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# House of Representatives

## MUSEUM AND LIBRARY SERVICES TECHNICAL AND CONFORMING AMENDMENTS OF 1997

Mr. CASTLE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1505) to make technical and conforming amendments to the Museum and Library Services Act, and for other purposes.

The Clerk read as follows:

S. 1505

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Museum and Library Services Technical and Conforming Amendments of 1997''.

**SEC. 2. APPOINTMENT OF EMPLOYEES.**

Section 206 of the Museum and Library Services Act (20 U.S.C. 9105 et seq.) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) APPOINTMENT AND COMPENSATION OF TECHNICAL AND PROFESSIONAL EMPLOYEES.—

''(1) IN GENERAL.—Subject to paragraph (2), the Director may appoint without regard to the provisions of title 5, United States Code, governing the appointment in the competitive service and may compensate without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title (relating to the classification and General Schedule pay rates), such technical and professional employees as the Director determines to be necessary to carry out the duties of the Institute.

''(2) NUMBER AND COMPENSATION.—The number of employees appointed and compensated under paragraph (1) shall not exceed ⅕ of the number of full-time regular or professional employees of the Institute. The rate of basic compensation for the employees appointed and compensated under paragraph (1) may not exceed the rate prescribed for level GS–15 of the General Schedule under section 5332 of title 5.''.

**SEC. 3. SPECIAL LIBRARIES.**

Section 213(2)(E) of the Museum and Library Services Act (20 U.S.C. 9122(2)(E)) is amended—

(1) by inserting ''or other special library'' after ''a private library''; and

(2) by inserting ''or special'' after ''such private''.

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JOHN WARNER, *Chairman.*

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**SEC. 4. RESERVATIONS.**

Section 221(a)(1) of the Museum and Library Services Act (20 U.S.C. 9131(a)(1)) is amended—

(1) in subparagraph (A), by striking ''1½ percent'' and inserting ''1.75 percent''; and

(2) in subparagraph (B), by striking ''4 percent'' and inserting ''3.75 percent''.

**SEC. 5. MAINTENANCE OF EFFORT.**

The second sentence of section 223(c)(1)(A)(i) of the Museum and Library Services Act (20 U.S.C. 9133(c)(1)(A)(i)) is amended to read as follows: ''The amount of the reduction in the allotment for any fiscal year shall be equal to the allotment multiplied by a fraction—

''(I) the numerator of which is the result obtained by subtracting the level of such State expenditures for the fiscal year for which the determination is made, from the average of the total level of such State expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made; and

''(II) the denominator of which is the average of the total level of such State expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made.''.

**SEC. 6. SERVICE TO INDIAN TRIBES.**

Section 261 of the Museum and Library Services Act (20 U.S.C. 9161) is amended—

(1) in the section heading, by striking ''**INDIAN TRIBES**'' and inserting ''**NATIVE AMERICANS**''; and

(2) by striking ''to organizations'' and all that follows through ''such organizations'' and inserting ''to Indian tribes and to organizations that primarily serve and represent Native Hawaiians (as the term is defined in section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912) to enable such tribes and organizations''.

**SEC. 7. NATIONAL LEADERSHIP GRANTS OR CONTRACTS.**

Section 262 of the Museum and Library Services Act (20 U.S.C. 9162) is amended—

(1) in the section heading, by striking ''**NATIONAL LEADERSHIP GRANTS OR CONTRACTS**'' and inserting ''**NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS**'';

(2) in subsection (a)—

(A) by striking ''program awarding national leadership grants or contracts'' and inserting ''program of awarding grants or entering into contracts or cooperative agreements''; and

(B) by striking ''Such grants or contracts'' and inserting ''Such grants, contracts, and cooperative agreements'';

(3) in subsection (b)—

(A) in the section heading, by striking ''(b) GRANTS OR CONTRACTS'' and inserting ''(b) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS;'' and

(B) in paragraph (1), by inserting ''or cooperative agreements,'' after ''contracts''; and

(C) in paragraph (2), by striking ''Grants and contracts'' and inserting ''Grants, contracts, and cooperative agreements''.

**SEC. 8. CORRECTION OF TYPOGRAPHICAL ERROR.**

Section 262(a)(3) of the Museum and Library Services Act (20 U.S.C. 9162(a)(3)) is amended by striking ''preservation of digitization'' and inserting ''preserving or digitization''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

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

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

Madam Speaker, I rise in support of S. 1505, the Museum and Library Services Technical and Conforming Amendments of 1997, and ask for their approval.

The legislation before us today will make technical and conforming amendments to the Museum and Library Services Act in order to improve the ability of the Institute of Museum and Library Services to foster and expand our Nation's access to high quality museums and libraries. Specifically, S. 1505 will give the director of the IMLS the authority to waive certain civil service hiring and pay provisions to allow the institute more flexibility in hiring museum and library professionals to oversee the programs administered by the institute.

The director needs this authority now in order to hire qualified deputy directors for the institute. However, this authority is not open-ended. This legislation specifically limits the director's ability to waive these hiring and pay provisions for not more than 20 percent of the institute's employees. In addition, the legislation as drafted limits the pay of these individuals to not more than the equivalent of a GS–15, currently $75,935 to $98,714.

In addition, this legislation will allow special libraries to receive funding under the act if the State in which they are located deems them eligible. Special libraries are those owned by institutions such as hospitals or private corporations. It was never the intent of the authorizing legislation to exclude these libraries as eligible institutions, and this legislation simply clarifies that understanding.

These amendments will also provide for a modest increase of one-quarter of 1 percent of funds appropriated to serve native Americans, clarify that individual Indian tribes may receive library funds provided under the act, and clarify that organizations providing services to native Hawaiians qualify for funding as native Americans. To ensure that State library agencies do not receive any reduction in funding, the one-quarter of 1 percent increase in funding for native Americans is offset by a corresponding reduction in the amount available to the institute for national leadership grants.

Finally, this legislation will clarify the State maintenance of effort provisions contained in the Museum and Library Services Act so that State reductions and library funding result in proportional reductions in Federal library funds to the State. This change is in keeping with the original agreements made when the act was negotiated, and it is needed because some are interpreting the current maintenance of effort provisions as requiring a dollar-for-dollar reduction rather than a straight proportional reduction.

Madam Speaker, the Museum and Library Services Technical and Conforming Amendments of 1997 are needed now in order to improve the ability of the Institute of Museum and Library Services to foster quality museum and library programs for all Americans. This legislation is budget-neutral. It has already been passed in identical form in the other body. I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

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

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

Madam Speaker, I join my colleagues in urging adoption of this legislation. In the last Congress we enacted landmark legislation that created the Institute of Museum and Library Services. That legislation consolidated the museum programs under the old Institute of Museum Services and the library programs within the Department of Education into an expanded independent agency.

The legislation before us is a series of technical amendments that officials at the institute believe important in order to clarify the provisions of the new law and to provide even more effective administration of our Federal museum and library services.

Madam Speaker, we are fortunate indeed to have Ms. Diane Frankel as the director of our Institute of Museum and Library Services. She is an exceptionally strong and talented leader, and enactment of these amendments will most certainly enable her and her able staff to build upon the superb record they have compiled at this small but very important agency.

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

Mr. CASTLE. Madam Speaker, before I yield back, I would just like to make a couple of comments, and I yield myself such time as I may consume.

First, I would like to thank and congratulate the gentleman from Michigan [Mr. KILDEE], who has been a wonderful individual to work with on the Committee on Education and the Workforce. He is knowledgeable, he is reasonable, which we are not always here, and he is a positive force for education in this country, and that is so vitally needed in this Congress, and we do thank him for all he has done.

I also thank all of the staff people. This is a committee which does not get a lot of recognition, but in my judgment has as good staffing as any committee in the entire Congress. They work extraordinarily hard on both sides of the aisle to put together what I think is legislation in the best interests of the young people of our country, and for that we should be thankful. They are the ones who helped put together this legislation, which is technical but which is needed, and for that reason we hope that all will support it.

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

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the Senate bill, S. 1505.

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

A motion to reconsider was laid on the table.

## HISPANIC CULTURAL CENTER ACT OF 1997

Mr. PETRI. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1417) to provide for the design, construction, furnishing, and equipping of a center for performing arts within the complex known as the New Mexico Hispanic Cultural Center and for other purposes.

The Clerk read as follows:

S. 1417

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Hispanic Cultural Center Act of 1997''.

**SEC. 2. CONSTRUCTION OF A CENTER FOR PERFORMING ARTS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has an enriched legacy of Hispanic influence in politics, government, economic development, and cultural expression.

(2) The Hispanic culture in what is now the United States can be traced to 1528 when a Spanish expedition from Cuba to Florida was shipwrecked on the Texas coast.

(3) The Hispanic culture in New Mexico can be traced to 1539 when a Spanish Franciscan Friar, Marcos de Niza, and his guide, Estevanico, traveled into present day New Mexico in search of the fabled city of Cibola and made contact with the people of Zuni.

(4) The Hispanic influence in New Mexico is particularly dominant and a part of daily living for all the citizens of New Mexico, who are a diverse composite of racial, ethnic, and cultural peoples. Don Juan de Onate and the first New Mexican families established the first capital in the United States, San Juan de los Caballeros, in July of 1598.

(5) Based on the 1990 census, there are approximately 650,000 Hispanics in New Mexico, the majority having roots reaching back ten or more generations.

(6) There are an additional 200,000 Hispanics living outside of New Mexico with roots in New Mexico.

(7) The New Mexico Hispanic Cultural Center is a living tribute to the Hispanic experience and will provide all citizens of New Mexico, the Southwestern United States, the entire United States, and around the world, an opportunity to learn about, partake in, and enjoy the unique Hispanic culture, and the New Mexico Hispanic Cultural Center will assure that this 400-year old culture is preserved.

(8) The New Mexico Hispanic Cultural Center will teach, showcase, and share all facets of Hispanic culture, including literature, performing arts, visual arts, culinary arts, and language arts.

(9) The New Mexico Hispanic Cultural Center will promote a better cross-cultural understanding of the Hispanic culture and the contributions of individuals to the society in which we all live.

(10) In 1993, the legislature and Governor of New Mexico created the Hispanic Cultural Division as a division within the Office of Cultural Affairs. One of the principal responsibilities of the Hispanic Cultural Division is to oversee the planning, construction, and operation of the New Mexico Hispanic Cultural Center.

(11) The mission of the New Mexico Hispanic Cultural Center is to create a greater appreciation and understanding of Hispanic culture.

(12) The New Mexico Hispanic Cultural Center will serve as a local, regional, national, and international site for the study and advancement of Hispanic culture, expressing both the rich history and the forward-looking aspirations of Hispanics throughout the world.

(13) The New Mexico Hispanic Cultural Center will be a Hispanic arts and humanities showcase to display the works of national and international artists, and to provide a venue for educators, scholars, artists, children, elders, and the general public.

(14) The New Mexico Hispanic Cultural Center will provide a venue for presenting the historic and contemporary representations and achievements of the Hispanic culture.

(15) The New Mexico Hispanic Cultural Center will sponsor arts and humanities programs, including programs related to visual arts of all forms (including drama, dance, and traditional and contemporary music), research, literary arts, genealogy, oral history, publications, and special events such as, fiestas, culinary arts demonstrations, film video productions, storytelling presentations and education programs.

(16) Phase I of the New Mexico Hispanic Cultural Center complex is scheduled to be completed by August of 1998 and is planned to consist of an art gallery with exhibition space and a museum, administrative offices, a restaurant, a ballroom, a gift shop, an amphitheater, a research and literary arts center, and other components.

(17) Phase II of the New Mexico Hispanic Cultural Center complex is planned to include a performing arts center (containing a 700-seat theater, a stage house, and a 300-seat film/video theater), a 150-seat black box theater, an art studio building, a culinary arts building, and a research and literary arts building.

(18) It is appropriate for the Federal Government to share in the cost of constructing the New Mexico Hispanic Cultural Center because Congress recognizes that the New Mexico Hispanic Cultural Center has the potential to be a premier facility for performing arts and a national repository for Hispanic arts and culture.

(b) DEFINITIONS.—In this section:

(1) CENTER.—The term ''Center'' means the Center for Performing Arts, within the complex known as the New Mexico Hispanic Cultural Center, which Center for the Performing Arts is a central facility in Phase II of the New Mexico Hispanic Cultural Center complex.

(2) HISPANIC CULTURAL DIVISION.—The term ''Hispanic Cultural Division'' means the Hispanic Cultural Division of the Office of Cultural Affairs of the State of New Mexico.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(c) CONSTRUCTION OF CENTER.—The Secretary shall award a grant to New Mexico to pay for the Federal share of the costs of the design, construction, furnishing, and equipping of the Center for Performing Arts that will be located at a site to be determined by the Hispanic Cultural Division, within the complex known as the New Mexico Hispanic Cultural Center.

(d) GRANT REQUIREMENTS.—

(1) IN GENERAL.—In order to receive a grant awarded under subsection (c), New Mexico, acting through the Director of the Hispanic Cultural Division—

(A) shall submit to the Secretary, within 30 days of the date of enactment of this section, a copy of the New Mexico Hispanic Cultural Center Program document dated January 1996; and

(B) shall exercise due diligence to expeditiously execute, in a period not to exceed 90 days after the date of enactment of this section, the memorandum of understanding under paragraph (2) recognizing that time is of the essence for the construction of the Center because 1998 marks the 400th anniversary of the first permanent Spanish settlement in New Mexico.

(2) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding described in paragraph (1) shall provide—

(A) the date of completion of the construction of the Center;

(B) that Antoine Predock, an internationally recognized architect, shall be the supervising architect for the construction of the Center or any other architect subsequently named by the State;

(C) that the Director of the Hispanic Cultural Division shall award the contract for architectural engineering and design services in accordance with the New Mexico Procurement Code; and

(D) that the contract for the construction of the Center—

(i) shall be awarded pursuant to a competitive bidding process; and

(ii) shall be awarded not later than 3 months after the solicitation for bids for the construction of the Center.

(3) FEDERAL SHARE.—The Federal share of the costs described in subsection (c) shall be 50 percent.

(4) NON-FEDERAL SHARE.—The non-Federal share of the costs described in subsection (c) shall be in cash or in kind fairly evaluated, including plant, equipment, or services. The non-Federal share shall include any contribution received by New Mexico for the design, construction, furnishing, or equipping of Phase I or Phase II of the New Mexico Hispanic Cultural Center complex prior to the date of enactment of this section. The non-Federal share of the costs described in subsection (c) shall include the following:

(A) $16,410,000 that was appropriated by the New Mexico legislature since January 1, 1993, for the planning, property acquisition, design, construction, furnishing, and equipping of the New Mexico Hispanic Cultural Center complex.

(B) $116,000 that was appropriated by the New Mexico legislature for fiscal year 1995 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(C) $226,000 that was appropriated by the New Mexico legislature for fiscal year 1996 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(D) $442,000 that was appropriated by the New Mexico legislature for fiscal year 1997 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(E) $551,000 that was appropriated by the New Mexico legislature for fiscal year 1998 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(F) A 10.9-acre lot with a historic 22,000 square foot building donated by the Mayor and City Council of Albuquerque, New Mexico, to New Mexico for the New Mexico Hispanic Cultural Center.

(G) 12 acres of ''Bosque'' land adjacent to the New Mexico Hispanic Cultural Center

complex for use by the New Mexico Hispanic Cultural Center.

(H) The $30,000 donation by the Sandia National Laboratories and Lockheed Martin Corporation to support the New Mexico Hispanic Cultural Center and the program activities of the New Mexico Hispanic Cultural Center.

(e) USE OF FUNDS FOR DESIGN, CONSTRUCTION, FURNISHING, AND EQUIPMENT.—The funds received under a grant awarded under subsection (c) shall be used only for the design, construction, management, inspection, furnishing, and equipment of the Center.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section a total of $17,800,000 for fiscal year 1998 and succeeding fiscal years. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. PETRI] and the gentleman from California [Mr. MARTINEZ] each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. PETRI].

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

Madam Speaker, today I rise in support of S. 1417, the Hispanic Cultural Center Act of 1997. This bill provides for the design, construction and equipping of a Center for Performing Arts with the complex of the New Mexico Hispanic Cultural Center.

Already, $5.5 million has been appropriated for the center. These funds are subject to authorization, which can be provided through the passage of the bill that is before us.

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

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

Mr. REDMOND. Madam Speaker, I thank the gentleman from Wisconsin [Mr. PETRI] for yielding me time to speak in support of Senate bill 1417, the Hispanic Cultural Center Act.

Madam Speaker, 1998 will mark the 400th anniversary of the establishment of the Hispanic community in New Mexico. The anniversary represents a perfect time to pay tribute to the Spanish people of New Mexico, the Southwest, and the United States.

The State of New Mexico has invested over $17.7 million toward the establishment of phase 1 of the New Mexico Hispanic Cultural Center. In addition, the city of Albuquerque has donated 10.9 acres and a historic 22,000-square-foot building. Twelve acres of bosque land near the Rio Grande have also been donated by the Middle Grande Conservancy District. Private contributors are also helping to meet the Hispanic Cultural Center goals.

This bill authorizes funding to match the New Mexico contribution. This authorization is to build a critical Hispanic performing arts center at an estimated cost of $17.8 million.

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This multifaceted Hispanic Cultural Center is designed to showcase, share, archive, preserve, and enhance the rich Hispanic culture for local, regional, and national audiences. The Hispanic Cultural Center will be an Hispanic arts and humanities showcase to display the works of national and international artists and to provide for a venue of educators, scholars, artists, children, elders, and the general public.

Once built, the Hispanic Cultural Center will employ over 100 people. A whole new industry of preserving, showcasing, and enhancing the pride in Hispanic cultural roots is vital for New Mexico and for Hispanic culture.

I would like to note that New Mexico is indebted to the gentleman from New Mexico [Mr. STEVE SCHIFF], my colleague from the First District. I believe that authorizing the Federal funding for the Hispanic Performing Arts Center will be a significant step towards building a national treasure in its critical, formative stages.

I urge my colleagues to support the funding for the Hispanic Performing Arts Center in Albuquerque, NM, in honor of the 40th anniversary of Spanish culture, and in hopes of seeing the preservation and enhancement of this culture flourish to its 50th year, I urge my colleagues to pass the Senate bill, S. 1417.

Mr. MARTINEZ. Madam Speaker, I rise in support of S. 1417, an act to authorize funding for the Hispanic Performing Arts Center in Albuquerque, New Mexico. This appropriation, as the gentleman who just spoke has said, will match the $17.8 million the State of New Mexico has appropriated for the project.

The construction of the center is being undertaken in preparation for the 40th anniversary of Spanish presence in New Mexico. The Hispanic Cultural Center, of which the Performing Arts Center is part, is designed to showcase, share, archive, preserve, and enhance the rich Hispanic culture for local, regional, and national audiences.

I understand this measure has bipartisan support, both here and in the Senate. I urge support for this important cultural initiative.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. PETRI] that the House suspend the rules and pass the Senate bill, S. 1417.

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

A motion to reconsider was laid on the table.

## AMENDING FEDERAL CHARTER FOR GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC.

Mr. DAVIS of Virginia. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3025) to amend the Federal charter for Group Hospitalization and Medical Services, Inc., and for other purposes.

