounting hurts those who are already hurting—the poor, children, rural area, and urban areas. If there is a method that gives them fair billing, why not use it—why use a method that we know, that we know undercounts people. The census numbers are critical for it is upon their foundation that most Federal dollars are distributed.

The census undercount is not just an inner city, minority problem. Rural communities are undercounted, too. And poor rural areas are undercounted to a greater degree than the country as a whole.

The net undercount for the Nation in 1990 was 1.6 percent, or about 4 million people. That's the difference between the 10 million people who were missed and the 6 million who were counted twice, errors that don't cancel each other out because people who are missed don't tend to live in the same neighborhoods as those who are likely to be counted more than once.

By contrast, the undercount of rural renters in 1990 was 5.9 percent. Owner/renter status is a proxy for income, so the proportion of poor rural people who were missed was far greater than the Nation as a whole. Ninety percent of the rural renters missed were not minorities.

Mr. Chairman, in the South, in 1990, the undercount of white renters was 6.23 percent, representing more than 10 percent of the total national undercount. For American Indians living on reservations, the 1990 undercount was more than 12 percent.

We cannot pretend this does not affect large groups of citizens, Mr. Chairman. Vote "yes" on the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Ms. DELAURO].

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

Ms. DELAURO. Mr. Chairman, I thank the gentleman for yielding me this time, and rise in support of the Mollohan-Shays amendment.

A sampling has been verified, it is a practice in the business community, it is the direction we should go.

Mr. MOLLOHAN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. SAWYER]. Along with the gentlewoman from New York [Mrs. MALONEY] the gentleman from Ohio has been extremely active on this issue. He is knowledgeable and has done an extremely good job.

Mr. SAWYER. Mr. Chairman, I thank the gentleman for yielding me this time.

The Romans had a phrase that captured the essence of intellectual corruption: ''Video'' meliora proboque deteriora sequor. It means: ''I see the better course of action and approve it, but the worse path is the one I take.'' It could describe our work today.

Before us is a plan to count the Nation. It is legal, it is constitutional and supported by the broad consensus of science. The alternative will doom the census, the underpinning of our democracy, to failure. It will not be above reproach if we follow the language in the bill, it will be below respect.

The heart of the argument is over the use of sampling, which has been a part of the census for seven decades. Now, some say that the Constitution requires ''an actual enumeration'', and I agree, it does. However, as in so many things, history is important and instructive.

Madison and Sherman, in framing the great compromise, struggled to find a formula for proportional representation. Slave State delegates favored property as the rule for representation. They felt their slaves would be included as a measure of wealth and a useful substitute for population. Free States were hostile to slavery as a basis for any form of democracy and argued for an actual measurement of the number of inhabitants, not some measure of wealth as a partial substitute for population. Hence the term ''actual enumeration'' of people as opposed to some other method.

So we ask, what is an actual enumeration as determined by law, by the Congress? Well, in 1790, Thomas Jefferson sent out 600 Federal marshals. It took 8 months and he missed a million people. So in the 1800's they hired tens of thousands of temporary workers, who brought their disparate lists back to Washington where an army of ''census girls'' added them up by hand. In the end of the century, that took over 8 years to complete.

So in 1890 they used a punch card machine to record and tally results untouched by human hands. By 1940 they introduced sampling and have used it ever since. And in 1960 the census used the mails to deliver and collect forms, counting people without ever having knocked on their doors, and they still do today.

In short, as the Nation changes, techniques of actual enumeration have changed, but we still count population, not something else, as the Constitution requires. Still, it has gotten harder, so after the problems of 1990, the Congress did the right thing. We asked the General Accounting Office and the inspector general and the National Academy of Science's National Research Council and panels of outside experts who, to a one and without exception, said build on traditional methods, of course; use the most intensive mail and door-to-door techniques ever tried; and then supplement them with an expanded use of scientific sampling to test and improve the count.

Will that work? Well, let us listen to Speaker GINGRICH, as I have. I have read his book and I have listened to the tape of his course. In both he cites the work of W. Edwards Deming in the use of statistical quality control methods as one of his five pillars of American civilization.

And what does Deming say? He says, in his magnum opus on the topic, that the census is the earliest and largest and most successful full-scale application of statistical quality control, far beyond the dreams of private organizations, attributable to effective statistical work for continual improvement of quality and productivity.

The Speaker knew then what he knows now. Statistical measurements help produce a better result. Because Deming's principles are more valid and compelling today than ever before, ignoring them, failing even to test them next spring, as this bill would prevent, will produce a far worse and much more expensive census.

If Deming were alive today, he would be ashamed of us. He would say shame on us. He would tell us, ''I taught you the better course of action, but the lesser path is the one you take.'' I prefer we do the best we can in counting the Nation. Anything less is a step toward intellectual corruption and a debasement of our democracy.

The Mollohan-Shays amendment will produce the finest count of which this Nation is capable. We have little choice, if we are to respect the constitutional mandate, but to follow it.

Mr. HASTERT. Mr. Chairman, I yield 1 minute to the gentleman from Texas, [Mr. BRADY].

Mr. BRADY. Mr. Chairman, America is so large, I always marvel at the challenge we face each census to count every person in this country. But because we have been conducting a census every 10 years since our Nation was founded, it is remarkably accurate. Even the harshest critics admit the last census was nearly 99 percent accurate.

But as good as that is, nearly 99 percent accurate is not nearly good enough because we rely on our census for a lot of our community goods, our funding and how large a voice we have in our local government, State legislatures and Congress.

As we have heard tonight, the census is so important it is enumerated in the very first article of the Constitution. It is insisted that we count every person in America, not estimated, not guessed at, and not determined by some algorithm of a subset of the percentage of the combined data collection error minus the rostering factor multiplied by the inmoving/outmoving ratio or something complicated.

Sampling is not constitutional. Like all statistics, it is easily manipulated. It is based on lowering our census accuracy to 90 percent and then guessing the rest. The Republican approach is constitutional, it is proven, and it counts real live human beings.

Mr. MOLLOHAN. Mr. Chairman, may I ask how much time remains?

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] has 9½ minutes and the gentleman from Illinois [Mr. HASTERT] has 15¼ minutes remaining.

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

Mr. HASTERT. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Chairman, I rise in strong opposition to this amendment, and I bring to it some level of experience. From 1983 to 1990 I enforced the Voting Rights Act in Arizona, and in 1990 I represented the Arizona legislature in reapportionment.

Mr. Chairman, no less than the integrity of this Nation is at stake in this amendment. This is not a difficult issue. My colleagues have accurately pointed out that both the United States Constitution specifically requires an actual count and so does Federal law.

This is not a question that is in doubt, but let me urge my colleagues to consider the consequences of what is being proposed by this amendment. Never, I repeat, never in the 200-year history of this country has there been a deliberate attempt to count less than the entire population.

Contrary to what we just heard on that side of the aisle, what the census proposes in this sampling idea is to deliberately count only 90 percent of Americans and then to stop at that point and estimate the rest. Until 1990, the Census Bureau rejected sampling and said it was unconstitutional.

I call on my colleagues to imagine the incentives we are creating. If we tell America we are only going to count, actually count, until we get to 90 percent, and then we are going to sample from that point on, what motive is there for a single American to send in the form; and what faith will they have in this system?

The Constitution says enumerate one-by-one and do an actual count. This is a bad idea and is at the heart of integrity in our government.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FAZIO].

[Mr. FAZIO of California asked and was given permission to revise and extend his remarks.]

Mr. FAZIO of California. Mr. Chairman, I rise in strong support of the Mollohan-Shays amendment which will allow the Census Bureau to conduct a fair and accurate census in the year 2000.

I rise today to urge you to support the Mollohan-Shays amendment which will allow the Census Bureau to conduct a fair and accurate census in the year 2000.

The limited use of sampling is a crucial part of an accurate count and serves only as a supplement to the Census Bureau's aggressive direct counting effort.

The decennial census provides the cornerstone of knowledge about the people of our Nation.

State and local governments use census data to draw legislative districts of equal population.

The Federal Government uses census data to distribute billions of dollars in grants according to population-based formulas.

Federal, tribal, State and local officials study the patterns of detailed census data before constructing hospitals, highways, bridges, and schools.

And businesses use census data when deciding where to locate production facilities and retail outlets.

Ten percent of the count in 1990 was inaccurate, and GAO estimates an error rate of 26 million.

Contrary to popular belief, an undercount affects not only those in urban centers, but also those who live in remote rural areas.

Children and minorities were disproportionately undercounted, resulting in vital Federal services being underallocated for those who need them most.

The 2000 census is an unprecedented effort by the Census Bureau to ensure that all Americans are accounted for wherever they live, and I urge you to support the Bureau's innovative plan for the 2000 census, including sampling, and vote for the Mollohan-Shays amendment today.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. MILLENDER-MCDONALD].

(Ms. MILLENDER-MCDONALD asked and was given permission to revise and extend her remarks.)

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise in strong support of the Mollohan-Shays amendment ensuring that each American is fairly counted.

Mr. Chairman. I rise today in support of the Mollohan-Shays amendment, a bipartisan measure to allow the Census Bureau to use the scientific method of sampling to conduct the decentennial census in the year 2000. The current system is inefficient and expensive and needs to be fixed. There are various undercount problems that need to be solved before the numbers are delivered to the Congress—problems that affect congressional representation. These numbers also affect fundamental Federal community programs for the impoverished. In 1990, the differential undercount, where the census inadvertently omits a higher proportion of the minority population than the majority, was the highest it has been since the 1940's—4.4 percent of blacks, 5.0 percent of Hispanics, 2.3 percent of Asians and Pacific Islanders, and 4.5 percent of American Indians were unaccounted for, compared with only 1.2 percent of non-Hispanic whites.

Sampling is not a new technique. Especially in conducting the census. The method used to develop socio-economic profiles of the U.S. population employs extensive use of sampling. For instance, the Census Bureau's long form is sent to only one in six households. It is used to obtain most of our information about income, educational attainment, ancestry, and housing stock, just to name a few categories.

Sampling methods are not just limited to the Census. Tax legislation is written using data collected by sample surveys. Health legislation is based on the national health, examination, and nutrition survey. Even the consumer price index, whether it is ever reformed or not, will be calculated from two different sample surveys—the point of purchase survey and the consumer expenditure survey. And we rely on scientific sampling and analysis to improve the CPI's accuracy.

All the Census Bureau wants to do is to expand its capabilities to adjust for the undercount before its deadline to report the numbers. Under the Constitution, these are the numbers we use to reapportion our congressional districts. These data are also used for revenue-sharing purposes. So, to oppose sampling methodology to produce one single, accurate figure to be reported, makes no sense. I ask you, Is there some reason my colleagues don't want the census results to be accurate? Is there some reason they don't want the more transient among our population—the minorities, immigrants, low income, and impoverished counted in the official numbers? You tell me, because I can't figure it out. But I agree with a statement by Barbara Baylar, vice president for survey research at the National Opinion Research Center. She explained that:

> Oftentimes the pressures are not to produce data to support some position but not to produce data. All of us can name examples—income data, poverty data—that exerted [such] pressure. Not to produce this data in a timely and efficient manner is a brand of know-nothing-ism that we cannot afford to tolerate in the era of the information age, at the dawn of the new millennium.

This is a serious issue. The 1990 numbers undercounted the United States population by 4 million people. That's 1.6 percent. In the State of California alone, the nonsampling method missed 834,000 people. That's 2.7 percent. The Mollohan-Shays amendment would allow the Census Bureau to conduct its research more accurately and inexpensively, and should be supported by Members on both sides of the aisle. I encourage all of my colleagues to vote ''yes'' on this amendment.

Mr. HASTERT. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

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Mr. CUNNINGHAM. Mr. Chairman, one of the most damning things about this body is the partisan deceit that takes place, partisan deceit for political gain.

This bill allows a 35 percent error rate within a district. Yeah, can you make it up nationally. But look in the past in the gerrymandering and reapportionment. Do you have any doubt where that 35 percent is going to take place? In individual Republican districts.

No, I do not trust. Why? If this body had operated in a bipartisan way, look at the White House union issue with the White House directing money. Look at the FBI files. Look at the INS keeping registration. And in San Diego, they kept Republicans from registering new Members of this body, of this country. Look at China and the Trie and the Huang and the Riady. Look across-the-board at the political manipulation.

My mom told me, ''If you tell enough lies, you are going to go to hell.'' Well,

I want to tell my colleagues something: On Medicare, Medicaid, education and the environment, the Democrat leadership is going to need a big fan when they die.

Do we trust the President? Absolutely not. Vote no on this amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. HASTERT] has 12¾ minutes remaining, and the gentleman from West Virginia has 9½ minutes remaining.

Mr. HASTERT. Mr. Chairman, I have only two speakers left.

Mr. MOLLOHAN. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I am not a great fan of calling amendments by Members' names. My general view is if we have campaign finance reform to call it the bipartisan bill for campaign finance reform and not attach a Member's name to it. But I want to say to my colleagues that I take tremendous pride today in having this be the Mollohan-Shays amendment.

I really believe that the gentleman from West Virginia [Mr. MOLLOHAN], the gentleman from Ohio [Mr. SAWYER] and others, frankly, on that side of the aisle are right and most of my colleagues on my side of the aisle are wrong.

I believe, with all my heart and soul, that the Census Bureau needs to test intensive door-to-door surveys, it needs to test outreach programs, it needs to test advertising, it needs to test hiring practices and who they hire, it needs to test telephone responses, it needs to test multiple site form distributions, it needs to test polling by mail, and yes, it also needs to test and review the results of statistical sampling.

What most on my side of the aisle want to do is deny the Commerce Department and the Census Bureau the opportunity to prove the validity of statistical sampling. The issue here is not whether we will do it for the year 2000 census, the issue is will we be able to test to prove its validity. Sadly, on my side of the aisle, too many simply do not want that to even be proven.

Now, that is true because my colleague, the gentleman from Illinois [Mr. HASTERT], has decided to come in with an amendment that, basically, says we cannot even test for statistical sampling until the court has made a decision. But it is not the same thing.

Here we ask for parliamentary inquiries and the Speaker entertains it. But we cannot ask the court for a parliamentary inquiry. We cannot ask them to decide the constitutionality of a particular issue before they have a case before them.

So just like the line-item veto, the court might hear something and say, ''We cannot decide, so we will never have a decision.'' In effect, my colleague, the gentleman from Illinois [Mr. HASTERT] will have achieved his objective. Statistical sampling will not even be allowed to be reviewed for determination on whether it works.

Now, the bottom line, as far as I am concerned, is that the science, not the politics, but the science proves that the National Academy of Science, the Inspector General, Commerce Department, the General Accounting Office, the American Numerical Statistical Association, and others, believe, with all their heart and soul, that the best way and the fairest count is to use statistical sampling after we have gone four times into the community and after we have reached 90 percent of the households.

One of my colleagues stood up and talked in great faith about how it was important to go from house to house. What do we do when someone leaves at 6 in the morning and does not get home until 12 at night? What do we do? Are we going to wait for them at 1 o'clock in the morning? No. We are just not going to count them.

What are we going to do, be standing at the door? We go four or five times to that apartment and no one is there.

The bottom line is we will undercount people in rural areas if we do not have statistical sampling, we will undercount people in urban areas if we do not have statistical sampling; and, yes, most of them, sadly, will be minorities.

I believe that we should allow the Census Bureau to do its job, and I believe we should not interfere. I know we have the protection to make sure that statistical sampling is applied fairly. We would have an appointment from the Republican side and an appointment from the Democrat side to review this. We would have the Comptroller General, who, by the way, is appointed by the President, but only from three nominations made by four Republicans and four Democrats. I hope and pray that this amendment passes.

Mr. HASTERT. Mr. Chairman, I yield myself 15 seconds.

When we cannot find those folks in the apartment houses and the homeless shelters, we do like people in Milwaukee did, we hire the homeless folks to go and seek them out. We also go out and work and hire postal employees to deliver the mail on weekends to find out where these people are. It can be done, and has been done, and should be done.

Mr. Chairman, I yield 4¾ minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, former Treasury Secretary William Simon has said that ''People use statistics like drunks use lampposts, for support rather than illumination.'' He would feel right at home on the other side tonight.

Somebody else would feel right at home on the other side tonight who wrote 132 years ago in a book on Alice. As Lewis Carroll had them saying, ''Then you should say what you mean,'' the March hare went on. ''I do,'' Alice hastily replied; ''at least, at least I mean what I say. That's the same thing, you know.'' ''Not the same thing a bit,'' said the Hatter. ''Why, you might just as well say that 'I see what I eat' is the same thing as 'I eat what I see.' ''

Mr. Chairman, this is a debate on the other side out of the ''Twilight Zone.'' Let us look at reality. This administration, Mr. Chairman, has politicized the INS, the FBI, Department of Justice. We have seen Filegate, Travelgate. Let us not allow them to develop Censusgate.

If any administration has ever abused its power vested in it by the American people, Mr. Chairman, this administration has. Should the American people actually believe that this administration would not jump at the opportunity to use the census for its own political gain?

Fortunately, though, Mr. Chairman, our Founding Fathers envisaged that some day an administration would abuse its power and would attempt to manipulate the census. And Mr. Chairman, like they have done so many times before, thank goodness, our Founding Fathers predicted the error of our ways and saved us from our own demise; they provided us with a guide on how to run a democracy.

That guide, which too many Members ignore, is the U.S. Constitution. And on the issues of the census, it is unambiguous. The constitutional cornerstone of a representative democracy is the right to vote, and that is inextricably linked to the right to be counted.

The affirmed intent of the U.S. Constitution holds that the decennial census must be an actual count. Article I, section 2 of the Constitution states: ''The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they,'' that is the Congress, ''shall by law direct.''

In 1868, as part of the 14th amendment, there was further clarity, stating in part: ''Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State.''

Three key principles arise from a study of the Constitution on this issue. First, the decennial census must be an ''actual enumeration.'' Second, the ''actual enumeration'' must be ''a counting of the whole number of persons in each State.'' And third, the decennial census must be conducted ''in such a manner as they (Congress) shall by law direct.''

The first challenge to the actual count came at the Constitutional Convention itself, when my own State of Georgia sought additional representation based on expected population growth. This was not allowed. The Framers' intent was that congressional apportionment must be based on actual count at the time of the census-taking.

Even though census figures are used for many determinations, the only constitutionally mandated purpose for the

census is the determination of the U.S. population in order to apportion congressional seats. And for this purpose, the Constitution's requirements are crystal clear and they are mandatory.

In the 1950's, a small group of statisticians proposed the use of statistical sampling and adjustments as a gap filler for the decennial census. Wary of the potential for data manipulation, Congress enacted a statutory provision (13 U.S.C. Sect. 195) restricting the use of the statistical sampling and adjustments, stating: ''The Secretary of the Commerce shall, if he considers it feasible, authorize the use of sampling except for the determination of population for purposes of apportionment of Representatives.''

Mr. Chairman, the Clinton administration is on the verge of creating a virtual America based on virtual people, but based on a very real violation of law and of our Constitution. Congress has not waived, nor can it waive, the constitutional requirement that the decennial census must be an ''actual enumeration,'' and the ''counting of the whole number of persons of each State'' is a requirement.

Mr. Chairman, no administration should have the ability to alter the census for any reason, especially for political gain. This administration has proved it will do and say anything in the name of politics. Congress must not allow them to politicize the census. It is here that we must draw the line and defeat this amendment.

PARLIAMENTARY INQUIRY

Mr. LEWIS of Georgia. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman from Georgia [Mr. LEWIS] will state his parliamentary inquiry.

Mr. LEWIS of Georgia. Mr. Chairman, I wonder whether my colleague from Georgia [Mr. BARR] still believes that the Constitution suggested that a black person is only three-fifths of a person and that the Constitution also supported slavery. Does it still support slavery?

The CHAIRMAN. The gentleman from Georgia [Mr. LEWIS] has not stated a parliamentary inquiry.

Mr. MOLLOHAN. Mr. Chairman, I yield 15 seconds to the gentleman from Ohio [Mr. SAWYER] to speak to the Milwaukee representations made by the gentleman from Illinois [Mr. HASTERT].

Mr. SAWYER. Mr. Chairman, my colleague, the gentleman from Illinois [Mr. HASTERT], I think justifiably lauded the effort that the city of Milwaukee and others made in 1990. With that effort, they were able to keep their undercount to about 2.2 percent. The national average, however, was 1.6 percent, a 30 percent higher undercount, despite their numerous effort.

Mr. MOLLOHAN. Mr. Chairman, I yield as much time as he may consume to the gentleman from New York [Mr. ENGEL].

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

Mr. ENGEL. Mr. Chairman, I rise in strong support of the Mollohan-Shays amendment.

I rise to give my strong support to a fair and accurate Census 2000 which can be accomplished through the use of statistical sampling. This issue should not be caught up in cynical partisan sniping.

Three separate panels of experts convened by the National Academy of Sciences have recommended the use of sampling. Sampling in the 2000 Census has also been endorsed by the American Statistical Association, the American Sociological Association, the National Association of Business Economists. These are groups for whom the census is a matter of science and not politics.

The fact is that no matter how hard the Census Bureau reaches out (and during the 2000 Census they will be using more methods than ever before to reach every American) we simply cannot count every person.

The 1990 Census failed to count 1.6 million. The majority of those who were missed were minorities, and residents of poor rural communities.

During the last Census, African-Americans were six times more likely to be uncounted than Non-Hispanic White Americans. Hispanic American were seven times more likely to be undercounted than Non-Hispanic White Americans.

These are groups who are shut out of the workings of our Government in so many ways. By opposing the use of sampling we are further alienating these people who deserve to be counted and need to be counted.

In undercounting these groups we are denying them their apportionment of Federal funding which the Census determines.

Some of my colleagues have characterized sampling as guessing. The Census Bureau will not be making numbers up. Sampling is a well-tested method of following-up on those households which have not responded.

The Department of Justice under the administrations of Presidents Carter, Bush, and Clinton have all concluded that sampling is Constitutional.

We should not tie the hands of the Census Bureau because we are afraid of the political ramifications, or for any other reason.

If we want a fair census, if we want an accurate census, then we ought to let the Census Bureau conduct a professional census by using any method they deem necessary for accuracy, including statistical sampling.

Mr. MOLLOHAN. Mr. Chairman, I yield as much time as he may consume to the gentleman from Michigan [Mr. CONYERS].

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

Mr. CONYERS. Mr. Chairman, I rise in support of the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 2¼ minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished minority whip.

Mr. BONIOR. Mr. Chairman, I thank the gentleman from West Virginia [Mr. MOLLOHAN] for yielding me the time.

Mr. Chairman, it is important to remember that an accurate census forms the foundation of our representative government and that every American has a right to be counted. Sampling is the most efficient, the most cost-effective, and the most accurate means of conducting a census. Sampling has the backing of the National Academy of Sciences, the American Statistical Association, the General Accounting Office, and even the census director under the Bush administration.

So the question then is, why are my Republican colleagues opposing sampling? They are afraid of the truth. They are afraid that an accurate count might include the 4 million Americans who were not counted in the last census, mostly children, minorities, and people living in rural areas.

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My distinguished colleague from Ohio reminded me that half of that 4 million that was not counted in the last census were children.

My colleagues, we are obligated under the Constitution to conduct an accurate census of all Americans, all Americans. Sampling allows us to do that. The Republican efforts to undermine the census for political gain is an insult to voters. It is also an insult to the Constitution that we, as Members, are sworn to uphold.

I cannot help but notice on this day that the pattern in this bill and the case of the gentlewoman from California [Ms. SANCHEZ] is the same. First, they do not count the people, and if that is not good enough, they do not count their votes.

Mr. Chairman, I urge my colleagues to vote for the Mollohan-Shays amendment.

Mr. HASTERT. Mr. Chairman, I yield 7¾ minutes to the gentleman from California [Mr. THOMAS].

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

Mr. THOMAS. Mr. Chairman, up until the last speaker, I thought we were doing pretty well focusing on the issues in front of us. A lot of people think the census, and I quote from a letter that I got, the census is the only source of reliable, comparable, small-area data on income, occupation, and labor force participation, educational attainment, household structure, and other key demographic and economic data. And many Members have said, I think quite correctly, there is only one reason why we have the census constitutionally. It was that grand experiment the Founding Fathers decided to try: government by the people.

Mr. Chairman, I know the gentleman, Mr. WATTS, indicated and others propounded on, the fact that the actual enumeration in article I, is the manner by which Congress shall pose. I say, ''It's how you do it, not what you do,'' and I noticed every one of those individuals did not then turn to the 14th Amendment, as has been done on this side. After that great conflict it was determined that all people, I tell my friend and colleague from Georgia, that all people were to be counted, not three-fifths of a person, when all people

were to be counted. The second clause of the 14th amendment says ''whole number of persons,'' ''whole number of persons.''

I noticed also that as the minority side propounded its constitutional arguments; that is, that it is constitutionally permissible to sample, I never heard the Supreme Court mentioned once. I heard the Department of Justice under Democrats, I heard the Department of Justice under Republicans. I never heard the Supreme Court. What we are proposing to do is to say all right.

Now I tell my friend from West Virginia, the problem is not bad science the folks are concerned about, it is science. When we statistically sample, we must necessarily adjust. Adjustment means changing the numbers. Inevitably when we adjust, we take numbers from real people that were counted and substitute them for people who have not been counted. The Constitution does not say that can be done. We will be subtracting real people and counting people who have not been counted. That is the fundamental basis of adjustment.

Frankly, to tell me that professional statisticians are in favor of statistical adjustment is like going to a cattlemen's association annual convention and having two items on the menu, beef and fish. Guess which one they will choose?