The Clerk read as follows:

H.R. 3025

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

**SECTION 1. CHARTER FOR GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC.**

The Act entitled ''An Act providing for the incorporation of certain persons as Group Hospitalization and Medical Services, Inc.'', approved August 11, 1939 (53 Stat. 1412), is amended—

(1) by inserting after section 9 the following new section:

''SEC. 10. The corporation may have 1 class of members, consisting of at least 1 member and not more than 30 members, as determined appropriate by the board of trustees. The bylaws for the corporation shall prescribe the designation of such class as well as the rights, privileges and qualifications of such class, which may include, but shall not be limited to—

''(1) the manner of election, appointment or removal of a member of the corporation;

''(2) matters on which a member of the corporation has the right to vote; and

''(3) meeting, notice, quorum, voting and proxy requirements and procedures.

If a member of the corporation is a corporation, such member shall be a nonprofit corporation.'';

(2) by redesignating section 10 as section 11; and

(3) by adding at the end of section 11 (as so redesignated) the following: ''The corporation may not be dissolved without approval by Congress.''.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the rule, the gentleman from Virginia, Mr. DAVIS and the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, will each control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Madam Speaker, this bill amends the Federal Charter of GHSMI, the Blue Cross/Blue Shield Plan of the National Capital Area. This bill is necessary in order to enable a letter of intent between the parties to combine to be subject to regulatory approval in Maryland and the District of Columbia.

GHMSI will continue to be subject to the District's Nonprofit Corporation Act and is under the jurisdiction of the insurance superintendent. GHMSI will continue to be bound by its existing certificates of authority and licenses and will continue to be bound by applicable laws and regulations.

H.R. 497, which passed this House in February, would have repealed the Federal charter. This bill reflects concerns which were subsequently raised. All other Blue Cross plans in the country are State-chartered corporations operating under State regulatory oversight. Due to a 1939 pre-Home Rule statute,

GHMSI alone needs congressional approval to change its corporate structure.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

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

Ms. NORTON. Madam Speaker, I rise in support of H.R. 3025, a bill which simply adds a new section to the Federal charter of Group Hospitalization and Medical Services, Inc., the organization licensed to operate as Blue Cross and Blue Shield of the National Capital Area, to permit it to enter into a business combination with Blue Cross and Blue Shield of Maryland.

This new arrangement is designed to improve both companies' service delivery and to reduce their operating costs. By combining operations, the two hospital plans will be able to offer their enrollees a larger provider network offering greater portability and broader product options. In addition, economies of scale should lead to more affordable premiums.

Should the combination go forward, a new nonprofit holding company would be established, and the two Blue Cross plans would become its subsidiaries. H.R. 3025 would give D.C. Blue the requisite legal and corporate authority to have one class of members whose rights and privileges would be set out in the plan's bylaws. Only one member will be authorized, which would be the holding company.

I wish to emphasize that H.R. 3025 does not create or mandate the plans' combination. That arrangement would first have to be approved by the District of Columbia and Maryland insurance commissioners before taking effect.

Madam Speaker, I can support H.R. 3025 because of ironclad safeguards. No conversion of tax-exempt assets will be allowed under the language of this bill. As I speak, the District and Maryland both have been holding hearings on this affiliation. There have been 4 days of hearings by the D.C. insurance commissioner.

There are three safeguards that are most important to my support.

One, for a substantial change to occur, there must be an 80 percent vote. This assures that the District of Columbia will not be overwhelmed by the larger Maryland company. This House is aware that in the District we are jealous in guarding our jurisdictional rights. The 80 percent vote is very appropriate in that regard.

Secondly, no conversion can take place without review and approval by the respective insurance commissioners. They, of course, would have every reason not to want to see the tax-exempt assets squandered, and therefore to guard against that on their own accord.

Third and perhaps most important, any conversion could have to come before this body before it could be approved.

Madam Speaker, I support this bill with these safeguards, because I want this corporation to live. I am not sure that it will do so without this combination. As recently as 1993, Blue Cross of Washington was almost out of business. The competitive landscape does not make it easy for a health care provider to remain in business.

What Blue Cross/Blue Shield is up against in this jurisdiction, for example, are combinations between Humana and Kaiser, Aetna's acquisition of U.S. Health, and to name just one more, United Health Care has bought Chesapeake Health Plan. In the face of these combinations, there is every reason for Blue Cross, which has had very severe problems, to want to consolidate to get efficiencies of scale, such as one computer center, as it begins to rebuild its computer operation, for example.

Ironically, the best shot at keeping this a nonprofit company is to allow this combination. That is why I can support it. The D.C. ''Blue'' can make no change in its nature, purpose, or structure without the Congress taking further action on its charter, and, again, I emphasize that.

I want to say how much I appreciate the concern of other Members who have had experiences with such combinations that have not been at all productive. Their experience and their advice have been instructive and helpful.

Congressional action on this legislation must be taken before adjournment for the year, because the agreement between the plans to pursue the combination expires at the end of next month.

Madam Speaker, I strongly support H.R. 3025 because I believe that the proposed combination between the District and Maryland Blue Cross plans will benefit the people I represent. I am pleased to point out that the bill also enjoys the support of other Members in this region whose constituents will be benefited as well. All of us are confident that our local regulators will ensure that the public interest is well protected, should they approve this combination. I ask that Members give H.R. 3025 their support.

Madam Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Madam Speaker, let me thank my friend, the gentlewoman from the District of Columbia, for yielding me this time, and join the gentlewoman from the District of Columbia [Ms. NORTON] and the gentleman from Virginia [Mr. DAVIS] in support of H.R. 3025. I think it is important to point out that this bill will not repeal the Federal charter for the D.C. Blue Cross/Blue Shield plan. It amends the charter. It makes it possible for the merger to take place. It does not mandate anything to occur.

The bill makes it clear that the benevolent and charitable status of the D.C. Blue Cross plan remains in place. As the gentlewoman from the District of Columbia [Ms. NORTON] has pointed out, by passing this bill, we ensure that the D.C. Blue Cross plan will remain a benevolent and charitable organization.

The bill allows the local regulators, and that is where the venue should be, to debate the issues of the merger. As to whether it should take place and what conditions it should be ordered to comply with, it is the local regulators who should make that judgment, not the Congress of the United States.

This bill makes it clear that the merger can move forward, but it is subject to the normal regulatory process. I think H.R. 3025 is the appropriate action for us to take. I applaud my colleagues for bringing it to the floor. I hope we can act on it today so it can be enacted before Congress adjourns for the year.

Mr. CUMMINGS. Mr. Speaker, the proposal that we are considering today will help bring improved services and benefits to the many Blue Cross/Blue Shield subscribers in my district in Baltimore and to many of the constituents of representatives from suburban Maryland, Northern Virginia, and Washington, D.C.

I commend the gentleman from Virginia and the gentle lady from the District of Columbia for their leadership in this area.

A merger between the National Capital Area Blue Cross/Blue Shield and Maryland Blue Cross/Blue Shield will create a 3 billion-a-year nonprofit company—providing health care coverage to 25 percent of the 8 million residents of Maryland, the District, and the Northern Virginia suburbs and employ 5,000 people.

Just as importantly, my constituents in Baltimore that are enrolled in the Blue Cross/Blue Shield plan will receive tangible results from the merger. It will increase competition, which will result in better service, more options and access to a larger number of doctors, hospitals and pharmacies at a lower cost for its customers.

The passage of this bill is essential to giving my constituents in Baltimore, and the constituents of the members of Maryland, Virginia, and Washington, D.C. the type of comprehensive, quality health care they deserve.

I am glad to know that we in Congress are doing all that we can to give health care providers greater flexibility to meet our constituents health care needs.

Again, I congratulate the gentleman from Virginia [Mr. DAVIS] for introducing this meaningful legislation and for working with the minority in such a bipartisan fashion.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. DAVIS] that the House suspend the rules and pass the bill, H.R. 3025.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the matter just considered.

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

There was no objection.

## EXPRESSING SENSE OF HOUSE CONCERNING NEED FOR INTERNATIONAL CRIMINAL TRIBUNAL TO TRY MEMBERS OF IRAQI REGIME

Mr. GILMAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 137) expressing the sense of the House of Representatives concerning the urgent need for an international criminal tribunal to try members of the Iraqi regime for crimes against humanity.

The Clerk read as follows:

H. CON. RES. 137

Whereas the regime of Saddam Hussein has perpetrated a litany of human rights abuses against the citizens of Iraq and other peoples of the region, including summary and arbitrary executions, torture, cruel and inhumane treatment, arbitrary arrest and imprisonment, disappearances and the repression of freedom of speech, thought, expression, assembly and association;

Whereas Saddam Hussein and his associates have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, the Anfal campaigns of 1987–1988 that resulted in the disappearance of more than 182,000 persons and the destruction of more than 4,000 villages, the placement of more than ten million landmines in Iraqi Kurdistan, and the continued ethnic cleansing of the city of Kirkuk;

Whereas the Iraqi Government, under Saddam Hussein's leadership, has repressed the Sunni tribes in western Iraq, destroyed Assyro-Chaldean churches and villages, deported and executed Turkomen, massacred Shi-ites, and destroyed the ancient Marsh Arab civilization through a massive act of ecocide;

Whereas the status of more than six hundred Kuwaitis who were taken prisoner during the Gulf War remain unknown and the whereabouts of these persons are unaccounted for by the Iraqi Government, Kuwait continues to be plagued by unexploded landmines six years after the end of the Gulf War, and the destruction of Kuwait by departing Iraqi troops has yet to be redressed by the Iraqi Government;

Whereas the Republic of Iraq is a signatory to the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other human rights instruments, and the Geneva Convention on the Treatment of Prisoners of War of August 12, 1949, and is obligated to comply with these international agreements;

Whereas Saddam Hussein and his regime have created an environment of terror and fear within Iraq and throughout the region through a concerted policy of violations of international customary and conventional law; and

Whereas the Congress is deeply disturbed by the continuing gross violations of human rights by the Iraqi Government under the direction and control of Saddam Hussein: Now, therefore, be it

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

(1) the Congress—

(A) deplores the Iraqi Government's pattern of gross violation of human rights which has resulted in a pervasive system of repression, sustained by the widespread use of terror and intimidation;

(B) condemns the Iraqi Government's repeated use of force and weapons of mass destruction against its own citizens, as well as neighboring states;

(C) denounces the refusal of the Iraqi Government to comply with international human rights instruments to which it is a party and cooperate with international monitoring bodies and compliance mechanisms, including accounting of missing Kuwaiti prisoners; and

(2) the President and the Secretary of State should—

(A) endorse the formation of an international criminal tribunal for the purpose of prosecuting Saddam Hussein and all other Iraqi officials who are responsible for crimes against humanity, including unlawful use of force, crimes against the peace, crimes committed in contravention of the Geneva Convention on POW's and the crime of genocide; and

(B) work actively and urgently within the international community for the adoption of a United Nations Security Council resolution establishing an International Criminal Court for Iraq.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Florida [Mr. HASTINGS] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

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

GENERAL LEAVE

Mr. GILMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

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

There was no objection.

□ 1400

Madam Speaker, the resolution before us today, House Concurrent Resolution 137, which I introduced, along with our colleague the gentleman from Illinois [Mr. PORTER], cochairman of the Human Rights Caucus, expresses a sense of the House concerning urgent need for an international war crimes tribunal to try Saddam Hussein and members of his Iraqi regime for crimes against humanity.

I want to thank the gentleman from Illinois [Mr. PORTER] for his leadership on this important issue. The critical need for this measure is highlighted by the events taking place just as we speak. House Concurrent Resolution 137 notes that dictator Saddam Hussein has perpetrated a litany of human rights abuses against the citizens of Iraq, including arbitrary executions, torture, cruel and inhumane treatment, arbitrary arrest and imprisonment, and disappearances.

Saddam Hussein has attempted to destroy the Kurdish population in Iraq through the use of chemical weapons. He has repressed Sunni tribes in western Iraq, destroyed Assyro-Chaldean churches and villages, executed Turkomen, and massacred Shiites. Saddam Hussein has also continued to commit ecocide against the ancient Marsh Arab civilization.

Saddam Hussein's brutality is not limited only to his fellow Iraqis. We recall the dark days of the Gulf War, which witnessed Saddam's holding Kuwait and its innocent citizens hostage for so many months. The whereabouts of more than 600 Kuwaitis who were taken prisoner during the Gulf War still remains unknown and unaccounted for by the Iraqi Government.

House Concurrent Resolution 137, therefore, expresses a sense of Congress deploring the Iraqi Government's pattern of gross violations of human rights and denounces Saddam's refusal to comply with international human rights documents to which Iraqi is signatory. This bill also endorses the creation of an international criminal tribunal to prosecute Saddam Hussein and his henchmen and urges the President and Secretary of State to work actively toward the adoption of a United Nations Security Council resolution establishing an international criminal court for Iraq.

Accordingly, Mr. Speaker, I urge our colleagues' strong support for the adoption of House Concurrent Resolution 137.

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

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

Mr. Speaker, I commend the Chair and the gentleman from Illinois [Mr. PORTER] for their efforts on this timely resolution. And I know that I speak for my colleagues, particularly the ranking member, the gentleman from Indiana [Mr. HAMILTON], in indicating our feelings with reference to this particular resolution.

We do not oppose this resolution. I join the chairman at this time in condemning Iraq's gross violation of human rights. Those who commit such crimes should be brought before an international criminal court, as this resolution correctly states. I do question, however, and several of us do, whether this resolution is likely to have much impact.

The resolution calls for an international court to bring Saddam Hussein to justice. But this resolution does not tell us how we get from here to there. The chief concern that I wish to express is that this resolution will raise expectations, especially in Kuwait, that such an international court

will be created. But we do not, by our actions today, create a court or make it significantly more likely that such a court will be created.

I do, however, strongly support the resolution. It urges the United States to work for a U.N. resolution creating an international criminal court for Iraq. I would hope that we would continue in a vigorous manner to urge the United Nations to do that.

Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I thank the gentleman from Florida [Mr. HASTINGS] for yielding me the time.

I rise in support of this bill. What I would like to say, though, is that every great human rights struggle has involved personal responsibility and sacrifice. Today, Mr. Speaker, a brave group of hunger strikers are highlighting the human rights issues posed by the Turkish Government against the Kurdish population, also the Kurdish population, you notice a connection with this bill, the Kurdish population and Kurdish elected officials.

I would like to quote to my colleagues from a letter which was sent to President Clinton and signed by 153 Representatives which highlights the terrible situation of a Kurdish politician who was elected by her people and who is in prison for violating Kurdish law. All she did was speak out, as any Parliamentarian does. As I today speak out for human rights, she was speaking out.

In our letter to Mr. Clinton we say, one of the charges against Mrs. Zana was her 1993 appearance, here in Washington, at the invitation of the U.S. Congress. We say, we find it outrageous that although she had been invited to participate, her activities led to her imprisonment. We actively today, Mr. Speaker, seek and call on the administration to look for the release of Leyla Zana and to look at the terrible situation of the Kurdish people in Turkey.

I got a letter just the other day from our Representative to the United Nations, former Congressman Bill Richardson; and he said, Leyla Zana's case is one of four convictions which are being appealed to the European Human Rights Commission. Four of those convictions.

Mr. Speaker, I say today that we must focus the light of the American conscience on those people who are standing today in solidarity with the Turkish citizens, whether they be in Iraq or Turkey. And especially I want to draw attention to those brave citizens who have decided to take their lives at stake, their own health, by standing with Mrs. Zana and other Kurdish officials who have been imprisoned in Turkey.

I thank the chairman for allowing me to speak on this issue. This is an issue, just as the bill is an issue, of human rights violations to the Kurdish population. It is up to us, as Members of Congress and members of the greatest democracy in the world, to speak out when we see human rights violations, whether it be our friends or our enemies who are creating these violations.

I thank the gentleman from Florida [Mr. HASTINGS] for letting me use this time, and I thank him for his great work for human rights, as also the chairman the gentleman from New York [Mr. GILMAN], who have stood for human rights in this country, in this body. And together, I think that we will all join to try and get the release of these Turkish elected officials who are Kurdish and who are speaking for their own citizens.

So, today, I join in solidarity with those hunger strikers. And I have heard them say, ''Oh, well, these are terrorists.'' I remember when Nelson Mandela in South Africa was termed a ''terrorist.'' A terrorist is also a freedom fighter. These people are seeking freedom for their people.

Mr. GILMAN. Mr. Speaker, I yield 7 minutes to the gentleman from Illinois [Mr. PORTER], the distinguished co-chairman of the Human Rights Caucus.

Mr. PORTER. Mr. Speaker, let me thank the able and distinguished chairman the gentleman from New York [Mr. GILMAN] for yielding me this time, but more importantly, for bringing this very significant legislation to the floor today.

In light of what is going on in Iraq at this moment, this could not be a more timely resolution. Once again, Saddam Hussein is showing his true colors as a ruthless dictator who will attempt to do anything to manipulate his way out of sanctions and weapons monitoring through whatever means he can.

Mr. Speaker, I grew up in an era characterized, unfortunately, by ruthless dictators—Hitler, Mussolini and Stalin—individuals who committed crimes of unspeakable horror against their own people, against their minorities. And the regime in Iraq is identical to the types that were run in Nazi Germany, in Fascist Italy, and in Communist Soviet Union under Stalin.

We must stop Saddam Hussein now. We must isolate him and make certain that the world understands the nature of his ruthless regime. We must make certain that Saddam Hussein and every one of his henchmen are indicted as war criminals and individuals who commit crimes against humanity.

I am pleased to be an original cosponsor of this legislation to bring him to justice for the crimes he has committed against the Iraqi people and against the citizens of other countries whom he has harmed, including our own people. The Kurdish people, the Marsh Arabs, the Assyrian minority, the members of the Iraqi National Congress, the Kuwaiti prisoners of war, these are just a few of the victims of Saddam and his ruthless regime.

Mr. Speaker, he has used chemical weapons against his own people. In 1988, 8,000 Kurds were killed in Halabja by one poison gas attack using the chemical agent sarin that he had produced. Now we are in Iraq trying to determine where he keeps those supplies and of an even worse nerve agent, VX, that just like sarin can kill people in the way he killed Iraqi Kurds in Halabja—mercilessly and indiscriminately.

He has waged ecological war against his own people, the Marsh Arabs. He has tortured, murdered, and kidnapped to maintain power. Saddam Hussein has clearly committed, in my judgment, crimes against humanity, crimes against the peace, and gross breaches of humanitarian law. If there is any individual in the world who deserves to be brought to justice today, it is Saddam Hussein.

I would commend this resolution to my colleagues and urge all of them to join me in sending a strong message to Saddam Hussein and the international community that the United States has not forgotten his crimes, that we hold him accountable for these abuses, and we demand justice for his victims.

Mr. Speaker, on the steps of the Capitol right now there are people, Kurds, who are starving themselves. They are I believe 25 days into a hunger strike to free Leyla Zana, a Turkish Parliamentarian who was elected in 1991, came to the United States in 1993 to testify about human rights abuses against the Kurdish minority in her country, testified before a standing committee of Congress and before the Congressional Human Rights Caucus, went home, was then stripped of her office by her government, placed in jail, tried for what is equivalent to treason, and given a 15-year sentence for merely speaking her mind and testifying before the United States Congress.

Turkey and Iraq together at this moment, Mr. Speaker, are attacking the Kurds in northern Iraq. Turkey has come across the line with tens of thousands of their elite troops, using napalm and cluster bombs against the Kurdish minority that has fled their country. Iraq is joining in on the other side. Both are persecuting the Kurds at this moment. Each of the countries in which the Kurds exist as a minority, in Turkey, in Iraq, in Iran, in Syria, each one of them oppresses that minority. Each one of them turns Kurd against Kurd in an effort to oppress them, and each one of them calls the Kurdish people, who would seek only basic human rights, terrorists, when they are only protecting themselves from oppression.