Statistically, I guess we could say this is a bipartisan amendment; three Republicans will support it. That is the problem with statistics. But, as my colleagues know, we do concede that America is a mobile society and that information that we were talking about is useful and valuable. What we find, as has been pointed out by colleague after colleague, in the statute in section 195 says, ''You can sample. You can statistically adjust. You can over that 10-year period attempt to make the numbers reflect where the people are.'' But it says, ''When you count for enumeration, you count, you do not estimate.''

Technology can help us and creativity can help us be a lot more effective in our count. The gentleman from West Virginia and the gentleman from Ohio said, correctly, the 1990 census was only 1.6 percent off. Why in the world, if we were only 1.6 percent off, do we back up to count, as the gentlewoman from New York said, only 90 percent? Why do we not focus on that 1.6 percent that we did not count? We have been told who was not counted. Great. Let us go count the ones we are told were not counted. If it takes more money, put more money in.

Every day somebody visits those households, they know where they are. Why have people who do not know the neighborhood do the counting? My colleague from Illinois mentioned mail carriers. Those people are available. We should use them.

How about this: Create a lottery. The ticket for the lottery is one's filled in form. I think we will have a couple of drawings that will increase the numbers significantly. Educate. School kids, ''just say no on drugs,'' was a very useful message started in the schools. Let us get some programs going about how important it is to count. It just seems to me that there are any number of ways that we can assist.

But I want to spend the final minute or 2 on this business of politics. This amendment offers us a board of observers to ensure fairness. Now remember, under the Constitution, the only reason we have the census is to make sure that the People's House is based upon people, that it is the House of Representatives. The proposed board of observers says the President gets one vote, the House and the Senate together get one vote, and the Presidential appointment gets the third.

Hey, we do not have the President, that is OK. In the next census, if we are lucky, we will be able to elect a President, and we might have the 2 to 1 ratio. Read the fine print. This board dissolves itself in 2001. After it is done, they are dissolved.

But fundamentally, my colleagues, the Founding Fathers knew what they were doing. They knew what politics was all about. They knew what power was. Go back and reread Federalist 10. They knew perfectly well the use and abuse of power. That is why they said, with clear intent, an actual enumeration.

A noble experiment, government by the people, this is embodied in the Constitution. Count whole people. The fundamental distribution of power in this society is to be based upon real people, not estimated people, but less than 10 years after that was propounded and agreed to, then Gov. Elbridge Gerry of Massachusetts figured out a way to beat the system. They went ahead and took the census, and then they drew districts that were not fair, and I guess as a place in history, it is now known as the gerrymander.

For more than 150 years, when we did a fair census, it was taken away from the people by politics. For more than 150 years, we did not have real representation by the people. And then the Court acted. The Court said one man, one vote. How ironic. When we finally have buried the gerrymander, the census 2000 proposes to leave us, if the Mollohan amendment is adopted, the Clintonmander.

Honor the Founding Fathers' wisdom. For representational purposes. Count. Do not estimate.

Vote ''no'' on the Mollohan amendment.

The CHAIRMAN. All time of the gentleman from Illinois (Mr. HASTERT) has expired.

The Chair recognizes the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I yield the remainder of my time to the distinguished minority leader, the gentleman from Missouri (Mr. GEPHARDT).

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

Mr. GEPHARDT. Mr. Chairman, let me urge Members to vote for this bipartisan amendment, and let me start by saying that the Census Bureau and a number of other important objective authorities have supported the targeted use of statistical sampling for the 2000 census to improve accuracy and to eliminate, as best we humanly can, the problem of undercounting.

This tool of sampling is to be used through the whole period that we are actually trying to count our citizens. As I understand it, the Census Bureau is intending to have the most aggressive, elaborate, door-to-door, human count that can possibly be made. Everybody wants that; everybody expects that; everybody anticipates that.

But what the experts are telling us who are going to do this is that they need statistical sampling as a tool throughout the period so they can target problems and then direct people to go out and make a better count so that we can get the best possible human count we can get at the end of the day.

Mr. Chairman, all the scientific evidence points to sampling as the best way to ensure the best count. Leading experts such as the National Academy of Sciences support the use of statistical sampling as the best way. The Department of Justice under Presidents Carter, Bush, and Clinton all issued opinions supporting the constitutionality and legality of using sampling in the census. Every Federal court that has addressed the issue has held that the Constitution and Federal statutes allow sampling. Barbara Bryant, the Republican appointed director of the 1990 census, supports sampling in the year 2000 census as consistent with the work she began back in 1990. Every authority that has talked about this, the agency that is supposed to do it, is saying that they can do a better job than they did 10 years ago if they are allowed to use statistical sampling.

Now at the end of the day, we have to ask why in the world would we not want to support this amendment to see that this important census, which is to ensure one person, one vote, the thing that James Madison fought hardest for in the constitutional convention, is not realized.

I urge Members to vote for this amendment. It is a bipartisan amendment; it is a sensible amendment; it is based on science; it is based on all the authorities. We know that the last time we had an undercount of anywhere between 4 million and 10 million people, and we are having all the experts tell us they can do much better than that if they are allowed to properly use statistical sampling.

Vote for the Mollohan-Shays amendment. It is the best way to get this done right.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in support of the Mollohan-Shays amendment.

Seldom is an issue debated on this floor that is as clear in its importance and value to

the American public as the upcoming Census 2000. An accurate, reliable, and inclusive census count is undeniably in the best interests of the American people, and allowing the Census Bureau to use statistical sampling is the best way to achieve that goal.

Census data on family status, housing, employment, and income levels gives the country a sense of who we are and where we are headed in the future.

For American businesses, census data is a valuable tool that helps them better understand their changing client bases and effectively plan for continued growth and economic well-being.

For Federal, State, and local governments, census data is critical for developing effective public policies that meet the future needs of Americans throughout the country. Census data is also the basis upon which $150 billion in Federal dollars is distributed to State and local governments each year.

As a result, a census undercount could have a devastating impact on States whose needs go unrecognized. Those with large urban and rural populations are especially vulnerable. For example, the 1990 census had a national undercount of 10 million people. In my home State of California, with an estimated undercount of 1.2 million, Californians were denied a stronger voice in determining public policy and lost millions of critically needed dollars for public facilities and services.

Mr. Chairman, history does not have to repeat itself.

The Census Bureau's proposal to use statistical sampling in Census 2000 is fiscally and scientifically sound. The National Academy of Sciences and a host of other reputable organizations and local government associations have recommended the use of statistical sampling to achieve an accurate count.

In addition, the Department of Justice under the Carter, Bush, and Clinton administrations, as well as every Federal court addressing the legality of statistical sampling, have held that the Constitution and Federal statutes permit its use.

Given the benefits of sampling and the fact that experts recommend its use, why are we having this debate?

Mr. Chairman, it is purely political. Although there is no evidence to support their assumption, many in the majority party fear that a statistically adjusted census will result in their party being disadvantaged.

We must put the American people first.

I, therefore, ask my Republican colleagues to abandon this ill-advised political gamesmanship and allow the Census Bureau to use statistical sampling for a more accurate and inclusive census that is indisputably in the best interests of all Americans.

Mr. ABERCROMBIE. Mr. Chairman, today I rise in support of the Mollohan-Shays amendment. The amendment removes the bill's current provision that is an impediment to provide for a fair and accurate census in the year 2000. This issue is very important to the people in my district. In fact, this is an issue that is important to all my House colleagues. We must work to ensure that all individuals are counted so that their voices may be heard.

The 1990 census missed at least 4 million people because, as the Bush administration's Census Director at the time said, ''enumeration cannot count everybody.'' We in Congress must take steps to resolve and correct this situation. The Mollohan-Shays amendment seeks to address the issue and make the 2000 census more accurate.

The National Academy of Sciences and virtually the entire statistical profession, including the American Statistical Association, has endorsed sampling as the best and most efficient way to achieve an accurate census count.

The Justice Department under the Reagan, Bush and Clinton administrations has consistently held that sampling is constitutional.

Opponents of the amendment claim that sampling opens up the census count to political manipulation. In response, the sponsors of the amendment went out of their way to address that issue. An independent board of experts will monitor every aspect of the census to guard against any bias or manipulation. This safeguard creates a more effective barrier against fraud and error than under the present system.

The Congressional Research Service analyzed the Hastert census language that is currently in the bill, and it is quite clear that this language will not work. According to the memorandum, ''The case law makes it clear that this authorization, if enacted, would run afoul of constitutional barriers to congressional conferral either of standing or of ripeness or both.'' The memorandum goes on to say ''* * * it appears extremely likely that the Supreme Court would either strike down the provision, or disregard it.'' If my House colleagues are concerned about constitutionality they cannot support the Hastert language.

The Mollohan-Shays amendment works toward a fair and accurate census. I urge my colleagues to support the Mollohan-Shays amendment.

Mr. RODRIGUEZ. Mr. Chairman, in the 1990 census, the census missed an estimated 4.7 million people, 1.58 percent of the population. We are bound to have some undercount; but the undercount of minorities and inner city populations is unacceptably out of proportion to the national average. For minorities, the undercount was nearly tripled: The census missed 4.4 percent of the African-American population and 4.9 percent of the Hispanic population.

We need an accurate census. A count that does not leave minorities and inner city and rural populations behind. Without accurate census information, minorities, inner cities, and rural areas do not receive equal political representation or distribution of government resources. State and local governments with missed populations lose millions of dollars in Federal aid.

Sampling is not a new issue. In 1991, Congress passed a law requiring the Census Bureau to determine improved census methods and to consider the use of sampling to get a more accurate count of the population. Sampling is simply a way to get the most accurate census from available information. Based upon detailed analysis of areas that the Census Bureau counts by hand, it can quite accurately determine the population of similar places for which inaccurate or incomplete data was collected.

We all agree that we need an accurate count. Why do Members on the other side of the aisle oppose sampling? Because they fear it would mean counting more Democrats? Since its beginning, the Census Bureau has abstained from political posturing and continues to remain independent. We must let the Census Bureau do its job and use the method that is most accurate, and that avoids unfair undercounts. That is the American way.

Ms. MINK of Hawaii. Mr. Chairman, I rise in support of this amendment to restore credibility to the 2000 census. Unless we approve this amendment, the year 2000 census will again undercount millions of Americans.

The traditional methods of physical enumeration does not yield an accurate and honest count of Americans as required by the U.S. Constitution. Statistical sampling is a tested technique, refined to a level of great accuracy. It has been reviewed and studied by three separate panels of experts convened by the National Academy of Sciences, the independent inspector general of the Commerce Department, and the GAO. These prestigious groups of scientists have all recommended the use of sampling and endorsed the Census Bureau's plan.

The Mollohan-Shays amendment does not mandate sampling. It simply allows the use of the most advanced methodologies to obtain a more accurate count of the American population. If we limit the Census Bureau's ability to use all of the scientific tools at its disposal the accuracy of the census count could be compromised.

An accurate count of our population has enormous political and social consequences. The apportionment of our elected offices is affected. The allocation of Federal and State funds is affected. And if people of color and the poor are not accurately counted, their voice in our Government will be even more muted. The Mollohan-Shays amendment will achieve a more national profile of America as she lives and where she lives.

We are here today to say that everyone counts—whether you are a person of color, poor, or elderly, whether you are a recent immigrant or a citizen, whether you live in an urban or rural area. Support the Mollohan-Shays amendment. Tell the American people we want all to be counted in the next census.

Ms. VELAZQUEZ. Mr. Chairman, I rise in strong support of the Mollohan amendment, which would provide full funding to the Census Bureau to conduct a fair and accurate census. It seems amazing, but the Republican leadership will stand in this chamber and do anything they can to stop fair representation for all people in this country. Not long ago, minority communities were prevented from being represented through violence and repression. Today, the methods being used are far more subtle.

During the last census, 26 million people were either missed, counted twice or counted in the wrong place. The biggest losers as a result of this undercount are minority and poor rural communities. In 1990, over 1 million Latinois were not counted. In poor rural communities, 1 out of every 16 people was missed. But the Republican leadership says that's okay.

But this is really not a debate about the way we should conduct the census. This is a debate about whose voice will be heard and whose voice will be silenced. By not counting minorities and the poor, opponents of a fair census can justify slashing resources to these communities. By pretending that millions of people don't exist, political representation is denied at every level—from school boards all the way up to Presidential elections.

We cannot allow fair representation to suffer at the hands of partisan politics. Expert after

expert has made it clear that using sampling will produce the most accurate count. Yet our opponents are desperate to continue to force the Census Bureau to use inaccurate, unfair methods of conducting the census. Earlier this year, they were willing to allow flood victims in the midwest to suffer in their attempts to prevent an accurate count. Now, they are trying to slash the Census budget by two-thirds in order to carry on this attack against poor and minority communities. The Molohan amendment would restore that funding so the Census Bureau can do their job properly.

We must make sure that every person living in this country is counted in the census. We must not allow anyone to pretend that minorities and the rural poor do not exist. We will continue to expose these efforts for what they are—partisan attempts to silence the voice of minorities and the poor. Who is willing to stand here and tell the American people that the poor don't deserve proper representation? Who is willing to stand here and tell the American people that Latinos and African-Americans don't deserve proper representation? This a matter of basic fairness and democracy, and it is something that we will continue to fight for.

I strongly urge a yes vote on the Mollohan amendment.

Ms. PELOSI. Mr. Chairman, I rise in support of the Mollohan-Shays amendment prohibiting the use of fiscal year 1998 funds to make irreversible plans for the use of statistical sampling in the 2000 census.

The Census Bureau has acknowledged that at least 4 million Americans were not counted in the 1990 census. Twenty percent of these undercounted individuals reside in California. California is home to 12 percent of all U.S. residents. An undercount in the census places a disproportionate burden on our State. Scientific sampling is a necessary tool to achieve the most accurate census in the most difficult to reach areas and populations.

We all know that some population groups are missed in the census far more than others. African-Americans are 7 times as likely to be missed as whites. In 1990, children accounted for 52 percent of the undercount.

Statistical sampling will improve accuracy in counting minorities, children and the poor, all traditionally undercounted during the census. California is home to the largest Hispanic and Asian Pacific Islander populations among all 50 States. Between 1989 and 1993, the number of poor children, age 15 to 17, increased from 894,000 to nearly 1.4 million. An undercount denied significant Federal funding for education, child care and housing programs, among others.

An undercount as significant as 1990's denies equal representation for people of color at all levels of Government, including this body.

The National Academy of Sciences, American Statistical Association, Population Association of America, National Association of Counties, National Conference of Mayors, Council of Chief State Schools Officers have all endorsed the use of sampling to account for households that do not respond to census questionnaires or visits.

Accountability in sampling is increased through the Mollohan-Shays amendment, which creates a special board of observers to monitor the census process and protect it from any manipulation.

I urge my colleagues to support the most accurate census possible. Vote ''yes'' on the Mollohan-Shays amendment.

Ms. DELAURO. Mr. Chairman, I rise to support this amendment and urge the support of my colleagues as well. The key issue before us here is whether or not we will make a commitment to a fair, accurate census which counts everyone.

The Census Bureau's plan to sample is the only way to count those men, women and children who will otherwise be missed. Without sampling, the Census will cost more and be less accurate. Barbara E. Bryant, the Republican-appointed director of the 1990 Census, says that ''I am very much in favor of the plan the Census Bureau has. It builds on work I started back in 1990.''

Bryant began that work to try to improve the count during the 2000 Census. By most estimates, the 1990 Census, which used little sampling, missed at least 4 million people.

Scientists know that sampling can reduce the undercount—the people missed and uncounted—from 2% to one-tenth of one percent. A recent study by the National Science Foundation, the objective group of scientists to which Congress turns for scientific advice, concurs that sampling is a fair way to count people who would otherwise be left out. And business groups agree. That's why the most recent Business Week magazine ran an article that said that science, not politics, should settle this issue.

Objective Republicans and Democrats who have looked at the facts agree: sampling is more accurate, and more fair.

Let's put this question to the American people: we have two options. One will give us inaccurate information and cost more. The other will give us more accurate information, and cost less. More accuracy for less money—how can there even be a debate?

I urge my colleagues to support the Mollohan-Shays amendment, and thank my colleagues for offering us this opportunity to correct a serious wrong.

Mr. LEWIS of Georgia. Mr. Chairman, I rise in support of this amendment, and in support of a fair and honest Census count in the year 2000. In 1990, the census missed an estimated 4 million Americans. Four million left out of our democracy, hundreds of thousands of Georgians not counted, silenced, voiceless, left out and left behind.

This amendment supports a fair and honest census through ''sampling''—the best way we know to conduct a fair and accurate census. The experts support it, the Justice Department under the last three Administrations—under Presidents Reagan, Bush, and Clinton support it. In 1990, even the Speaker of the House supported it.

But what we are debating today is not what is the best policy, but instead the best politics, the best Republican politics.

The census is more than just a political football, it is about fairness for every American—whether they live in North Georgia or Northern California. Every American—rich or poor, young or old, black, white, yellow, red or brown—deserves to be counted. No one should be left out or left behind. It is time to stop playing politics with the census.

Support the best census in the history of the Nation. Support the Mollohan amendment.

Mrs. MORELLA. Mr. Chairman, I rise today in strong support of the Mollohan-Shays amendment

The Census Bureau needs the full $381.8 million appropriation in fiscal year 1998 to prepare for Census 2000 now—not pending expedited judicial review. Preventing the Census Bureau from spending any money on planning, preparing, or testing for the use of sampling would jeopardize all components of census preparation, including the dress rehearsal and the preparation of the long form.

As Members of Congress, we depend on the accurate information provided by the census to give us insight into our changing communities and constituencies. If this amendment is not passed, and data is not collected in Census 2000, we will lose the only reliable and nationally comparable source of information on our population. Both the private and public sectors, including state, county, and municipal agencies; educators and human service providers; corporations; researchers; political leaders; and federal agencies, rely on the census long form.

The Mollohan-Shays amendment is critical if we are to prevent the mistakes made in 1990. I served on the Committee on Post Office and Civil Service during the 1990 census, and I saw first-hand the mistakes that were made. According to the GAO, the 1990 Census got 10 percent of the count wrong. Over 26 million people were missed, double counted, or counted in the wrong place. Let me quote from the GAO Capping report on the 1990 census, which makes it clear that a straight count will not work:

GAO reported that ''* * * the current approach to taking the census needs to be fundamentally reassessed.'' ''The current approach to taking the census appears to have exhausted its potential for counting the population cost-effectively.'' Historic methods of trying to gather data on each nonresponding household is costly both in dollars and accuracy. ''Specifically, the amount of error in the census increases precipitously as time and effort are extended to count the last few percentages of the population. * * *''

There is strong scientific evidence that sampling will result in the most accurate Census possible. The experts agree that spending more money to go door-to-door will result in errors as large or larger than 1990 and that the 2000 census will be more accurate for all congressional districts than 1990, and 19 times more accurate for the nation.

As a result of the GAO evaluation and bipartisan direction from Congress, the Census Bureau turned to the National Academy of Science for advice. the first panel said ''* * * physical enumeration or pure 'counting' has been pushed well beyond the point at which it adds to the overall accuracy of the census.''

The panel went on to recommend a census that started with a good faith effort to count everyone, but then truncate physical enumeration and use sampling to estimate the characteristics of the remaining nonrespondents.

Following those recommendations, the Census Bureau announced in February 1995 a plan for the 2000 Census which makes an unprecedented attempt to count everyone by mail, followed by door to door enumeration until reaching 90 percent of the households in each census track. A sample of households is then used to estimate the last 10 percent. The GAO Capping Report pointed out that in 1990 nearly half of the 14 weeks of field work were spent trying to count the last 10 percent, and resulted in increased error rates.

The census plan has received overwhelming support from the scientific community including: National Academy of Sciences Panel on Census Requirements in the Year 2000 and Beyond; National Academy of Sciences Panel to Evaluate Alternative Census Methods: American Statistical Association; American Sociological Association; Council of Professional Associations on Federal Statistics; National Association of Business Economists; Association of University Business and Economic Research; Association of Public Data Users; and Decision Demographics.

And to close, I want to read a quote from the Blue Ribbon Panel on the Census, American Statistical Association, September 1996. ''Because sampling potentially can increase the accuracy of the count while reducing costs, the Census Bureau has responded to the Congressional mandate by investigating the increased use of sampling. We endorse the use of sampling for these purposes; it is consistent with best statistical practice.''

I hope that my colleagues will heed the advice of our nations' experts and join me in supporting the Mollohan-Shays amendment. To do otherwise would jeopardize the content and accuracy of Census 2000.

Mr. PETRI. Mr. Chairman, I rise in support of this bill and the inclusion of provisions to require the Census Bureau to conduct, as the Constitution says, an actual enumeration rather than using the statistical technique known as sampling. Following the 1990 census we had a debate over whether to use the number resulting from the actual enumeration or a number adjusted by sampling. This time the Bureau does not even intend to try to count everyone. As I understand it, the plan is to try to count 90 percent of the people and estimate the rest.

I oppose the use of sampling for several reasons. It would leave the census numbers open to political manipulation and would tend to undermine the public's confidence in the census. We have seen various administrations manipulate the FBI, IRS, and reportedly even the Immigration and Naturalization Service for political gain. Once we move away from a hard count what guarantee do we have that this or a future administration will not manipulate the census numbers for partisan gains?

A Member of the other body has stated that we should all support sampling since we all rely on something similar, public opinion polls, to get elected. The problem with this thinking is that we may use polls to guide us but we don't let them determine the winner.

I would have no objection if the Bureau uses sampling to determine where there may have been an undercount, and then goes back in and redoubles its efforts to count those people. That would be analogous to the way we use opinion polls. To rely on sampling rather than a physical count is comparable to changing election returns if they are at variance with the polls.

Sampling is said to adjust for undercounts in major cities. But once you estimate how many people are in a given city, to what wards, neighborhoods, and precincts do they belong? How can State legislatures and school boards and city councils be apportioned if we don't know where these estimated people live? Is sampling really accurate enough to tell us if some small town has 3,300 people instead of the 3,000 from a hard count?

When a State, such as Wisconsin, has hundreds of towns of such size, will sampling adjust for an undercount there the way it might in Los Angeles or some other major city? In 1990 an entire ward in one town in my district was missed. The community leaders pointed this out during the post-census review and the mistake was corrected. For 2000 the Bureau will not do a post-census review presumably since no one can know what mistakes were made since everyone wasn't supposed to be counted anyway.

Will the undercount of Indian reservations, of which there are several in Wisconsin be corrected? My understanding is that the bureau plans to do a hard count on Indian reservations. Yet native Americans were among the most undercounted in the last census. So how can it be claimed that the reason the bureau wants to use sampling is to correct for past undercounts?

The main argument of those supporting sampling is that it will save money. Well that may or may not be true but that can't be the only basis for designing the census. The cheapest possible census would be if the numbers were just made up altogether. We obviously aren't going to do that but the point is that saving money is not the only goal. Fairness is a goal and sampling is unfair to smaller communities and rural States. Following the Constitution, which calls for an actual enumeration, is a goal and the Supreme Court has never ruled on the issue.

What happens if we complete the 2000 census using sampling to estimate 10 percent of the population and then the Supreme Court throws it out? Then we will have wasted the $4 billion spent on the original census not to mention who knows how much in litigation. Rather than saving money, sampling could end up costing the taxpayers two or three times as much money as a hard count if we have to redo the whole thing. I believe a greater effort should be made to reach all Americans to provide an accurate hard count. Fifty percent of the undercount from the last census was caused by people never receiving the forms. Better mailing lists and better coordination with the Post Office and local governments can correct this problem. Approximately 32 percent of the undercount can be corrected through the use of easier to read forms and perhaps an 800 information number. The rest will have to be reached through better outreach. Instead the Bureau plans to spend less money on outreach, figuring that sampling can make up the difference.

I don't believe the bureau's plan will provide for the fairest and most accurate census. I encourage my colleagues to oppose this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 228, not voting 8, as follows:

[Roll No. 475]

AYES—197

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOES—228

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte

Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)

NOT VOTING—8

Cooksey
Gonzalez
McDermott
Roukema
Schiff
Schumer
Yates
Young (FL)

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So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments?

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before we go to final passage on this bill, about seven Members have requested colloquies that should consume maybe 15 minutes or so before we get to final passage. So for Members' interest in that question, that is about the length of time we expect.

Mr. Chairman, with that mind, I yield to the gentlewoman from Colorado [Ms. DEGETTE].

Ms. DEGETTE. Mr. Chairman, I thank the gentleman for yielding to me.

First of all, let me say, Mr. Chairman, I appear tonight on behalf of my colleague, the gentlewoman from the District of Columbia [Ms. NORTON] who was unavoidably detained at a speech in her district with some constituents. The gentlewoman and I are both concerned, as she is the former chair of the Equal Employment Opportunity Commission and I am a former employment lawyer. We would like to commend the chairman on the fine job he has done in putting together this bill. We believe that this is fairly bipartisan and equitable.

However, we do have an area of concern, and we ask to bring this issue to the chairman's attention. The chair has a formidable backlog, caused in part by very new and very complicated jurisdictions. The commission is our Nation's principle enforcer of such landmark legislation as the Civil Rights Act, the Equal Pay Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act.

We are concerned that without an increase in funding for the EEOC, we will not be able to decrease this backlog in cases. The EEOC received roughly $240 million in its fiscal year 1997 budget, and it has been appropriated the same amount for the fiscal year 1998 budget, but yet, we have an increase in backlog of cases. The President has requested $246 million, which we feel is a modest increase, but which will help us attack the backlog of approximately 80,000 cases.