Mr. Speaker, the oppression must end. The Kurds are not terrorists. There may be some who believe they have no other way out, but the Kurdish people are not terrorists. They are people simply seeking their rights, their rights against the Turkish Government, their rights against the Iranian Government, their rights against the Syrian Government, and their rights also against the Iraqi regime of Saddam Hussein.

It is the governments who oppress them that are the terrorists. It is the governments who deny them their

basic human rights, deny them respect and standing in their communities, kill them and their children on a daily basis, attempt to drive them out of their societies—those are the true terrorists, Mr. Speaker.

The chief among them is Saddam Hussein, whose regime responds to nothing, not to public pressure, not to resolutions from the Security Council. It is time that we isolate this regime. It is time that we declare Saddam Hussein to be what he is, a person who commits crimes against humanity that all of us abhor. It is time that we indict him and try him and remove him from power, and that we return Iraq to a State that can live in the world community at peace with its neighbors and stop this murderous, ruthless dictatorial regime from further oppressing its people and threatening its neighbors.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from California [Mr. LANTOS], a continuing champion for human rights around the world.

□ 1415

Mr. LANTOS. Mr. Speaker, I thank the gentleman for yielding me this time. I want to commend the cochairman on the Republican side of the Congressional Human Rights Caucus, the gentleman from Illinois [Mr. PORTER], for his powerful and eloquent statement, and I want to commend the chairman of the Committee on International Relations, who has been indefatigable in his fight for human rights, in bringing H. Con. Res. 137 before us.

I fully concur with all previous statements made concerning Saddam Hussein and his despicable regime. It is remarkable, Mr. Speaker, that even at this late date there are apologies for Saddam Hussein and his brutal and cruel regime in the West. There are countries that can hardly wait to renew on a large scale their lucrative business deals with Iraq, despite the fact that the Saddam Hussein regime has been attempting to conceal, hide, obfuscate its continuing development of weapons of mass destruction.

Later this afternoon, this body will have an opportunity of dealing with a resolution that expresses the view of the House that if peaceful and diplomatic measures do not succeed, military action, preferably on a multinational scale, be undertaken to eliminate Hussein's chemical, biological, nuclear and missile capability. But while that is a military issue, this is a human rights issue. A regime which has poison gassed its own people, a regime which perpetrates the worst human rights violations of the 20th century against its own people, does indeed need to be hauled before an international tribunal and tried for crimes against humanity. If there was central casting's appropriate person to be hauled before the international community for crimes against humanity, it is Saddam Hussein. His brutality, his ruthlessness, his bloodthirstiness, knows no bounds.

I call on all of my colleagues across the aisle to vote to approve this important measure.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER], a member of our committee.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of the Porter amendment to indict Saddam Hussein for crimes against humanity and war crimes as well. I voted for the gulf war, and I did so reluctantly but I knew that our national well-being and our national security were at stake. I then cheered the troops when they came home victorious, what seemed to be one of the greatest and most glorious victories in our country's history.

Yet the job was not finished. If President Bush has anything to regret, it should be the fact that he sent our troops by the hundreds of thousands to the Persian Gulf and we did not finish the job when our people were there.

It is clear that the enemy of the United States was not the people of Iraq. The Porter amendment today focuses on the real enemy of not only the United States but people who believe in democratic rights and human rights, Saddam Hussein and his clique of thugs that control Iraq. During the gulf war we killed hundreds of thousands, perhaps hundreds of thousands of young men, and perhaps some women and children as well, who were not enemies of the United States. Many of those people had just been drafted into the army by a tyrant named Saddam Hussein.

This amendment goes straight to the heart of the issue. Saddam Hussein is our enemy. We should indict this man. He should be brought to trial like any other war criminal, whether it was Adolf Hitler or some of the Serbian gangsters who have committed genocide more recently in Bosnia.

Again, this underscores and what has happened underscores that there is a relationship between peace and freedom and prosperity. If we go for short-term peace and we try to bring our troops home too soon or we cut deals with tyrants, it will bring us neither peace nor freedom. We cannot compromise the value of freedom because in the end it will bring us to a situation where our security is under attack.

Let us not forget, as well, that over 600 Kuwaiti POW's have yet to be accounted for. There are thousands upon thousands of Kuwaiti families who are missing a member of their family who have never been accounted for, who were killed or taken away by the Iraqis when they invaded that country and occupied it for that year. That is the equivalent of millions of Americans who would have a family member lost and unaccounted for. There must be an accounting of the Kuwaiti prisoners of war. There must be an accounting of Saddam Hussein for all of his crimes.

Let us remember that when the Soviet Union began to evolve into what is now a democratic Russia or continues to struggle to try to be a democratic Russia, the chances for peace went up. A demand for freedom in Iraq and an elimination of this tyrant, Saddam Hussein, will increase the chances for peace in that entire region and secure the United States of America as well. I strongly support the amendment of the gentleman from Illinois [Mr. PORTER] to bring Saddam Hussein to task.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California [Mr. ROHRABACHER] for his eloquent words.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

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

Mr. WOLF. Mr. Speaker, I rise in very strong support of H. Con. Res. 137, which condemns the government of Iraq for its continued reign of terror against the Kurds, and that is what it has basically been for the last several years, a reign of terror that unfortunately the West has not focused on. But with this resolution and with the effort that the Kurds are now making, I think more and more people are focusing on it.

What this would do is encourage the establishment of a war crimes tribunal to try Saddam Hussein and the other Iraqi officials for their crimes against humanity. I want to commend the gentleman from Illinois [Mr. PORTER], the gentleman from New York [Mr. GILMAN], and the other Members for sponsoring this resolution. Hopefully this resolution will send a message not only through the United States, but to the Kurdish population around the world and particularly in that area, that the United States Congress, the people's House, cares very, very deeply.

Iraq is a bad actor government. Saddam Hussein is a brutal dictator who cares about nothing more than hanging onto his power. He has persecuted the people of Iraq. He is engaging in a dangerous showdown with the West. He is not afraid to murder members of his own family who threaten to tell the truth about his brutality or threaten his reign.

He is seeking to wipe out the Kurds of northern Iraq who are trapped because of their geography. The Kurds of northern Iraq have nowhere to go to escape their plight. They have been and are being murdered, imprisoned, tortured and repressed. Hopefully with this resolution, sponsored by the gentleman from Illinois [Mr. PORTER] and supported by the gentleman from New York [Mr. GILMAN] and so many other Members, it will send a message to Saddam Hussein that the West cares, and send a message to the Kurds that are going through this problem that we deeply care and that we stand with them.

Mr. GILMAN. I thank the gentleman from Virginia [Mr. WOLF] for his kind remarks in support of the resolution.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. PAUL].

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

Mr. Speaker, I agree certainly with the sharp criticism against the government and the leaders of Iraq. I do disagree with what we are trying to do here, not because it is not well motivated, but I do not see that we have the authority to all of a sudden impose our system of justice across the entire world. I do not think it is effective. I think it drums up anti-American hostility more than it achieves justice.

But there is a bit of inconsistency here. Earlier it was mentioned that it is not only the Iraqis that abuse the Kurds, the Turks do it as well. Why are the Turks not included in this? Why do we not call them out and put them on the carpet and demand justice from the Turks? But they happen to be our allies.

At the same time, we ignore other major problems. What did we do with China? The leaders of China came here, they got the red carpet treatment and a promise of more money. But how do they treat their people at Tiananmen Square and currently throughout their whole country? They abuse civil liberties there.

But are we going to do the same thing? Do Members think we can do that? We pick and choose and pretend that we are going to perform this great system of justice on the world. Indonesia today, they are getting bailed out by the American taxpayer to the tune of tens of billions of dollars. They mistreat in a serious manner the people in East Timor. But here we decide all of a sudden that we are going to, through the United Nations, expose the American taxpayer, expose young American soldiers, because how are we going to enforce these things? Where do we get this authority to be the policeman of the world?

I do not believe we have this authority. I believe it is detrimental overall to our national security. I believe it is a threat to the American people and indirectly, in many ways, to the taxpayer. I object. I object generally to so many of these amendments, so well-intended. I do not disagree with the challenges, the charges made against Iraq and the leadership. I strongly criticize the approach to trying to solve this very serious problem.

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

Mr. PAUL. I yield to the gentleman from California.

Mr. ROHRABACHER. First, would the gentleman suggest that there is not a relationship between freedom and peace?

Mr. PAUL. Mr. Speaker, I am not sure what the gentleman is getting at. I know the most important thing for freedom and peace is for me to obey the Constitution. Where is it the authority of the Constitution for us to police the world?

Mr. ROHRABACHER. The gentleman is suggesting, then, that this body should not have condemned Adolf Hitler until he actually attacked the United States, is that what he would suggest? Is that his foreign policy?

Mr. PAUL. I think that is not the debate on the floor right now. I think when our national security is threatened, the American people have a right to vote through their Congressmen for a declaration of war.

This is the kind of thing that leads to Vietnam War-type wars and U.N. sanctions. This is the kind of thing that leads to Koreas, Vietnams and useless wars. This is why we did not win the war in the Persian Gulf and why we are still faced with this problem.

Mr. ROHRABACHER. Short of a declaration of war, the gentleman does not think the United States Government should do anything about tyranny?

Mr. PAUL. I believe in the responsibility of this U.S. Congress to assume that they are the ones that declare war in a proper manner.

Mr. Speaker, in closing, I have no criticism about those who are challenging the leadership in Iraq. I condemn them. I challenge, though, the technique that we are using, the process that we are using. I do not believe we have the authority. Long-term, it is not effective.

It is totally inconsistent when we are dealing with China. These token resolutions that we dealt with on China will have nothing to do with solving the problem. At the same time, we give them more money, we give the Turks more money, we give China more money, we give Indonesia more money, and they are all in the process of abusing civil liberties. I just think that we have conveniently picked a whipping horse and we are pretending that we are doing some good.

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

Mr. PORTER. Mr. Speaker, I just wanted to say to the gentleman who just finished speaking that I certainly respect the consistency of his ideas, but I disagree. If he had expressed those ideas as a member of the parliament in Turkey or if he expressed them in Iraq or in Indonesia, he might well find himself in the same situation as Leyla Zana and the Kurdish parliamentarians found themselves and, that is, behind bars. It seems to me that if we do not recognize that we are our brothers' and sisters' keeper, that our freedoms and theirs are in some way connected, we will invite the kind of terrorism that Saddam Hussein practices on his people and others practice on their people throughout this world.

□ 1430

Let me agree with him, however, in part. Let us stop giving money to the Turks as long as they repress their people. Let us stop giving money to the Indonesian Government that takes away the religious freedoms of the people of East Timor. Let us stop supporting dictators that deny the basic human rights of their people.

I believe that we attempt very strongly to be consistent. We passed nine bills dealing with China. Those bills do have a potential, particularly the one on Radio Free Asia that will broadcast to China and Tibet and North Korea and Burma. I think we have a potential for positively impacting their society.

Let us never give up our ideals and our beliefs in human freedom, the very foundation of this society, because we might see a little inconsistency or cannot find the exact words we want to give us authority. The authority is moral authority, and it has a great power in this world if only we will exercise it.

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

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

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 137.

The question was taken.

Mr. PORTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question de novo on the motion to suspend the rules on which further proceedings were postponed earlier today.

## ESTABLISHMENT OF 2,500 BOYS AND GIRLS CLUBS BEFORE 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1753, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1753, as amended.

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

A motion to reconsider was laid on the table.

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate bill (S. 476) to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000, and ask for its immediate consideration in the House.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 476

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

**SECTION 1. 2,500 BOYS AND GIRLS CLUBS BEFORE 2000.**

(a) IN GENERAL.—Section 401(a) of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by striking paragraph (2) and inserting the following:

''(2) PURPOSE.—The purpose of this section is to provide adequate resources in the form of seed money for the Boys and Girls Clubs of America to establish 1,000 additional local clubs where needed, with particular emphasis placed on establishing clubs in public housing projects and distressed areas, and to ensure that there are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation not later than December 31, 1999.''.

(b) ACCELERATED GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by striking subsection (c) and inserting the following:

''(c) ESTABLISHMENT.—

''(1) IN GENERAL.—For each of the fiscal years 1997, 1998, 1999, 2000, and 2001, the Director of the Bureau of Justice Assistance of the Department of Justice shall make a grant to the Boys and Girls Clubs of America for the purpose of establishing and extending Boys and Girls Clubs facilities where needed, with particular emphasis placed on establishing clubs in and extending services to public housing projects and distressed areas.

''(2) APPLICATIONS.—The Attorney General shall accept an application for a grant under this subsection if submitted by the Boys and Girls Clubs of America, and approve or deny the grant not later than 90 days after the date on which the application is submitted, if the application—

''(A) includes a long-term strategy to establish 1,000 additional Boys and Girls Clubs and detailed summary of those areas in which new facilities will be established, or in which existing facilities will be expanded to serve additional youths, during the next fiscal year;

''(B) includes a plan to ensure that there are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation before January 1, 2000;

''(C) certifies that there will be appropriate coordination with those communities where clubs will be located; and

''(D) explains the manner in which new facilities will operate without additional, direct Federal financial assistance to the Boys and Girls Clubs once assistance under this subsection is discontinued.''.

(c) ROLE MODEL GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by adding at the end the following:

''(f) ROLE MODEL GRANTS.—Of amounts made available under subsection (e) for any fiscal year—

''(1) not more than 5 percent may be used to provide a grant to the Boys and Girls Clubs of America for administrative, travel, and other costs associated with a national role-model speaking tour program; and

''(2) no amount may be used to compensate speakers other than to reimburse speakers for reasonable travel and accommodation costs associated with the program described in paragraph (1).''.

MOTION OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MCCOLLUM moves to strike out all after the enacting clause of Senate 476 and insert in lieu thereof the provisions of H.R. 1753, as passed by the House.

The motion was agreed to.

The Senate bill was ordered read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1753) was laid on the table.

## ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. MCCOLLUM. Mr. Speaker, pursuant to H. Res. 314, the following suspensions are expected to be considered today:

H.R. 3034, the Customs User Fees;

H.R. 3037, Children of Vietnamese Reeducation Camp Internees;

And H.R. 2796, Reimbursing Bosnian Troops For Out-Of-Pocket Expenses.

## CONGRATULATING ASSOCIATION OF SOUTH EAST ASIAN NATIONS ON ITS 30TH ANNIVERSARY

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 282) congratulating the Association of South East Asian Nations [ASEAN] on the occasion of its 30th anniversary.

The Clerk read as follows:

H. RES. 282

Whereas 1997 marks the 30th anniversary of the Association of South East Asian Nations (ASEAN);

Whereas the emphasis of ASEAN on cooperation and the nonviolent settlement of disputes has helped to bring peace between the nations of the region which for decades had been characterized by instability and conflict;

Whereas the economies of the member nations of ASEAN have experienced significant economic growth benefiting the lives of many of their people;

Whereas ASEAN as a group is the 4th largest trading partner of the United States and constitutes a larger market for United States exports than the People's Republic of China, Taiwan, and Hong Kong combined;

Whereas ASEAN has successfully fostered a sense of community among its member nations despite differing interests, including the establishment of the region's only security forum, the Association of South East Asian Nations Regional Forum (ARF), and the Association of South East Asian Nations Free Trade Area (AFTA);

Whereas ASEAN has played a pivotal role in international efforts of global and regional concern, including securing the withdrawal of Vietnamese forces from Cambodia and diplomatic efforts to foster a political settlement to the civil war in Cambodia;

Whereas the United States relies on ASEAN as a partner in fostering regional stability, enhancing prosperity, and promoting peace; and

Whereas the 30th anniversary of the formation of ASEAN offers an opportunity for the United States and the nations of ASEAN to renew their commitment to international cooperation on issues of mutual interest and concern: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates the Association of South East Asian Nations (ASEAN) and its member nations on the occasion of its 30th anniversary;

(2) looks forward to a broadening and deepening of friendship and cooperation with ASEAN in the years ahead for the benefit of the people of the United States and the nations of ASEAN;

(3) encourages progress by ASEAN members toward the further development of democracy, respect for human rights, enhancement of the rule of law, and the expansion of market economies; and

(4) recognizes the past achievements of ASEAN and pledges its support to work closely with ASEAN as both the United States and the nations of ASEAN face current and future regional and global challenges.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Florida [Mr. HASTINGS] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 days within which to revise and extend their remarks on this measure.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I am proud to have had the opportunity to bring to the floor this measure congratulating the Association of South East Asian Nations, known as ASEAN, on the occasion of their 30th anniversary.

The ASEAN organization has a lot to be proud of. Its emphasis on cooperation and a nonviolent settlement of disputes has fostered peace among its members in a region of the world which has long been wrought with instability and conflict.

The United States has important strategic, economic, and political interests at stake in Southeast Asia. Maintaining stability remains an overriding U.S. security interest in the region. Instability would not only threaten significant U.S. economic interests but could also undermine important U.S. political relationships.

ASEAN's Regional Forum [ARF], the region's only security consultative platform, is a key partner of the United States in maintaining regional stability. The ASEAN countries provide our Nation with significant commercial opportunities. ASEAN as a group is the fourth largest trading partner of the United States and constitutes a larger market for U.S. exports than does the People's Republic of China, Taiwan, and Hong Kong combined.

The Congress rightfully has expressed its concern about the development of human rights and democracy in the nations of ASEAN but is pleased with the flourishing of democracy in Thailand and the Philippines. It is hoped these examples are going to encourage progress by the other nations of ASEAN and the furthering of democratic principles and practices, respect for human rights, and the enhancement of the rule of law.

The Congress looks forward to a broadening and deepening of friendship and cooperation with ASEAN in the years ahead for the mutual benefit of the people of the United States and the nations of ASEAN.

In closing, I want to thank for their support the distinguished ranking minority member, the gentleman from Indiana [Mr. HAMILTON]; the distinguished chairman of the Subcommittee on Asia and the Pacific, the gentleman from Nebraska [Mr. BEREUTER]; and the subcommittee's ranking minority member, the gentleman from California [Mr. BERMAN]; as well as another gentleman who has had strong interest in this matter, the gentleman from American Samoa [Mr. FALEOMAVAEGA].

I urge all my colleagues to support this resolution.

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

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

Mr. Speaker, I would echo the remarks of the chairman, the gentleman from New York [Mr. GILMAN], particularly as it pertains to the gentleman from Nebraska [Mr. BEREUTER], the gentleman from California [Mr. BERMAN], the gentleman from American Samoa [Mr. FALEOMAVAEGA], and those of us that serve on the Subcommittee on Asia and the Pacific.

Mr. Speaker, I am one of the authors of this resolution, as is the ranking member, the gentleman from Indiana [Mr. HAMILTON], and I urge my colleagues to join the gentleman from New York [Mr. GILMAN] and those of us on the Democratic side in supporting its adoption.

Some 32 years ago, a handful of underdeveloped and not very influential Southeast Asian countries binded together to create the Association of South East Asian Nations, or ASEAN. I dare say that at the time of ASEAN's founding in 1967, not even the most optimistic would have guessed how far the ASEAN nations would have traveled down the road of economic development.

It is true that in a number of instances political reform has lagged behind economic development, but I remain confident, as do my colleagues, that political pluralism and full-fledged democracy will one day prevail throughout the region.