My colleague, the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, and I, as well as others, were prepared to bring an amendment to the floor tonight that would have brought the EEOC funding level to the President's request. However, in deference to the negotiations on this bill and the tight fiscal constraints, we would like to work with the chairman in conference to work out this discrepancy in funding.

Mr. ROGERS. Mr. Chairman, I thank the gentlewoman from Colorado, Ms. DEGETTE, and the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, as well for bringing this important issue to our attention.

As the Members know, I share the concern about the existing case backlog at the commission, and I will be happy to work with them and anyone else towards reaching the President's request to address this problem as the bill is considered in conference.

Mr. Chairman, I yield to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I appreciate the chairman's yielding to me.

Mr. Chairman, I would like to take this opportunity to engage in a brief colloquy with the chairman of the subcommittee.

First, I want to thank the chairman for the increase he has given to the National Weather Service in its base operating account. As we know, the NOAA proposal to eliminate important staff positions at the hurricane center in South Florida during the past year caused enormous anxiety throughout Florida. Forecasters as well as their support personnel are vital to the safety of coastal areas like my district in the event of a hurricane, and my district goes from mid Miami beach all the way up to north of Palm Beach to Juno Beach at the south end of Jupiter.

Mr. ROGERS. Mr. Chairman, as the gentleman knows, the bill provides $642 million for the National Weather Service, and including a $15 million increase over fiscal year 1997 appropriated levels for base operations, and a $17 million increase over fiscal year 1997 appropriated levels for modernization activities.

Mr. SHAW. Mr. Chairman, I am grateful for the increase. I am, however, concerned that these funds can be raided by other divisions at NOAA.

Mr. ROGERS. I understand the gentleman's concern. The funds that are appropriated to the National Weather Service cannot be removed and used for other non-Weather Service activities in NOAA without prior consultation with our subcommittee. Under section 605 of this Act, all agencies must notify the committee through our reprogramming procedures prior to any shift in funds.

Mr. SHAW. I thank the chairman for clarifying the position of the National Weather Service. This information should be of great comfort to all residents in hurricane-prone areas, whether they be in Florida or elsewhere. I know in my district this issue is an especially important one, as hurricanes threaten our coastlines on an annual basis.

Mr. ROGERS. Mr. Chairman, I yield to the gentleman from Texas [Mr. BRADY].

Mr. BRADY. Mr. Chairman, I thank the gentleman for yielding to me. I and many of my colleagues on both sides of the aisle are very concerned about the funding provided in this bill.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. ROGERS] has expired.

Mr. ROGERS. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Texas [Mr. BRADY].

Mr. BRADY. Mr. Chairman, I and many of my colleagues on both sides of the aisle are concerned about the funding provided in this bill for the Maritime Administration, and specifically, the six State maritime academies. This year the report to accompany the House Commerce-Justice-State appropriations bill has not provided the specific funding level for the State academies. At the level provided for the overall operations and training account, it is likely this would threaten the ability of the academies to carry out their Federally-mandated mission of educating and training our Nation's licensed merchant mariners.

Mr. Chairman, the Texas State Maritime Academy has a ship for its use called the *Texas Clipper*. The ship's sole purpose is to meet the Federal mandate for training U.S.-licensed merchant mariners. Adequate funding is needed not only for this training but for the annual drydocking, fuel costs, retrofitting requirements, and general upkeep.

To conclude, Mr. Chairman, the Senate report makes available approximately $9.5 million for the State academies. The Senate language is also clear that the training ships where this money is used are Federal ships training U.S. maritime officers, and that is a Federal responsibility.

As we move to conference with this bill, I urge the chairman on behalf of our State Maritime Academies and on behalf of the maritime industry to work with the Senate to fully fund these academies.

Mr. ROGERS. Mr. Chairman, I yield to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. I thank the chairman for yielding to me.

Mr. Chairman, I, too, am concerned about the viability and sustainability of our six State maritime academies under this bill's funding level for MARAD operation and training accounts. These six academies currently provide 75 percent of our Nation's licensed mariners at approximately one-third the cost of the U.S. Merchant Marine Academy. In addition, the graduates enjoy an impressive press 100 percent job placement upon graduation.

Mr. Chairman, it is because of this great return on our investment that I am concerned about adequate funding. The report language notes that additional funding may be available for State Academies via the sale for scrap of vessels in the National Defense Reserve Fleet. However, EPA regulations currently prohibit such scrapping.

I would like to work with the chairman to resolve this problem, but in the meantime, I urge the chairman and Members of the subcommittee to work with the Senate in conference to ensure adequate funding for the State Maritime Academies.

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Mr. ROGERS. Mr. Speaker, I would like to thank the gentleman from Texas and the gentlewoman from New York for bringing up this important issue.

Funding requirements for the State Academies have been somewhat reduced because two of the five State Schoolships are now funded out of the Ready Reserve Force Program. In addition, MARAD has used the Vessel Operations Revolving Fund and unobligated balances to provide additional support for State Academies during the past year. A provision is currently pending in the defense authorization conference that would provide another source of revenue through the scrapping of vessels in the National Defense Reserve Fleet.

As we move into conference with the Senate on this bill and we receive additional clarification about the availability of these and other resources for the State Academies, I will be happy to work with you and other Members to address your concerns.

Mr. ROGERS. Mr. Chairman, I yield to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, first of all, I want to congratulate the gentleman on his thoughtful and effective leadership of this important appropriations subcommittee. It is a pleasure to work with him.

At this time I wish to engage him in a colloquy with regard to the Women's Business Center program and the National Women's Business Council, both administered by the Small Business Administration. I strongly support these programs.

Over the last decade, the growth in women's business ownership has created an enormous demand for the type of business training and technical assistance that is provided by the women's business centers. Within the last year alone, women's business centers have assisted approximately 17,500 women start and grow their businesses. I am joined by many of my House and Senate colleagues in supporting this program.

The Women's Business Centers program is unique because it builds upon a private-public partnership that is, in itself, unique. Once the Federal funding cycle is complete, which is only 3 years, the centers become self-sustaining in their local communities. They are able to do so because the programs are designed locally by women, for women, to meet each community's needs.

Women business owners have played a large role in the economic expansion that the United States is currently enjoying, and the country has a stake in seeing these businesses succeed and grow. The centers' training and technical assistance programs are an important part of the infrastructure that supports women-owned businesses.

The second and vital aspect of this infrastructure for women entrepreneurs is the National Women's Business Council. The council serves as an independent advisory body to Congress and the President with approximately 8 million women business owners in the United States today. The council provides this growing constituency a voice with the Government and a direct conduit to the Congress to learn its views.

This week, the House passed a bill which would increase the authorized funding levels for these programs. On that note, I want to express my hope that funding can be increased for the Women's Business Center program and the National Women's Business Council.

Mr. ROGERS. Mr. Chairman, the bill now includes $3 million for the women's business centers and $194,000 for the National Women's Business Council. Given the strong support within the Senate and the worthy goals of both programs, I am committed to working with the gentlewoman to ensure that these programs receive the necessary funding as the bill moves through conference.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for his time and for his consideration of this worthy program.

Mr. ROGERS. Mr. Chairman, I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I want to commend the gentleman and the gentleman from West Virginia [Mr. MOLLOHAN] for the excellent job they did with this very complicated and difficult bill. I rise to engage in a colloquy with the distinguished chairman of the subcommittee.

Mr. Chairman, the Senate included in its bill language which I introduced in this body, language to require that the Legal Services Corporation include only the income of the client when determining the eligibility for services in cases of domestic violence only.

Out of deference to the gentleman, Mr. Chairman, and his desire to keep this kind of authorizing language off his appropriations bill, I chose not to offer the amendment at the time of the bill. But it is important. More than 4 million women each year are abused by their husbands or partners. Eligibility for legal services is now determined by household income, leaving open the frightening possibility that victims of domestic violence would be denied legal assistance because the abuser's income exceeded the threshold for household income requirements.

The Senate provision ensures that legal aid clinics will not be forced to turn domestic violence clients away based on the income of their abusers. Today I seek the gentleman's assurance, Mr. Chairman, that we can work together to address this issue during conference. We must ensure that no victim of abuse will be refused legal assistance based upon the economic status of the abuser.

Mr. ROGERS. Mr. Chairman, I thank the gentlewoman for her leadership on this issue. I understand the importance of providing access to legal services for victims of domestic violence and look forward to working with her and her colleagues on this important issue in the conference.

Ms. PELOSI. Mr. Chairman, I thank the gentleman.

I would like to also express interest in this issue on behalf of the gentleman from New York [Mr. SCHUMER] and will include his statement in the colloquy for the RECORD, except to just add that Legal Services Corporation's programs handle more than 50,000 cases involving clients seeking protection from abusive partners. This is a very important provision that we are asking for. I thank the chairman for his cooperation.

Mr. Chairman, I include for the RECORD the following statement:

Mr. SCHUMER. Mr. Chairman, I rise to express support for this important provision. Last year, Legal Services Corporation programs handled more than 50,000 cases involving clients seeking protection from abusive partners. This language is essential to ensure that women in poverty have equal access to these legal services, and to continue our fight against domestic violence.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. ROGERS] has expired.

Mr. ROGERS. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Texas [Mr. BENTSEN] for a colloquy with the gentleman from Texas [Mr. SMITH].

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

Mr. BENTSEN. Mr. Chairman, I had intended to offer an amendment to this bill to assist the Shriners Hospital for Children in my district that provides free orthopedic medical care for indigent children from the southwest United States and northern Mexico. The Shriners offers free patient care to children who suffer from diseases of bones, joints, muscles, and burns.

The Shriners Hospital in Houston has a service area which includes northern Mexico. The patients which they accept for treatment would not be able to receive comparable care in Mexico, and the Shriners completely cover the costs of their travel and treatment to Houston, Texas.

Regrettably, the visa processing fee, as provided in the Foreign Relations Authorization Act for fiscal years 1994 and 1995, that is required to be charged on all immigrants entering the U.S. causes an undue hardship for these children, their families, and in particular the Shriners who volunteer their time and funds to assist them.

My amendment would have prohibited the use of funds contained in this bill to enforce the visa processing fee for children entering the U.S. for prearranged medical care at a charitable hospital such as Shriners as well as for their accompanying parents and guardians. My office has been successful in obtaining an INS waiver of the border crossing free they charge for these children and their parents or accompanying guardian.

As the State Department apparently does not have the authority to waive the visa processing fees under the Foreign Relations Authorization Act, it is my hope that the Subcommittee on Immigration and Claims will take this matter under consideration, in particular, providing for the authority to waive such fees when special situations such as the case of Shriners Hospital for Children in Houston warrants it.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I appreciate the point my friend from Texas is making. I am sure the subcommittee will be happy to consider the proposal and to evaluate the gentleman's situation. I thank him for calling it to my attention.

Mr. BENTSEN. Mr. Chairman, I thank the gentleman for his consideration of this.

Mr. ROGERS. Mr. Chairman, I yield to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I want to commend both the gentleman from Kentucky and the gentleman from West Virginia [Mr. MOLLOHAN] for their leadership on this bill. There is growing concern, Mr. Chairman, over developments in Albania, and there are those that believe that Albania could become the next Bosnia.

Mr. Chairman, earlier this month there was an assassination attempt made on a Democratic Party member, a member of the minority in Albania. The attempt was made by a member of the Socialist Party of the Parliament. Since taking power, the Socialist Party, the old Communist Party, has denied members of the opposition freedom of speech, freedom of assembly, and freedom of the press.

I am asking that the committee insert report language in the conference report directing the State Department to investigate the allegations that the Albanian Socialist Government has denied freedom of speech, freedom of the press, and freedom of assembly to both Albanian citizens and to the opposition Democratic Party, and to report back to this appropriations subcommittee on these matters in a timely manner.

Mr. ROGERS. Mr. Chairman, we will work with the gentleman to obtain the language that he seeks in the statement of the managers.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word, and I yield to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member very much.

I would like to thank the gentleman from West Virginia [Mr. MOLLOHAN], and as well I would like to thank the chairman of this committee for listening and providing assistance on the issue of the Prairie View A&M University Juvenile Prevention Center.

Many of my constituents are involved in this university and particularly are interested in ways of preventing juvenile crime. This center has been designated by the State legislature in Texas to assist training individuals who would be involved in preventing juvenile crime, teachers, professionals, and probation and other professionals dealing with this issue. I was delighted to be able to support the Riggs-Scott amendment that heavily relied upon prevention as opposed to incarceration of our juveniles.

The Senate mark on this bill does have provisions in funding for the Prairie View A&M University Juvenile Crime Prevention Center. I would hope that both the ranking member and the chairman, who worked so very hard on this very strong bill on the issue of prevention, would look to provide support to this particular center as it will serve not only the citizens of Texas and those citizens who reside in the 18th Congressional District, but as well citizens throughout the Nation who are interested in being trained or preventing juvenile crime.

Mr. Chairman, I rise today to draw my colleagues' attention to the question of funding for the establishment of a National Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University, located outside of Houston, TX.

I have worked during the appropriations process with many of my colleagues in an effort to find such funding in the Commerce-Justice-State appropriations bill. While we were not successful in getting that funding into the House version of the bill, the Senate has included in its version, $500,000 for the establishment of the Prairie View center. And it is my understanding, through conversations my staff has held with committee staff, that Chairman ROGERS and Ranking Member MOLLOHAN agree that funding for the juvenile justice center at Prairie View could be incorporated into the conference report. I would like to thank both Chairman ROGERS and Ranking Member MOLLOHAN for their support of this important project.

The National Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University will fill some very important functions: First, conducting academic programs, including continuing education and training for professionals in the juvenile justice field; second, conducting policy research; and third, developing and assisting with community outreach programs focused on the prevention of juvenile violence, crime, drug use, and gang-related activities.

The importance of such a center is evidenced by the fact that across America, violent crime committed by and against juveniles is a national crisis that threatens the safety and security of communities, as well as the future of our children. According to a recently released FBI report on crime in the United States, law enforcement agencies made an estimated 2.7 million arrests of persons under 18 in 1995.

Studies, however, show that prevention is far more cost-effective than incarceration in reducing the rates of juvenile crime. A study by the Rand Corp., titled ''Diverting Children from a Life of Crime, Measuring Costs and Benefits'', is the most recent comprehensive study done in this area. It is clear that juvenile crime and violence can be reduced and prevented, but doing so will require a long-term vigorous investment. The Rand study determined that early intervention programs can prevent as many as 250 crimes per $1 million spent. In contrast, the report said in investing the same amount in prisons would prevent only 60 crimes a year.

Children hurting children on the streets of our Nation is costly for the moral fabric of our society and the burden on our Government. Public safety is now becoming one of the most significant factors influencing the cost of State and local governments. We can begin to bring those costs down and make both short-term and long-term positive differences in the lives of our young people by targeting the prevention of juvenile crime.

In Texas, the historically black colleges and universities are forging ahead. The Juvenile Justice Center at Prairie View A&M University will become a State and national resource. It will perform a vital collaborative role by focusing on measures that target the prevention of juvenile violence, crime, delinquency, and disorder. The university will provide comprehensive teaching, research, and public service programs. There is no single answer to this problem, but this center will be a start to bridging the programs that work for the State of Texas and other States.

I would again like to thank both the chairman and the ranking member for their support of the National Center for the Study and Prevention of Juvenile Crime and Delinquency and to encourage that funding for this center be included in the conference report.

The CHAIRMAN. Are there further amendments?

Hearing none, the Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998''.

Mr. FAZIO. Mr. Chairman, I implore the House Conferees on the Commerce, Justice, State and Judiciary Appropriations Bill for Fiscal Year 1998 to maintain the House silence on the issue of splitting the Ninth Circuit Court of Appeals. The Senate made a hasty decision to include a provision in their version of the bill which would split the Ninth Circuit without the appropriate and necessary study, and the Senate language would mandate that the split occur immediately, with only two years to wind up the circuit's administrative matters. The proposed split would not solve the backlog of cases, as some proponents argue; in fact, it would serve only to delay the cases currently on the docket even more.

There is overwhelming opposition to splitting the Ninth Circuit, both among the legal community in the Ninth circuit and national organizations, such the Federal Bar Association. The Judicial Council of the Ninth Circuit, the circuit's governing body, has repeatedly voted in opposition to division of the circuit. H.R. 908, which was passed on a voice vote by the House on June 3, 1997, calls for a commission to investigate structural alternatives for the Federal Court of Appeals. It is crucial that a costly and precedent-setting move such as splitting the Ninth Circuit Court of Appeals be carefully considered prior to implementation. No circuit has ever been divided without careful study and the support of the judges and lawyers within the circuit.

Splitting the Ninth Circuit would create the only two-state circuit in the country and would take away the important federalizing function of the court of appeals. Additionally, judges would be disproportionately allocated between the two new circuits—the 15 judges in the new Ninth Circuit would have a 44 percent higher caseload per judge than the 13 judges of the newly-created Twelfth Circuit.

The House Judiciary Committee and the Administration oppose the Senate language on the grounds that it constitutes legislating on Appropriations. I urge the House/Senate Conferees on the Commerce, Justice, State Appropriations bill to maintain the House position on this matter and call for further study on the issue before taking such decisive and potentially damaging action.

Mrs. MORELLA. Mr. Chairman, I would like to begin by congratulating Chairman ROGERS for his subcommittee's work to fully fund the National Institute of Standards and Technology [NIST].

NIST is the Nation's oldest Federal laboratory. It was established by Congress in 1901, as the National Bureau of Standards [NBS], and subsequently renamed NIST.

As part of the Department of Commerce, NIST's mission is to promote economic growth by working with industry to develop and apply technology, measurements, and standards. As the Nation's arbiter of standards, NIST enables our nation's businesses to engage each other in commerce and participate in the global marketplace.

The precise measurements required for establishing standards associated with today's increasingly complex technologies require NIST laboratories to maintain the most sophisticated equipment and most talented scientists in the world. NIST's infrastructure, however, is failing and in need of repair and replacement.

NIST currently has a maintenance backlog of over $300 million. In addition, NIST requires new laboratory space that includes a higher level of environmental control—control of both vibration and air quality—than can be achieved through the retrofitting of any of its existing facilities. In order to meet this pressing need, NIST must construct an Advanced Measurement Laboratory [AML].

As part of the sums appropriated for NIST, H.R. 2267 includes $111 million for construction, renovation and maintenance for NIST's laboratories. Of that total, $94 million is reserved until NIST, through the Department of Commerce, submits its construction plan to Congress.

The Report accompanying the bill specifically states:

The Committee has included funding above the request to address NIST's facilities requirements identified in this plan, but has included language in the bill providing for the release of the $94,400,000 increase only upon submission of a spending plan in accordance with section 605 of this Act. This spending plan should reflect the priorities identified in a long-term facilities master plan.

Mr. Chairman, the AML is indeed NIST's number one new construction priority. In NIST's just released ''NIST Laboratory Facilities: Planning Status Report,'' NIST states that ''all of the analysis leading to the new [construction] plan has verified the need to construct an Advanced Measurement Laboratory [AML] in Gaithersburg.'' It is my expectation that when the construction plan is finally released by the Department of Commerce and the Office of Management and Budget, the AML will top the list of construction projects for NIST.

I would like to again thank Chairman ROGERS for his support of NIST and its facility needs.

Mr. ETHERIDGE. Mr. Chairman, I rise in opposition to final passage of H.R. 2267, the Commerce-Justice-State appropriations bill, despite my strong support for certain provisions of the bill. I fully support most provisions in H.R. 2267 which provides funding for the Commerce, Justice, and State Departments, the judiciary, and other related agencies. However, as the Representative for a rural, tobacco growing district in North Carolina, I oppose final passage of this legislation.

I support those provisions in H.R. 2267 addressing crime, environmental protection, and technology advancement. Specifically, of the $30 billion included in the bill, I favor the $5.3 billion for the Violent Crime Reduction Trust Fund, the $497 million increase for the Immigration and Naturalization Service which would provide for 1,000 new border control agents and 2,700 more detention cells, the increase by $129 million for the Drug and Enforcement Administration, $112 million more for the National Institute of Standards and Technology, $250 million for the Legal Services Corporation [LSC], including more thorough oversight by the Congress of the LSC without overburdening its effective administration, the Advanced Technology Program [ATP], National Endowment for Democracy, and increase by $1 million for fiscal year 1998 funding for the Office of the U.S. Trade Representative to equip the agency to defend national, state, local and territorial law adversely affected by international agreements.

The bill also contains an important provision passed by amendment which I co-sponsored, the Hoyer-Cardin-Etheridge amendment, to add $3 million to the National Oceanic and Atmospheric Administration's [NOAA] National Ocean Service Account to respond effectively to pfiesteria and pfiesteria-like conditions throughout the Eastern Seaboard. NOAA has the mechanisms in place to study and assess the causes of pfiesteria and how we can begin to control it. Our natural resources and waterways are simply too valuable for us not to act to protect both them and the public health. I hope this marks the beginning of a strong federal-state partnership to protect North Carolina's citizens and our waterways.

There are two provisions however to which I am strongly opposed: the Doggett amendment included in the bill and the bipartisan Mollohan-Shays amendment which is not. The Doggett language prohibits the use of funds in the bill to promote the sale or export of tobacco or tobacco products, and prohibits funds in the bill to be used to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products. I also strongly oppose the bill's language on statistical sampling as part of the 2000 Census. Statistical sampling will provide a more accurate census of the population and demographic groups of our country, including rural areas such as the Second District of North Carolina and save millions in taxpayer dollars.

I am hopeful the conference committee will correct these two provisions in the bill which hurt my district so that I may vote in favor of the crime, environmental, and advanced technology provisions I wholeheartedly support.

Mrs. MINK of Hawaii. Mr. Chairman, I rise today to express my deep disappointment that the Fiscal Year 1998 Commerce-Justice-State House Appropriations bill once again eliminates all funding for the East-West Center in Honolulu, Hawaii.

The Asia-Pacific Region is an emerging economic and military power of increasing importance to the United States economy and national security. The United States now trades more with countries in the Asia-Pacific Region than with NAFTA countries or the European Union. In addition to trade and security, the United States and Asian Pacific countries continually seek to learn from each other about education, health care, new technologies, and development of alternative forms of energy. We cannot undervalue the importance of continuing close ties with this Region. One important way to show our long-term investment in U.S. Asian-Pacific relations is through the East-West Center.

For almost four decades, the East-West Center has played a key role in strengthening relations between the governments and people of the Asia-Pacific Region and the U.S.

The Center helps prepare the United States for constructive involvement in Asia and the Pacific through education, dialogue, research and outreach. Over 43,000 Americans Asians, and Pacific Islanders from over 60 nations and territories have participated in the East-West Center's programs.

In a region where nations and cultures have become more interdependent, the Center's

purpose is more important than ever. To carry out its mandate, the Center provides grants to undergraduate and graduate students, provides research and study fellowships, and sponsors conferences, workshops, seminars and meetings for training, research, and outreach purposes.

The East-West Center has already suffered a 58 percent reduction in direct federal support during the last two fiscal years. As a result, the Center overhauled its programs by reexamining their mission, prioritizing their activities, and streamlining operations. The Center has eliminated 122 of 255 staff positions as well as require research staff to raise 50% of their salaries from external sources.

To eliminate funding would be not only a blow to the center itself, but to our commitment to the Asian Pacific region. Elimination of all funding would ensure the closing of the East-West Center. We as a nation would be sending the message that the United States no longer cares about the Region and that U.S. Asian-Pacific relations are no longer a priority. Placing short-term goals of budget cutting ahead of long-term economic and international security in the Asia-Pacific is shortsighted and ill advised. I urge my colleagues to join me in supporting efforts to restore funding to the East-West Center in the final Commerce-Justice-State Appropriations bill.

Mr. FAZIO. Mr. Chairman, as the debate on the Commerce, Justice, State and the Judiciary Appropriations bill comes to an end, I would like to mention a small but vital Small Business Administration program—the National Women's Business Council. The Council was created by Congress in 1988, and it is charged with being an independent, bipartisan advisor to Congress and the President on women's entrepreneurship. The members of the Council are prominent women business owners and leaders of national women's business advocacy organizations, who are devoted to helping other women start and expand businesses.

Recent studies have shown that only 1.6 percent of the investments made by venture capitalists go to women-owned businesses despite the proven success of women's businesses, and this shows that we still have a long way to go in leveling the playing field for women-owned businesses. The National Women's Business Council is working to correct these and other inequities women's businesses face. The Council promotes bold initiatives, policies, and programs designed to foster women's businesses at all stages of development.

The National Women's Business Council seeks to become the nucleus of a national network of women business owners and their advocate to the executive and legislative branches. It helps provide information for women starting new businesses on how to access capital, credit training and technical assistance, and it distributes information on the success and innovation of women-owned businesses.

In my home district, in Sacramento, California, there are over 50,000 women-owned firms, employing over 85,000 people and generating over $10 billion in sales. These firms represent thirty-nine percent of all firms in the Sacramento metropolitan area. The National Women's Business Council has been instrumental in helping many of these firms become the successes that they are.

We must continue to encourage women to start businesses and provide them the assistance they need to remain viable. I commend the members of the National Women's Business Council on their hard work, and I encourage my colleagues in Congress to do the same.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILLMOR) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, pursuant to House Resolution 239, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment?

Mr. COLLINS. Mr. Speaker, I demand a separate vote on amendment No. 2 offered by the gentleman from Illinois [Mr. HYDE].

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Part II amendment printed in House Report 105–264:

Page 116, strike line 16 and all that follows through line 2 on page 117 and insert the following:

SEC. 616. ATTORNEYS FEES AND OTHER COSTS IN CERTAIN CRIMINAL CASES.

During fiscal year 1997 and in any fiscal year thereafter, the court, in any criminal case pending on or after the date of the enactment of this Act, shall award, and the United States shall pay, to a prevailing party, other than the United States, a reasonable attorney's fee and other litigation costs, unless the court finds that the position of the United States was substantially justified or that other special circumstances make an award unjust. Such awards shall be granted pursuant to the procedures and limitations provided for an award under section 2412 of title 28, United States Code. Fees and other expenses awarded under this provision to a party shall be paid by the agency over which the party prevails from any funds made available to the agency by appropriation. No new appropriations shall be made as a result of this provision.

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

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

There was no objection.

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

The amendment was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BONIOR. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. BONIOR moves to recommit the bill H.R. 2267 to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion was rejected.

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

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 227, nays 199, not voting 7, as follows:

[Roll No. 476]

YEAS—227

Abercrombie	Deal	Holden
Aderholt	DeLay	Horn
Archer	Diaz-Balart	Houghton
Armey	Dickey	Hoyer
Baesler	Dicks	Hulshof
Baker	Dixon	Hunter
Baldacci	Doyle	Hutchinson
Ballenger	Dreier	Hyde
Barr	Dunn	Inglis
Barrett (NE)	Ehlers	Jenkins
Barrett (WI)	Emerson	Johnson (CT)
Barton	English	Johnson (WI)
Bass	Eshoo	Kanjorski
Bateman	Everett	Kasich
Bereuter	Ewing	Kelly
Berman	Farr	Kim
Bilbray	Fawell	Kind (WI)
Bilirakis	Foley	King (NY)
Bliley	Forbes	Kingston
Boehlert	Fowler	Klink
Boehner	Fox	Klug
Bonilla	Franks (NJ)	Knollenberg
Bono	Frelinghuysen	Kolbe
Borski	Gallegly	LaHood
Boucher	Ganske	Latham
Brady	Gekas	LaTourette
Brown (CA)	Gilchrest	Lazio
Bryant	Gillmor	Leach
Bunning	Gilman	Lewis (CA)
Buyer	Goode	Lewis (KY)
Callahan	Goodlatte	Linder
Calvert	Goodling	Livingston
Camp	Goss	LoBiondo
Canady	Granger	Lofgren
Cannon	Greenwood	Luther
Castle	Gutierrez	Matsui
Chambliss	Gutknecht	McCarthy (MO)
Christensen	Hall (OH)	McCollum
Coble	Hall (TX)	McCrery
Collins	Hamilton	McDade
Condit	Hansen	McHale
Cook	Hastert	McHugh
Cooksey	Hastings (WA)	McKeon
Cramer	Hayworth	Metcalf
Cubin	Hefner	Mica
Cunningham	Herger	Miller (CA)
Danner	Hobson	Miller (FL)
Davis (VA)	Hoekstra	Mollohan

Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pastor
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Rogan
Rogers
Ros-Lehtinen
Saxton
Schaefer, Dan
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)

NAYS—199

Ackerman
Allen
Andrews
Bachus
Barcia
Bartlett
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Blunt
Bonior
Boswell
Boyd
Brown (FL)
Brown (OH)
Burr
Burton
Campbell
Capps
Cardin
Carson
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Coburn
Combest
Conyers
Costello
Cox
Coyne
Crane
Crapo
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Doggett
Dooley
Doolittle
Duncan
Edwards
Ehrlich
Engel
Ensign
Etheridge
Evans
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gordon
Graham
Green
Harman
Hastings (FL)
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hooley
Hostettler
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Largent
Levin
Lewis (GA)
Lipinski
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
McCarthy (NY)
McGovern
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Minge
Mink
Moakley
Moran (KS)
Nadler
Neal
Neumann
Norwood
Oberstar
Obey
Olver
Owens
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Radanovich
Rangel
Riley
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Shays
Slaughter
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stump
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Waters
Watt (NC)
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—7

Gonzalez
McDermott
Roukema
Schiff
Schumer
Yates
Young (FL)

□ 2050

Messrs. COX of California, OWENS, ENGEL, GIBBONS, and RILEY changed their vote from ''aye'' to ''no.''

Mr. HERGER changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1171

Mr. KASICH. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Pennsylvania [Mr. MASCARA] be removed as cosponsor of H.R. 1171. He was added in error.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 244, SUBPOENA ENFORCEMENT IN CASE OF DORNAN V. SANCHEZ

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 253 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 253

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 244) demanding that the Office of the United States Attorney for the Central District of California file criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena under the Federal Contested Elections Act. The resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the resolution and the preamble to final adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on House Oversight; and (2) one motion to recommit which may not contain instructions and on which the previous question shall be considered as ordered.

The SPEAKER pro tempore [Mr. GILLMOR]. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

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

Mr. Speaker, this resolution is a rule which provides for consideration of House Resolution 244. It is a resolution relating to subpoena enforcement in the case of Dornan v. Sanchez. The rule provides for 1 hour of debate, divided equally between the chairman and ranking minority member of the Committee on House Oversight. The rule also waives points of order against consideration of this resolution.

Finally, the rule provides for one motion to recommit.

Mr. Speaker, the resolution this rule brings to the floor today is an attempt to express the will of this House relating to the proper enforcement of a subpoena issued under the Federal Contested Elections Act.

The House will be asserting, by voting on this resolution, that ignoring a valid subpoena issued under this act is an affront to the dignity of the House of Representatives and to the integrity of its proceedings.

We will hear from Members of the House on the Committee on House Oversight to explain the facts of the case during the debate on this resolution. But it is important to consider the relevant statutes in question at the onset of this debate, and I would like to take a minute just to make sure that we all understand those statutes.

As the debate on this resolution unfolds, which is likely to be acrimonious, at best, I would ask Members to keep in mind these important provisions of law: Members should also be aware of their constitutional responsibilities as they consider this very, very difficult issue.

First, Article I, Section 5 of the Constitution states that each House, that means the House and the Senate, shall be the judge of its own elections, of its own returns, and qualifications of its own Members. That is Article I, Section 5 of the Constitution of the United States. This provides the groundwork for the House to judge contested elections involving its seats, a responsibility the House has practiced since the early Congresses, 200 years ago.

Also, the Federal Contested Elections Act, enacted in 1969, sets forth the procedures for candidates to contest an election in this House of Representatives. The act provides for filing a Notice of Contest with the Clerk of the House, among other congressional procedures. Furthermore, the act sets forth procedures for subpoena for depositions.

The Contested Elections Act is also very specific in ''allowing subpoenas to be issued by any party in the elected contest.'' That is a quote. We heard considerable testimony on that subject in the Committee on Rules for several hours last night.

As the Members are well aware, there is a contested election pending in the 46th district in California. On March 17, 1997, and this is important for the Members to understand, the United States District Court issued a subpoena under the Contested Elections Act for the deposition and records of Hermandad Mexicana Nacional. The Committee on House Oversight voted to modify the subpoena and require compliance by a date certain, that date

being May 1, 1997. To date, compliance with this valid subpoena has not occurred.

It should also be noted that, in the exercise of its proper role under the Contested Elections Act, the Committee on House Oversight met on September 24 just past and quashed several subpoenas, including one to the contestee in the case, the gentlewoman from California [Ms. SANCHEZ].

□ 2100

Last week, Mr. Speaker, the United States District Court upheld the constitutionality of the deposition subpoena provisions of the Contested Election Act. House Resolution 244, the resolution before us today, will put the House on record asserting that the rights of the House as an institution and the dignity of its proceedings under the Constitution and under Federal law are called into question by the lack of compliance with the subpoena.

Now, Mr. Speaker, last night during the Committee on Rules consideration of the resolution, a member of the Committee on Rules, the gentleman from Florida [Mr. DIAZ-BALART], expressed concern that the drafting of the resolution violated the spirit of the constitutional doctrine of separation of powers. Because of this Congressman's concerns, I will be offering a manager's amendment to this rule that will address his concerns. This amendment to the rule will change the text of the House Resolution to read as follows:

Resolved that the House of Representatives demands that the Office of the United States Attorney for the Central District of California carry out its responsibility by filing, and that part is what is in the bill right now, but we would then add to that, pursuant to its determination that it is appropriate according to the law and the facts. And then we go back to the regular language in the resolution which states criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena issued under the act.

The phrase again, what I would be offering in the manager's amendment, which I understand will probably be accepted by the other side, simply says, pursuant to its determination that it is appropriate according to the law and the facts, is what we are inserting.

Mr. Speaker, the amendment to the rule tightens the language of the original resolution to satisfy the concerns of the gentleman from Florida [Mr. DIAZ-BALART], and at the appropriate time I would urge support of the amendment and the rule.

Mr. DIAZ-BALART. Mr. Speaker, will the gentleman yield?

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

Mr. DIAZ-BALART. Mr. Speaker, I will be brief.

The chairman of the Committee on Rules was correct in stating that I expressed my serious concern, in fact was not able to support this rule last night. I opposed this rule last night because of my concern related to the separation of powers, not with regard to the process of discovery in this case.

I agree with the U.S. District Court for the Southern District of California that, and I would quote the court, in the review of its discovery process, Congress is not seizing a function not constitutionally entrusted to it, and there is no separation of powers violation, end quote, but, rather, in the demand that the resolution makes that the U.S. Attorney for the Central District of California filed criminal charges.

It was alleged more than once during the almost 4 hours that we listened to the testimony in the Committee on Rules last night that legal authority exists preventing that outright demand by Congress of the U.S. attorney. The Gorsuch case in the 1980's, specifically in 1983, was referred to.

So what we do with this amendment that the chairman of the Committee on Rules is proposing to the rule is to state and make clear that when the House makes its demands upon the U.S. attorney, that the determination to prosecute must be made by the U.S. attorney pursuant to its finding that it is appropriate according to the law and the facts in this case.

The evidence that the subpoena at issue in this matter has been ignored after hours of testimony in the Committee on Rules became very evident. The fact that no one is above the law in the United States of America must be made clear. We made clear in this House just a few weeks ago that the rules of this House also cannot be violated when we barred from the floor of this House the contestant in this matter.

With the amendment that we are proposing to the rule, Mr. Speaker, we are going the extra mile to make certain that absolutely no constitutional precepts are violated when the House of Representatives insists upon the principle that the law must be followed.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Florida, and if it is all right, I would say to the gentlewoman from New York, so that we are debating the actual resolution, I would at this time propound the unanimous-consent request that the amendment to House Resolution 253 that was placed at the desk be considered as adopted now.

The SPEAKER pro tempore (Mr. GILLMOR). The Clerk will report the amendment.

The Clerk read as follows:

Amendment Offered By Mr. SOLOMON:

At the end of the resolution add the following new sections:

''Sec. 2. Notwithstanding any other provision of this resolution, the amendment specified in section 3 of this resolution shall be considered as adopted.

''Sec. 3. The amendment described in section 2 of this resolution is as follows:

Page 3, line 4, after 'filing' insert the following: ', pursuant to its determination that it is appropriate according to the law and the facts,'.''.

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

Mr. MENENDEZ. Reserving the right to object, Mr. Speaker, I would like to turn to the distinguished chairman of the Committee on Rules to ask a question.

I heard my dear friend and colleague from Florida [Mr. DIAZ-BALART] describe what he believes is the reasoning behind this, and I would like to ask the chairman, ''Exactly what is your intent in this language?''

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

Mr. MENENDEZ. I yield to the gentleman from New York.

Mr. SOLOMON. It is exactly as the words that the gentleman from Florida [Mr. DIAZ-BALART] has asked us to place in it. Pursuant to its determination that it is appropriate according to the law and the facts. He just wants to make sure that we are not infringing on another branch of the Government, which he explained.

Mr. MENENDEZ. Does this indicate that the U.S. attorney has not made a determination that is in accordance with the law and the facts at this time?

Mr. SOLOMON. No, it does not.

Mr. MENENDEZ. Does it determine that he has made a determination?

Mr. SOLOMON. No, it does not.

Mr. MENENDEZ. So it is up in the air as to whether or not he has a determination pursuant to the law and the facts. We do not know whether he has made one.

Mr. SOLOMON. As far as the resolution is concerned, the gentleman is correct.

Mr. MENENDEZ. OK. So, in essence, what we will be doing if we permit this specific language to amend it is to demand that the U.S. attorney carry out his responsibility even though we recognize that a basis to determine whether or not the laws and the fact in this issue should rise to the level of pursuing a criminal charge has been made.

Mr. SOLOMON. I would just say to the gentleman, it makes no material difference whether it is in or out or not. This simply states the fact that they will be pursuant to law and to facts, whatever they may be.

Mr. MENENDEZ. Continuing on my reservation of objection, Mr. Speaker, I just have a simple question; maybe I misstated it.

The simple question is, are we saying that we do not know whether or not, or do we know whether the U.S. attorney has made a determination pursuant to the law and the facts that this is appropriate?

Mr. SOLOMON. No, and I do not know.

Mr. MENENDEZ. We do not know.

Mr. SOLOMON. I do not know.

Mr. MENENDEZ. And so by placing this in there, we are recognizing that it is the responsibility of the U.S. attorney to determine that it is appropriate pursuant to the law and the facts.

Mr. SOLOMON. It is his responsibility.

Mr. MENENDEZ. And we do not know whether he has made that determination yet or not.

Mr. SOLOMON. No, but we sure want to find out.

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

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

There was no objection.

The SPEAKER pro tempore. Without objection, the amendment is agreed to.

There was no objection.

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

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

Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding me the customary time.

Mr. Speaker, I rise today to strongly urge my colleagues to defeat this rule and the resolution that it makes in order for several reasons.

First, there are still, in my view, major separation of powers concerns regarding this resolution. If I can repeat, I still think that the major separation of powers question remains because we are still demanding that action be taken.

Since when does this Congress demand that any law enforcement arm is to bring criminal action against private citizens? The majority knows very well it is beyond our power to compel compliance with this resolution, and the proof of that is the fact the resolution has no legal effect whatsoever. The role of Congress is to enact legislation, not to enforce it.

Second, the Committee on House Oversight has failed to make even the most basic determination that enough specific votes were in question to bring into doubt the, certified by the Secretary of State of California, the certified 984 vote margin. Common sense would mandate that the Committee on House Oversight should have been able to substantiate specific allegations of the mistaken counting of at least 984 identified votes before beginning the investigation. But no, we continued the investigation for 10 months and still are not able to identify enough votes to negate this outcome, and that is unconscionable. The Committee on House Oversight has allowed an election contest based not on facts or even specific allegations, but on innuendo and unsupported, vague assertions.

From the very beginning, the supposed investigation has been a fishing expedition trying desperately to find enough votes and voters to justify its own continuation, and what do we have after 10 months? Very little. The majority on the committee is now looking for distraction to draw attention from its inability to make a case and its unwillingness to dismiss it.

The red herring it offers today is a resolution that purports to demand that the United States attorney file criminal charges against an organization for its failure to comply with the subpoena issued by the defeated incumbent in the election, not by the House of Representatives, but by a defeated incumbent, a normal citizen, while knowing full well that this Congress has no authority to demand any such thing.

Third, simply as a procedural matter this resolution is premature. A court has just ruled on the constitutional status of the Contested Election Act last week. The time for appeal of that court ruling has not even expired, and yet this resolution nevertheless purports to demand that criminal charges be brought against an organization for failing to comply with subpoenas issued pursuant to that act. At the very least, it is inappropriate for this Congress to be acting so precipitously when it is still possible that a court of appeals may reverse the lower court's decision.

Mr. Speaker, I urge my colleagues to reject this attempt to divert attention from this committee's true responsibility and end this unwarranted fishing expedition. It is time for this committee to fish or cut bait. It has specifically identified sufficient invalid votes to overturn the certified 984-vote margin or declare an end to this floundering and this misbegotten challenge.

The amendment that we just passed unanimously I think reinforces what we were saying, that this resolution has absolutely no power behind it. We cannot demand another branch of the Government do anything, and in fact, frankly, I think what we proved again here is a simple phone call perhaps might have sufficed, but to tie up the Houses's time with a resolution is beyond the pale.

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

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

Mr. Speaker, I really would like to just be frank for a few minutes and, as my colleagues know, just try to clear the air a little bit, because I personally want to be as fair as I can on this issue.

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

Mr. SOLOMON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I was wondering if the gentleman was just going to be frank for a few minutes.

Mr. SOLOMON. I will be as frank as my friend would like me to be, for as long as that.

But, as my colleagues know, I have heard the gentlewoman, whom I have great respect for, from Rochester, NY, use the term ''red herring'' and talk about fishing and cutting bait, and to tell the truth, I wish I was fishing and cutting bait right now up in the Adirondacks. It is a beautiful time up there. I invite all of my colleagues to come up when the beautiful colors appear at this time of the year.

Ms. SLAUGHTER. I mentioned flounder, too.

Mr. SOLOMON. Let me point out the difference on how we Republicans are handling this, because we are trying to be fair, and the gentlewoman from New York [Ms. SLAUGHTER] said we ought to be rushing this thing, we ought to be getting it over with. But I just go back to years ago before many of my colleagues were on this floor. I have been here for 20 years. But there was a situation where there was a gentleman by the name of Rick McIntyre from Indiana had won an election. He was certified by the State of Indiana as the winner, and in spite of that certification at that time, the Democrat-controlled Congress would not seat the certified winner.

□ 2115

But in fact, seated the loser, another good friend of mine, a Democrat by the name of Frank McCloskey.

Now, the point is this: In this disputed case, we did not try to rush this through and not seat the certified winner, the gentlewoman from California [Ms. SANCHEZ], because she should have been seated and she was, and she is here today; yet, we went ahead and we tried to investigate the matter.

Now, that is the difference. We did not rush to it and seat the loser, we seated the certified winner. But yet, it is terribly important if we are going to have an elected process in this country that it be a fair process, and we need to get to the bottom of it and that is really what we are attempting to do here. So I wanted to clear the air.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Columbus, Ohio [Ms. PRYCE], to further clear the air.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the distinguished chairman of the Committee on Rules for yielding me this time, and I rise to express my support for both this rule and the underlying resolution.

House Resolution 253 is a closed rule to govern debate on a very serious matter that speaks directly to the issue of whether this institution is willing to demand that the laws it passes are honored and enforced. It is both that simple and that important.

Mr. Speaker, we will hear plenty of impassioned debate today that will be driven by politics and influenced by personalities. The gentlewoman from California [Ms. SANCHEZ] is a pleasure to serve with and we all take pleasure in her company, but this is not about personalities. The resolution that this rule makes in order addresses the willful failure of the Hermandad Mexicana Nacional to comply with a valid legal subpoena.

However, some of my colleagues clearly are missing the point. It does not matter who requested the subpoena; it does not matter what the subpoena is expected to uncover, nor does it matter what the ethnicity is of the parties served by the subpoena. What is significant is that the subpoena is valid under the processes laid out by a Federal law that has been on the books for over 25 years.

How long can this body sit idle as the Hermandad completely ignores this subpoena and, in effect, challenges the legitimacy of the Federal Contested Elections Act? The bottom line is that if one breaks the law, then one must face the consequences, but somehow our friends on the other side of the aisle express outrage at this very simple principle.

Are they really suggesting that voter fraud should not be investigated? Are they really suggesting that non-U.S. citizens should be allowed to vote? And if the Department of Justice is content to drag its feet in the face of this defiance, then as a former prosecutor and a former judge, I believe it is the responsibility of this House to send a strong message that we demand that the law be enforced.

It is a sad day for all of us when we cannot expect this body, which is sworn to uphold the Constitution, to honor this very basic legal process.

The other side's deliberately inflammatory charges are an insult to this great institution and to the American ideal of fair and honest elections. We keep hearing clamoring for campaign reform. Well, I respectfully suggest that we enforce the laws that we have at hand. That is what this resolution is about, and I encourage my colleagues to support both the rule and the underlying resolution.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, in 1996 the voters of Orange County elected LORETTA SANCHEZ and defeated Bob Dornan. Now, that is the way the American democracy is supposed to work: voters get to choose who represents them in Congress. The gentleman from California [Mr. THOMAS] and the Republican leadership seem to have forgotten that. They are trying to deny voters their choice through an outrageous campaign of harassment against the gentlewoman from California [Ms. SANCHEZ] and half a million Americans.

The committee has abandoned its proper role to evaluate evidence and has assumed the role of partisan prosecutor. They say they are simply looking for information, but according to many press accounts, the Republican leadership has already decided the case in favor of Mr. Dornan.

The committee appears willing to go to any extreme. The gentleman from California [Mr. THOMAS] even directed the INS to comb through the records of 40 million Americans, trying to dredge up private information that somehow could be used to support Mr. Dornan's wild allegations. Of those 40 million Americans, half a million were singled out for further investigation. Of these, 50 percent were Hispanic, 30 percent were Asian.

Now, who are the actual people singled out as suspicious? Let us take a look. Mr. Dornan claims Carmen Villa was not entitled to vote because she was not an American citizen. Quite the contrary. She is proud to be an American citizen. She is proud to be an American citizen and she displays her naturalization certificate to prove it.

Mr. Dornan even questioned the voting rights of 18 Dominican nuns and a group of 18 active-duty Marines based at a helicopter air station.

The gentleman from California [Mr. THOMAS] continues to press on with this sham investigation, assuming thousands of Americans are guilty until proven innocent.

Now, that is not the American way and that is not the way the American system is supposed to work. The burden of proof should be on Mr. Dornan, not on thousands of Americans who simply exercised their constitutional right to vote.

So I call on this evening, and my colleagues will hear others call on this evening, the Republican leadership to stop this harassment.

This has been a terrible day for many Americans in this country. We just went through a process on the census and on sampling. Four to 10 million Americans were denied in the last census of being counted. They are people like every single one of us in this body. They deserve representation.

We got rid of three-fifths counting a long time ago. Now that my colleagues on the other side do not want to count them, they do not want to count the votes of those people who are American citizens who come and vote and exercise their right. This harassment has gone on long enough. We call for this resolution to be defeated and we call on this rule to be defeated.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, we should be very clear on what this resolution says. It forthrightly demands that the United States attorney do whatever he thinks he ought to do. Now, I did not realize that we had become the paymasters of the U.S. Government. Apparently this is kind of a bed check on the U.S. Attorney. It demands, it does not recommend, it demands, that he do whatever is appropriate.

I guess, if that is all the majority has to do with its time, that may be a better way to take up time than others, but I think we ought to vote against the resolution anyway.

In the first place, it is kind of a silly precedent to set; not a bad precedent, but a silly one, and understand, that is what the resolution does. It demands that he do what he thinks is appropriate.

I suppose we could offer an amendment that we demand that he not do what he thinks is inappropriate, and we might also demand that if he is undecided, that he make up his mind. I mean, why pull any punches. I also, however, want to argue for letting the U.S. Attorney make the determination that they should not go forward.

This has been a day. I started this morning, and three times today I have seen the Republican Party repudiate what used to be conservative legal doctrines. In 1983, William French Smith, the United States Attorney General under Ronald Reagan, said, ''No, Congress, you cannot tell me to prosecute a contempt citation. You cannot tell me to prosecute for failure to comply, because the way to deal with it is through the civil process.''

No one is saying that Hermandad, who seem to be the victims in this case of a fishing expedition, no one is saying that they can simply ignore the law. They went to court; they are contesting it. A single district court judge has decided against them.

Now, all year the Republicans have said that when a single district court judge rules on affirmative action or a single district court judge rules on something else, on immigration, ignore it. That is arbitrary. Now we have a single district court judge, and what is this organization saying? They want to appeal the decision. They have constitutional arguments to make. The constitutional argument is that the subpoena issued not by this House, but by Robert Dornan, might not be appropriate. I am myself not used to hearing the words ''Dornan'' and ''appropriate'' in the same sentence. I think that is a valid constitutional argument to make.

What we are saying is, let them proceed with an appeal. Instead, the Republicans said no, no, William French Smith in 1983 filed a lawsuit to enjoin the House of Representatives from doing a contempt citation. That is what the gentleman from Florida [Mr. DIAZ-BALART] was referring to. He called the lawsuit, by the way, to show his respect for this institution: The United States of America versus the House of Representatives. The judge threw out the lawsuit, but there was an agreement that a civil process would be a way to go forward. What we are saying here is, we will prosecute these people criminally in the middle of their appeal process.

Now, I have to say that is what we originally demanded. We should come back to what happened. Because of the gentleman from Florida [Mr. DIAZ-BALART], my colleagues have backed off, and are now, with a very silly resolution, demanding that the man do his job, but the context makes it worthy of defeat.

Mr. Speaker, maybe my colleagues will amend the resolution again while I am speaking, but I just again want to point out, conservatism ought to be some consistency to principle. I want to make a point, by the way. People talk about the McCloskey-McIntyre election. As a Democrat, I voted not to seat Mr. McCloskey. I thought he was a great Member, but I was not sure he won that election. No, I do not believe you to be partisan, but I think to deny this group the right to their civil appeal is a grave error.

The Republicans recently, in an amendment passed earlier today, decided that the constitutional doctrine of standing does not mean anything because we want to get at statistical sampling in the census. In the Committee on the Judiciary today they decided to have the Federal courts further involve themselves in zoning matters because of property rights.

The notion that conservatism stands consistently for a set of legal principles is being thrown out the window with such rapidity that passersby probably ought to be warned. Yes, I think it is a good thing that my colleagues backed off on the resolution and that it no longer demands, it no longer makes any sense, but given the context in which it came forward, I think we ought to vote ''no.''