Today, ASEAN has established itself as one of the premier regional groupings in the world. It has also shown itself to be a good friend of the United States. It deserves our accommodation on its 30th anniversary, and I urge adoption of this resolution as a gesture of friendship and support.

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

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER], the distinguished vice chairman of our committee.

Mr. BEREUTER. Mr. Speaker, I do rise as a cosponsor in strong support of H. Res. 282, a resolution congratulating ASEAN on the occasion of its 30th anniversary of creation.

I would, however, like to take a few minutes here or a part of a minute or so to speak extemporaneously on what took place on this floor just a minute or two ago when we were debating an Iraqi resolution. I would have requested time if I had known what was going to be said in some of the closing comments of that debate.

What we say and what we do on this floor on international relations does matter, and we ought to be careful with what we say to make sure it is accurate.

Now it was said a few minutes ago, in some hyperbole no doubt, that the U.S. taxpayer stands behind tens of billions of dollars of assistance to Indonesia. That is not factual. There is a standby allocation to assist with the financial problems and the currency exchange rates in Indonesia. The U.S. is willing to be a backup to the IMF, but it is nothing approaching that amount, and perhaps that backup will not be used.

We also heard a lot of rhetoric here about evenhandedness when it comes to Turkey and the Kurds and Iraq. Well, we also might have said we need evenhandedness when it comes to terrorist organizations like the PKK, and I think it is inappropriate for us to demonize countries unless the facts are on our side.

Now one of the gentleman here misunderstands the situation in East Timor. There are problems in East Timor, alleged human rights violations, and certainly there are human rights violations, and there has been violence on both sides on that issue. This has been a major source of contention and conflict since the Portuguese walked away from that colony of East Timor and the Indonesians came in.

But the problem is not that people cannot practice their religion in Indonesia. That is not the problem, as was suggested out here. So it is important that we not demonize countries for things that are not true. We should not be demonizing countries at all, and when we have a legitimate reason for criticism, we should exercise that criticism.

Now back to the ASEAN resolution. This Member would congratulate the distinguished chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], for his leadership demonstrated on recognizing the increasing significance of this important multilateral organization. Through his authorship of the resolution as the chairman of the Subcommittee on Asia and the Pacific, I was pleased to expedite consideration of this resolution.

Over the last three decades, ASEAN has emerged into a critically important security institution in Southeast Asia. Originally created as a means to respond to the threat of Vietnamese expansionism, it is now an umbrella organization where all of Southeast Asia, including Vietnam, can eventually work together to promote their common interests, and most of the countries now are members in Southeast Asia. Cambodia is not yet because of what happened there in what can only be called legitimately a coup.

ASEAN has had an important role in promoting a peaceful resolution to the Spratly Islands crisis and has brought significant pressure to bear regarding the ongoing crisis in Cambodia.

This Member would also note that the United States, Russia, the People's Republic of China, and other countries interested in Asian security, and I could have mentioned Japan, have been able to work constructively through the ASEAN Regional Forum, or the ARF. While ASEAN certainly has a significant challenge as authoritarian governments are brought into that organization, we can also hope and push for the Vietnamese, the Laotians, the Burmese. Their association with the ASEAN will have a democratizing effect on these one-party states.

While the State Department does not, as a rule, take a position on such nonbinding resolutions like this one, this Member would note the gentleman from New York worked very closely with the State Department and the minority to ensure unanimous support for H. Res. 282.

His success in this effort has been demonstrated by the fact that the distinguished ranking Democrat on the Committee on International Relations, the gentleman from Indiana [Mr. HAMILTON], and the distinguished ranking Democrat on the Subcommittee on the Asian Pacific, the gentleman from California [Mr. BERMAN], are cosponsors of this resolution, and it was unanimously approved by the Committee on International Relations on October 31, 1997. This Member is also pleased to be a cosponsor.

Mr. Speaker, this Member once again congratulates the gentleman from New York and urges adoption of H. Res. 282.

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

Mr. HASTINGS of Florida. Mr. Speaker, does the gentleman from Nebraska have additional speakers?

Mr. BEREUTER. I have one more speaker.

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

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

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of this amendment.

Mr. Speaker, ASEAN has proven a great example for developing countries around the world. It was not that long ago, in fact 30 years ago, when these same countries which we laud today for their 30th anniversary were the ultimate in developing countries. They were no different than the developing countries in Africa and in Latin America and elsewhere.

Yet these countries, through a strong support for the economic rights of their people, at the very least the economic rights of their people, have shown that free enterprise and a respect for property rights will indeed bring a fountain of wealth and well-being for the people of the societies that so respect those rights.

□ 1445

ASEAN as well, I might add, has been a force for democracy, although the Members of ASEAN, all of the Members are not, of course, totally democratic. But let us take a look at the fact that the Philippines today has evolved from a country that was in a dictatorship for a number of decades, and now has a strong and vibrant economic situation where they are growing at 5 and 6 percent a year, as well as a strong democracy, along with Thailand whose democracy has been put to the maximum stress, but yet has maintained a slow but, yes, steady pace toward a more open and democratic society. These two countries serve as an example for all of Southeast Asia and, yes, serve as an example for all the countries in the developing world.

Today, many countries in ASEAN, especially Thailand, are going through, but as well as the other countries of ASEAN, are going through an economic crisis, a crisis dealing with their money system. They are learning a lot through this crisis. We would like this amendment today, our expression of good will toward the countries of ASEAN and congratulations, comes at a unique moment for the United States to let these countries know that we consider them our friends, we consider them our partners, we consider them to be people who in the future will have even stronger and closer ties to the United States of America.

So I rise in strong support and ask my colleagues to join me in support of this proposal and this amendment.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from California for his timely and cogent remarks. I urge support for House Resolution 282.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the resolution, H.Res. 282.

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

A motion to reconsider was laid on the table.

## SHOWING COMMITMENT OF AMERICAN PEOPLE IN SUPPORT OF DEMOCRACY AND RELIGIOUS AND ECONOMIC FREEDOM FOR PEOPLE OF SOCIALIST REPUBLIC OF VIETNAM

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 231) urging the President to make clear to the Government of the Socialist Republic of Vietnam the commitment of the American people in support of democracy and religious and economic freedom for the people of the Socialist Republic of Vietnam, as amended.

The Clerk read as follows:

H. RES. 231

Whereas the Department of State Country Reports on Human Rights Practices for 1996 notes that the Government of the Socialist Republic of Vietnam ''denied citizens the right to change their government and significantly restricted freedom of speech, the press, assembly, association, privacy, and religion'';

Whereas, since May 1997, non-violent demonstrations against corruption and abuse of power at the local level have occurred in Thai Binh Province and perhaps in Thanh Hoa, Hung Yen, Nghe An, and Bien Hoa provinces as well;

Whereas the criminal law of the Socialist Republic of Vietnam is used to punish individuals who are critical of the government, and on April 14, 1997, an administrative decree was signed into law granting enhanced judicial powers to the security forces to place under house arrest or subject to reeducation camps, for up to two years, any civilians expected of ''endangering national security'';

Whereas the leaders of the Socialist Republic of Vietnam are seeking to expand trade relations with the United States;

Whereas there is widespread discontent within the foreign business community in the Socialist Republic of Vietnam, with some companies pulling out entirely, others freezing new investments, and nearly all complaining about endemic corruption, intransigent bureaucracy, and a lack of clear commitment to legitimate economic reform;

Whereas, in August 1997, the United Nations Children's Fund (UNICEF) reported that child labor exploitation is on the rise in the Socialist Republic of Vietnam with tens of thousands of children under 15 years of age being exploited for labor; and

Whereas it is in the interest of the United States to promote political and economic freedom throughout the world: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) urges the Government of the Socialist Republic of Vietnam to release immediately and unconditionally all political prisoners, including Dr. Nguyen Dan Que, Prof. Doan Viet Hoat, Venerable Thich Quang Do, Reverend Pham Minh Tri, and evangelist To Dinh Trung, with full restoration of their civil and human rights;

(2) requests the President to make clear to the leadership of the Government of the Socialist Republic of Vietnam—

(A) the firm commitment of the American people to political and religious and economic freedom for the people of the Socialist Republic of Vietnam; and

(B) the United States fully expects equal protection under the law to all Vietnamese, regardless of religious belief, political philosophy, or previous association; and

(3) urges the Government of the Socialist Republic of Vietnam—

(A) to permit all political organizations in the Socialist Republic of Vietnam to function without intimidation or harassment; and

(B) to announce a framework and timetable for free and fair elections that will allow the Vietnamese people to peacefully choose their local and national leaders.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROHRABACHER] and the gentleman from Florida [Mr. HASTINGS] each will control 20 minutes.

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

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.Res. 231.

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

There was no objection.

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

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

Mr. ROHRABACHER. Mr. Speaker, this past Tuesday, on our Veterans Day, Vietnamese Communist Party officials in Hanoi confirmed that in the southern province of Dong Nai, 40 miles from Saigon, several thousand people have been involved with clashes, in clashes, with police. Hundreds of women and children have been demonstrating for freedom and human rights outside of government offices, despite a heavily armed police presence in the area.

By all accounts, including a report by the Human Rights Watch organization, the clashes started when the Communist Government intensified repression against the Catholic Church and the popular bishop of the Xuan Loc Diocese. In addition, land owned by the church has been confiscated and sold by corrupt Communist Party officials.

Demonstrations against the corrupt Communist regime have also been occurring in other areas of the country. In north Vietnam, beginning in May of this year, ongoing demonstrations in the Thai Binh Province and a number of other historic Communist Party strongholds show growing public dissatisfaction with the rampant corruption of that country and the lack of freedom of the Vietnamese people.

Recently, new directives and proclamations by the Communist Politburo have tightened State control of all other forms of media and have restricted access to foreign journalists and their translators. The Human Rights Watch/Asia report states, while

the Vietnamese Government pursues an open door in terms of their economic policy and continues to woo foreign investments, domestically it is strengthening Communist Party control, repressing dissent, and stifling any development of a civil society.

This resolution urges the President to ''make clear to the Government of the Socialist Republic of Vietnam the commitment of the American people in support of democracy and religious and economic freedom for the people of the Socialist Republic of Vietnam.''

This resolution calls attention to the proliferation of human rights violations and new policies by the Communist regime that prohibit the 70 million people of Vietnam from achieving a democratic government through free and fair elections. It expresses the strong support of the House of Representatives in support of the rights of all Vietnamese, as well as for the release of all religious and political prisoners.

The resolution requests the release from detention of Robert F. Kennedy Human Rights Award recipients Dr. Win Dan Kway and Prof. Dwon Viet Hwat, as well as other senior religious leaders who have been imprisoned by the regime.

My resolution also calls attention to the difficulties that American business people are experiencing in Vietnam, caused by epidemic corruption, and that is exactly what we must expect in a one-party State, as well as the intransigent bureaucracy and the absence of enforceable business law. Of course they are going to have corruption in that situation.

It is especially important at a time when Vietnamese leaders are seeking expanded trade relations with the United States that the President and the Congress make clear that, just as our stock market made a strong rebound in recent days from that downturn we experienced, that the foundation of a strong, resilient economy is an open and democratic society.

It was not too long ago, Mr. Speaker, that people all over Asia were saying the next big jump in productivity, the next tiger in Southeast Asia, is going to be Vietnam. Now when you go to Southeast Asia and throughout the world and you ask people about Vietnam, they say it is never going to work, it never materialized, and it was a big nothing.

Why is this? Why that happened is because there is a relationship, I repeat again there is a relationship, between freedom and peace and between freedom, peace and prosperity.

In Vietnam, there was no freedom and there is no freedom. Thus, the prosperity that is desired by the people, and perhaps even by the Communist Party bosses themselves, is unobtainable. They cannot obtain prosperity as long as there is a lack of freedom, because without freedom of the press or an opposition party, corruption will run rampant.

Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Speaker, I would like to express my support for this resolution for which I am an original cosponsor. I would like to commend the work of my colleague, the gentleman from California [Mr. ROHRABACHER], on this resolution. This resolution has been well crafted by the Subcommittee on Asia and the Pacific, and we commend its chairman, the gentleman from Nebraska [Mr. BEREUTER], with us today, and basically this resolution enjoys the strong support of the Committee on International Relations.

It asks the administration to put pressure on Vietnam to improve its human rights record and move toward greater democracy. This is needed because while the Vietnamese Government has undertaken some economic reforms over the last few years, unfortunately it has not matched that record with political and human rights reforms.

As my colleagues have noted, too many Vietnamese suffer from political and religious persecution. Faced with that, the United States needs to take a stand. This is an important and timely resolution. It is all the more critical we keep the focus on human rights as the administration has seen fit to improve relations with Hanoi.

I believe this resolution reflects the democratic aspirations that the Vietnamese people have. It is a worthy resolution that deserves the support of this body.

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

Mr. Speaker, Mr. HAMILTON and those of us on the Democratic side support this resolution, and I certainly do, and I commend my distinguished colleague and friend from California [Mr. ROHRABACHER] who is its principal author. This resolution restates our commitment to political, religious and economic freedom in Vietnam. It urges the Government of Vietnam to announce a framework and timetable for free and fair elections. It places the Congress of the United States squarely in support of political pluralism and personal freedom for the Vietnamese people.

I urge my colleagues to show their support for these worthy aspirations by voting for this resolution.

I will take a moment of personal parochial privilege to say that when this resolution is passed, and when the position of Congress and the executive branch of government are made known, much of the message will be carried by a former colleague of ours, Pete Peterson, who is from Florida, who not only understands the dynamics of being a prisoner, not only political, but a prisoner of war, and as Ambassador to Vietnam, I am certainly glad Pete is going to be there to help state our position.

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

Mr. HASTINGS of Florida. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, the gentleman is understandably proud of the past performance and the current performance of our former colleague, the gentleman from Florida, Mr. Peterson, as our Ambassador, and I understand the Floridian pride in him, but I would like to also mention he received his elementary and high school education in Omaha, Nebraska.

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

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM], a hero of the Vietnam War and a hero of mine, I might add.

Mr. CUNNINGHAM. Mr. Speaker, I would make one correction: There is no such word as ''hero.'' You do what you have to do, and try to survive.

I rise in support of this resolution. One of the most victorious things I think that has ever happened to me is we sponsor an art contest, like many of the Members. A young lady named Foo Lee, a Vietnamese refugee, won that contest. I found out that her mom had actually had to stay back while the whole family escaped in the boat, in a rickety old boat, which the picture was about. If you could see the picture, you would actually have tears in your eyes. You could see the pain in that family.

It took us 2 years to get Foo Lee's mom out of a reeducation camp in Vietnam. She stayed behind, knowing that if the rest of the family was caught, they would be put into this reeducation camp, and not many people survive.

After 2 years, on Christmas Eve, Foo Lee's mom came into San Diego. That is the kind of treatment that you can expect in Vietnam.

I commend Pete Peterson, who asked me to come over just a couple months ago and raise the American flag over Ho Chi Minh City for the first time in many years, in about 25 years. Pete and I and a delegation did so with Hal Rogers.

I want to tell you something. They are moving forward. As a matter of fact, I told the President of the Philippines this, that they are studying English. You see people on bicycles, carrying computers, they are studying economics, and they are going to move. Yet they are still repressed. It is still a Communist regime.

For example, there are over 39 Americans in prison there. Our State Department cannot even be present while they are convicted and going through court. I don't know how many of you recently saw Richard Gere in the current movie in China. That is the type of environment that they still have.

So this resolution is very, very important, I think, to send a clear message. We must engage, just like we do with China and Russia, but we need to send a loud and clear message.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from

Nebraska [Mr. BEREUTER], and thank the gentleman from California [Mr. CUNNINGHAM], who still remains my hero.

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

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Mr. BEREUTER. Mr. Speaker, I do rise in strong support of H. Res. 231. I will be brief. I want to congratulate the gentleman from California [Mr. ROHRABACHER] for his exceptional and dogged pursuit of human rights and economic freedom in Vietnam, and I am pleased to help expedite his resolution here.

The resolution correctly notes that several provinces in Vietnam have experienced anticorruption protests in recent months, a phenomenon that is quite remarkable for Vietnam. This Member would suggest that these protests should be considered to be a good sign by Americans, for it is clear that a great many Vietnamese people have had enough of corrupt local bureaucrats siphoning off the wealth of the nation.

This Member has also been informed that the protests have been sufficient to force the national government to deal with some of those corrupt officials. Certainly it will make it easier for U.S. businessmen to operate in Vietnam, and that is important, for this Member has heard several reports of numerous horror stories from U.S. business leaders about corruption in that country.

The resolution of the gentleman from California [Mr. ROHRABACHER] rightly reaffirms U.S. support for political, religious and economic freedom in Vietnam and calls upon the government to permit free and fair elections where competing political parties are allowed to participate. These are basic freedoms that we can all support and we do support.

Mr. Speaker, I urge adoption of H. Res. 231.

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

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute, just to summarize what this is all about.

I think if someone was paying attention to the last several resolutions that have come to the floor, one will note that there is a relationship between them, and that is, since the end of the cold war and during the cold war, our country had its divisions and they reflected themselves within the political battles that were going on throughout our country during the elections, various elections that took place. But since the end of the cold war, there has been a unanimity of opinion in the United States and a coming together of both conservatives and liberals, of Republican and Democrat, behind those traditional values that our Founding Fathers wanted to be the basis of our decisionmaking.

We are supposed to be on the side of the good guys. I mean, it is as simple as that. We should be on the side of the good guys. We should be on the side of the oppressed and those people who want more freedom and democracy and to treat people honestly and decently, and against the tyrants and the thugs of this world.

Mr. Speaker, this resolution goes to the heart of that. Whether it is Saddam Hussein or the dictatorship in Vietnam, we are on the side of democracy and human rights.

I would ask my colleagues to join me in support of this resolution.

Mr. DAVIS of Virginia. Mr. Speaker, I rise to voice my strong support for House Resolution 231, the sense of Congress regarding Vietnam, which urges the President to make clear to the Socialist Republic of Vietnam that we are committed to economic, religious, and political freedom for the people of Vietnam. As you know, the United States continues to open diplomatic relations with Vietnam. Because of the growing relationship the United States has with Vietnam, we must be concerned with its poor human rights record.

May 9, 1997 was the third anniversary of Vietnam Human Rights Day here in the United States. However, current human rights' conditions in Vietnam are poor. For example, religious leaders and political dissidents are still being arrested and jailed. Dr. Doan Viet Hoat and Dr. Nguyen Dan Que are two, among many political prisoners with serious medical conditions who are held in harsh conditions with little, if any, access to medical care.

Despite prohibitions on physical abuse, there is evidence that security officials beat detainees as well as use threats and other psychological coercion to elicit false confessions. The Vietnamese Government denies citizens the right to change their government and significantly restricts freedom of speech, the press, assembly, association, privacy, and religion. Vietnamese citizens are generally prohibited from contacting international human rights organizations.

Vietnam is currently negotiating a trade agreement with our Government to seek MFN status and privileges associated with Overseas Private Investment Corporation [OPIC]. In January 1997, the United States and Vietnam agreed on implementing the resettlement opportunity for Vietnamese returnees program allowing the United States to interview some of the Vietnamese returned from camps in Southeast Asia. However, this is not enough.

Child labor and human rights abuses are on the rise as well as the suppression of freedom of thought, speech, religion, press, and assembly. The Vietnamese-American community in my congressional district supports House Resolution 231. We believe that fair and open democratic elections, equal protection of all Vietnamese citizens, and the release of all political prisoners are basic and necessary steps beyond normalization.