Mr. SOLOMON. Mr. Speaker, hesitating to respond, let me yield 2 minutes to the gentleman from California [Mr. COX], a very distinguished member that used to work for the Reagan administration, to respond to Mr. FRANK.

Mr. COX of California. Mr. Speaker, I thank the gentleman, and appreciating fully the arguments just advanced by my colleague from Massachusetts and former law school classmate, if there is just one Federal district judge that has ruled here, then we ought not to listen to the Federal courts when he ruled that a subpoena is not validly enforceable and what really matters is that people be given time to appeal, then one would think that we would not hear from the gentleman, that this thing has got to be over and shut down, that we cannot have an investigation, that it is taking too long.

However, there are two simultaneous arguments. One is, this investigation should be dropped, it has not turned up anything after all of these months. The other is, we have litigated this through the district court and lost, but we deserve an opportunity now to litigate further and appeal. If you get to appeal and argue some more, even though you have already lost in Federal district court, obviously that consumes weeks and months and so on, and meantime, the subpoena issued under the Federal Contested Elections Act is not honored, the documents are not returned, the investigation cannot go forward, it is stalled.

So pick your arguments. Either say we are going to have more time for this investigation because we need to wait for the Court of Appeals to rule on the validity of the subpoenas, or say we are in a rush and therefore the way the district court has ruled has to be adequate here, and let us go and enforce the subpoena based on the district court ruling.

Obviously, we cannot walk north and south at the same time, but we are trying to get this done in a hurry. The Federal Contested Elections Act contemplates that we would decide this in what we would consider to be real time, that is, an election cycle, rather than what in the Federal courts typically is a normal period of time for civil litigation, which can be 4 and 5 years and so on.

I think we are doing the right thing here by drawing the attention of the Justice Department and the U.S. Attorney's office to the issuance of a valid subpoena, something that has been litigated in district court, as you point out, Hermandad lost, they tried to resist the subpoena, and at this point Congress, in support of our own process, the Federal Contested Elections Act, and it would not matter if this were the Democratic Congress in control and so on, it would be the same story.

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We ought to stand behind the legal process, both of this Congress and of the Federal courts.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, in the first place, there was not a subpoena issued by the committee. They are looking for these facts the way they think. But here is the problem. We are talking about private citizens, Hermandad. They cannot be forced, I think, to give up their constitutional rights for the convenience of this House's process.

What the gentleman is saying is these people who are asserting their constitutional right to privacy should be put under the threat of criminal prosecution, and I am saying no, they have a right as a citizens' group to their full appeal process. The gentleman's insistence on subjecting Hermandad to criminal prosecution, cutting off their right of appeal, seems to me unfortunate, no matter how convenient it might be for this House.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan [Ms. KILPATRICK], a member of the committee.

Ms. KILPATRICK. Mr. Speaker, I do not want us to lose sight of why we are here. Let us concentrate on that.

I rise in opposition to this resolution, after having sat on that committee for now nearly 10 months. They do not have the evidence. If they had it, they would bring it forth. The subpoena has been issued and this organization has complied. Members might not know that in January, the District Attorney in California drove a truck up to Hermandad and seized their records, everything; computers, files. They did a sweep of their hard drive. Members might not also know that on August 17 those same records were turned over to our committee. They have the records. Use the records, if they have them. And if there was something to be found, believe me, this House of Representatives would have found it.

Let the gentlewoman from California, Ms. LORETTA SANCHEZ, go. She won the election by over 900 votes. She has been certified by the Republican Secretary of State. She has won in the recount, some more than 900 votes. I think it is horrendous.

Let us defeat this resolution. Let us let the gentlewoman from California [Ms. SANCHEZ] serve. She has been castigated and harassed enough. What is at stake is this institution. Will we allow an election won by some 900, nearly 1,000 votes, be overturned by constant, constant harassment?

This House of Representatives has authorized over $300,000 in legal fees for this witch hunt. I would much rather see that in senior meals, senior services and health services. We have to rise up in a bipartisan way. This must come to an end. Let us defeat this resolution. Let the gentlewoman from California [Ms. SANCHEZ] serve her constituents in the 46th district. She has accumulated over $500,000 in expenses.

Are we really a Congress for the people? Let us get back to the business of American citizens. Let us get to the work of jobs and industrial health for our people in this country. Let us defeat this resolution. Let the gentlewoman from California [Ms. SANCHEZ] get back to work, and let us go about the business of building America.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

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

Mr. Speaker, I think this is a day that we need to focus on the facts. The facts become as clear as day if we would just open our eyes. That is that neither the committee nor the Republican Orange County District Attorney nor California State officials have ever substantiated that one single vote has been fraudulently cast in this election.

Then what is the issue, Mr. Speaker? The issue may be the Republicans have had an 8-year history in southern California of intimidating Latino voters at the polls; that they have paid to settle two voting intimidation cases, one from 1988, in which the Orange County Republican Party literally placed security guards at the voting polls in Hispanic neighborhoods, with signs designed to scare Hispanic voters, and the other case in 1989.

These efforts are not limited to California or to Hispanic voters. In Bergen County in New Jersey, in 1996, Republicans distributed a flyer in black precincts stating that dire consequences would follow for anyone who tried to vote who owed money, was guilty of misdemeanors, or any other number of possibilities.

The real issue is that Republicans do not want to place themselves in Hermandad's shoes. There are no more files, as have been represented. If there are, this organization has the right, the absolute right, to pursue its constitutional remedy. Just imagine if we would put a siege upon other citizens who are in the process of pursuing their constitutional rights, yet we in this body would insist that we want to instruct the U.S. attorney to implement a criminal procedure to deny

someone their constitutional right? Is it because they have a Hispanic-sounding name that they can be subject to this kind of attack and abuse?

I think the Republicans need to recognize if they have something, get to the floor of the House and deal with it. If they have nothing, allow the gentlewoman from California, [Ms. LORETTA SANCHEZ], to maintain her position and represent her constituents. Turn down this rule and allow Americans to believe in this country once again.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the rule on House Resolution 244, which demands that the Justice Department file criminal charges against Hermandad Mexicana Nacional for failing to comply with a subpoena issued by Representative Bob Dornan. Late last night the Rules Committee recommended a closed rule which blocks all amendments to the resolution. It is an outrage that the committee would allow such a resolution to come to the floor and an even further outrage to recommend a closed rule.

Representative SANCHEZ was elected to the House of Representatives in November 1996 from the 46th District of California. Since that time, she has been besieged by attacks from former Representative Bob Dornan as he attempts to prove that his defeat last fall was the result of voter fraud, not the will of the people.

Like the entire election contest, this resolution is about politics, pure and simple. Congresswoman LORETTA SANCHEZ has fully complied with requests for information relating to voter registration, organizations relating to voter registration and absentee balloting. She has objected only when those subpoenas became so intrusive as to demand access to her personal financial data. Further, the constitutionality of the subpoenas under the Federal Contested Elections Act was decided only last week. The House should, therefore, at the very least allow Hermandad a reasonable period from the time of the court's decision to respond.

I could not agree more strongly that allegations of voter fraud must be vigorously pursued and, when found meritorious, prosecuted. However, in this instance, 10 months and more than $300,000 in taxpayer's money have been spent, and yet no evidence of fraud has been presented. To this day, no one—not the committee, not the Republican Orange County District Attorney, and not California State officials—has substantiated that a single vote has been fraudulently cast in this election.

Mr. Speaker, the U.S. House of Representatives must not become a partner to Mr. Dornan's desperate charges. It is beneath the dignity of this body. I urge my colleagues to join me in saying enough is enough and to oppose the rule to House Resolution 244.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I stand today to ask this Congress, which I hope is a fair Congress, to defeat this rule and the resolution. There is no precedent in the Constitution for someone to receive the authority on the part of Congress to issue subpoenas, so the committee took care of this. They issued him the authority to issue subpoenas.

Mr. Speaker, what a shame on this country to see that happening in this day, when we have a young Hispanic woman who has given of herself to come forward to serve her country. What kind of message does this give to the other young Hispanic women in this country? What kind of message does it give to all young women in this country? Come forward, and we will just whittle away the votes that you have so that we can take your seat.

Mr. Dornan is receiving an authority that I know I would not receive. I know that as a black woman, if I came before this committee, they would never give me a chance to subpoena anything. They would send me back to where I came from. They would never give me a chance. It is constitutionally wrong, it is logically wrong, and it is morally wrong.

But do we want to stick with morals? Do we want to allow this young Hispanic woman to stand before this country, to say this Congress gave me a chance just because some male was defeated in California by 900 votes? She won. That is not the worst of it. She is going to win again when she comes up, and they are not going to take it away from her.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from California, Mr. BILL THOMAS, the distinguished chairman of the Committee on House Oversight.

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

Mr. Speaker, I will try to explain some of the arguments that have been made, because frankly, they have been factually wrong. I do not want anyone who is listening to the debate to believe that the statements that have been made, because they are not challenged, means that they are correct. They are not.

Mr. Speaker, the Orange County district attorney subpoenaed the Hermandad records, but as we know, when that subpoena is used as a criminal subpoena there is a fourth amendment search and seizure right, so you have to specify exactly what it is that you need. As a matter of fact, the Orange County district attorney has indicated that not all of the records and not all of the materials were obtained with the subpoena that he placed.

The reason that the committee placed a subpoena on top of the Orange County district attorney's subpoena was that that subpoena was being challenged. We wanted to make sure that those records were not lost. There are additional records out there. This subpoena, under the civil section of the statute, can obtain that additional material.

Our job is to get to the bottom of it. We want to know everything that Hermandad was involved with. Obviously, during debate on the resolution, I believe when I describe Hermandad, it will be a slightly different organization than has already been explained. These people have violated the law. The Federal and the State government has revoked their charters. They have taken money from them. These people are criminals. What we are trying to do is find out the extent of their activity. We need to have as many subpoenas as possible.

This resolution, after this rule passes, is not about the gentlewoman from California [Ms. LORETTA SANCHEZ], it is not about Bob Dornan. It is about people obeying the law, and it is about the House of Representatives demanding that the law be obeyed. That is what it is about.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. BECERRA].

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

I hope we are very careful how we use words on this House floor. When we talk about criminals, that means someone has in a court of law been convicted. The gentleman from California [Mr. THOMAS] just referred to individuals who are under investigation. There are a lot of folks that sit on this House floor who are under investigation, but we do not call them criminals.

Mr. Speaker, I would just urge that all of us during this debate be reasonable, and understand that when we refer to things, we use accurate words to describe what is going on. It is not accurate to say that there are criminals. There are people under investigation. In this country, you are innocent until proven guilty.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. THOMAS].

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

The Los Angeles Times, May 22, 1997, I quote, ''In an apparent violation of Federal and State tax laws, Hermandad was also found in the audit to have spent $107,184 that it withheld from its employees' wages to satisfy Federal income taxes. Its director admitted that withholding the taxes was against the law.''

Ms. SLAUGHTER. . Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I have listened to my Republican colleagues, and they use very sinister language. They try to give the impression that those of us on this side are the ones, that the people that voted for the gentlewoman from California [Ms. LORETTA SANCHEZ] are all illegals or criminals, I think I heard the term, or otherwise badly motivated people.

This sinister language borders on racism. I have to say that, because it really concerns me. They claim, they claim to be so self-righteous, but they

are the ones that are seeking to tear up the Constitution here tonight in this House of Representatives that we value so much. They know that the gentlewoman from California [Ms. SANCHEZ] was duly elected and certified by the State of California.

What gives the Republican leadership the right to overturn her election? Because they are the majority here in Washington? If the majority here determines what happens in Orange County, CA, then we have the worst form of tyranny that the Founders of this country sought to guard against in the Constitution.

This is an effort to intimidate voters, specifically Hispanic voters. Republicans want Hispanic and other minority voters to stay home at election time.

I listened to what the gentlewoman from Texas [Ms. SHEILA JACKSON-LEE] said. I remember that election in New Jersey when those warnings were put up at the polling places, and I saw armed guards in camouflage and guns, I do not know if they were real guns, but they tried to give the impression that they had guns, because they did not want minorities to vote.

Mr. Speaker, what is going on here is not right. It needs to end. Let us start right now by defeating this rule and defeating the underlying resolution. This resolution is nothing but a hoax to try to hide what they are really trying to do here, and that is steal this election from the voters of Orange County and the American people.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL].

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

Mr. DINGELL. Mr. Speaker, I have served here for 41 years and more. I have seen an awful lot of these kinds of challenges of elections. I never saw one like this. I have never heard charges of crime made about what appears at this time, at least, to be reasonably innocent behavior with regard to the election process. I have never seen subpoenas delegated in such an outrageous fashion by a committee of this body to a single individual, to be hurled around like confetti in a parade.

I have never seen the kind of behavior that brings, I think, this House into such low esteem. It gives every appearance that what we are doing is not inquiring into an election, but rather, that we are harassing a woman who is of obvious good character and integrity, who has been certified as having been duly and properly elected.

This proceeding tonight and the other proceedings that have been associated with this give a very bad appearance with regard to this body. I would think my colleagues on both sides would be embarrassed by what it is we are seeing happening tonight.

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We have a criminal process going on out there in California to inquire into whether or not there was criminal misbehavior. Let that process go forward. Let us have the kind of proper inquiry that we have always had into these kinds of election situations, to find out what has happened. Let us not give the appearance of harassing innocent, law-abiding Hispanic Americans because they have chosen to vote. Let us not bring this body into discredit by the kind of behavior in which we are engaging.

I would tell my Republican colleagues, with all respect and with all affection, what it is that you are doing tonight is sowing a terrible wind. And you will reap the whirlwind, because it is not just going to be the fact that you bring discredit on this body by the behavior that I am seeing before me tonight or what I have seen in connection with your loose use of the subpoena and the enforcement process of this body. What is happening here is, you are creating further distrust and disrespect for this body.

It is going to have a bad effect on each and every one of us, whether we are Democrats or Republicans, but it is going to do something worse than that. It is going to do it to you, I would say to my Republican colleagues, because citizens all of a sudden are going to realize that elections are not about fighting out the issues in an honorable and a proper way and having an intelligent discussion of what it is that concerns the people, whether they be Hispanics, minority members, or whatever they might happen to be, but rather, it is win at any cost, win with any device, use the powers of this body to elect somebody who was clearly not elected by a fair election and who was clearly not elected by any vote of the people. And what you are giving the appearance of what you are seeking to do is to eject a legitimately elected Member of this body.

People are going to remember this. Be prepared to reap the whirlwind. You deserve it.

Mr. SOLOMON. Mr. Speaker, two quick points to the departing gentleman: I would hate to see the action he would take if a subpoena by his committee were not answered. Second, I hate to see Members bring up this business about stealing elections. My good friend and a gentleman I respect from Michigan was here in 1985 when there was a stolen election, and everybody knows it.

Mr. Speaker, I yield 3 minutes to the gentleman from Poland, Ohio [Mr. TRAFICANT], another respected Member of this body.

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

Mr. TRAFICANT. Mr. Speaker, I think this is an important debate. I believe it is a needed debate. There are Members on the Democrat side of the aisle who will not like what I have to say, and I will not explain it later, I will explain it now.

To me, this is not about LORETTA SANCHEZ. I believe under heavy pressure she has done a remarkable job, and I want to commend her. This is not, to me, about Bob Dornan. To me, it is not about Democrats at all and it is not about Republicans at all.

To me, this issue is about the possibility that illegal votes may have determined the outcome of a Federal election in our country. That is the issue before us. This is not about somebody that misplaced some ballots. This is not about a mistake of interpreting counts. This is about the possibility of illegal votes corrupting a Federal election. Congress must not allow a precedent to be set tonight that would allow the Federal election process to be corrupted or give the impression that we have soft-pedaled that possibility.

In my opinion, any individual or organization that has information or evidence in this matter should be compelled to comply. If the Justice Department does not pursue it, then, by God, Congress shall demand it. Congress must ensure enforcement. The Constitution requires it. The amount of illegal votes cast in this election must be carefully sought out; the exact numerical count must be known to Congress.

Let me say this: If there is any precedent to be set in the House of Representatives tonight, it should be a precedent that preserves the integrity of the election process. Let me say one other thing. The ox that may seem to be gored tonight is an ox different than what we see that might be gored tomorrow.

I support the rule. I support the bill. I believe the gentlewoman from California [Ms. SANCHEZ] has done a remarkable job, but the taint of her election must be removed and Congress must ensure, whether it is a Democrat or a Republican or any other party or an independent Member, that their rights are protected and that election and the integrity of that process is worthy of an individual being seated in this body.

Ms. SLAUGHTER. Mr. Speaker, if I could take just a second to correct what I think is a grave injustice here, the comment has been made several times this evening that these were committee subpoenas. I think it needs to be pointed out once again, these were given by a private citizen, Mr. Robert Dornan of California.

Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, what is happening here tonight is enough to give abuse of power a bad name. This act brings only one question into my mind: Does this body still believe in the biblical admonition, ''Thou shalt not steal?'' All I have to say about what you are about to do tonight is shame, shame, shame, shame, shame.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from New York for yielding me the time.

With all due respect to my colleague from Wisconsin, putting personalities aside, dealing strictly with law, if this House of Representatives fails to take action to live up to the Constitution and the letter of the law, then shame, shame, shame, shame on this House and this process.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Speaker, the question here tonight is why, why are we doing this? The American public knows the results of last November's elections. Look at those elections. There were six elections that were less than 1,000 votes. But look at the names: FOX, TIERNEY, SMITH, SMITH, BROWN, and, guess what, one SANCHEZ.

Why were not the elections where there was only 84 votes difference contested? Why was not the election of the gentleman from Massachusetts [Mr. TIERNEY] contested? He lives close to the Canadian border. Perhaps some people who speak English crossed over the border and voted for him. Why were not the Smiths and the Browns challenged? This is a challenge to LORETTA SANCHEZ, a Latino woman.

The State of California's secretary of state certified her election. She is of the people, by the people, and for the people. Do not abuse that.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from California [Mr. BECERRA].

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

Mr. BECERRA. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Let me begin by first saying, as I think has been repeated often on my side, this resolution has no effect. The founders of this country, in drafting the Constitution, made it clear that we as politicians have no role of telling the Department of Justice how to prosecute.

We cannot demand that they prosecute, and I thank the gentleman from Florida for making it clear, with the amendment that we have all accepted, that we cannot do anything with this resolution. It is just posturing. If we cannot do anything with this resolution, what are we really doing?

I think there are probably three things that we can say are behind this particular resolution and its intent. Either it is an intent to bootstrap this electoral investigation that we know is going nowhere and perhaps to justify, and I want to say it now on the record, perhaps to justify in the future some action by this House to possibly vacate the seat of the gentlewoman from California [Ms. SANCHEZ] using this as an excuse for being able to do that.

Second, as many are whispering, maybe, as some have said, maybe it is payback time for 1985, because Republicans feel that there was an election stolen in 1985. So if that was a wrong, maybe two wrongs will make a right.

Or, third, perhaps it is just a downright honest attempt to intimidate voters, in this case Latino voters, who are now beginning to vote. Perhaps you do not like that they are beginning to vote.

Regardless of what the intent is, there is a message that you are sending, whether you like it or not. It is to folks like my parents. My father was born in this country but speaks broken English and probably falls within the category of folks you want to go after. My mother was not born in this country, speaks better English than my father, and is a U.S. citizen of this country, and she probably is on that list of names that you are now disclosing, violating her privacy rights in the process of doing so.

You are sending a message to these folks. You are telling them you do not want them to participate, you do not care about what they do, you do not value their worth as citizens.

I will just say this: Remember this, because the message will be sent. I will say, as I conclude, I do not need to talk to my parents about this vote. They will be watching. And just like my parents will be watching, there will be a lot of other folks who, for the first time in 1996, had a chance to vote. Some of them voted for LORETTA SANCHEZ. Some of them may have even voted for Bob Dornan. But they will remember what this House of Representatives is doing, because you certainly are not out to get a conviction, you are not out to get a criminal investigation, but you are certainly out to get the hides of people who have participated in this American process. That is wrong.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. CAMPBELL].

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

Mr. CAMPBELL. Mr. Speaker, I am very sorry to have heard what I have heard tonight, because the references to race and gender are not what concern me. What does concern me is fairness, and the investigation of the honest outcome of an election should concern all of us.

The certification by the secretary of state is not a certification that there was no fraud. We know that. The matter deserves to be investigated. It does not deserve to be trivialized and to be said that we are simply doing what we do because of racial motivation. What a sad comment when our attempts to enforce the law, to enforce the prerogatives of our constitutional office, are taken instead to mean that we are acting in a racially motivated manner.

The statute says that failure to abide by a subpoena is a misdemeanor. We draw attention to the United States Attorney for the Central District of California of this violation, and we ask that he proceed pursuant to the determination that he would make or she would make. It is a sorry day.

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

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from California [Mr. HUNTER].

□ 2200

Mr. HUNTER. The rule of law, my colleagues, it is the most precious thing that we have, and perhaps the most precious rule is that we vote and the person with the most votes wins. And sometimes it means for us, in fact, at times during all of our careers, we have agonizing defeats. The winner that has a victory sometimes goes on from that victory to a defeat fairly shortly thereafter, but it is the central part of our democracy. It is the heart of our democracy.

We had a group which took immigrants who were trying to become naturalized citizens and registered and voted those immigrants knowing that they had not yet raised their hands and become citizens of the United States. And from that group we want to get more information. That is absolutely appropriate.

I remember during the Contra wars of the 1980's, when we tried to export this precious thing called democracy to El Salvador and the guerrillas tried to stop the elections, we had one woman waiting in line who actually had a bullet wound in her arm, and she would not leave the line to get medical aid because she said, ''I must vote. I must participate in this democracy.''

All we want to see is who got the most votes. We can do no more and we should do no less for our country.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I want to respond to my good friend from California [Mr. CAMPBELL], and I challenge any Member in this House that has the certificate from the Secretary of State certifying that there was no fraud in their election. When I got my certification from the Secretary of State, it did not specify that there might not have been some fraud in my election.

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

Mr. HEFNER. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Speaker, my statement was that the certification by the Secretary of State was not a certification that there was an absence of fraud. It is a certification of the numerical outcome of the election.

Mr. HEFNER. Mr. Speaker, reclaiming my time, I would say to the gentleman that the gentlewoman from California's certificate was a certification that she got more votes than anybody else, and fraud was not mentioned.

Mr. CAMPBELL. Mr. Speaker, if the gentleman will continue to yield, I stand by what I said.

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland [Mr. HOYER].

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Maryland [Mr. HOYER] is recognized for 2¾ minutes.

Mr. HOYER. Mr. Speaker, this is an important resolution. The outcome of this vote tonight on this resolution will not decide the Sanchez-Dornan case. It will, however, be a statement as to whether or not we are going to proceed in a fair, judicial manner. I agree with the gentleman from California, that is the way we ought to proceed.

The gentleman from Massachusetts observed what has happened with this resolution. In the first instance, the committee proposed the harshest resolution it could ascribe, demanding that a U.S. citizen be indicted for crimes while under investigation by another body, the district attorney. My colleagues, that would not wash. It would not even wash with the majority of the majority party, and so that resolution was rightfully changed, and we did not object to that change.

The title was not changed. It still demands that the U.S. attorney seek criminal action against a citizen who has, as we have pointed out, still his and the organization's constitutional rights to contest the validity of the subpoena that is pending.

This resolution I have called precipitous. I believe it is. In response to the gentleman from Florida [Mr. DIAZ-BALART] yesterday, I said that what we ought to do, if we feel this way, is write a letter to the U.S. Attorney and say we think that he ought to take the appropriate action because the subpoena has not been responded to.

My colleagues attempt to adopt my suggestion by adopting language which now says that we demand, as the gentleman from Massachusetts [Mr. FRANK] pointed out, that pursuant to its determination, that is the U.S. Attorney's office, that it is appropriate, according to the law and the facts. In other words, do what you think is right.

Do we go around passing resolutions through the House of Representatives demanding that people do what they think is right when we know, my friend from California, the gentleman talks about the sanctity of a vote, the sanctity of the Constitution is something we are all sworn to preserve and protect, and it accords to every citizen that when the government moves against him or her that they have a right to go to the courts of this land and say ''I need not respond.''

Let us not put the House of Representatives in a position prematurely of demanding the denigration of that absolute constitutional right. Vote ''no'' on this resolution. Vote ''no'' on the final resolution.

Mr. SOLOMON. Mr. Speaker, I yield the balance of my time to the gentleman from San Antonio, Texas Mr. HENRY BONILLA, one of the most respected Members of this body, in my mind.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BONILLA] is recognized for 2½ minutes.

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

Mr. BONILLA. Mr. Speaker, the debate tonight started out on the high road, and I was highly impressed and glad to see Members that are opposed to this resolution standing up and arguing the validity of this case on its merits. I even had a tremendous amount of respect and watched with great attention when the gentleman from Wisconsin [Mr. OBEY], my colleague on the Committee on Appropriations, stood up and got very emotional to tell us that he disagreed strongly with what we were doing tonight.

But then the debate deteriorated to those who choose to play the race card, when it is inappropriate, when they know they have lost other merits in their argument. That is unfortunate.

Three of my four grandparents emigrated here from Mexico at the turn of the century to seek a new life for their children and grandchildren. They did not come here to set up an isolated society within this country. They came here to be Americans first and to become part of the melting pot of this country that stood for certain values that all of us could benefit from regardless of what country we came from.

This country has prospered greatly because of the great immigration that we have seen from every part of the world. We should all be proud of that. To see Members tonight talk about racism is totally unjustified and they should be ashamed of themselves for doing that.

Members cannot tell me this is racism. I grew up in a barrio, in a Spanish-speaking neighborhood in South Texas, always with a dream that someday I would be able to aspire and work towards the American dream.

The implication among those who cry racism is one that says if a burglar broke into their home, that somehow they should have a different standard if the person is of a different color or ethnic background. How dumb an idea can that be? We are talking about people who are possibly implicated in crimes here. This Hermandad Mexicana Nacional, or whatever they call themselves, is one of the most corrupt organizations that has ever existed that is receiving Federal money.

We are trying to get to the truth of this. This has nothing to do with the gentlewoman from California [Ms. SANCHEZ] or Mr. Dornan. And if the gentlewoman comes out winning this election after this investigation is finished, I will be the first to congratulate her on her victory.

This is about justice, this is about finding out the truth. That is what all Americans want in every corner of the country, and I urge all Members to support this resolution and the resolution tomorrow as well.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution, as amended.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 202, answered ''present'' 1, not voting 10, as follows:

[Roll No. 477]

YEAS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra

Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

ANSWERED ''PRESENT''—1

Sanchez

NOT VOTING—10

Gonzalez
Houghton
McDade
Oxley
Schiff
Schumer
Smith (OR)
Yates
Young (AK)
Young (FL)

□ 2229

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

So the 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

Mr. HINCHEY. Mr. Speaker, earlier today I was delayed en route to the vote on Treasury-Postal appropriations. If I had been in the House, I would like the RECORD to reflect that I would have voted in the affirmative.

SUBPOENA ENFORCEMENT IN THE CASE OF DORNAN VERSUS SANCHEZ

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 253, I call up the resolution (H. Res. 244) demanding that the Office of the United States Attorney for the Central District of California file criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena under the Federal Contested Elections Act, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 244

Whereas the contested election case of Dornan v. Sanchez is pending before the Committee;

Whereas the Federal Contested Elections Act (2 U.S.C. 381 et seq.) (hereafter in this resolution referred to as the ''Act'') provides for the issuance of subpoenas, and on March 17, 1997, United States District Court Judge Gary L. Taylor issued such a subpoena at the request of the Contestant for the deposition and records of Hermandad Mexicana Nacional;

Whereas on April 16 1997, the Committee voted to modify the subpoena by limiting production of documents to the 46th Congressional District (among other modifications), and as perfected by the Committee, the subpoena required Hermandad Mexicana Nacional to produce documents and appear for a deposition no later than May 1, 1997;

Whereas Hermandad Mexicana Nacional failed to produce documents or appear for the deposition by May 1, 1997, and still has not complied with the subpoena;

Whereas Hermandad Mexicana Nacional, by willfully failing to comply with the lawfully issued subpoena, is in violation of section 11 of the Act (2 U.S.C. 390), which provides for criminal penalties;

Whereas on May 13, 1997, the Contestant wrote to the United States Attorney for the Central Distract of California, Nora M. Manella, requesting that action be taken to enforce the law with respect to Hermandad Mexicana Nacional, and on June 23, 1997, the Committee wrote to the Department of Justice inquiring as to the status of this request for criminal prosecution, and the Department responded on July 25, 1997, that the criminal referral remain ''under review'';

Whereas the United States Attorney's failure to enforce criminal penalties for the violation of the Act encourages disrespect for the law and hinders the Constitutionally mandated process of determining the facts in the contested election case, including the discovery of any election fraud that may have influenced the outcome of the election; and

Whereas on September 23, 1997, the United States District Court for the Central District of California ruled that the deposition subpoena provisions of the Act are constitutional: Now, therefore, be it

Resolved, That the House of Representatives demands that the Office of the United States Attorney for the Central District of California carry out its responsibility by filing, pursuant to its determination that it is appropriate according to the law and the facts, criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena issued under the Act.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to House Resolution 253, the gentleman from California [Mr. THOMAS] and the gentleman from Connecticut [Mr. GEJDENSON] each will control 30 minutes.

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

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

Mr. Speaker, it was contended earlier that this resolution really does not make the Department of Justice do anything.

Of course we cannot, but what we can do is express the will of the House in terms of the direction that the Department of Justice should go, and as a matter of fact we pass concurrent resolutions all the time, and as a matter of fact, we have passed some recently.

For example, in the instance of the burning of churches in the South, the concurrent resolution stated that Congress hoped that the Department of Justice would pursue with all vigor the criminals and prosecute them. The resolution did not mean that the Department of Justice was going to do it, but we felt strong enough that the House wanted to tell the Department of Justice what we thought they should do.

What we are talking about in terms of asking the Department of Justice to look at is a direct violation of the law. The Contested Elections Act says that if someone does not honor a subpoena, they are deemed to be guilty of a misdemeanor, and we want the Department of Justice to enforce the law.

But probably in the greater sense, this is actually the story of victims. There are two major groups of victims. Directly the first group of victims are those documented aliens who placed their trust in becoming citizens in the hands of an organization who betrayed their trust. Indirectly, there are victims, and those are the citizens who voted and trusted the authorities, us, to make sure their votes were not diluted unfairly and contrary to law. The group that betrayed the trust of documented aliens were people who were using government money, both Federal and State, purportedly to assist documented aliens to become citizens.

The gentleman from Massachusetts said that perhaps Hermandad should be looked at as a victim rather than the individuals that I mentioned who are actually the real victims. Let us take a closer look at Hermandad. Tens of millions of dollars, taxpayer money, runs through this organization. They have broken both Federal and State law.

According to a Los Angeles Times article in February of this year, Hermandad offered a 1996 Chevrolet Camaro to the winner of a lottery as an inducement to register to vote. The winner of the lottery who registered to vote through Hermandad was not a United States citizen. Although Hermandad is a tax-exempt organization that is prohibited from participating in partisan politics, subpoena records show that Hermandad ran endorsements for political candidates in its newspapers. It also, through its State-funded computers, tracked over $700,000 in campaign contributions,

sorted Members by election precinct, and logged potential voters' political views.

A series of articles in the Los Angeles Times in April and May tracked the sordid financial record and the attempt to hide from the Government through stonewalling of the audits the misuse of money. Eventually an independent audit of Hermandad was carried out and it found that the group misspent or could not account for more than a half a million dollars of taxpayers' money.

An audit found that in addition to workers not being paid for months, Hermandad owed hundreds of thousands of dollars in Federal taxes and State employment benefits and they even stiffed Santa Anna Hospital Medical Center because they failed to repay a $27,000 loan. In fact, the California State Attorney General has recommended that Hermandad's nonprofit status be revoked for the failure to file necessary financial statements with the State.

In addition, the records subpoenaed by the Orange County district attorney and evaluated by the Los Angeles region of the Immigration and Naturalization Service, prior to Washington shutting down that operation, discovered more than 300 people who voted who should not have voted according to the law of the State of California.

There is a voter registration card used by people who register in the State of California. It starts off on the very top row, ''Are you a citizen?'' Two boxes, yes, no.

Mr. Speaker, I am pointing out that on the form that people sign it says, ''Are you a U.S. citizen? Check yes or check no.'' If one checks no, it says, ''If no, don't fill out this form.'' There is no argument about when they were going to become a citizen. If they were going to become a citizen prior to the election, it says ''If you're not a citizen, don't fill out this form. If you don't fill out this form, you aren't a registered voter. But if you fill out this form and you're not a citizen, you're in violation of the law.''

Over here it says, ''Warning, it is a felony if you sign this statement even though you know it is untrue. Voter declaration: Read and sign below, I am a U.S. Citizen.''

So we are talking about people who violated the law, but I think the individuals who cast those votes illegally were the victims. They were the victims because they were induced to do so by Hermandad.

The gentlewoman from New York said, ''You know, there is no reason for us to try to pursue this resolution to get the Department of Justice to do something. Maybe we could clean it up with a simple phone call.''

Several Members said, in fact, the gentleman from Maryland said, ''Why don't we just write them a letter?'' Perhaps the gentleman, notwithstanding the fact he is on the task force, is not familiar with the record, and I would ask that we place in the record a chronology, beginning on March 19 when we attempted to get Hermandad to simply follow the law; that is, to respond to a subpoena.

The record runs through March, April, and May. We finally wrote to the Department of Justice and said, ''Please respond.'' Twice we wrote and said, ''Please respond.'' We got back, ''We are looking at it''.

Into July, into August, and now into September, when there is a clear violation of the statute, there was no willingness to require Hermandad to produce documents. So we are here on the floor tonight to see if the House has sufficient resolve to simply tell the Department of Justice to carry out the law so that the task force can examine the other records that Hermandad has.

As I pointed out under the rule, the subpoena of the Orange County DA did not cover all of the records of Hermandad because it covered a specific assigned subpoena in particular rooms. The civil subpoena, to which Hermandad has refused to respond, would provide additional documents.

This organization is not a mom-and-pop struggling local operation. For half a century they have laundered Federal funds. They have now been exposed, and we still cannot get these people to respond to the law that is, ''Could we please take a look at what they did in creating a group of victims who were preyed on and probably in the worst possible way?'' These people placed their trust in an organization backed by taxpayers' dollars to make them U.S. citizens, and in fact they were used illegally for political purposes.

The House of Representatives should tell the Department of Justice to enforce the law.

HERMANDAD MEXICANA NACIONAL SUBPOENA TIMELINE

March 19: HMN Custodian of Records served with Dornan subpoena.

March 21: HMN files Motion to Quash Subpoena with CHO.

April 6: CHO votes to modify Dornan subpoena to require protective order and limit the scope of HMN subpoena and authorize letter ordering response by May 1.

April 18: CHO issues modifications to subpoenas issued by Dornan on HMN and issues order to comply by May 1.

May 13: Hart files criminal complaint against HMN with U.S. Attorney Nora Manella.

May 1: HMN fails to comply with Dornan subpoena deadline.

June 2: Hart writes to Manella asking for a response to the May 13 request for HMN prosecution.

June 9: Hart writes to Manella asking for a response to the May 13 request for HMN prosecution.

June 17: Hart writes to House Oversight (CHO) asking for assistance in soliciting a response from U.S. Attorney regarding criminal complaint.

June 23: CHO writes to DOJ Deputy Attorney General requesting advisement on the status of the HMN criminal complaint.

June 30: CHO writes to DOJ Deputy Attorney General again requesting advisement on the status of the HMN criminal complaint.

July 2: Assistant U.S. Attorney Jonathan Shapiro writes to Hart requesting that Hart return to Judge Taylor to seek contempt order. Shapiro says that until such action is taken, his office will not file criminal action.

July 3: Hart writes to Assistant U.S. Attorney Shapiro to explain that Judge Taylor has deferred all enforcement responsibilities to CHO and that CHO has ordered HMN to comply with Dornan's subpoena (April 18 letter from CHO to HMN).

July 8: Assistant U.S. Attorney Shapiro writes to Hart requesting documents and supporting authority regarding subpoena enforcement.

July 16: Hart responds to Shapiro request citing Taylor's Minute Order of April 16, 1997 which states that the House has jurisdiction over the subpoenas issued by Dornan.

July 21: Shapiro writes to Hart explaining that ''the proper authority to resolve discovery dispute and enforce these subpoenas is the House of Representatives.'' Shapiro also questions the authority of the House to demand that the U.S. Attorney act.

July 25: Hart writes to CHO requesting that the Committee issue an order directing the U.S. Attorney to investigate and prosecute HMN.

July 25: Assistant Attorney General Andrew Fois writes to CHO explaining that the HMN complaint is a matter ''still under review''. He also states that ''further action by the Congress may be necessary before their (U.S. Attorney for the Central District) enforcement becomes ripe for judicial attention.''

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

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

The final speaker on the rule lamented the inclusion of race in this debate. In the crime statutes we have something called RICO, and it is used when there is a repeated pattern of activity in an organization that leads one to the conclusion that it is involved continuously in criminal activity. Let us take a look at the record here and why some people, some Hispanics and some non-Hispanics, could come to the conclusion that race might be part of this debate.

In 1980 in New Jersey, the Republican Party brought people to the polls in uniforms to intimidate minority and Hispanic voters from voting. They filed a consent decree not to do it any more. In 1992, the Republican Party of California paid $400,000 for the very same activities. Today on the floor, earlier when we were speaking of the generic, trying to get an accurate census count, a count that a Bush census director said made sense, that the National Academy of Sciences said made sense, that the General Accounting Office said made sense, and that would undercount minorities if it was not used, was blocked by the Republican majority.

□ 2245

Once again, keeping minority voters out of the political process. And guess where we are tonight? We are on the Sanchez hunt.

Now, this has not that much to do with Sanchez; this is a little diversion. As the gentleman from Massachusetts [Mr. FRANK], in his normal manner so aptly represented to this Congress, we started off with what was almost a bill

of attainder, demanding that the Justice Department prosecute these people. We are now sending the Justice Department a resolution, hoping that if they choose and see it to be correct, that they move forward.

Where are we and why are we here? The Speaker of the House, the gentleman from Georgia [Mr. GINGRICH] defeated a Democratic rival by 10 votes less than the gentlewoman from California [Mrs. SANCHEZ] has won her race.

The chairman of this committee is very concerned about leaks from the committee, and sometimes papers do get out here. I am not sure who lets those leaks out, but I have here from the Orange County Register, Mr. Dornan says, ''The seat will be vacated, there will be a new election.'' Dornan said his sources on the committee staff told him; goes on and on, and finally says that they will throw out the results of the election and give him the seat.

Now, let us go back to where we started. Mrs. SANCHEZ won the election. Mr. Dornan came forward with complaints. He found there was one household that had 18 voters in it, all with different last names. Another one had 8 voters in it with different last names, and then there was someone who voted from their place of work, and they were investigated. We found 18 U.S. Marines, 8 nuns, and a zookeeper. That is what Mr. Dornan's charges came to.

Now, in all of the races that we have had since the 1969 Act, we have not tried to find the INS as the arbiter of the results of the election, and there is a reason for that. If we ask the INS if we can use their data to figure out who should be on the voter list, they tell us we cannot do that because one's name ends up in the INS for lots of reasons. If one tries to get an aunt or an uncle over here, one's name ends up in the INS. Their documents maybe should be more perfect, but they will tell us, in every transmittal, that one cannot use these to figure out who votes and who does not vote and whether they should vote.

We have now had 14 requests to the INS. We have had piles of names, as much as 500,000, in a district where just over 100,000 voted; we have had submission after submission, trying to keep enough smoke in the air so Mr. Dornan's prediction can be carried out.

The standard for Members of this House ought to be pretty basic, and that is, if one wins by as many votes as the Speaker did, then one ought to be seated and one ought to be left alone. If there is skullduggery in this election and one cannot prove it after 10 months, after 11 months, do we keep this process going in an attempt to exhaust Mrs. SANCHEZ until the next election?

My friends, what is clear here is there are people who see illegal aliens under every couch. They see them running across the border to vote in masses in districts across this country. They have nothing else to do but leave their homes in Mexico and elsewhere in Latin America and come up here and vote. We do not have any evidence of it, but there are lots of suspicions.

Today we have a simple matter, but it is a symbol of a case that has been carried on too long and ought to come to completion. Reject this as a symbol of our rejection of a process that has been unfair to Mrs. SANCHEZ, to her constituents, and to this House.

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

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 4 minutes to the gentleman from Michigan [Mr. EHLERS], who is the chairman of the task force, a gentleman with unimpeachable integrity, a gentleman that brings pride on the House of Representatives.

Mr. EHLERS. Mr. Speaker, we have heard a lot of misinformation this evening. My purpose here is to simply try to lay out some facts and some information about the process that is used.

First of all, recognize that nothing is more sacred to the democratic process than to ensure that each legitimate voter be allowed to vote and that their votes be counted. Furthermore, that the voter be assured that no illegal votes be allowed to be cast or to be counted.

The principle of one person, one vote, or one citizen, one vote is extremely important in our system of government. So important, in fact, that the founders of our Nation decided to put it in the Constitution and ensure that the elections of the House were valid, and gave to the House itself the power, as we read in section 5 of Article I, near the beginning of the Constitution, that ''Each House shall be the judge of the elections, returns and qualifications of its own Members.''

Now, any contestant or any loser in an election may file a petition for a contested election. The committee does not choose to file these; the House does not. All of this discussion about picking on a particular person because the attributes of that person is simply false. The House has no control over which elections are contested. The losers of the election make that decision, and I am sure in this particular case we recognize that the person who filed the contest is not someone who would take advice from the House, the committee or anyone else.

Now, how does the House proceed? It has proceeded in various ways throughout the years the House has been in operation. Many, many contests have been filed over the years since 1789. All were filed under the constitutional provision. Some have been filed under statutes that were in effect at the time that the cases were filed, but there have been years when no statute was in effect, they were simply filed under the Constitution.

Our current law guiding this is the Contested Election Act passed in 1969. Under that, the duties and responsibilities of contested elections are assigned to the Committee on House Oversight, which then appoints task forces to investigate. I was appointed to the task force for this election. I did not seek that appointment. I did not want that appointment. It was almost as bad as being appointed chair of the Committee on Standards of Official Conduct.

It is a difficult task. It is particularly difficult for me to stand here and hear charges of racism, sexism and other charges when they are simply not true, and being unable to respond because of the nature of the case. There are many issues that are confidential. There are privacy statutes that have to be obeyed. Eventually, perhaps some of the details can be given, as we do in ethics cases, but I would urge those present and those listening in their offices not to judge the content of the case and the procedures by the comments that we have heard from some on the floor this evening.

Since 1789, the standard method of obtaining information in the case of a contested election has been the use of the subpoena. Even before statutes were written, the subpoena was used. There have been many contested elections over the years, and many thousands of subpoenas that have been issued in these cases. Currently they are issued within the confines of the Contested Election Act.

In this particular case, 51 subpoenas were requested by Mr. Dornan. The committee has the power, under the Contested Election Act, to review those subpoenas. We quashed 15 of them; 9 were withdrawn by the contestant. Six have been responded to; there was no response to 6; 13 have been ignored.

How can we enforce response? That is the question that faces the committee. If a subpoena is filed in a court, the court can use contempt proceedings. That power is not given us in the Contested Election Act. We must depend on the U.S. Attorney to bring actions in these cases.

The timetable in this case is that on March 19, a subpoena was issued on Hermandad Mexicana Nacional by Mr. Dornan. On April 16, the committee modified that. May 1, the response is due, no response is received. May 13, Mr. Dornan's attorney filed a criminal complaint with the U.S. Attorney. Nothing was done. June 2, the attorney once again asked for action. Nothing was done. June 23, the committee sent a letter to the U.S. Attorney. No response. June 30, another letter was sent, and we finally got a response saying, ''We are looking at it.'' We are now in September, and we are still trying to get enforcement on the action on the subpoena that was issued under the law which was passed by the House of Representatives.

What can we do? What is the next step? We thought the next step was for

the House to send a letter to the Department of Justice by way of the resolution that is before us right now. That is the next logical step. If the Department of Justice chooses not to respond again, the only next step is that we issue a committee subpoena, but I am sure that the recipients of the subpoenas would prefer dealing with a U.S. Attorney rather than dealing with facing contempt of the House of Representatives.

We simply cannot allow individuals to thumb their nose at the House of Representatives and say, we do not want to answer your subpoena, so we are not going to. It is a legal subpoena issued by a U.S. District Court judge, and it is very important that these subpoenas be responded to. Our task force needs the information. We have obtained some information from the INS through a committee subpoena. That is all we have available at the moment, but we need the information that will be provided by these various subpoenas, and once we have that information, we hope we can bring this case to a rapid conclusion.

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

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

Mr. MENENDEZ. Mr. Speaker, should Hermandad Mexicana Nacional comply with the legal subpoena? Yes. But should the Republicans on the Committee on House Oversight have given Bob Dornan the power to issue that subpoena in the first place? Absolutely not.

Case in point: Scott Moxley, a reporter in Orange County and a former Federal Election Commission employee, had the temerity to write some disfavorable articles about Mr. Dornan. In response, Mr. Dornan issued a subpoena against him. In addition to this, according to published reports in Roll Call and in papers filed with the Committee on House Oversight, Mr. Dornan went to Scott Moxley's editor to try to get him fired, called the FEC in an attempt to dig up some dirt on him, which he was not able to do, and even resorted to harassing Mr. Moxley's father.

So forgive me if we have a little trouble with a process that gives Bob Dornan subpoena power over anybody.

Of all of the cases in which this Congress could step in and demand that legal action be taken, of all of the unacceptable outrages and defiance of our laws that take place in this country every day, that the majority party would choose Mr. Dornan's subpoena to take this extraordinary step is beyond me. Does this represent their view of the priorities of the American people?

It was the Reagan administration that successfully challenged Congress' attempts to tell the U.S. Attorney what to do, and that is why my colleagues on the other side amended it earlier. To insist on enforcing a particular course of action is to interfere and compromise an apolitical investigation of the facts.

We cannot send a message that condones this process, that gives credence to granting Bob Dornan subpoena power, or that singles out enforcement of this one subpoena as a law enforcement priority for this country.

□ 2300

Yes, let us talk about the Constitution that we have heard about here tonight. Let me tell the Members why, as one American of Hispanic descent, we are convinced that they are after us.

Republicans have taken an unprecedented action to overturn the election of Congresswoman SANCHEZ. They have given unprecedented subpoena powers under this statute to Mr. Dornan, which he has abused. They have undertaken to violate the privacy rights of the families of the gentleman from Texas [Mr. BONILLA] and my family and hundreds of thousands of others who have filed papers with the INS, expecting and demanding every right to protect their privacy rights in this country. And we start there. Is the IRS next? Is there an HIV registry next? Where is it that they will go to?

They have changed the standard of proof from one in which Mr. Dornan must prove his case to one where Congresswoman SANCHEZ must defend her duly certified election. Under this standard, the mere allegation of fraud takes the place of proving any fraud.

So imagine now that as a Member of Congress, you win with 1,000 votes. Under the standard being set by the committee, the mere allegation of fraud, which is what is going to happen in every election, will be sufficient to overturn your election. What must women and Hispanic Americans be thinking about when their votes are on the verge of being nullified by Republicans in this House? If there is no justice in this case, there will be no peace in this House.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Georgia [Mr. BARR], to shed some facts on the subject.

Mr. BARR of Georgia. Mr. Speaker, having been a former prosecutor and practiced law in the private sector, I thought I was somewhat familiar with various defenses that were raised in criminal prosecution and in civil proceedings, but during the past year, listening to the Reagan administration and listening to the other side tonight, there is a whole new universe of defenses that defense attorneys are not even aware of. We hear them daily from the White House: That law does not apply to me. That is an old law. That law has not been used very much. I am not a person under that law. This building is not a building.

We hear another one tonight. Despite the fact that the United States criminal and civil codes are replete with measures insuring that subpoenas, as duly and important court documents, can be enforced and are enforced, despite the fact that people can and are held daily in contempt for failure to respond to subpoenas, we have the preposterous statement on the other side just a short while ago that people in this country have an absolute civil liberties constitutional right to refuse to honor subpoenas.

Mr. Speaker, we must stand for the rule of law. It begins now.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

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

Mr. FAZIO of California. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, the previous speaker either did not hear clearly the comments that were made, or has misrepresented them. I choose the former as the alternative.

What I said was that an American citizen has the right to go to court to question the constitutionality under which someone is asking that citizen to do something. In this case, that citizen has done so. The court just 8 days ago, I would say to the gentleman from Georgia [Mr. BARR], decided that they did have the constitutional right, and 8 days later, we demand that the U.S. Attorney take action, without giving the U.S. Attorney the opportunity to do so.

I think that is a precipitous and uncalled for action of this body sworn to uphold and defend the Constitution. That is what I said, I say to the gentleman from Georgia [Mr. BARR].

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, it is time for this charade to end. Three hundred thousand dollars of the taxpayers' money has been spent, 10 months have gone by, and despite an incredibly long discovery phase, this committee has yet failed to produce any evidence to resolve this so-called contested election.

Despite unprecedented carte blanche investigative power given to the Committee on House Oversight and despite Bob Dornan's escapades, whether they be on this floor or on the Rush Limbaugh show, the vote count remains the same. Nevertheless, before us there is another puff of smoke just to prolong this investigation. This time it is a resolution that does nothing. It has no weight of law. We have all agreed to that. In fact, it is just another chapter in what is a never-ending saga designed to drain and assail the gentlewoman from California, Ms. LORETTA SANCHEZ, a woman whose election was certified by the California Secretary of State on December 9 of last year.

Mr. Speaker, someone watching this debate tonight could easily conclude that our Republican friends are going after this seat because it is held by a Latino woman in a district with a sizeable Hispanic population. Kick up

enough dust and maybe, just maybe, those voters will not show up at the polls again.

Do not count on it. This attempt to intimidate voters will have a backlash the likes of which we have never seen, not just in California, but across this Nation, where new immigrants are an emerging political force to be reckoned with.

I say to my Republican friends, it is time to face the facts. This election was won fair and square. I say, get over it. The gentlewoman from California, Ms. LORETTA SANCHEZ, is the Congresswoman from the 46th District of California, and the attacks that she has weathered will only make her stronger. We stand with her. We will help her prevail. I say to the gentlewoman from California, Ms. LORETTA SANCHEZ, all that she is putting up with tonight will be worth it when she returns to this body in the next Congress.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, what we are talking about is the right of a citizens group here. First of all, the resolution, of course, is hardly worth all this. The resolution originally demanded that the Justice Department do something. It now demands that the Justice Department think about doing something and then do whatever it thinks. It was amended. I should note that this is, I guess, an example of what is meant by a self-executing resolution.