Since this resolution is crucial to these objectives, I urge all of my colleagues to support House Resolution 231.

Mr. GILMAN. Mr. Speaker, I want to thank Mr. ROHRABACHER for introducing this resolution urging the President to make it clear to the Socialist Republic of Vietnam that America is committed to democracy, economic and religious freedom for the people of Vietnam.

Freedom is not bound by history or geography. Just as our forefathers said, people have certain inalienable rights. Democracy and basic civil liberties are not eastern or western—they are universal.

Regrettably, today, the people of Vietnam are not afforded these basic liberties. This Nation has a moral imperative to foster freedom and democracy and oppose tyranny wherever it appears—this legislation expresses that sentiment.

I support this resolution and call upon my colleagues to do so as well.

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

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

The question is on the motion offered by the gentleman from California [Mr. ROHRABACHER] that the House suspend the rules and agree to the resolution, House Resolution 231, as amended.

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

A motion to reconsider was laid on the table.

## EXPRESSING SENSE OF CONGRESS REGARDING MONGOLIA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 172) expressing the sense of Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 172

Whereas in 1990, Mongolia renounced the Communist form of government and peacefully adopted a series of changes that linked economic development with democratic political reforms;

Whereas the Mongolian people have held 2 presidential elections and 3 parliamentary elections since 1990, all featuring vigorous campaigns by candidates from multiple political parties;

Whereas these elections have been free from violence, voter intimidation, and ballot irregularities, and the peaceful transfer of power from one Mongolian government to another has been successfully completed, demonstrating Mongolia's commitment to peace, stability, and the rule of law;

Whereas every Mongolian government since the end of communism has dedicated itself to promoting and protecting individual freedoms, the rule of law, respect for human rights, freedom of the press, and the principle of self-government, demonstrating that Mongolia is consolidating democratic gains and moving to institutionalize democratic processes;

Whereas Mongolia stands apart as one of the few countries in Asia that is truly a fully functioning democracy; its efforts to promote economic development through free market economic policies, while also promoting human rights and individual liberties, building democratic institutions, and protecting the environment, serve as a beacon to freethinking people throughout the region and the world;

Whereas Mongolia's commitment to democracy makes it a critical element in efforts to foster and maintain regional stability throughout central Asia;

Whereas Mongolia has some of the most pristine environments in the world, which provide habitats to plant and animal species that have been lost elsewhere, and has shown a strong desire to protect its environment through the Biodiversity Conservation Action Plan while moving forward with economic development, thus serving as a model for developing nations in the region and throughout the world;

Whereas Mongolia has established civilian control of the military—a hallmark of democratic nations—and is now working with the Mongolian parliamentary and military leaders, through the United States International Military Education and Training program, to further develop oversight of the military;

Whereas Mongolia is seeking to develop political and military relationships with neighboring countries as a means of enhancing regional stability; and

Whereas Mongolia has demonstrated a strong commitment to the same ideals that the United States stands for as a nation, and has indicated a strong desire to deepen and strengthen its relationship with the United States: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That—

(1) the Congress—

(A) supports the efforts of the Mongolian parliament to establish ''United States-Mongolian Friendship Day'';

(B) strongly supports efforts by the United States and Mongolia to use the resources of their respective countries to strengthen political, economic, educational, and cultural ties between the 2 countries;

(C) confirms the support of the United States for an independent, sovereign, secure, and democratic Mongolia;

(D) applauds and encourages Mongolia's simultaneous efforts to develop its democratic and free market institutions;

(E) commends Mongolia for its foresight in environmental protection through the Biodiversity Conservation Action Plan and encourages Mongolia to obtain the goals illustrated in this plan;

(F) encourages Mongolia's efforts toward economic development that is compatible with environmental protection and supports an exchange of ideas and information between Mongolian and United States scientists;

(G) commends Mongolia's efforts to strengthen civilian control, through parliamentary oversight, over the military; and

(H) supports future contacts between the United States and Mongolia in such a manner as will benefit the parliamentary, judicial, and political institutions of Mongolia, particularly through the creation of an interparliamentary exchange between the Congress of the United States and the Mongolian parliament; and

(2) it is the sense of the Congress that the President—

(A) should, both through the vote of the United States in international financial institutions and in the administration of the bilateral assistance programs of the United States, such as the Central Asian Enterprise Fund, support Mongolia in its efforts to expand economic opportunity through free market structures and policies;

(B) should assist Mongolia in its efforts to integrate itself into international economic structures, such as the World Trade Organization; and

(C) should promote efforts to increase commercial investment in Mongolia by United States businesses and should promote policies which will increase economic cooperation and development between the United States and Mongolia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Florida [Mr. HASTINGS] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

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

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 172, now under consideration.

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

There was no objection.

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

Mr. Speaker, H. Con. Res. 172 was introduced on October 22 by the distinguished gentleman from Illinois [Mr. PORTER] together with the distinguished gentleman from California [Mr. DREIER], and a second distinguished gentleman from California [Mr. LANTOS].

This resolution commends the people of Mongolia for the remarkable progress that country has made since 1990, and as chairman of the Subcommittee on Asia and the Pacific, I was pleased to expedite this resolution. This Member also authorized a congratulatory resolution on Mongolia which was approved by the previous Congress.

Mongolia has indeed made great strides from a one-party Communist country with a command economy to a multiparty, free market democracy. In the last 7 years Mongolia has also freed itself from Soviet domination. Within a year from the fall of the Berlin Wall, the popularly elected Mongolia legislature, whose election we are commemorating in this resolution, enacted a new constitution which declared Mongolia an independent, sovereign republic with guaranteed civil rights and freedoms. These changes were not only dramatic in scope and speed, they were also accomplished without firing a shot and with little concrete support from the outside world.

Mongolia's accomplishments are worthy of congressional commendation, and that is the major thrust of H. Con. Res. 172.

The Committee on International Relations, to which this resolution was referred, unanimously approved this resolution on October 31. The committee did make a number of minor alterations to the resolution, the most notable being language supporting Mongolia's membership in NATO's Partnership for Peace, which the Department of Defense indicates is not feasible.

Mr. Speaker, while the State Department does not make a habit of formally taking a position on noncontroversial resolutions such as the one before the body at this time, we have been assured that this resolution fully conforms with U.S. policy and has the administration's support.

Mr. Speaker, again I congratulate these gentlemen for bringing this to our attention. We need to take time to recognize particular successes among our friends and allies and not just focus on negative things. This Member would urge approval of this congratulatory resolution for a Nation that has taken extraordinary strides.

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

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

Mr. Speaker, I commend the chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations for expediting this particular resolution, as he has on so many occasions on other very important legislation that has been brought before this body.

Mr. Speaker, this resolution recognizes the remarkable political evolution Mongolia has undergone over the past 7 years. The principal author of this matter, the gentleman from Illinois [Mr. PORTER] is to be commended, as well as our colleagues, the gentleman from California [Mr. DREIER], and the gentleman from California [Mr. LANTOS], who are also original cosponsors.

It clearly states, this resolution does, the desire of the United States Congress for further cooperation and friendship between our two countries. This resolution deserves our support. The gentleman from Indiana [Mr. HAMILTON], our ranking member, intends to vote ''yes'' on this resolution, as do I, and I urge our colleagues to do likewise.

One aside, Mr. Speaker. I would urge all of our colleagues, in consideration of matters as important as this relationship and others, that we begin as often as we can visiting these locales so that we can learn firsthand exactly what is needed for us to maintain our friendship and to make our friendships grow around the world.

Mr. PORTER. Mr. Speaker, I want to thank the chairman of the subcommittee, Mr. BEREUTER, for his assistance in reporting this resolution out of the full committee, and for his strong support of Mongolia. I would also like to thank Mr. DREIER and Mr. LANTOS for their support of this resolution as original cosponsors.

Too often, we come to the floor of the House to criticize other countries for what we see as their failure to live up to our standards in the areas of human rights, economic freedom, or environmental protection. Today, however, we are coming to the floor to celebrate a success story—the country of Mongolia. I am pleased to be a part of this positive message of affirmation that we are sending to one of the greatest, but most often overlooked success stories to come out of the end of the Soviet Empire.

The first democratic elections were only held in Mongolia in 1990, but this country has made remarkable progress in implementing democratic reforms while improving their economy, promoting human rights and protecting their vast and unique environment. In just 7

years, the people of Mongolia have rejected one-party rule, elected a new President firmly established civilian control over the military, and gained economic freedom. This transition—conducted in a peaceful manner—has proven to be a rarity, especially in this area of the world.

Mongolians are very positively disposed towards the United States and have modeled many of their democratic reforms on the United States system. This past June, the new prime minister ran on a platform titled, ''the Contract with the Mongolian Voter.'' The Mongolian Government considers their transition to be very similar to our settling of the West. The Mongolian nomads—which make up 40 percent of the population—are not unlike the American cowboys. They cherish their freedom but are eager to benefit from the economic reforms that are gradually being implemented.

The Mongolian Government places a high priority on its relationship with the United States and is eager to be our partner in Northern and Central Asia, an area where we democratic, free and stable partners are hard to find. Moreover, as Mongolia gains confidence in its own voice within the region, they are seeking to prove that democracy, freedom, and human rights are universal values, and that Asian countries can promote these values and economic growth at the same time. The United States could look for no better role model for the region, or no better partner in the region than a country which has committed itself to the values that we promote as a nation.

With this resolution, the United States is recognizing the Mongolian people and their government for their unparalleled achievements in establishing a democracy. We are also encouraging them to continue to follow through with many of the proposed reforms. The next 5 years will be a critical period in Mongolian as the social costs of economic and political reform begin to take a heavy toll on some segments of the population. We must help Mongolia to stay the course on democratic self-government and free market economics through the difficult times ahead.

As the Mongolian Government charges ahead with economic reforms, they have not neglected their environment. Because of their small population relative to their land mass, Mongolia consists of some of the most pristine ecosystems in the world. The Mongolian Government has recognized this tremendous asset and has approved many environmental regulations to continue to protect these ecosystems. Specifically, the previous regime pledged to preserve 30 percent of Mongolia as a national park under the Biodiversity Conservation Action Plan. While this pledge may prove difficult to keep while progressing with economic reforms, the new government has committed to adhere to this pledge. With this resolution, the United States applauds the Mongolian Government's foresight and encourages them to continue to promote economic development without sacrificing their rich environment.

Nestled between China and Russia, with a population the size of Philadelphia and a land mass one-third the size of the United States, Mongolia will continue to be an important global partner for the United States. In light of the tremendous reforms that have been achieved in the first 7 years, the United States congratulates Mongolia on its recent successes and looks forward to increasing cooperation with the Mongolian Government and people on democratic, economic, and environmental programs.

Mr. GILMAN. Mr. President, Mongolia is a shining beacon of hope for those people who are still living under repressive governments around the world. Mongolia is isolated, its population is small, its resources are limited but it has enthusiastically embraced political and economic reforms that would challenge any highly industrialized nation. Its government is also aggressively trying to preserve its environment and strengthen its parliamentary and judicial system.

We need to do all we can to ensure that Mongolia is successful and I urge my colleagues to support this resolution.

I appreciate the efforts of our colleague from Illinois [Mr. PORTER] the sponsor of the bill and the distinguished cochairman of the Human Rights Caucus, and also thank the manager of the resolution, the distinguished Chairman of the Asia and the Pacific Subcommittee, the gentleman from Nebraska [Mr. BEREUTER] as well as his subcommittee's ranking member, the gentleman from California [Mr. BERMAN]. Accordingly, I again urge support for this resolution.

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

Mr. BEREUTER. Mr. Speaker, I urge support of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 172, as amended.

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

A motion to reconsider was laid on the table.

## CONCERNING THE SITUATION IN KENYA

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 130) concerning the situation in Kenya.

The Clerk read as follows:

H. CON. RES. 130

Whereas on July 7, a large and violent confrontation occurred in Kenya when police stormed Nairobi's All-Saints Cathedral and attacked those present at a prayer meeting;

Whereas prodemocracy activists throughout Kenya have demonstrated in favor of reform of Kenya's constitution and the repeal of repressive colonial laws;

Whereas the bloody suppression of the constitutional reform rallies, the disruptive behavior of some demonstrators, and the recent ethnic confrontations in Kenya's Coast Province have jeopardized both the safety and the political rights of average Kenyans;

Whereas the Government of Kenya has continued to disrupt opposition rallies and meetings even after pledging to take a more tolerant approach to them in late July;

Whereas these events led to the consideration in early September of a package of democratic reforms by members of parliament representing the government and the opposition, but not including representatives of Kenyan civil society;

Whereas it remains unclear whether long-discussed political reforms can be effectively implemented in the time remaining before anticipated elections in 1997; and

Whereas colonial laws have given Kenyan President Daniel Arap Moi sweeping powers to suppress political opponents and thwart reform throughout his 19-year rule: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That the Congress—

(1) recognizes and commends those Kenyans who have demonstrated their love of peace, law, and order;

(2) condemns those who are inciting others to violence, looting, and destroying property;

(3) urges an immediate cessation to the violence in Kenya;

(4) urges the Government of Kenya to take all necessary and lawful steps to avoid more violence in the future;

(5) recognizes President Moi's response to domestic and international pressure to allow meaningful constitutional and legal electoral process reform through the current package of legislation agreed to by the ruling party and opposition party representatives;

(6) calls for the prodemocracy movement to remain unified in working toward implementing constitutional, statutory, and administrative reforms;

(7) urges rapid progress toward conducting free and fair elections; and

(8) urges the United States Government and the international community to continue to work with all parties to encourage the Government of Kenya to ensure a lasting and committed transition to democracy, including an immediate review of the propriety of the time of the next elections.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROYCE] and the gentleman from Florida [Mr. HASTINGS] each will control 20 minutes.

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

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 130, the matter now under consideration.

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

There was no objection.

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

Mr. Speaker, when the gentleman from Florida [Mr. HASTINGS] introduced this resolution last July, I felt it was timely and much needed, given the violence that prodemocracy demonstrators experienced at the hands of the Kenyan police. Since that time, after the Subcommittee on Asia and the Pacific held a hearing, the gentleman from Florida [Mr. HASTINGS] updated this resolution so that it is relevant for the situation existing today. This includes the recent announcement that elections will be held in Kenya on December 28.

Despite the recent actions by the Kenyan Parliament to put in place legal reforms to the electoral process, there are serious doubts about the Government's willingness to honor its commitments. Last July, President Moi promised to allow opposition political party meetings without permits. Since then, even opposition events with permits have been disrupted. This reform is supposed to allow for political parties to be registered, but the Safina Party still has not been registered nearly 2 years after applying for approval.

In short, the Kenyan Government has shown little commitment to follow through on its promises to implement democratic reforms. This is why this resolution is so important. The U.S. Government must be on record as strongly encouraging genuine reform. We also must firmly oppose the violence threatened in advance of the December elections.

This resolution is balanced, and it will be noted in Kenya. The Kenyan Government takes notice of what the United States Government thinks about its actions. Kenya is too important to east Africa and too important to the continent for the United States to stand by without supporting true reform. If we do not stand firm in opposition to electoral violence and vote fraud, a bad election could produce chaos in what has been an island of stability in east Africa.

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

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

Mr. Speaker, I offer this resolution today in response to the ongoing violence in Kenya that has just been talked about by our distinguished Chair of the Subcommittee on Africa, the gentleman from California [Mr. ROYCE], and I want to thank the chairman of the Subcommittee on Asia and the Pacific [Mr. BEREUTER], as well as other members, not only for their expeditious handling of this matter, but their conscientious and expeditious handling of matters as they have arisen on the African Continent.

In the absence of a genuine commitment to democracy, we have seen violence be established in Kenya. This resolution calls on President Moi, the ruling party, opposition leaders, and protestors, to immediately cease all violence and pursue the constitutional and legal reforms necessary to bring Kenya from a colonial outpost to a multiparty democracy.

On Monday, November 12, 1997, President Moi dissolved parliament after they passed three reform bills which would have paved the way for general elections, as spoken about a moment ago by the gentleman from California [Mr. ROYCE]. These reforms repeal laws restricting freedom of speech and assembly, give opposition parties greater representation on the electoral commission, and establish a multiparty commission to review the constitution after the elections.

Quite frankly, I am outraged that President Moi unilaterally dissolved the parliament because it was clearly moving in a direction he had found threatening. This action is unacceptable and must not be ignored by the international community.

Mr. Speaker, I would also like to thank the ranking member of the Subcommittee on Asia and the Pacific for his continuing diligence, not only with reference to this particular matter but others that will be spoken about later today, as well as on a continuing basis.

To sum up, my resolution lets the Kenyan people know that the United States is watching and expects progress from all quarters. Please join me in sending a message to all of the citizens of Kenya, especially those who have no voice in their governance, that their aspirations for democracy are attainable.

Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from New Jersey [Mr. MENENDEZ].

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

Mr. MENENDEZ. Mr. Speaker, I want to thank first of all my colleague on the Subcommittee on Africa, the gentleman from Florida [Mr. HASTINGS]. He has been an articulate and thoughtful member of the committee and has added much to our debates, and I want to commend him on bringing this resolution, as well as the chairman, for all of the work we have done this year in a very bipartisan way, and to his credit, we commend him for the manner in which he has run the committee.

Mr. Speaker, Kenya is an important and strategic country in Africa, and it is unfortunate that our consideration of this resolution was prompted by the violence and political instability in Kenya. I am pleased to report that since the Subcommittee on Africa held hearings on the situation in Kenya in July, the situation has improved considerably. Just this past week President Moi made noted constitutional changes to allow more room for his political opposition, and just today the date for presidential and parliamentary elections was announced: December 29.

It is crucial at this juncture that the international community insist on continued progress on constitutional and legal reforms, on improvements in human rights, and on free, fair, and democratic elections. We cannot allow this opening for reform to close without cementing substantive changes.

President Moi needs to know that the United States and the international community will continue to watch his administration, even now that the violence has subsided, and that we will continue to press for real reforms which guarantee the Kenyan people access to and participation in their government.

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That is what we are doing in this resolution. We are sending a message to President Moi, and on behalf of the Kenyan people, we hope that he is listening. I congratulate the gentleman from Florida [Mr. HASTINGS].

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

In closing, Mr. Speaker, I ask my colleagues to support this resolution, which makes an important statement on U.S. concern about possible violence in a country that has been and remains vital to American interests. It is particularly important for this House to make this statement now, since we are about to adjourn weeks before the Kenyan election will be held.

Mr. GILMAN. Mr. Speaker, I appreciate the leadership of the gentleman from California, Mr. ROYCE, the subcommittee chairman, for managing this resolution.

I would like to thank Mr. HASTINGS for introducing this resolution and directing the House's attention to the situation in Kenya.

As we all know, Kenya is expecting to have elections later this year or early next year, and there has already been a high-level of violence in Kenya in the run-up to the election.

On a positive note, the Kenyan parliament recently adopted a number of important legal and constitutional reforms. This action was made possible by brave advocacy of human rights and democracy by activity Kenyans.

These reforms offer the promise of a significant expansion of political activity in Kenya.

It is important that the Congress continues to express solidarity with those in Kenya who advocate democratic reforms and respect for human rights and civil rights. This resolution is an appropriate method to do that. Accordingly I urge my colleagues to support it.

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

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

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from

California [Mr. ROYCE] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 130, as amended.

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

A motion to reconsider was laid on the table.