This resolution has already executed itself. It cut off its head. But we still have a headless horseman stumbling around, and it is an obnoxious one, because here is the issue. A private citizens group has been denounced criminal by persons with constitutional immunity from any libel suit on this floor. They have been denounced as criminal partly, I guess, because they had a tax problem.

I guess that is going to be the precedent: somebody is shown not to have done right on taxes, and they are a criminal. The word will probably echo around here a lot, and make the parliamentarians earn their pay.

But the question is this. This organization has been the subject of a very broad subpoena, subpoenaing things that go to everything that is done, including political activity. They are trying to resist it. Important constitutional law has been made in America, the NAACP against Alabama, other organizations. Resistance of subpoenas has been important.

What we now have is a U.S. Attorney entitled to decide that a particular subpoena may have been so broad as to fail.

My colleague, the gentleman from Georgia said, where did you get such an idea? I will tell Members where, from William French Smith, Ronald Reagan's Attorney General, who told us when this House voted to cite Anne Gorsuch for contempt, when the House voted, not just one Member, when the House voted, not even an ex-Member, but when the House voted to cite Anne Gorsuch with contempt, William French Smith said, we are not going to prosecute because we disagree. We think that constitutionally there is executive privilege here. That is the precedent that held. No one tried to break it.

Here we have a group of private citizens engaged in political organizing who have gotten a subpoena, and they want to litigate it. What are the Members saying? Prosecute them, treat them as criminals. There is a process going forward now before the district court, and they want to appeal it, and they are saying, no, prosecute them.

My friend, the gentleman from California [Mr. CAMPBELL] said, well, we have to get this on. We do not sacrifice the constitutional right of association of private citizens because we are in a hurry, not that they seem to have been in such a hurry on this. But even if we are, citizens have a right to assert their constitutional rights.

To have the subpoena power in the hands of one individual who has clearly issued inappropriate subpoenas to the press, the committee has quashed some, this organization, and understand, this is not a subpoena specifically about who voted and who did not. It is a very broad subpoena issued by Mr. Dornan, and they are trying to figure out a way to litigate it, and to demand that they be criminally prosecuted is inappropriate.

To demand that maybe they should be criminally prosecuted if someone who has the job of thinking that they should think they should is not inappropriate, it is just too silly. It is unfortunately done to accommodate a political imperative that should not be taking up all this time in the House.

Mr. THOMAS. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, I rise simply to defend the late William French Smith, who cannot be here to defend himself. When the Attorney General of the United States determined that it was not appropriate to institute on behalf of the Congress of the United States enforcement proceedings for a congressional subpoena, he was doing something very different than what we are talking about here tonight.

What we have before us is a subpoena that has been authorized by the United States District Court. No such authorization was given in the case of the Gorsuch subpoena. That was a subpoena issued by Congress without any court involvement.

Mr. GEJDENSON. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Yes, Mr. Speaker, it was a subpoena that came from the former Member, Mr. Dornan, as opposed to one solemnly voted by the House in the course of an investigation. But the argument that it was not authorized by a district court, no, under our Constitution this House has the right constitutionally to issue contempt citations to try to compel testimony.

The Attorney General, I did not libel or defame the Attorney General, I simply quoted him. Being dead is not relevant. The fact is that the Attorney General said, it is wholly a matter of prosecutorial discretion whether or not we act on a contempt citation, and one voted by the whole House in the course of an investigation certainly has a great deal of standing.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, my Republican colleagues are engaged in a partisan, political probe against the gentlewoman from California, [Ms. LORETTA SANCHEZ], and this resolution is an attempt to prolong and to expand that investigation. Make no mistake, this is not the election of the gentlewoman from California in isolation; this is part and parcel of a Republican strategy that would in fact deny minorities in this country the right to vote.

Earlier today, the Republican majority denied the Bureau of the Census the ability to make a full count of Americans, fearing that such sampling methods would enfranchise undercounted urban minorities. This is un-American and it is simply wrong. The fact is that this resolution does not have the authority to force the Justice Department to do anything, and it intrudes on an ongoing legal process.

The gentlewoman from California, Ms. LORETTA SANCHEZ won this election by 1,000 votes. There were other much closer elections in 1996, and no others have been subjected to this kind of a witch hunt. The sore loser in this case was Bob Dornan, a man who cannot believe that he lost, a man whose vendetta against the gentlewoman from California is unprecedented, and a man whose behavior is so offensive that this Congress actually barred him from the floor of this House.

The Republican Party has chosen to go after a seat held by a Democratic Hispanic woman in a race where Hispanic votes may have determined the election. This is a deep insensitivity to the right of Latinos and Hispanics in this country to be able to vote. It is clearly an attempt by the Republican Party to create enough smoke to steal this election. If they cannot do that they hope simply to wear down the gentlewoman from California [Ms. SANCHEZ], depleting her time, her energy, her financial resources, in order to weaken her for reelection.

It will not happen. She will be reelected to this body. Do not disgrace the people's House tonight. Do not let this body allow for this sort of partisan political purpose. Vote down this resolution.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

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

Mr. STEARNS. Mr. Speaker, the gentlewoman from Connecticut [Ms. DELAURO], let me remind her and the gentleman from New Jersey [Mr. MENENDEZ] and the gentleman from Connecticut [Mr. GEJDENSON] and the gentleman from Massachusetts [Mr. FRANK], as a result of an initial investigation into this matter, the Immigration and Naturalization Service, that is part of their administration, ordered that an arm of its citizenship testing program be shut down effective January 6, 1997. That is not Republicans, that is Democrats. Democrats decided to shut down a citizenship testing program after it was acknowledged and verified that there were proven cases of fraud.

I am not a lawyer. We can put up here the best lawyers and we can talk about subpoenas and go on and on, but their administration found there was acknowledged and verified fraud. So this is a concern of not just Democrats and Republicans and Independents, this is a concern of every Member of Congress; there but for the grace of God go you, me, any one of us.

If the administration of their party says on January 6, 1997, yes, there is fraud, we have acknowledged it, verified it, and we are going to stop citizenship testing programs, does that not concern the Members? Does that not tell them that she did not win by 900 votes, as the gentlewoman from Connecticut [Ms. DELAURO] keeps talking about?

□ 2315

No; we have already identified half of those 900 are corroborated that they are false votes.

Mr. Dornan's request is not without precedence. We can go back to Supreme Court decisions. We can go back to McCloskey and McIntyre in the 99th Congress. We can back to Roush versus Chambers in the 87th Congress in the first session. And we can on and on with cases where we have the right and the House committee has the complete ability to order a recount in this congressional election if they want to.

This country prides itself on the fact that we are a democracy and we abide by the axiom, one man, one vote. However, I would like to quote a well known philosopher. This philosopher said it correctly: It is not the voting that is democracy, it is the counting.

Mr. GEJDENSON. The gentleman seemed to have placed great faith in the administration when they set aside Hermandad's activities but somehow does not trust the administration everywhere else.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Speaker, I would just like to say that, LORETTA, the seat is yours and we are going to do everything possible to make sure that justice is done in your case.

Let me just share with everybody that this is not the first time that someone of Hispanic descent has been barred from the House of Representatives. About 9 months ago, I came here with my daughter and with my niece, and I waited in line in the main entrance to the Capitol of the United States. And as I walked through that line to come into this House, a security guard from the U.S. Capitol said to me, ''You cannot come in here.''

When I produced an ID, she said it was false. When I told her I was a Member of Congress, she said that I was crazy and that I was ludicrous. And then I said, ''Ma'am, you really have a problem.'' And her response to me was, ''No. The only problem we have is you and your people. Why do you not go back where you came from?'' That was said to me as I entered in a very well published case right here. So, LORETTA, it is nothing new. It is nothing new.

But do you know something everybody said: She is not fit to serve the House of Representatives and the people of this Nation, given her actions. Do you know what my answer was? What can you expect from her? What can you expect from her when she sees Members of Congress each and every day on the TV set accuse those immigrants of coming across the border in hordes to destroy this Nation? When she sees on TV Presidential candidates with a rifle in their arms campaigning in Arizona and saying, ''This is what we have for you, Jose,'' and then sees the Republican Party seat them at their convention in San Diego? What can you expect from a security guard when she sees Members of Congress come here and say, those seats should be invalidated that Latinos and African Americans were elected to and that we should challenge them in court? What do you think she expects when she sees a welfare reform bill come before this Congress which says, let us not give them any help?

LORETTA, you won. And in this Congress, you will prevail.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA], a member of the committee.

Mr. MICA. Mr. Speaker, I rise in support of this resolution. In fact, this resolution is not offered in support or in opposition to the gentlewoman from California [Ms. SANCHEZ] who has been seated from California's 46th District. Nor is it offered in support or opposition to Mr. Dornan, who is contesting the election in California's 46th District. This resolution, in fact, is about the very heart and the essence of the democratic electoral process.

We have heard it said that the United States Constitution, Article I, section 5, states that the House shall be the judge of its Members and their election. The Committee on House Oversight, on which I am privileged to serve, is charged with seeking the facts relating to Members being seated in a contested election.

This resolution is not about the gentlewoman from California [Ms. SANCHEZ]. This resolution is not about Mr. Dornan. This resolution is not about a Republican or a Democrat serving in California's 46th District. This resolution is about determining whether or not the election in California's 46th District was conducted in a lawful and appropriate manner. This resolution is critical to every Member of this Congress and to the American people because this resolution seeks only to determine the facts as to who lawfully cast their ballots in a contested election.

This resolution deserves the support of every Member of this Congress to maintain the process that is outlined in our Constitution and to ensure the very integrity of the system of fair and honest representative government. I ask each and every Member to come down here and vote for this fair, honest, justice-seeking resolution.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, I grew up in a country that said Hispanic Americans could die for their country but not be buried in a public cemetery. I grew up in a community where Hispanic schoolchildren were punished for speaking their mother's native language on school grounds. I grew up in a neighborhood where a distinguished American veteran, a physician, was turned against and fought simply because he was Hispanic. Thank God, Mr. Speaker, those wrongs were righted years ago.

That is exactly why tonight I will be not a part of harassing an Hispanic American who was duly elected to this Congress and the thousands of Hispanic Americans who duly voted for her.

I must wonder, where are the philosophical conservatives tonight? Where are the Republicans who say we should limit the powers of government? Where are the Republicans who want to restrict the law enforcement powers of the ATF and the FBI? Where are the Republicans who say they believe in private property rights? Where are the Republicans who say they cherish our constitutional protections against unreasonable search and seizure by the Government?

How can those who believe in limited government want to give Robert Dornan, a private citizen, the right to subpoena American citizens' private property? If anyone should be offended by Mr. Dornan's subpoena power, it should be true philosophical conservatives.

Enough is enough. It is time to end the persecution of Hispanics now, right here in this House tonight.

Mr. THOMAS. Mr. Speaker, I yield myself 1 minute.

This resolution is to make sure that when those people become citizens and cast a vote, it is a vote that counts.

The problem is, there are some people out there preying on these people, misrepresenting the law, and getting them to register so that they commit, unwittingly, a felony. Your feelings should be directed to those people who are preying on these innocent people. The innocent people are the ones who wind up committing the felony, but they are the victims. It is the organizations such as Hermandad that should be punished.

All this resolution seeks to do is to get the Department of Justice to make sure that those very people you talked about, I tell the gentleman from Texas, when they become citizens can cast a vote and have the confidence that that vote will not be diluted by fraud or illegality. That is what we are doing.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, we are approaching a resolution right now that Congress cannot force the Justice Department to prosecute. The committee has already received all the relevant evidence that Hermandad ever possessed. They have got the information. So why are we here tonight?

It is 10 months after the election. Who are we, this body? We should be doing the people's business. We should be doing campaign finance reform. We should be finishing the appropriations bills. Instead, we are here at 11:30 tonight talking about a woman whom I know well. I know LORETTA SANCHEZ. I know her so well, I saw her come to Congress as a proud woman to represent her district, to represent her constituents, to do the job she was elected to do.

We are spending 10 months saying this wonderful young woman cannot be allowed to do what she was sent here to do. Let us end it. Let us say tonight, let her serve. We will have another election in November, the following November. Let it happen. We are the body of the people. We represent the people. Let LORETTA serve.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST].

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

I would like to make the comment that I have been stopped several times by the guards questioning whether I was a Member of Congress. I may not look like a Member of Congress, the Scotch-Irish descent, but I have been stopped many times questioning whether I was a Member of Congress.

We are debating here tonight. It is a positive thing that we debate the issues. Oliver Wendell Holmes, a physician, a jurist, and a poet, said that the Constitution was made for people with differing opinions. We are seeing that to an extent tonight.

But this is a Nation of laws, not of rhetoric. This is a Nation where we have one man, one vote. And we are committed to that.

A World War II veteran who is committed to his country and always optimistic and positive about what America stood for says our lives are made up of five things: Humility, I ask that our colleagues tonight look at who has humility; commitment to justice; compassion to people; faith in the American people; and faith that people will be responsible, will be decent, will be honest, and allow themselves to have dignity.

We must allow the process, in my judgment, to work to make sure that those people that vote vote honestly, have dignity. The last word he used was love, not for self-serving reasons but love for the things that America, which is still a great country, stands for.

I encourage Members to vote for this resolution because it means that we are committed to justice in America, one man, one vote, and we want people to have responsibility to do the right thing. And if we give them that responsibility and show them what we stand for, there will be dignity for each and every citizen that their vote counts.

Mr. GEJDENSON. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Connecticut [Mr. GEJDENSON] has 7½ minutes remaining, and the gentleman from California [Mr. THOMAS] has 7 minutes remaining.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, the central problem here is that this so-called investigation has been improper from its inception.

Normally a claimant seeking to invalidate an election has the burden of proof of fraud or irregularities. He should look at the records of people who vote, the records from the board of elections, from birth records, from naturalization records, and show his evidence.

Instead, the claimant has been given individual subpoena power, has used that power irresponsibly and to the deprivation of the constitutional rights of others. He has issued broad-based, fishing-expedition subpoenas, some struck down, some not yet.

□ 2330

Hermandad got such a broad subpoena which invaded the constitutional rights of many people. The District Court said the subpoena was okay. Hermandad is appealing that decision, but 8 days after the district court decision, while it is appealing that decision, they come up with this bill of attainder here which we are asked to pass, demanding criminal prosecution of this private group which has no role or should have no role in this at all.

Obviously, it is entirely politically motivated, as this entire process has been, and the motivation is to short-circuit the constitutional process and the constitutional rights of the individuals involved and should be voted down.

Mr. THOMAS. Mr. Speaker, I yield myself 1 minute.

I tell the gentleman from New York if he wants to know who gave Bob Dornan the right to subpoena, the CONGRESSIONAL RECORD, October 20th, 1969, on rollcall number 235, the yeas 311, nays 12, the legislation that was passed overwhelmingly on a bipartisan vote supported and defended by the court most recently and the House.

The fact that no one has used it, except for this particular time, does not mean it has not been there from the beginning. The point needs to be made that it is the statute that affords it. That is where it comes from. It is part of the Contested Election Act and it was passed overwhelmingly bipartisan.

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

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MARTINEZ].

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

Mr. MARTINEZ. Mr. Speaker, I hear over and over again that we are concerned about the integrity of our election process, and I agree with that, not only for the 46th Congressional District but for all over the United States.

This is not the only place where voter fraud has occurred. But I hear interjected into the debate the reference to the number of fraudulent votes in the 46th District. Then our friend from Texas gets up and states that the Hermandad is the crookedest organization around and guilty of all kinds of wrongdoing.

The problem I have with that is an investigating committee trying to investigate someone who has already made up his mind lends itself to the idea that since they have already made up their mind, their investigation is going to conclude with the conclusions they have already made.

Let me say in the same breath that the gentleman speaks about the high level of debate that began this debate. He rushes in to chastise one of our Members for pulling a race card. What greater race card was there pulled when on that side of the aisle they chose as their closing speaker someone of Hispanic descent?

So I ask the question, is this about voter fraud, is it about the gentlewoman from California's election, or is it is about intimidating Latino voters? I think it is the latter.

Mr. GEJDENSON. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I have been around this for a long, long while, and I can remember when we kept people from voting because we had something called the poll tax. And most of us could not afford it, especially sharecroppers. And we were sharecroppers, and some of our black neighbors could not afford to vote.

We have talked about numbers here. My good friend from California said what we want to make sure is that every vote counts. Votes are not counted in the District of California. The gentlewoman from California is being harassed. And if we took the 300 votes or 400 votes, throw them out, she still won a majority. She is still the winner.

In politics, that is all that matters, is getting the majority of the vote. The gentlewoman is being denied the vote, in my opinion, simply because she beat one of the real radical exhibitionists that has ever been in this House. Some Members do not like it.

As for the gentleman that said it was the Democrats, he was the one that sent out a press release accusing me of missing votes when my sister-in-law had died and I was not even here. So I just wanted to make that clear.

This is a charade that should not be taking place. It does not become this House and it does not become us as the most respected governing body on the face of the earth, and we should be ashamed of our actions that are taking place today.

Mr. THOMAS. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. NEY], not only a member of the committee but a member of the task force, the vice chairman of the Committee on House Oversight.

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

Tonight I think it would become us, Mr. Speaker, since we are talking about what becomes this Chamber, it would become us to stick to the facts. The organization Hermandad Mexicana Nacional has, for nearly 5 months, refused to comply with the subpoena issued by a United States District Court judge. The Department of Justice says the matter is still under review, despite repeated letters from the Committee on House Oversight. That is a fact. The Department of Justice's failure to act has encouraged groups to ignore subpoenas, delaying the investigations.

This is no picnic for us, as any Member on either of the side of the aisle on this committee knows very well of this delay. It is not something we enjoy, it is not something we like, it is not something that has a political furtherance.

The other statement that is made that needs to be addressed is that the other side argues that most information requested in the subpoena to Hermandad has already been turned over. That is simply not true. Not all the information has been turned over. And if it had been, they would not be fighting so hard. Another thing is, they had all summer to file, but they did not. They filed in August because they wanted to delay the entire process.

It has been a great interesting night. First, Bob Dornan has no credibility. Bob Dornan has said things on the floor people do not like from that side of the aisle, but all of a sudden Bob Dornan is quoted tonight because he is now factual in what he says in the newspaper, because it is convenient to quote him tonight.

This is not about Bob Dornan, this is not about the gentlewoman from California [Ms. SANCHEZ], this is about the election process.

Politics? Here is the DCCC press release starting in February. Phone calls into districts trying to stop this, a legitimate inquiry of the U.S. House. There is a little politics there.

But I think we have seen it all tonight. What is in a name? Did Shakespeare say that or was it Hallmark? I am not sure. Somebody says that. What is in a name? Well, tonight it is in the Latino name. Tonight it is in the Latino name. Because all of a sudden, if one does not have a Latino name, something is wrong tonight.

Let me tell my colleagues something. We have Latino relatives. I do, in Fontana, California. The gentleman from Michigan [Mr. EHLERS] does. We have Latino relatives. My colleagues know it is not true that there is a bias to Latinos.

The words tonight, persecution, insulting, embarrassing, playing the race card, all the things that were raised tonight that my colleagues know are not true. My colleagues all know it. They know that is not accurate. They know it is not true. They know that is not the feelings we have.

We should stick to the facts, because what is not becoming of this Chamber is to use those scare tactics to Americans, Mr. Speaker, across this country. That does not become the energetic give and take of public debate. What becomes us is to stick to the facts, and if we do that, we will not have so much disgrace on the floor tonight by throwing out side innuendo that my colleagues know is simply not true. It is not fair to the American people and it is not fair to any Member of any gender, of any ethnic background on the floor tonight.

Mr. GEJDENSON. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

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

Mr. GEPHARDT. Mr. Speaker, I rise in opposition to this ill-conceived resolution. I am not an expert on the legal dispute over Mr. Dornan's novel use of the power of subpoena. I do not know all of the facts surrounding the court cases that have come as a result of these subpoenas, but I have served in this House since 1977 and I have some sense of when it is appropriate for this House to speak to the judicial system.

Mr. Speaker, as far as I can determine, never in the 208-year history of this House has the majority decided to interfere so directly in a criminal matter by demanding that specific charges be brought against the particular party. In the best of circumstance, what is being done tonight would be a bad precedent that would only lead to mischief, but it is clear that the interference that is called for tonight in our judicial system is based on partisan political motives. And when that day comes, it is a sad day for this House of Representatives.

Make no mistake about it, the purpose is not law enforcement tonight, the purpose is to harass and intimidate. That is what this whole investigation has been about, arming Bob Dornan with subpoena authority. Unprecedented in the work of this committee, invading the privacy of thousands of Hispanic-Americans, all because a hardworking Hispanic businesswoman had the audacity to upset Bob Dornan in the 46th District of California. And Mr. Speaker, it was not even a close election.

Now we read in the newspapers that there is an effort, perhaps, to tell Mr. Dornan that the House is going to declare the seat vacant and call for a new election. I can only assume that these reports are just rumors and that they are wrong.

The gentlewoman from California [Ms. SANCHEZ] won this election by almost a thousand votes. If her election can be overturned on suspicion, with no facts, none of the facts that were brought have been found to be true, but on suspicion that there were noncitizens who voted, then who is next? Whenever there is a vote of under a thousand, do we go in and ask the INS to pull up all the records of new Americans in a district? Who is next? Which House race will we go into next time?

My colleagues, if this procedure goes on, if there is a move to vacate this election, this is no longer the people's House, it is the Republican Party's House, and I do not think any of us want any part of it.

Defeat this resolution and send this contest where it belongs. Dismiss it.

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

Mr. Speaker, the gentleman from North Carolina said in politics all that matters is getting the most votes. I personally experienced that in a contested election in the Indiana 8th, because the votes in the Indiana 8th were counted not by any State.

I participated in a contested election contest in which the Democrats set the rules. Those rules did not exist in any State. They were made up. And then when, in following those rules they made up, Democrats were not going to win, they quit counting.

□ 2345

So I guess in politics, for some people all that matters is getting the most votes. But with this new majority, it is going to be determined by legal votes.

There has been some argument that we need to do some campaign finance reform. I will tell my colleagues, the vote tonight is the first vote on campaign finance reform, because I think fundamentally we must start with fundamental reform.

Far more important than the dollars spent in campaigns is who legally gets to vote; and, in this system, only citizens are supposed to legally vote. Let us start by enforcing that fact, and then we will look at other campaign changes.

Tonight, a vote for this resolution is a vote to uphold the law. Democracy works when it operates under the law. A lot of things have been said here. But I want Members, as they vote on this resolution, trying to get the Department of Justice to carry out the law, to remember that it is irrefutable that the question is not ''Did fraud occur in the 46th District of California,'' the question is ''How much?''

That has been the task of the task force. We have been stonewalled by people. People have refused to supply information. We have had to subpoena the Immigration and Naturalization Service. But I can assure my colleagues, no amount of intimidation, no amount of throwing around false charges of racism, no attempt to muddy the waters and obscor our purpose of determining how many legal votes were cast in that election, will deter us from making sure that every honest vote that was cast in that election gets its full, accountability, undiluted by fraudulent votes. That is our job, and we will do it.

I ask the House of Representatives tonight to assist us in asking, or, if you will, demanding that the Department of Justice enforce the law and make these people provide us with the information that will let us get to the bottom of how many fraudulent votes were cast in this particular district so that we can determine the true winner in California's 46th. I ask for a vote on the resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in disgust with the way a former member is trying to manipulate the House of the people to create turmoil, to manipulate the election process and to spend tax payer monies—now more than $300,000 and counting—for nothing more than the purpose of stealing a seat out from under a duly elected Member, LORETTA SANCHEZ.

Bob Dornan has come to the floor of the House and shown himself not to be worthy of being allowed to appear on the floor as a former Member of the House.

He is trying to intimidate the voters of California's 46th Congressional District, the media, the INS, and now the Congress. He wants Congress to try to intimidate the U.S. attorney to file criminal charges against a political enemy of his. That's the meaning of this resolution and that's what he wants us to do.

Mr. Speaker, there has been absolutely no fraud found in this case and there has not been one shred of evidence that this renegade former member has been able to produce that illegal aliens have influenced the outcome of his defeat. He is defying the 28-year history of the Federal Contested Election Act and is using Republicans to carry on a crusade to get his seat back.

He needs to get out of denial that he lost an election and the people of Orange County have spoken. This is under-handed politics of the worst kind. This is nothing more than intimidation.

Mr. Speaker, I urge this distinguished body to end the saga of this misguided investigation. The people of California have legally ended their relationship with him—he embarrassed them until they had enough and now we should say we have had enough of his outrageous tactics and put an end to it once and for all. I urge my colleagues to vote against this travesty as they voted to show Mr. Dornan to the door of the House on one occasion and we should do it again today.

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

The SPEAKER pro tempore (Mr. GILLMOR). All time for debate has expired.

PARLIAMENTARY INQUIRY

Mr. HEFNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. HEFNER] will state his parliamentary inquiry.

Mr. HEFNER. Mr. Speaker, am I entitled to raise a point of personal privilege since the gentleman from California [Mr. THOMAS] mentioned my name and misquoted me?

The SPEAKER pro tempore. That is not in order as a response during debate.

The resolution is considered read for amendment.

Pursuant to House Resolution 253, the previous question is ordered on the resolution, as amended, and on the preamble.

The question is on the resolution, as amended.