## CONDEMNING MILITARY INTERVENTION BY THE GOVERNMENT OF THE REPUBLIC OF ANGOLA INTO THE REPUBLIC OF THE CONGO

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 273) condemning the military intervention by the Government of the Republic of Angola into the Republic of the Congo, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 273

Whereas President Pascal Lissouba defeated former President Denis Sassou-Nguesso in a 1992 election in the Republic of the Congo that was determined to be free and fair;

Whereas in October 1997 troops of the Government of the Republic of Angola assisted in the capture of Pointe Noire, a city in the southern part of the Republic of the Congo;

Whereas the Government of Angola sent more than 1,000 troops into the Republic of the Congo from neighboring Cabinda, including a MiG-23 fighter and ground attack squadrons;

Whereas the Government of Angola provided military supplies and support to former President Denis Sassou-Nguesso to assist his efforts to unseat the democratically-elected President Pascal Lissouba;

Whereas the Lusaka Protocol of 1994 requires that the Government of Angola inform the United Nations Observer Mission in Angola (MONUA) of any troop movements;

Whereas the actions by Angola are a violation of Article 2 of the United Nations Charter which forbids member states from ''the threat or use of force against the territorial integrity or political independence of any state'';

Whereas the actions by Angola are a violation of Article III of the Organization of African Unity Charter which mandates ''Respect for the sovereignty and territorial integrity of each State'';

Whereas the United Nations Security Council has imposed travel and other sanctions on the National Union for the Total Independence of Angola (UNITA) for making insufficient progress in its commitments under the Lusaka Protocol, including demobilization of UNITA soldiers, the forfeiture of weapons to the United Nations, and the extension of state administration to regions under UNITA control;

Whereas this action by the United Nations Security Council comes shortly after the Government of Angola participated in the overthrow of a democratically elected government in the Republic of the Congo; and

Whereas the United Nations Security Council has failed to condemn this action by the Government of Angola: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) condemns the military intervention by the Government of the Republic of Angola into the Republic of the Congo;

(2) calls on the Government of Angola to immediately withdraw all military troops, supplies, and other assistance from the Republic of the Congo;

(3) encourages the United States Government to condemn the military intervention by the Government of Angola into the Republic of the Congo and its violation of the Lusaka Protocol, the United Nations Charter, and the Organization of African Unity Charter;

(4) urges the United States Government to withhold any military training and assistance to Angola until it ceases all military activities in the Republic of the Congo;

(5) expresses concern that the United States Government has sought to strengthen military ties with the Government of Angola in advance of the full implementation of the Lusaka Protocol and the creation of a meaningful role for former members of the National Union for the Total Independence of Angola (UNITA) in the Angolan military; and

(6) urges both the Government of Angola and UNITA to continue their commitments to the Lusaka Protocol and Angolan peace process despite the imposition of sanctions on UNITA by United Nations Security Council Resolutions 1127 (1997) and 1135 (1997).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROYCE] and the gentleman from New Jersey [Mr. MENENDEZ] each will control 20 minutes.

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

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this resolution.

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

There was no objection.

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

Mr. Speaker, this resolution concerns the troubling situation that is made worse by Angola's armed intervention in the civil war in Congo, Brazzaville. The introduction of Angolan troops, armor, and aircraft tipped the balance of that civil war in favor of former President Dennis Sassou-Nguesso, who was inaugurated recently, despite having received no popular mandate for his return as President.

The Angolan intervention has resulted in the overthrow of the Government of President Pascal Lissouba, who was elected in that country's first multi-party election in 1992. Despite the end of the fighting, Congo-Brazzaville is no more stable today because of the Angolan intervention, and, indeed, it may be facing more turmoil in the coming weeks because of the imposition of an unpopular dictator who was overwhelmingly voted out of office 5 years ago.

Certainly the Angolan soldiers made life more difficult for the Congo by pounding Pointe Noire with heavy artillery for days, and then looting that city. These are not the actions of genuine liberators. The Angolan intervention in Congo Brazzaville following the Angolan intervention in what was then Zaire has led many observers to wonder if we are now in a newer era on the continent in which borders and democratic elections are meaningless.

The rationale by the Angolan government that Angolan forces operating in Congo Brazzaville posed a threat to their country does not justify its violation of international conventions, as cited in this resolution. President Lissouba testified last week before the Committee on International Relations that any UNITA presence in his country posed no danger whatsoever to Angola's sovereignty. However, this intervention likely will harm the peace process in Angola itself by further hardening relations between the Angolan government and UNITA.

Angolan government spokesmen talked of forcefully seizing territory that is supposed to be turned over by UNITA. Although the United Nations placed sanctions on UNITA, the U.N. acknowledged that extension of territorial administration has been moving forward over the last few months.

I support the resolution of the gentleman from New Jersey [Mr. MENENDEZ] as a timely and necessary response to this situation. I understand the Angolan government has announced its intention to withdraw its forces from Congo by November 15. This resolution lets that government know we expect them to fulfill that commitment.

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

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

Mr. Speaker, last month Mr. Sassou-Nguesso was sworn in as the President of the Republic of Congo after seizing power from the democratically elected government with the help of the Angolan military, and with virtually no opposition from the international community.

When President Lissouba testified before the Committee on International Relations last week, he made it very clear that the Angolan intervention was a decisive factor in the deposing of his government.

This resolution addresses three important issues: First, the Angolan government military's incursion into the Republic of Congo to help unseat the democratically elected government of Pascal Lissouba; second, the lackadaisical response from the international community, including the the United States government, to Angola's actions and the overthrow of the Congolese government; and third, the imposition of sanctions upon UNITA by the U.N. Security Council, without regard or mention of the Angolan government's violations of the Lusaka Protocol.

Unlike the situation in the former Zaire, where now President Kabila unseated longtime dictator Mbutu, Angola has helped to unseat a democratically elected President in the Republic

of Congo. The United States' response has been woefully inadequate. The United States should be calling for the restoration of the democratically-elected government of Pascal Lissouba, but instead it is pursuing a policy of working with former dictator Nguesso as if he had a legitimate mandate from the Congolese people.

On October 30, the United States agreed to support the imposition of sanctions on UNITA for failure to comply with its obligations under the Lusaka Protocol. This decision was made despite the fact that UNITA has made significant progress in moving towards many of the benchmarks established by earlier Security Council resolutions.

But even more disconcerting is the fact that the decision was made despite the fact that the government of Angola violated the Lusaka Protocol, that is, invading the Congolese, not to mention the United Nations and Organization of African Unity charters, by overthrowing the freely-elected government of the Congo.

Moreover, during the month of October the government took several provocative military actions against UNITA, also in violation of the Lusaka Protocol, failed to honor a commitment to meet with Dr. Savimbi, and snubbed Ambassador Richardson on his visit to Angola, the purpose of which was to move the peace process forward.

It is disingenuous to sanction UNITA for noncompliance when the government itself has violated the Lusaka Protocol. I believe the United States needs to send a strong message to Angola by withholding further IMET assistance until Angola has fully withdrawn all troops and military assistance from the Republic of Congo.

We should also give serious consideration to whether or not it is appropriate to be extending military assistance and forging military-to-military contacts with a country which is engaged in cross-border military incursions. I seriously question if it is a responsible policy to be providing Angola with such assistance in advance of the full implementation of the Lusaka Protocol and creation of a meaningful role for former UNITA members in the Angola military.

Finally, we are at a critical juncture in the Angolan peace process. The Angolan government's actions in the Republic of Congo and the U.N. Security Council's imposition of sanctions are likely to hinder rather than advance the timetable for peace in Angola. We hope that that in fact does not end up being the case, but we are seriously considering it.

I want to thank the chairman of the subcommittee for calling my resolution forward, which I believe is very timely. I want to thank my cosponsors.

Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I commend the gentleman from New Jersey [Mr. MENENDEZ] for bringing this resolution forward. I also commend the gentleman from New York, Chairman GILMAN, and the gentleman from California, Mr. ROYCE, the chair of the subcommittee on Africa, for their work on the bill.

We have before us a meaningful and balanced resolution. The national community must forcefully speak against the overthrow of a democratically-elected President, especially when an outside power intervenes in a critical way. The Congress in this action goes on record as condemning Angola's intervention in the Republic of the Congo. Angola's actions could set a dangerous precedent in a volatile area, and the Congress here is working to avoid this kind of precedent.

The resolution also urges both sides in Angola to implement their commitments to the peace process. I would urge, and I believe the gentleman from Indiana [Mr. HAMILTON] would, as well, adoption of the resolution. I thank again the gentleman from New Jersey [Mr. MENENDEZ] and the gentleman from California [Mr. ROYCE] and the gentleman from New York [Mr. GILMAN], and the gentleman from California and the gentleman from New Jersey especially, since we traveled to this area and we all recognize its volatility, and the likelihood that unless stability is brought there, that it will cause a continuing explosion in that area of the world.

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

Mr. ROYCE. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

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

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

Mr. Speaker, I want to thank the chairman of the subcommittee on Africa, the distinguished gentleman from California [Mr. ROYCE] for his leadership in bringing this resolution before us, as well as the distinguished gentleman from New Jersey [Mr. MENENDEZ], who is our ranking member on the subcommittee of Africa, for introducing this important resolution.

This resolution condemns the actions by the government of Angola that contribute to the overthrow of a democratically-elected government and its neighbor, the Republic of the Congo. Our committee recently took testimony from President Pascal Lissouba of the Republic of Congo, who was ousted from his Nation last month by the Armed Forces of Angola, working in conjunction with Congolese rebel forces. President Lissouba was democratically elected by the Congolese people in 1992.

It must be made clear that the Angolan government, they must refrain from intervening in the affairs of their neighbors, and continue to honor their commitments to the Lusaka protocol, which governs Angola's internal peace process. There are reasons to begin to suspect that Angola may become a rogue state, showing no restraints in its efforts to undermine its neighbors.

With the imposition of sanctions on UNITA by the U.N. Security Council, tensions in Angola right now are as high as they have been in the last 3 years, since the signing of the Lusaka protocol. It is imperative, therefore, that the Congress remind both sides that a return to war is unacceptable. Renewed hostilities would only result in the collapse of the peace process and the total isolation of the offending party. This resolution sends that kind of a message.

Accordingly, I urge my colleagues to fully support the resolution.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Florida [Mr. SHAW].

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

Mr. Speaker, I would like to say to my colleagues, within the last year I was in the Republic of the Congo. I went deep into the Ndoki forest, and saw what was going on; spent almost a full day with President Lissouba and got to know him, and know of the concern, the deep concern he had for his people and his country.

Sure, it is a fragile democracy. It was the only democracy that the Republic of the Congo has ever known. For it to be struck down in such a brutal way by not only the rebel forces from within the Republic of the Congo, but from the intervention from Angola, is inexcusable.

I think when we talk about what is our interest in that part of the world, we have to ask ourselves certain questions. Sure, there is oil there that is of great value and should be conserved. We would like for our American oil producers to have equal access to it. But there is much more than that.

In the Ndoki forest, traveling hours in dugout canoes, and going back and hiking hours through the swamp, and sleeping on the ground, we were able to actually see for the first time the silver-backed gorillas that are coming closer and closer to extinction. On the way we were able to see the results of what happens in clear-cutting the rain forest, which is going to have a lot to do with world climate.

We talked to President Lissouba and know of his concern, his cooperation with USAID and other organizations that are trying to conserve the forest, trying to conserve the rain forest elephant and the silver-backed gorilla, together with other endangered species.

If we care about this earth that we live in, if we care about the freedom of individuals, if we care about democracy, we must turn our attention to the struggling democracies in Africa, and ask ourselves exactly what course this Congress should take, what actions should the United States take,

what should our relations be with nations that would destroy cities such as the leveling of Brazzaville, and actually the illegal conduct of Angola and what it has been doing.

□ 1530

I want to compliment the gentleman from California [Mr. MENENDEZ] for bringing this to the floor and the gentleman from California [Mr. ROYCE] for his good leadership in this regard. And I urge a yes vote on this important resolution.

Mr. MENENDEZ. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. PAYNE] on a related matter, since he was unavoidably detained on the Kenya resolution, but has just come back from a trip to the whole area as one of our outstanding members in the Subcommittee on Africa.

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

Mr. PAYNE. Mr. Speaker, let me, first of all, commend the gentleman from New Jersey [Mr. MENENDEZ], the ranking member of the Subcommittee on Africa, for the outstanding work that he has done at the Subcommittee on Africa. I would like to stand here in support of the previous Concurrent Resolution 130, as has been indicated regarding Kenya.

As has been mentioned, I visited Kenya on a brief trip from July 4 to July 6. When I went there, it was to evaluate the situation there and to listen to what was going on. My mission had two principal objectives: First, to urge the President to meet with opposition and religious leaders to discuss opposition demands for constitutional reforms; and, second, encourage the government to create a level playing field for the upcoming election. I also delivered a letter from President Clinton.

Kenya is one of the most important countries in Africa, and I think today for many reasons we are seeing Kenya's unwavering commitment and leadership of IGAD. Starting on October 28 in Nairobi, President Moi, as chairman of IGAD, was instrumental in getting the SPLA and the National Islamic Front, NIF, to agree on a joint communique. Nelson Mandela concluded that Inter-Governmental Authority on Development remained the best forum, and President Moi was working hard to try to get those two groups together.

After much prodding, after the World Bank and the IMF suspended its loan program and the subsequent fall of the Kenya shilling, I suppose that Mr. Moi had no other option but to meet with the opposition party members in the Inter-Parties Parliamentary Group, IPPG. In all fairness, though, President Moi stated that the opposition was divided and fractionalized, and I think that was one of his reasons for ambiguity on the reform package that he presented.

I do not think that the people of Kenya can survive any more uprisings and civil unrest like they had in 1995 and Saba Saba in July of this year, when 10 people were killed.

I also had an opportunity to meet with President Moi again last month on a Presidential mission with Ambassador Richardson. Let me say that President Moi has truly been responsive to the calls for reform. He is the promoter of a bill amending the Constitution. It sailed through its third reading in the Parliament on November 4. Shouts of triumph filled the chamber as members of different parties celebrated the bill's passage.

The political and constitutional reforms of November 7 that Mr. Moi signed into law will make Kenya a multiparty democracy and will allow residents greater freedom of speech. The reforms repeal laws restricting freedom of speech and assembly, give greater representation on the Electoral Commission to opposition parties, and establish a multipartisan commission to review the Constitution after general elections.

I do feel that President Moi should allow all political parties to become a part of the elections. There is still one party that has not been registered. I think that should be done. And, also, I think we need to take a look at the fact that there has been abolition of the Parliament. But I understand that, according to the procedures, that this happens right before elections.

So I would just like to once again thank the gentleman from Florida [Mr. HASTINGS] for this resolution. I support it, and I hope that Kenya can get on the right track of its election, have them fair and transparent so that that country that was great in the past can move forward in the future for all the people of Kenya.

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

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

I ask that my colleagues support this resolution, which sends an important message to the region. In 2 days, Angolan troops are supposed to be withdrawn from Congo-Brazzaville, and at this point it is unlikely that they will complete their withdrawal on time. Nevertheless, this is a key deadline. My colleagues' support of this resolution today will confirm American determination that this deadline must be kept, absent some good reason why it cannot be kept.

Since this is the last of 6 resolutions produced by the Subcommittee on Africa this session, let me take this opportunity to commend the gentleman from California [Mr. MENENDEZ], the ranking minority member, and all my subcommittee colleagues on both sides of the aisle for a very cooperative working relationship this year, including the gentleman from Florida [Mr. HASTINGS] and the gentleman from New Jersey [Mr. PAYNE], who have spoken on the last two resolutions. I look forward to a productive second session.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ROYCE] that the House suspend the rules and agree to the resolution, H. Res. 273, as amended.

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

The title of the resolution was amended so as to read: ''Condemning the military intervention by the Government of the Republic of Angola into the Republic of the Congo, urging both the Government of Angola and the National Union for the Total Independence of Angola (UNITA) to continue their commitments to the Lusaka Protocol and Angolan peace process despite the imposition of sanctions on UNITA by United Nations Security Council Resolutions 1127 (1997) and 1135 (1997), and for other purposes.''.

A motion to reconsider was laid on the table.

## SENIOR CITIZEN HOME EQUITY PROTECTION ACT

Mr. LAZIO of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 329) providing for the concurrence by the House with an amendment to the Senate amendment to the House amendments to S. 562.

The Clerk read as follows:

H. RES. 329

*Resolved*, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill S. 562, together with the Senate amendment to the House amendment to the text of the bill, and to have concurred in the Senate amendment with an amendment as follows:

In the matter proposed to be inserted by the Senate amendment, at the end of section 304 add the following new subsection:

(c) APPLICABILITY.—This section shall apply only during the period beginning on October 1, 1997, and ending at the end of March 31, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the Senior Citizens Home Equity Protection Act of 1997, which I introduced on April 10 as H.R. 1297, the Senior Homeowners Mortgage Protection Act. This House originally passed this bill under suspension on September 16, with an overwhelming vote of support, 422 to 1. That is the kind of margin I like to win my bills by, Mr. Speaker.

The core legislation was also included in the manager's amendment to H.R. 2, the Housing Opportunity and Responsibility Act of 1997, which passed the House on May 14. Although the Senate did not act upon this bill

until Sunday, the House believes it is critical to enact these measures before the end of the year.

In our efforts, I must commend the gentleman from Iowa [Mr. LEACH], the chairman of the Committee on Banking and Financial Services, for his support in providing greater protections for senior citizens seeking to obtain a home equity reverse mortgage. In partnership with the administration, we have constructed the bipartisan legislation before us today to provide security and peace of mind for thousands of senior citizens across America.

Mr. Speaker, in short, the legislation ensures that senior homeowners will be protected from being charged excessive or unnecessary fees in the reverse mortgage application process.

According to a HUD investigation earlier this year, seniors applying for reverse mortgages were being charged up to 10 percent of the total loan amount for estate planning services with third-party providers. In some cases, seniors have been charged as much as $10,000 for services that should be provided at no cost.

Mr. Speaker, it is profoundly disturbing that such a valuable tool for senior citizens has been jeopardized by these predators. Our legislation will prevent these unscrupulous activities and will ensure that loan proceeds will go toward sustaining the quality of life for seniors throughout America.

Mr. Speaker, our legislation also provides a 2-year extension of certain rural housing programs and a 2-year extension of the National Flood Insurance Program. This is very important in many different parts of the country, particularly the coastal areas. While these programs may not be Senate priorities, the House included the additional authority to ensure the continuity of services to needy Americans.

Of particular significance is the extension of existing borrowing authority for the flood insurance program. Earlier this year, FEMA Director James Witt indicated that without the extension, FEMA might be forced to turn away families in the event of a significant disaster. Such a scenario is especially disturbing to families living in flood areas near rivers like the Ohio and Mississippi, as well as families living in coastal areas, particularly California, New York, and Florida.

Since the legislation passed in the House, we have worked closely with our Senate counterparts to accommodate minor changes in the original House legislation. In particular, let me express my appreciation for the cooperation of the chairman of the Senate Committee on Banking, Housing, and Urban Affairs, and the chairman of the Senate Subcommittee on Housing Opportunity and Community Development, and their sincere efforts to move this legislation forward.

I urge the Senate to pass this bill, with the minor changes we have made, without delay. The amendment before us today is generally the version that passed the House on September 16, with a few very minor changes included by the Senate. These changes include the modification of provisions dealing with public housing funding flexibility and mixed financial developments. These provisions help resolve budget scoring issues. The Senate also deleted two multifamily provisions included in the House bill in order to further study the effect of the provisions on tenant rent increases and on good owners.

Additionally, a new provision was added which clarifies the owner's right to prepay a mortgage insured by the FHA. This provision is apparently necessary because the recently enacted fiscal year 1998 VA, HUD and Independent Agencies Appropriations Act extended only a segment of the prepayment authority. Regarding this particular provision, the House believes it is appropriate to extend the necessary authority for a period of 6 months, sufficient time to allow for a more complete analysis of the impact of extending this provision on a more permanent basis.

Finally, the Senate amendment makes a series of technical and clarifying changes to the Native American Housing Assistance and Self-Determination Act of 1996. This law was enacted in the 104th Congress, and like any new major law, technical corrections are often necessary. These are appropriate.

Mr. Speaker, the legislation before us today has the support of the administration, the gentleman from Massachusetts [Mr. KENNEDY], my friend and colleague, the ranking member of the Subcommittee on Housing and Community Opportunity, and numerous senior citizen organizations. I urge my colleagues here in the House and Members of the Senate to support passage of this critical legislation.

Let me end, Mr. Speaker, by complimenting and thanking the gentleman from Massachusetts [Mr. KENNEDY], the ranking member of the Subcommittee on Housing and Community Opportunity, for working tirelessly with me to ensure that we protect seniors, ensure that we have the flood insurance protection program in full force and effect for the next few months, as a matter of fact, for the next 2 years, and extend the opportunities for housing throughout America.

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

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, let me rise in strong support of this extended bill. I want to congratulate the gentleman from New York [Mr. LAZIO], chairman of the Subcommittee on Housing and Community Opportunity, on his efforts to make certain that this bill came to the floor before we broke up this session of Congress. This is an important series of protections that will be provided in this legislation, first and foremost, the senior citizens protection. This bill provides important provisions that will protect senior citizens from unscrupulous practices dealing with reverse mortgages.

In recent years, scam artists have been charging seniors excessive and unnecessary fees in conjunction with HUD reverse mortgages, which allows seniors to borrow against equity in their home for needed expenses. The bill ends these scam practices by outlawing excessive fees and increasing disclosure provisions.

I want to just briefly read a letter from the Secretary of HUD, Andrew Cuomo, who writes,

> If this bill had not been moved to adjournment, thousands of senior citizens would continue to be at risk of being defrauded. Many cash-poor elderly families have significant untapped equity in their homes. And HUD's home equity conversion mortgage program allows them to tap into this resource to meet medical costs, living expenses, and other needs, without selling their longtime home.

I know that the outrages that have been perpetrated need to be fixed, and we need to stop them from being able to seek profits by charging the elderly excessive fees. This program will make HUD benefits available at no charge.

Mr. Speaker, the chairman of the committee ought to again take credit for making certain that this bill did come to the House floor in an appropriate time frame, because without this action taken on the floor today, more senior citizens would have been taken advantage of. In addition, it provides many improvements and extenders on existing housing programs.

For instance, the rural housing program. The bill extends affordable rural renting housing programs, including section 515 and 538 rental housing programs, in the underserved areas of the rural housing programs.

□ 1545

It also extends the multifamily programs. The bill extends federally assisted multifamily housing programs, including an expansion of a multifamily risk sharing program. The public housing provisions will also be extended, including the ceiling on minimum rent provisions as well as the suspension of various outdated rules.

It includes an important provision that extends greater financing flexibility for mixed income housing under the HOPE 6 program, critical for projects in cities like Baltimore and Philadelphia and Boston and others. It also extends the critical National Flood Insurance program, which I know we will be working on even more in the coming year in terms of some of the issues that have come forward regarding some of the very large and expensive and difficult flood and other natural disaster problems that are facing our country.

Third, it provides Indian housing. The bill makes technical corrections to the Native American Housing Assistance and Self-Determination Act.

Finally, the bill clarifies the rights of owners of section 8 housing to prepay their mortgage, a clarification

made necessary by this year's failure to fund the preservation program. While the House bill differs slightly from the Senate bill in its time extension, I am quite hopeful that the Senate will concur with this small change.

Mr. Speaker, the Department of Housing and Urban Development supports this legislation and has sent a letter indicating its support. The bill is also endorsed by the AARP. The legislation represents the hard work of the Committee on Banking and Financial Services which authorizes the housing programs. If we fail to take action today, many of the important provisions will be delayed for many, many months to come at the least. Therefore, I urge the adoption of this legislation.

Again, let me thank the gentleman from New York [Mr. LAZIO] for the hard work that he and his staff and the staff on the Democratic side have put into bringing this bill about today.

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

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume. I would like to thank again the gentleman from Massachusetts [Mr. KENNEDY] for his hard work on this. This will be the third time actually that these provisions protecting seniors will have passed on the House floor. We have some additional provisions I think that will be helpful, in particular the flood insurance provisions which have been mentioned by both myself and by the gentleman from Massachusetts [Mr. KENNEDY].

Mr. Speaker, let me take this opportunity if I can to bid farewell to somebody who has served Congress very well, very admirably and will be missed I know on both sides of the aisle, and that is Kelsay Meek, who has been the staff director I know of the committee and has served with distinction. I know we have already had plenty of opportunity to acknowledge the contributions that the gentleman from Texas [Mr. GONZALEZ] has made to this body and to America. I want to reiterate again my respect for him, and again, my hat off to Kelsay Meek and wish him good luck in his future endeavors.

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

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume. I want to just let the chairman of the Subcommittee on Housing and Economic Opportunities know how much I appreciate his mentioning not only Kelsay Meek. Obviously this has come as a result of the retirement of one of the great Members and great advocates of housing policies in this country, HENRY GONZALEZ, who is going back to Texas and leaves a tremendous staff that has been dedicated to him.

Kelsay is the leader of that staff, and someone whom I have come to know and deeply appreciate in terms of his knowledge of housing issues and his deep commitment to protecting the very, very poor people of this country, but he also has many other members of his staff that are also moving on. We wish all of those the best, and are delighted that many of the members of the staff are going to be staying to do battle with others on the other side of the aisle at times in the future.

I do want to also acknowledge, while we have just a moment on the House floor, the fact that I know the gentleman from New York [Mr. LAZIO] and I will miss the gentleman from New York [Mr. FLAKE], a dear friend who is leaving the committee, another fine member of the Committee on Banking and Financial Services who did tremendous work on housing issues over the course of his career. I know he is going back to the city of New York. It is the first time I have had a chance to just acknowledge the loss of a deep personal friend here in the House who will be going back but serving a higher calling than perhaps even we in the House of Representatives.

Mr. Speaker, I thank the chairman of the committee for his actions, and I yield back the balance of my time.

The SPEAKER pro tempore [Mr. SNOWBARGER]. The question is on the motion offered by the gentleman from New York [Mr. LAZIO] that the House suspend the rules and agree to the resolution, House Resolution 329.

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

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 562.

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

There was no objection.

## CORRECTING ENROLLMENT OF S. 830, FOOD AND DRUG ADMINISTRATION MODERNIZATION ACT OF 1997

Mr. BURR of North Carolina. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 196) to correct the enrollment of the bill S. 830.

The Clerk read as follows:

H. CON. RES. 196

*Resolved by the House of Representatives (the Senate concurring)*, That, in the enrollment of the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 119(b) of the bill:

(A) Strike paragraph (2) (relating to conforming amendments).

(B) Strike ''(b) SECTION 505(j).—'' and all that follows through '''(3)(A) The Secretary shall'' and insert the following:

''(b) SECTION 505(j).—Section 505(j) (21 U.S.C. 355(j)) is amended by adding at the end the following paragraph:

'''(9)(A) The Secretary shall''.

(2) In section 123 of the bill, strike subsection (g) and insert the following:

''(g) APPLICATION OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

''(1) IN GENERAL.—Section 351 of the Public Health Service Act (42 U.S.C. 262), as amended by subsection (d), is further amended by adding at the end the following:

'''(j) The Federal Food, Drug, and Cosmetic Act applies to a biological product subject to regulation under this section, except that—

'''(1) a product for which a license has been approved under subsection (a) shall not be required to have an approved application under section 505 of such Act; and

'''(2) the amendments made to section 505 of such Act by title I of Public Law 98–417 shall not apply to a biological product for which a license has been approved under subsection (a).''''.

''(2) RULE OF CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall affect the question of the applicability of any provision of section 505 of the Federal Food, Drug, and Cosmetic Act to a biological product for which an application has been approved under section 505 of such Act.''.

(3) In section 125(d)(2) of the bill, in the matter preceding subparagraph (A), insert after ''antibiotic drug'' the second place such term appears the following: ''(including any salt or ester of the antibiotic drug)''.

(4) In section 127(a) of the bill: In section 503A of the Federal Food, Drug, and Cosmetic Act (as proposed to be inserted by such section 127(a)), in the second sentence of subsection (d)(2), strike ''or other criteria'' and insert ''and other criteria''.

(5) In section 412(c) of the bill:

(A) In subparagraph (1) of section 502(e) of the Federal Food, Drug, and Cosmetic Act (as proposed to be amended by such section 412(c)), in subclause (iii) of clause (A), insert before the period the following: ''or to prescription drugs''.

(B) Strike ''(c) MISBRANDING.—Subparagraph (1) of section 502(e)'' and insert the following:

''(c) MISBRANDING.—

''(1) IN GENERAL.—Subparagraph (1) of section 502(e)''.

(C) Add at the end the following:

''(2) RULE OF CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall affect the question of the authority of the Secretary of Health and Human Services regarding inactive ingredient labeling for prescription drugs under sections of the Federal Food, Drug, and Cosmetic Act other than section 502(e)(1)(A)(iii).''.

(6) Strike section 501 of the bill and insert the following:

**''SEC. 501. EFFECTIVE DATE.**

''(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

''(b) IMMEDIATE EFFECT.—Notwithstanding subsection (a), the provisions of and the amendments made by sections 111, 121, 125, and 307 of this Act, and the provisions of section 510(m) of the Federal Food, Drug, and Cosmetic Act (as added by section 206(a)(2)), shall take effect on the date of enactment of this Act.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. BURR] and the gentleman from Ohio [Mr. BROWN] each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. BURR].

GENERAL LEAVE

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

Mr. BURR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to ask support for a concurrent resolution to correct the enrollment of S. 830, the Food and Drug Administration Modernization Act of 1997. This concurrent resolution makes 6 small changes in the FDA reform act to correct technical drafting problems that have been identified since the bill was passed in the House and voice voted on Sunday. This concurrent resolution corrects section references, clarifies the definition of terms used in the bill, makes grammatical changes and corrects the effective date of the act. These corrections have the full support of the Republican and Democrat sponsors of this legislation in both the House and the Senate.

In addition, I have a letter from Health and Human Services Secretary Donna Shalala regarding the user fees authorized by this act. These fees will be dedicated toward expediting the drug development process and the review of human drug applications. The specific performance goals that FDA has agreed to which are referenced in section 101(4) of this act are specified in the letter entitled PDUFA Reauthorization Performance Goals and Procedures from Secretary Shalala.

Mr. Speaker, I hope that these corrections will be adopted by the entire House.

Mr. Speaker, the text of the letter is as follows:

THE SECRETARY OF
HEALTH AND HUMAN SERVICES,
*Washington, DC, November 13, 1997.*

Hon. THOMAS J. BLILEY, Jr.,
*Committee on Commerce, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: As you are aware, the Prescription Drug User Fee Act of 1992 (PDUFA) expired at the end of Fiscal Year 1997. Under PDUFA, the additional revenues generated from fees paid by the pharmaceutical and biological prescription drug industries have been used to expedite the prescription drug review and approval process, in accordance with performance goals that were developed by the Food and Drug Administration (FDA) in consultation with the industries. To date, FDA has met or exceeded the review performance goals agreed to in 1992, and is reviewing over 90 percent of priority drug applications in 6 months and standard drug applications in 12 months.

FDA has worked with representatives of the pharmaceutical and biological prescription drug industries, and the staff of your Committee, to develop a reauthorization proposal for PDUFA that would build upon and enhance the success of the original program. Title I, Subtitle A of the Food and Drug Administration Modernization Act of 1997, S. 830, as passed by the House and Senate on November 9, 1997, reflects the fee mechanisms developed in these discussions. The performance goals referenced in Section 101(4) are specified in the enclosure to this letter, entitled ''PDUFA Reauthorization Performance Goals and Procedures.'' I believe they represent a realistic projection of what FDA can accomplish with industry cooperation and the additional resources identified in the bill.

This letter and the enclosed goals document pertain only to Title I, Subtitle A (Fees Relating to Drugs) of S. 830, the Food and Drug Administration Modernization Act of 1997).

OMB has advised that there is no objection to the presentation of these views from the standpoint of the Administration's program.

We appreciate the support of you and your staffs, the assistance of other Members of the Committee, and that of the Appropriations Committees, in the reauthorization of this vital program.

Sincerely,

DONNA E. SHALALA.

Enclosure.

PDUFA REAUTHORIZATION PERFORMANCE GOALS AND PROCEDURES

The performance goals and procedures of the FDA Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER), as agreed to under the reauthorization of the prescription drug user fee program in the ''Food and Drug Administration Modernization Act of 1997,'' are summarized as follows;

I. FIVE-YEAR REVIEW PERFORMANCE GOALS

*Fiscal year 1998*

1. Review and act on 90 percent of standard original New Drug Application (NDAs) and Product License Applications (PLAs)/Biologic License Applications (BLAs) filed during fiscal year 1998 within 12 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 1998 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 1998 within 12 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 1998 within 6 months of receipt.

5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 1998 within 6 months of receipt.

6. Review and act on 90 percent of all resubmitted original applications filed during fiscal year 1998 within 6 months of receipt, and review and act on 30 percent of Class 1 resubmitted original applications within 2 months of receipt.

*Fiscal year 1999*

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 1999 within 12 months of receipt and review and act on 30 percent within 10 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 1999 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 1999 within 12 months of receipt and review and act on 30 percent within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 1999 within 6 months of receipt.

5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 1999 within 6 months of receipt and review and act on 30 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

6. Review and act on 90 percent of Class 1 resubmitted original applications filed during fiscal year 1999 within 4 months of receipt and review and act on 50 percent with 2 months of receipt.

7. Review and act on 90 percent of Class 2 resubmitted original applications filed during fiscal year 1999 within 6 months of receipt.

*Fiscal year 2000*

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 2000 within 12 months of receipt and review and act on 50 percent within 10 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 2000 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 2000 within 12 months of receipt and review and act on 50 percent within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2000 within 6 months of receipt.

5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 2000 within 6 months of receipt and review and act on 50 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

6. Review and act on 90 percent of Class 1 resubmitted original applications filed during fiscal year 2000 within 4 months and review and act of 50 percent within 2 months of receipt.

7. Review and act on 90 percent of Class 2 resubmitted original applications filed during fiscal year 2000 within 6 months of receipt.

*Fiscal year 2001*

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 2001 within 12 months and review and act on 70 percent within 10 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 2001 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 2001 within 12 months and review and act on 70 percent within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2001 within 6 months of receipt.

5. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2001 within 6 months of receipt and review and act on 70 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

6. Review and act on 90 percent of Class 1 resubmitted original applications filed during fiscal year 2001 within 4 months of receipt and review and act on 70 percent within 2 months of receipt.

7. Review and act on 90 percent of Class 2 resubmitted original applications within 6 months of receipt.

*Fiscal year 2002*

1. Review and act on 90 percent of standard original NDA and PLA/BLA submissions filed during fiscal year 2001 within 10 months of receipt.

2. Review and act on 90 percent of priority original NDA and PLA/BLA submissions filed during fiscal year 2002 within 6 months of receipt.

3. Review and act on 90 percent of standard efficacy supplements filed during fiscal year 2002 within 10 months of receipt.

4. Review and act on 90 percent of priority efficacy supplements filed during fiscal year 2002 within 6 months of receipt.

5. Review and act on 90 percent of manufacturing supplements filed during fiscal year 2002 within 6 months of receipt and review and act on 90 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

6. Review and act on 90 percent of Class 1 resubmitted original applications filed during fiscal year 2002 within 2 months of receipt.

7. Review and act on 90 percent of Class 2 resubmitted original applications within 6 months of receipt.

These review goals are summarized in the following tables:

ORIGINAL NDAs/BLAs/PLAs AND EFFICACY SUPPLEMENTS

| Submission cohort | Standard | Priority |
|---|---|---|
| Fiscal year: | | |
| 1998 | 90 pct. in 12 mos | 90 pct. in 6 mos. |
| 1999 | 30 pct. in 10 mos | 90 pct. in 6 mos. |
| | 90 pct. in 12 mos | |
| 2000 | 50 pct. in 10 mos | 90 pct. in 6 mos. |
| | 90 pct. in 12 mos | |
| 2001 | 70 pct. in 10 mos | 90 pct. in 6 mos. |
| | 90 pct. in 12 mos | |
| 2002 | 90 pct. in 10 mos | 90 pct. in 6 mos. |

MANUFACTURING SUPPLEMENTS

| Submission cohort | Manufacturing supplements that— | |
|---|---|---|
| | do not require prior approval [1] | Do require prior approval |
| Fiscal year: | | |
| 1998 | 90 pct. in 6 mos | 90 pct. in 6 mos. |
| 1999 | 90 pct. in 6 mos | 30 pct. in 4 mos. |
| | | 90 pct. in 6 mos. |
| 2000 | 90 pct. in 6 mos | 50 pct. in 4 mos. |
| | | 90 pct. in 6 mos. |
| 1901 | 90 pct. in 6 mos | 70 pct. in 4 mos. |
| | | 90 pct. in 6 mos. |
| 1902 | 90 pct. in 6 mos. | 90 pct. in 4 mos. |

Changes being effected or 30-day supplements.

RESUBMISSION OF ORIGINAL NDAs/BLAs/PLAs

| Submission cohort | Class 1 | Class 2 |
|---|---|---|
| Fiscal years: | | |
| 1998 | 90 pct. in 6 mos | 90 pct. in 6 mos. |
| | 30 pct. in 2 mos | |
| 1999 | 90 pct. in 4 mos | 90 pct. in 6 mos. |
| | 50 pct. in 2 mos | |
| 2000 | 90 pct. in 4 mos | 90 pct. in 6 mos. |
| | 70 pct. in 2 mos | |
| 2001 | 90 pct. in 2 mos | 90 pct. in 6 mos. |
| 2002 | 90 pct. in 2 mos | 90 pct. in 6 mos. |

II. NEW MOLECULAR ENTITY (NME) PERFORMANCE GOALS

The performance goals for standard and priority original NMEs in each submission cohort will be the same as for all of the original NDAs (including NMEs) in each submission cohort but shall be reported separately.

For biological products, for purposes of this performance goal, all original BLAs/PLAs will be considered to be NMEs.

III. MEETING MANAGEMENT GOALS

*A. Responses to meeting requests*

1. Procedure: Within 14 calendar days of the Agency's receipt of a request from industry for a formal meeting (i.e., a scheduled face-to-face, teleconference, or video conference) CBER and CDER should notify the requester in writing (letter or fax) of the date, time, and place for the meeting, as well as expected Center participants.

2. Performance Goal: FDA will provide this notification within 14 days for 70% of requests (based on request receipt cohort year) starting in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

*B. Scheduling meetings*

1. Procedure: The meeting date should reflect the next available date on which all applicable Center personnel are available to attend, consistent with the component's other business; however, the meeting should be scheduled consistent with the type of meeting requested. If the requested date for any of these types of meetings is greater than 30, 60, or 75 calendar days (as appropriate) from the date the request is received by the Agency, the meeting date should be within 14 calendar days of the date requested.