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

Mr. THOMAS. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. A quorum is present.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were— yeas 219, nays 203, answered ''present'' 1, not voting 11, as follows:

[Roll No. 478]

YEAS—219

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf

NAYS—203

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver

Ortiz	Sabo	Tauscher
Owens	Sanders	Taylor (MS)
Pallone	Sandlin	Thompson
Pascrell	Sawyer	Thurman
Pastor	Scott	Tierney
Payne	Serrano	Torres
Pelosi	Sherman	Towns
Peterson (MN)	Sisisky	Turner
Pickett	Skaggs	Velazquez
Pomeroy	Skelton	Vento
Poshard	Slaughter	Visclosky
Price (NC)	Smith, Adam	Waters
Rahall	Snyder	Watt (NC)
Rangel	Spratt	Waxman
Reyes	Stabenow	Wexler
Rivers	Stark	Weygand
Rodriguez	Stenholm	Wise
Roemer	Stokes	Woolsey
Rothman	Strickland	Wynn
Roybal-Allard	Stupak	
Rush	Tanner	

ANSWERED ''PRESENT''—1

Sanchez

NOT VOTING—11

Gonzalez	Roukema	Yates
Hansen	Schiff	Young (AK)
Houghton	Schumer	Young (FL)
Oxley	Smith (OR)	

□ 0005

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. LEWIS of Georgia. Mr. Speaker, I asked for this time because I noticed that the majority leader, the gentleman from Texas [Mr. ARMEY], is on the floor of the House, and I would like to know something about the schedule for the rest of tonight and tomorrow.

Mr. Speaker, tomorrow is the beginning of a high holiday for many of our Members.

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

Mr. LEWIS of Georgia. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, we are about to do a motion to instruct offered by the gentleman from Texas [Mr. DOGGETT]. The gentleman from Kentucky [Mr. WHITFIELD] is very much interested in this, as are other Members, and we should expect that we should have a discussion of this matter and a vote, another vote, before we complete our evening's business.

We will convene the House at 10 a.m. tomorrow morning, we will move as quickly as we can to a consideration of the rule on national monuments, and then again we will move as quickly as we can to consideration of national monuments. We should then have completed the legislative business we will have planned for tomorrow, and we should be in a position for our Members who are anxious about being home for the observation of holidays before the sun goes down tomorrow evening to do so, except that we still have 14 votes that were ordered on the Suspension Calendar, and should those votes be in fact required to be taken, it would work, I would guess, some hardship on all the Members who might have travel plans.

I would remind the House that it has been on the schedule of the House for some time that we would complete business by 3 o'clock tomorrow. I have been implored by many, many Members, and I think for a very good reason, to try to move that up. I will have done everything I can do by trying to complete as much work as possible tonight in order for that to be moved up to 12:15.

It would be, I think, a consideration that might be granted to those Members who have this serious religious concern that we all want to respect for those people that had requested votes ordered on the suspension vote to reconsider the extent to which they truly indeed need those orders and might want to vacate that request, and that would be, I would think, a much appreciated consideration given to Members by those who would be in a position to do so. But we obviously cannot deny a Member his or her right to insist on ordering those votes on those suspensions.

And I notice my friend from Georgia, and I will assure him that I am as committed as I can be to persuading and encouraging everybody to do what we can to facilitate the need that many Members have to transport themselves and their families with as much dispatch as possible.

Mr. LEWIS of Georgia. Mr. Speaker, I would like to yield to my colleague from Texas [Mr. EDWARDS] for further inquiry of the majority leader.

Mr. EDWARDS. Would the distinguished majority leader be willing to let me address a question to him? Does he feel it is fair to require Members of this body to choose between their religious faith and their responsibility?

I believe I have a right to ask this. I think this is a very serious issue, Mr. Speaker.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, I will respond to the gentleman.

The SPEAKER. The time of the gentleman from Georgia [Mr. LEWIS] has expired.

The Chair recognizes the gentleman from Texas [Mr. DOGGETT] to offer a privileged motion.

MOTION TO INSTRUCT CONFEREES ON H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999, AND EUROPEAN SECURITY ACT OF 1997

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

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. DOGGETT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 1757, be instructed to reject section 1601 of the Senate amendment, which provides for payment of all private claims against the Iraqi Government before those of U.S. veterans and the U.S. Government (i.e., U.S. taxpayers).

MOTION TO ADJOURN

Mr. SCARBOROUGH. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. A motion to adjourn is in order.

Mr. SCARBOROUGH. Mr. Speaker, I had asked earlier for a question. We can do a motion to adjourn, if I can ask the gentleman from Texas a question?

The SPEAKER. A motion to adjourn is not debatable, and the gentleman was not recognized prior to this time.

□ 0015

Does the gentleman from Florida insist on his motion to adjourn?

Mr. SCARBOROUGH. Yes, Mr. Speaker.

Mr. DOGGETT. Mr. Speaker, has the motion been reduced to writing?

The SPEAKER. Yes. The question is on the motion to adjourn offered by the gentleman from Florida [Mr. SCARBOROUGH].

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 206, nays 183, not voting 44, as follows:

[Roll No. 479]

YEAS—206

Aderholt	Cunningham	Horn
Archer	Davis (VA)	Hostettler
Armey	Deal	Hulshof
Bachus	DeLay	Hunter
Baesler	Diaz-Balart	Hutchinson
Ballenger	Dickey	Hyde
Barr	Dixon	Inglis
Barrett (NE)	Doolittle	Istook
Bartlett	Dreier	Jenkins
Barton	Duncan	Johnson (CT)
Bass	Ehlers	Johnson, Sam
Bateman	Ehrlich	Jones
Bereuter	English	Kasich
Bilbray	Ensign	Kelly
Bilirakis	Everett	Kim
Bliley	Ewing	King (NY)
Blunt	Fawell	Kingston
Boehlert	Flake	Klug
Bonilla	Foley	Knollenberg
Bono	Forbes	Kolbe
Brady	Fowler	LaHood
Bryant	Fox	Latham
Burr	Franks (NJ)	LaTourette
Burton	Frelinghuysen	Lazio
Buyer	Gallegly	Leach
Camp	Ganske	Lewis (CA)
Campbell	Gekas	Lewis (KY)
Cannon	Gibbons	Linder
Castle	Gilchrest	Livingston
Chabot	Gillmor	LoBiondo
Chambliss	Goode	Lucas
Chenoweth	Goodlatte	Manzullo
Christensen	Goodling	McCollum
Clyburn	Goss	McCrery
Coble	Graham	McHugh
Coburn	Granger	McIntosh
Collins	Gutknecht	McKeon
Combest	Hastert	Metcalf
Condit	Hastings (WA)	Mica
Conyers	Hayworth	Miller (FL)
Cook	Herger	Moran (KS)
Cooksey	Hill	Morella
Cox	Hilleary	Myrick
Crapo	Hobson	Nethercutt
Cubin	Hoekstra	Ney

Northup
Norwood
Nussle
Pappas
Parker
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf

NAYS—183

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clement
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Lampson
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Poshard
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer, Bob
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Whitfield
Wise
Woolsey
Wynn

NOT VOTING—44

Baker
Berman
Boehner
Borski
Boucher
Bunning
Callahan
Calvert
Canady
Clay
Crane
Dicks
Dooley
Dunn
Emerson
Foglietta
Gonzalez
Greenwood
Hall (OH)
Hansen
Hefley
Houghton
LaFalce
Lantos
Largent
Manton
Markey
Martinez
McDade
Moakley
Murtha
Neumann
Oxley
Paul
Pomeroy
Roukema
Schiff
Schumer
Shuster
Smith (OR)
Stokes
Yates
Young (AK)
Young (FL)

☐ 0030

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

So the motion to adjourn was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 12 o'clock and 34 minutes a.m.) the House adjourned until today, Wednesday, October 1, 1997, at 10 a.m.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 459. An act to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes; to the Committee on Resources.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2203. An act making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes.

H.J. Res. 94. Joint resolution making continuing appropriations for the fiscal year 1998, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1211. An act to provide permanent authority for the administration of au pair programs.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.R. 1420. An act to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

H.J. Res. 94. Joint resolution making continuing appropriations for the fiscal year 1998, and for other purposes.

OMITTED FROM THE CONGRESSIONAL RECORD OF MONDAY, SEPTEMBER 22, 1997

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1198. An act to amend the Immigration and Nationality act to provide permanent authority for entry into the United States of certain religious workers; to the Committee on the Judiciary.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5258. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Reclassification; Nevada-Clark County Nonattainment Area; Carbon Monoxide [NV029–0003A FRL–5900–1] received September 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5259. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans (SIP); Louisiana; Control of Volatile Organic Compound (VOC) Emissions; Reasonable Available Control Technology (RACT) Catch-Ups; Major Source Definition Corrections [LA–8–1–7346; FRL–5899–4] received September 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5260. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band; Implementation of Sections 3(n) and 322 of the Communications Act—Regulatory Treatment of Mobile Services; Implementation of Section 309(j) of the Communications Act—Competitive Bidding [PR Docket No. 93–144, RM–8117, RM–8030, RM–8029; GN Docket No. 93–252; PP Docket No. 93–253; FCC 97–224] received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5261. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lake City, Minnesota) [MM Docket No. 97–133, RM–9086] received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5262. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Temple and Taylor, Texas) [MM Docket No. 96–219, RM–8881] received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5263. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Slidell and Kenner, Louisiana) [MM Docket No. 97–102, RM–8969] received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5264. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dickson and Kingston Springs, Tennessee) [MM Docket No. 96–265, RM–8913] received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5265. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band; Implementation of Sections 3(n) and 322 of the Communications Act—Regulatory Treatment of Mobile Services; Implementation of Section 309(j) of the Communications Act—Competitive Bidding [PR Docket No. 93–144, RM–8117, RM–8030; RM–8029; GN Docket No. 93–252; PP Docket No. 93–253; FCC 97–223] received September 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5266. A letter from the Acting Comptroller General, General Accounting Office, transmitting a monthly listing of new investigations, audits, and evaluations; to the Committee on Government Reform and Oversight.

5267. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New Jersey (National Oceanic and Atmospheric Administration) [Docket No. 961210346–7035–02; I.D. 092297B] received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5268. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna Angling Category [I.D. 091897A] received September 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5269. A letter from the Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule— Dean John A. Knauss Marine Policy Fellowship National Sea Grant College Federal Fellows Program [Docket No. 970624154–7154–01] (RIN: 0648–ZA30) received September 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5270. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Regulations; Editorial Corrections and Clarifications (Research and Special Programs Administration) [Docket No. RSPA–97–2910 (HM–189N)] (RIN: 2137–AD09) received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5271. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–213–AD; Amdt. 39–10144; AD 97–20–06] (RIN: 2120–AA64) received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5272. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300–600 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–170–AD; Amdt. 39–10145; AD 97–20–07] (RIN: 2120–AA64) received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5273. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CT58 Series Turboshaft Engines (Federal Aviation Administration) [Docket No. 97–ANE–15; Amdt. 39–10137; AD 97–19–17] (RIN: 2120–AA64) received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5274. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC–8–100, -200, and -300 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–63–AD; Amdt. 39–10147; AD 97–20–10] (RIN: 2120–AA64) received September 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5275. A letter from the Chair, Water Rights Task Force, transmitting the report of the Federal Water Rights Task Force, pursuant to Public Law 104—127, section 389(d)(3); jointly to the Committees on Agriculture and Resources.

5276. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 1999, pursuant to 45 U.S.C. 231f; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

5277. A letter from the Chairman, Railroad Retirement Board, transmitting the Chairman's comments regarding the budget level proposed by OMB for fiscal year 1999; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

5278. A letter from the Labor and Management Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 1999, pursuant to 45 U.S.C. 231f; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 1839. A bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles; with an amendment (Rept. 105–285, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. LIVINGSTON: Committee on Appropriations. Report on the revised subdivision of budget totals for fiscal year 1998 (Rept. 105–286). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on the Judiciary discharged from further consideration H.R. 1839. Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 10. Referral to the Committee on Commerce extended for a period ending not later than October 31, 1997.

H.R. 1839. Referral to the Committee on the Judiciary extended for a period ending not later than September 30, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas:

H.R. 2578. A bill to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of non-immigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General; to the Committee on the Judiciary.

By Mr. TALENT (for himself, Mr. DOOLEY of California, Mrs. EMERSON, Mr. BISHOP, Ms. PRYCE of Ohio, Mr. STENHOLM, Mrs. FOWLER, and Mr. GOODE):

H.R. 2579. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. FOWLER (for herself, Mr. COX of California, Mr. GIBBONS, Mr. GILMAN, Mr. HUNTER, Mr. HYDE, Mr. SAM JOHNSON, Mr. MCINTOSH, Mr. ROHRABACHER, Mr. ROYCE, Mr. SHADEGG, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. SPENCE, Mr. WOLF, and Ms. PELOSI):

H.R. 2580. A bill to ensure that commercial activities of the People's Liberation Army of China or any Communist Chinese military company in the United States are monitored and are subject to the authorities under the International Emergency Economic Powers Act; to the Committee on International Relations.

By Mr. CAMPBELL:

H.R. 2581. A bill to protect the privacy of individuals with respect to the Social Security number; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 2582. A bill to amend title 10 and title 14, United States Code, and the Merchant Marine Act, 1936, to increase the period of the service obligation for graduates of the military service academies, the Coast Guard Academy, and the United States Merchant Marine Academy; to the Committee on National Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUNNINGHAM:

H.R. 2583. A bill to amend the Tariff Act of 1930 with respect to the marking of finished golf clubs and golf club components; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. FROST, Mr. MCGOVERN, Mr. HINOJOSA, Mr. SCHUMER, Mr. BALDACCI, Mr. FRANK of Massachusetts, Mrs. THURMAN, Mr. MANTON, Mr. OLVER, and Mr. DELLUMS):

H.R. 2584. A bill to provide a Federal response to fraud in connection with the provision of or receipt of payment for health care services, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself and Mr. OBERSTAR):

H.R. 2585. A bill to provide that service of the members of the group known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of any law administered by the Department of Veterans Affairs; to the Committee on Veterans' Affairs, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINGE (for himself, Mr. CONDIT, Mr. NEUMANN, Mr. FROST, Mr. TANNER, and Mr. SANDLIN):

H.R. 2586. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend and clarify the pay-as-you-go requirements regarding the Social Security trust funds; to the Committee on the Budget.

By Mrs. MYRICK:

H.R. 2587. A bill to require the Secretary of the Treasury to cause to be conducted an independent audit of the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. REYES (for himself, Mr. HUNTER, Mr. BECERRA, Mr. FROST, Mr. HINOJOSA, Mr. GREEN, Mr. BONO, Mr. TORRES, Mr. PASTOR, Mr. BOSWELL, Mr. EDWARDS, and Mr. UNDERWOOD):

H.R. 2588. A bill to establish the Office of Enforcement and Border Affairs within the Department of Justice; to the Committee on the Judiciary.

By Ms. CHRISTIAN-GREEN (for herself, Mr. DELLUMS, Ms. KILPATRICK, Mr. FRANK of Massachusetts, Ms. DELAURO, Mr. FILNER, Mr. SNYDER, Mr. WATTS of Oklahoma, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, Mr. FROST, and Mr. DIXON):

H. Con. Res. 161. Concurrent resolution recognizing the 150th anniversary of the emancipation of African slaves in the Danish West Indies, now the United States Virgin Islands; to the Committee on the Judiciary.

By Mr. ROHRABACHER:

H. Con. Res. 162. Concurrent resolution relating to the recent developments toward normalization of relations between India and Pakistan; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mrs. MORELLA.

H.R. 59: Mr. KASICH and Mr. CHAMBLISS.

H.R. 135: Mr. CONDIT, Mr. VENTO,, Mr. ORTIZ, and Mr. SOLOMON.

H.R. 145: Mr. BENTSEN and Mr. DINGELL.

H.R. 211: Mr. THOMPSON.

H.R. 292: Mr. COBURN.

H.R. 450: Mr. NUSSLE.

H.R. 598: Mr. CANADY of Florida.

H.R. 600: Ms. CHRISTIAN-GREEN.

H.R. 705: Mr. STEARNS.

H.R. 715: Mr. JACKSON.

H.R. 716: Mr. CRAPO.

H.R. 754: Mrs. MCCARTHY of New York.

H.R. 795: Mr. GUTIERREZ.

H.R. 815: Mr. ENGEL, Mrs. LOWEY, Mr. PAYNE, and Mr. PORTMAN.

H.R. 875: Mr. GREENWOOD and Ms. CARSON.

H.R. 915: Mr. KUCINICH, Mr. REYES, Mr. HINCHEY, Mr. ABERCROMBIE, Mr. STARK, Mrs. LOWEY, Mr. HORN, Mr. KENNEDY of Massachusetts, Ms. SANCHEZ, Mr. BROWN of California, Mr. POMBO, Ms. DELAURO, Mr. VENTO, Ms. CARSON, Mr. DELAHUNT, Mr. LAMPSON, Mr. FARR of California, Mr. NEAL of Massachusetts, Mr. KIND of Wisconsin, Mr. SHERMAN, Mr. WOLF, and Mr. LOBIONDO.

H.R. 950: Ms. PELOSI.

H.R. 965: Mr. HOEKSTRA and Mr. NORWOOD.

H.R. 972: Mr. SALMON.

H.R. 1114: Mr. BOSWELL, Mr. BLUNT, and Mr. KASICH.

H.R. 1126: Mr. PALLONE.

H.R. 1129: Mr. BARCIA of Michigan.

H.R. 1161: Mr. BLAGOJEVICH.

H.R. 1227: Mr. DUNCAN.

H.R. 1231: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1356: Mr. CUNNINGHAM.

H.R. 1373: Mr. FATTAH.

H.R. 1500: Mr. SMITH of New Jersey and Mrs. MORELLA.

H.R. 1507: Mr. BACHUS and Mr. FATTAH.

H.R. 1608: Mrs. MCCARTHY of New York, Ms. MILLENDER-MCDONALD, Mr. LOBIONDO, Mrs. MINK of Hawaii, Mr. COOK, and Mrs. MYRICK.

H.R. 1689: Mr. LINDER.

H.R. 1715: Mr. PETERSON of Pennsylvania.

H.R. 1727: Mr. RUSH.

H.R. 1737: Mr. TOWNS, Mrs. KENNELLY of Connecticut, Mr. NADLER, and Mrs. TAUSCHER.

H.R. 1766: Mr. CAMP, Mr. COOK, Mr. CONDIT, Mr. BOEHLERT, Mr. ABERCROMBIE, Mr. TIAHRT, Mr. BILIRAKIS, and Ms. WOOLSEY.

H.R. 1839: Mr. BARRETT of Wisconsin, Mr. ADERHOLT, Mr. CUNNINGHAM, Mr. SKELTON, Mr. MASCARA, MS. KILPATRICK, Mr. MICA, and Mr. BALDACCI.

H.R. 1864: Mr. SALMON.

H.R. 1984: Mr. HILLEARY, Mr. PORTER, and Mr. GALLEGLY.

H.R. 2004: Mr. BISHOP.

H.R. 2023: Mr. GUTIERREZ.

H.R. 2069: Mr. BROWN of Ohio.

H.R. 2110: Mr. DEFAZIO.

H.R. 2116: Mr. SMITH of New Jersey, Mr. FRELINGHUYSEN, and Mr. BISHOP.

H.R. 2121: Mr. LEWIS of Georgia.

H.R. 2122: Mr. ADERHOLT.

H.R. 2140: Mr. FORD.

H.R. 2167: Mr. BOUCHER.

H.R. 2174: Mr. FAZIO of California, Mr. RUSH, Ms. NORTON, Mr. MATSUI, Mr. HINCHEY, Mr. MCDERMOTT, Mr. SCHUMER, Ms. DELAURO, and Mrs. MEEK of Florida.

H.R. 2183: Mr. DUNCAN.

H.R. 2190: Mr. HYDE.

H.R. 2195: Mr. HYDE, TRAFICANT, and Mr. WATTS of Oklahoma.

H.R. 2223: Mr. GRAHAM.

H.R. 2224: Mr. ENGLISH of Pennsylvania, Ms. CARSON, Mr. HASTINGS OF Florida, and Mr. FROST.

H.R. 2231: Ms. DUNN of Washington, Mr. SESSIONS, and Mr. CAMP.

H.R. 2292: Mr. CONDIT, MR. CRANE, Mr. THOMAS, Mr. PETERSON of Minnesota, Mr. SHAW, Mr. HOLDEN, Mr. BUNNING of Kentucky, Mr. HOUGHTON, Mr. DOOLEY of California, Mr. HERGER, Mr. MCCRERY, Mr. CAMP, Mr. RAMSTAD, Mr. NUSSLE, Mr. SAM JOHNSON, Ms. DUNN of Washington, Mr. COLLINS, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. CHRISTENSEN, Mr. WATKINS, Mr. HAYWORTH, Mr. WELLER, Mr. HULSHOF, Mr. ARMEY, Mr. STRICKLAND, Mr. KASICH, Mr. KOLBE, Mr. BOEHNER, Mr. CHABOT, Mr. PARKER, Mr. LAZIO of New York, Mr. PICKERING, Mr. GOSS, Mr. WATTS of Oklahoma, Mrs. KELLY, Mr. GILLMOR, Mr. REGULA, Mr. PETRI, Ms. PRYCE of Ohio, Mr. DREIER, Mr. HOBSON, Mr. HASTERT, Mr. CRAPO, Mr. HOSTETTLER, Mr. NETHERCUTT, Mr. EVERETT, Mr. BARCIA of Michigan, Mr. FRANKS of New Jersey, Mrs. CUBIN, Mr. HASTINGS of Washington, Mr. FOX of Pennsylvania, Mr. SUNUNU, MR. NEY, Mr. LATOURETTE, Ms. ESHOO, Mr. DUNCAN, Mr. EWING, Mr. SENSENBRENNER, Mr. SHIMKUS, Mr. BONO, Mr. FROST, and Mr. STEARNS.

H.R. 2379: Mr. BURR of North Carolina, Mr. HEFNER, Mrs. MYRICK, and Mr. ETHERIDGE.

H.R. 2441: Mr. BARRETT of Wisconsin.

H.R. 2450: Mr. WOLF, Mr. STARK, Mrs. CLAYTON, Mr. FILNER, and Mr. PASTOR.

H.R. 2454: Mr. FOX of Pennsylvania, Mr. BOUCHER, and Mr. SANDERS.

H.R. 2456: Mr. HEFLEY, Ms. ROS-LEHTINEN, Mr. BILIRAKIS, and Mr. BARRETT of Nebraska.

H.R. 2457: Mr. FOX of Pennsylvania, Mr. FATTAH, Mr. COSTELLO, Mr. BOUCHER, and Mr. SANDERS.

H.R. 2458: Mr. RADANOVICH.

H.R. 2464: Mr. MCDERMOTT, Mr. YOUNG of Alaska, and Mr. BALDACCI.

H.R. 2469: Mr. HASTERT, Mr. SAWYER, and Mr. CANNON.

H.R. 2479: Mr. GIBBONS.

H.R. 2493: Mr. GALLEGLY.

H.R. 2495: Mr. DOOLEY of California, Mr. GEJDENSON, and Ms. KAPTUR.

H.R. 2509: Mr. EVANS and Mr. MANZULLO.

H.R. 2518: Mr. DEAL of Georgia, Mr. SKEEN, and Mr. GRAHAM.

H.R. 2519: Mr. BROWN of Ohio and Mr. LEWIS of Georgia.

H.R. 2524: Mr. LEWIS of Georgia, Mr. SABO, Mr. TIERNEY, Mr. GEJDENSON, and Mr. SKAGGS.

H.R. 2525: Mr. MCDERMOTT, Ms. MCKINNEY, Mr. FILNER, Mr. JACKSON, Mr. FROST, Mr. DELLUMS, Mr. YATES, Mr. FRANK of Massachusetts, Ms. FURSE, Mr. ACKERMAN, Mr. BERMAN, Mr. STARK, Mrs. MINK of Hawaii, Mr. WAXMAN, Mr. MILLER of California, and Mr. BROWN of California.

H.R. 2554: Mrs. JOHNSON of Connecticut.

H.R. 2560: Mr. DICKEY, Mr. BERMAN, Mr. HILLIARD, Mr. NADLER, Mr. ADAM SMITH of Washington, Mr. MEEHAN, Mr. TOWNS, Ms. LOFGREN, Mr. HUTCHINSON, Mr. REYES, Mr. FROST, Ms. KILPATRICK, Mr. DEFAZIO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Massachusetts, Mr. ENGEL, Mr. CUMMINGS, Mr. MATSUI, Mr. CONYERS, Mr. CLAY, Ms. DELAURO, Mr. DELLUMS, Ms. CHRISTIAN-GREEN, Mr. BARCIA of Michigan, Mr. CLYBURN, Mr. WYNN, Ms. WOOLSEY, Mr. JACKSON, Mr. RUSH, Mrs. MINK of Hawaii, Mr. DIXON, and Mr. WATTS of Oklahoma.

H.R. 2563: Mr. HULSHOF.

H.R. 2568: Mr. POSHARD and Mr. UPTON.

H. Con. Res. 55: Mr. MORAN of Virginia.

H. Con. Res. 65: Mr. SHAW.

H. Con. Res. 80: Mr. CAPPS.

H. Con. Res. 106: Mrs. MEEK of Florida, Mr. YATES, Ms. DELAURO, Mr. DEFAZIO, Mrs. MALONEY of New York, and Mrs. JOHNSON of Connecticut.

H. Con. Res. 151: Mr. THOMAS.

H. Con. Res. 158: Mr. BALLENGER.

H. Res. 247: Mr. LEWIS of Georgia and Mr. SNYDER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1171: Mr. MASCARA.