Type A Meetings should occur within 30 calendar days of the Agency receipt of the meeting request.

Type B Meetings should occur within 60 calendar days of the Agency receipt of the meeting request.

Type C Meetings should occur within 75 calendar days of the Agency receipt of the meeting request.

2. Performance goal: 70% of meetings are held within the time frame (based on cohort year of request) starting in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

*C. Meeting minutes*

1. Procedure: The Agency will prepare minutes which will be available to the sponsor 30 calendar days after the meeting. The minutes will clearly outline the important agreements, disagreements, issues for further discussion, and action items from the meeting in bulleted form and need not be in great detail.

2. Performance goal: 70% of minutes are issued within 30 calendar days of date of meeting (based on cohort year of meeting) starting in FY 1999; 80% in FY 2000; and 90% in subsequent fiscal years.

*D. Conditions*

For a meeting to qualify for these performance goals:

1. A written request (letter or fax) should be submitted to the review division; and

2. The letter should provide: a. A brief statement of the purpose of the meeting; b. a listing of the specific objectives/outcomes the requester expects from the meeting; c. a proposed agenda, including estimated times needed for each agenda item; d. a listing of planned external attendees; e. a listing of requested participants/disciplines representative(s) from the Center; f. the approximate time that supporting documentation (i.e., the ''backgrounder'') for the meeting will be sent to the Center (i.e., ''x'' weeks prior to the meeting, but should be received by the Center at least 2 weeks in advance of the scheduled meeting for Type A or C meetings and at least 1 month in advance of the scheduled meeting for Type B meetings); and

3. The Agency concurs that the meeting will serve a useful purpose (i.e., it is not premature or clearly unnecessary). However, requests for a ''Type B'' meeting will be honored except in the most unusual circumstances.

IV. CLINICAL HOLDS

*A. Procedure*

The Center should respond to a sponsor's complete response to a clinical hold within 30 days of the Agency's receipt of the submission of such sponsor response.

*B. Performance goal*

75% of such responses are provided within 30 calendar days of the Agency's receipt of the sponsor's response starting in FY 98 (cohort of date of receipt) and 90% in subsequent fiscal years.

V. MAJOR DISPUTE RESOLUTION

*A. Procedure*

For procedural or scientific matters involving the review of human drug applications and supplements (as defined in PDUFA) that cannot be resolved at the divisional level (including a request for reconsideration by the Division after reviewing any materials that are planned to be forwarded with an appeal to the next level), the response to appeals of decisions will occur within 30 calendar days of the Center's receipt of the written appeal.

*B. Performance goal*

70% of such answers are provided within 30 calendar days of the Center's receipt of the written appeal starting in FY 1999; 80% in FY 2000, and 90% in subsequent fiscal years.

*C. Conditions*

1. Sponsors should first try to resolve the procedural or scientific issue at the Division level. If it cannot be resolved at that level, it should be appealed to the Office Director level (with a copy to the Division Director) and then, if necessary, to the Deputy Center Director or Center Director (with a copy to the Office Director).

2. Responses should be either verbal (followed by a written confirmation within 14 calendar days of the verbal notification) or written and should ordinarily be to either deny or grant the appeal.

3. If the decision is to deny the appeal, the response should include reasons for the denial and any actions the sponsor might take in order to persuade the Agency to reverse its decision.

4. In some cases, further data or further input from others might be needed to reach a decision on the appeal. In these cased, the ''response'' should be the plan for obtaining that information (e.g., requesting further information from the sponsor, scheduling a meeting with the sponsor, scheduling the issue for discussion at the next scheduled available advisory committee).

5. In these cased, once the required information is received by the Agency (including any advice from an advisory committee), the person to whom the appeal was made, again has 30 calendar days from the receipt of the required information in which to either deny or grant the appeal.

6. Again, if the decision is to deny the appeal, the response should include the reasons for the denial and any actions the sponsor might take in order to persuade the Agency to reverse its decision.

7. N.B. If the Agency decides to present the issue to an advisory committee and there are not 30 days before the next scheduled advisory committee, the issue will be presented at the following scheduled committee meeting in order to allow conformance with advisory committee administrative procedures.

VI. SPECIAL PROTOCOL QUESTION ASSESSMENT AND AGREEMENT

*A. Procedure*

Upon specific request by a sponsor (including specific questions that the sponsor desires to be answered), the agency will evaluate certain protocols and issues to assess whether the design is adequate to meet scientific and regulatory requirements identified by the sponsor.

1. The sponsor should submit a limited number of specific questions about the protocol design and scientific and regulatory requirements for which the sponsor seeks agreement (e.g., is the dose range in the carcinogenicity study adequate, considering the intended clinical dosage; are the clinical endpoints adequate to support a specific efficacy claim).

2. Within 45 days of agency receipt of the protocol and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the protocol and answers to the questions posed by the sponsor. If the agency does not agree that the protocol design, execution plans, and data analyses are adequate to achieve the goals of the sponsor, the reasons for the disagreement will be explained in the response.

3. Protocols that qualify for this program include: carcinogenicity protocols, stability

protocols, and Phase 3 protocols for clinical trials that will form the primary basis of an efficacy claim. (For such Phase 3 protocols to qualify for this comprehensive protocol assessment, the sponsor must have had an end of Phase 2/pre-Phase 3 meeting with the review division so that the division is aware of the developmental context in which the protocol is being reviewed and the questions being answered.)

4. N.B. For products that will be using Subpart E or Subpart H development schemes, the Phase 3 protocols mentioned in this paragraph should be construed to mean those protocols for trials that will form the primary basis of an efficacy claim no matter what phase of drug development in which they happen to be conducted.

5. If a protocol is reviewed under the process outlined above and agreement with the Agency is reached on design, execution, and analyses and if the results of the trial conducted under the protocol substantiate the hypothesis of the protocol, the Agency agrees that the data from the protocol can be used as part of the primary basis for approval of the product. The fundamental agreement here is that having agreed to the design, execution, and analyses proposed in protocols reviewed under this process, the Agency will not later alter its perspective on the issues of design, execution, or analyses unless public health concerns unrecognized at the time of protocol assessment under this process are evident.

*B. Performance goals*

60 percent of special protocols assessments and agreement requests completed and returned to sponsor within time frames (based on cohort year of request) starting in FY 1999; 70 percent in FY 2000; 80 percent in FY 2001; and 90 percent FY 2002.

VII. ELECTRONIC APPLICATIONS AND SUBMISSIONS

The Agency shall develop and update its information management infrastructure to allow, by fiscal year 2002, the paperless receipt and processing of INDs and human drug applications, as defined in PDUFA, and related submissions.

VIII. ADDITIONAL PROCEDURES

*A. Simplification of action letters*

To simplify regulatory procedures, the CBER and the CDER intend to amend their regulations and processes to provide for the issuance of either an ''approval'' (AP) or a ''complete response'' (CR) action letter at the completion of a review cycle for a marketing application.

*B. Timing of sponsor notification of deficiencies in applications*

To help expedite the development of drug and biologic products, CBER and CDER intend to submit deficiencies to sponsors in the form of an ''information request'' (IR) letter when each discipline has finished its initial review of its section of the pending application.

IX. DEFINITIONS AND EXPLANATION OF TERMS

A. The term ''review and act on'' is understood to mean the issuance of a complete action letter after the complete review of a filed complete application. The action letter, if it is not an approval, will set forth in detail the specific deficiencies and, where appropriate, the actions necessary to place the application in condition for approval.

B. A major amendment to an original application submitted within three months of the goal date extends the goal date by three months.

C. A resubmitted original application is a complete response to an action letter addressing all identified deficiencies.

D. Class 1 resubmitted applications are applications resubmitted after a complete response letter (or a not approvable or approvable letter) that include the following items only (or combinations of these items):

1. Final printed labeling;
2. Draft labeling;
3. Safety updates submitted in the same format, including tabulations, as the original safety submission with new data and changes highlighted (except when large amounts of new information including important new adverse experiences not previously reported with the product are presented in the resubmission);
4. Stability updates to support provisional or final dating periods;
5. Commitments to perform Phase 4 studies, including proposals for such studies;
6. Assay validation data;
7. Final release testing on the last 1–2 lots used to support approval;
8. A minor reanalysis of data previously submitted to the application (determined by the agency as fitting the Class 1 category);
9. Other minor clarifying information (determined by the Agency as fitting the Class 1 category); and
10. Other specific items may be added later as the Agency gains experience with the scheme and will be communicated via guidance documents to industry.

E. Class 2 resubmissions are resubmissions that include any other items, including any item but would require presentation to an advisory committee.

F. A Type A Meeting is a meeting which is necessary for an otherwise stalled drug development program to proceed (a ''critical path'' meeting).

G. Type B Meeting is a (1) pre-IND, (2) end of Phase 1 (for Subpart E or Subpart H or similar products) or end of Phase 2/pre-Phase 3, or (3) a pre-NDA/PLA/BLA meeting. Each requestor should usually only request 1 each of these Type B meetings for each potential application (NDA/PLA/BLA) (or combination of closely related products, i.e., same active ingredient but different dosage forms being developed concurrently).

H. A Type C Meeting is any other type of meeting.

I. The performance goals and procedures also apply to original applications and supplements for human drugs initially marketed on an over-the-counter (OTC) basis through an NDA or switched from prescription to OTC status through an NDA or supplement.

Mr. BURR of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume. This is primarily a technical corrections bill to correct some provisions of the FDA reform bill that this House passed by voice on Sunday. This correction resolution does not change any of the underlying policies of the FDA legislation, nor does it make any new substantive policy changes.

Mr. Speaker, I ask for House support.

Mr. RUSH. Mr. Speaker, I am proud to speak today in support of the conference report to pass FDA reform legislation.

During the markup in the Commerce Committee of H.R. 1411, the Drug and Biological Products Modernization Act of 1997, I offered an amendment to the bill to ensure that women and members of minority and ethnic groups would be adequately represented in clinical trials of new drugs that are submitted to the Food and Drug Administration [FDA] for approval.

This amendment specifically directs the Secretary of Health and Human Services to consult with the National Institute of Health [NIH] to review and develop guidelines on the inclusion of women and minorities in clinical trials.

This important amendment was unanimously adopted by the committee by voice vote.

In passing H.R. 1411, the Committee engaged in a vigorous debate about the respective roles of government and the industry. We have heard a lot about how we must not sacrifice the public health and consumer safety by allowing faster approval of new drugs. In the same spirit, we must not lose sight of equity issues.

I congratulate Members on both sides of the aisle for working hundreds of hours to craft this bill. And staff, on both sides, are to be commended for their dedication to fine-tuning this landmark legislation.

I look forward to working with Members of Congress, the administration, and medical and consumer groups to help expand the inclusion of women and minorities in clinical trials.

I rise in strong support of the conference report and urge all Members to vote ''yes'' on this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. BURR] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 196.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## AMENDING CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985 RELATING TO CUSTOMS USER FEES

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3034) to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985, relating to customs user fees, to allow the use of such fees to provide for customs inspectional personnel in connection with the arrival of passengers in Florida, and for other purposes.

The Clerk read as follows:

H.R. 3034

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

**SECTION 1. FUNDS FOR CUSTOMS INSPECTION PERSONNEL.**

(a) ACCESS TO CUSTOMS USER FEE ACCOUNT.—Section 13031(f)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)(A)), is amended—

(1) in clause (i)(V), by striking ''and'' at the end;

(2) in clause (ii)—

(A) by striking ''to make reimbursements'' and inserting ''after making reimbursements''; and

(B) by striking the period at the end and inserting '', and'', and

(3) by inserting after clause (ii) the following:

''(iii) to the extent funds remain available after making reimbursements under clause (ii), in providing salaries for up to 50 full-time equivalent inspectional positions through September 30, 1998, that enhance customs services in connection with the arrival in Florida of passengers aboard commercial vessels, regardless of whether those passengers are required to pay fees under paragraphs (1) through (8) of subsection (a).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. SHAW] and the gentlewoman from Florida [Mrs. THURMAN] each will control 20 minutes.

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

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3034.

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

There was no objection.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume. I rise today in support of H.R. 3034, a bill to preserve current funding for Customs inspections positions throughout the State of Florida. I am pleased that the bipartisan leadership of the Committee on Ways and Means has agreed to allow this time sensitive bill to come to the floor under suspension of the rules.

Mr. Speaker, this bill is needed to preserve Customs inspectional positions in Florida ports due to the fact that Customs' authority to access the Customs COBRA User Fee Account expired on September 30, 1997. The User Fee Account has a substantial surplus, and my bill would allow Customs limited access to pay the salary of Customs inspectors who process cruiseship passengers returning to Florida from the Caribbean Basin. My bill will allow Customs more than enough time to develop a long-term plan to continue processing the current level of cruiseship passengers, as well as expected future increases. As a longtime champion of the Customs Service and their fine work in south Florida, I am confident of their commitment to provide full service to the cruise ship industry which is so vital to the economy of my home State of Florida. Let me acknowledge that the Committee on Ways and Means will have to consider any extension or expansion of this temporary provision beyond September 30, 1998.

Mr. Speaker, enactment of the temporary measure in H.R. 3034 will ensure that the smooth flow of passengers at Florida's ports continue and that our State's vibrant cruise ship industry will not be damaged while a long-term solution is found. I urge my colleagues to support H.R. 3034.

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

[Conference Report submitted by Mr. ROGERS is in Part I.]

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

Mr. Speaker, this bill is going to address a critical situation for Florida's tourist industry. On September 30, the Customs Service lost authority to collect fees used to inspect cruise vessels traveling to the Caribbean island community. Customs has advised cruise ship companies in Florida that Customs will be unable to provide inspection service to vessels that will be starting cruises from Florida on or after December 1, 1997. Customs claims that the expiration of the user fee authority will require the reduction of inspectional positions in Florida. This bill prevents the loss of these positions and will ensure that tourists seeking to enjoy cruises in Florida this winter are not disappointed. Specifically the bill allows Customs to access the Customs user fee account to provide for up to 50 full-time inspectors. The account contains about $120 million, far more than the $1 million or so needed to maintain these positions.

I understand because of the expiration of the user fee authority, Customs intends to remove an additional 27 inspectors who provide similar services for cruise ships arriving at Long Beach, CA, and for the preclearance of aircraft passengers in Canada. I believe that the Committee on Ways and Means should work with the Customs Service to develop a long-term solution that ensures the continuation of inspection services for air and sea passengers and for all affected ports of entry.

I will work with the gentleman from Florida [Mr. SHAW] to correct this situation in 1998, but Congress must approve this legislation before we adjourn. If we do not, the cruise industry in Florida will be decimated this winter.

Finally, I want to thank the gentleman from Texas [Mr. ARCHER], the chairman of the Committee on Ways and Means; the gentleman from New York [Mr. RANGEL], the ranking member; the gentleman from Illinois [Mr. CRANE] the chairman of the Subcommittee on Trade; and the gentleman from California [Mr. MATSUI] for their assistance, and certainly the gentleman from Florida [Mr. SHAW] for his advancement of this piece of legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. DEUTSCH] who has many of these ports in his district.

Mr. DEUTSCH. Mr. Speaker, south Florida really is known as the cruise capital literally of the entire world. Because of the situation that we are in, unless we pass this legislation at this point in time, several ships that would be sailing from south Florida, or have plans to be sailing from south Florida during the winter season when we are in our break potentially would not be able to sail.

□ 1600

These are ships, multi-million-dollar ships. Probably more importantly, these are ships that have already advertised and collected money from hundreds of people, if not thousands of people, who are planning their vacations to go on these ships and, in fact, would have to cancel without this legislation.

It is a fair, appropriate piece of legislation in terms of funds that we need to use to have several, as was mentioned, a very few, customs officials because of the way the law is being interpreted. I talked with the customs commissioner himself about this, and again I want to thank the staff and the members of the committee for their help in this matter.

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

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

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

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

Mr. Speaker, I am pleased to rise in support of H.R. 3034 introduced by both the gentleman from Florida [Mr. SHAW] and the gentleman from Illinois [Mr. CRANE], a measure that would allow the user fee account to be used for the Customs Service in the Florida area.

I just visited that region in Miami and was appalled to learn that 50 inspectional positions would help arriving vessels, cruise ships, in Florida which would inure some $1 million in revenue to the port, and because there is some shortsightedness here we have a limitation on customs inspectors, and I would hope that the Congress can join in this measure that would help alleviate that problem for the Florida ports so that ships could come in, so that the region could obtain that kind of revenue at a time when we are trying to enhance the economy throughout the Nation.

I think that this is an important measure, and I urge my colleagues to support it.

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

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

Very briefly, I would like to thank the gentleman from Texas [Mr. ARCHER] and the gentleman from Illinois [Mr. CRANE] as well as the ranking Democrat Members, the gentleman from California [Mr. MATSUI] and the gentleman from New York [Mr. RANGEL], for allowing this to come to the floor in this expedited procedure. This is a very important bill for Florida. I would also like to commend the gentlewoman from Florida [Mrs. THURMAN] and the gentleman from Florida [Mr. DEUTSCH] for their involvement in moving this bill along.

Mr. CRANE. Mr. Speaker, yesterday Mr. SHAW introduced H.R. 3034, a bill to allow the U.S. Customs Service limited and temporary access to the Customs COBRA User Fee Account to fund, through September 30, 1998, up to 50 inspectional positions for processing

passengers arriving on commercial vessels—cruise ships—in Florida. As of September 30, 1997, Customs no longer collects user fees from passengers arriving from Canada, Mexico, and the Caribbean. Current law states that the funds can only be used to enhance inspectional service at ports if Customs COBRA User fees are collected. Thus, Customs may not use any money from the Customs COBRA User Fee Account to fund positions in those ports to enhance the inspection of passengers who arrive from Canada, Mexico, and the Caribbean.

As of September 30, 1997, fees are no longer collected from cruise ship passengers arriving in Florida from Caribbean countries. Therefore, Customs no longer has the authority to access the user fee account to pay for inspectional positions previously acquired in these Florida ports. Forty-three of these positions have been added in Florida ports where user fees had previously been collected from cruise ship passengers. Mr. SHAW's bill would give Customs limited access to the user fee account to fund these 43 positions, plus an additional 7 positions to account for any growth in the cruise ship industry in fiscal year 1998.

The bill has no pay-go impact because revenues to fund these inspectors would come from the Customs COBRA User Fee Account, under the current permanent, indefinite appropriation.

Mr. Speaker, I must emphasize three important points with regard to the decision of the Committee on Ways and Means to allow this bill to come to the floor under suspension of the rules. First, this is being done with the understanding that the committee will be treated without prejudice in the future as to its jurisdictional prerogatives on this or similar provisions. This bill should not be considered as precedent for consideration of matters of jurisdictional interest to the committee in the future. Second, the bill provides limited relief for the processing of cruise ship passengers in Florida only. The bill sets no precedent for providing Customs access to the Customs COBRA User Fee Account to fund inspectional positions for the processing of passengers arriving on commercial vessels arriving at any port of entry outside of Florida. Third, the committee's decision to allow the provision to be considered under suspension of the rules shall set no precedent for allowing additional access to the user fee account after fiscal year 1998. The Subcommittee on Trade intends to review several issues involving Customs user fees next year, including H.R. 2262, my bill to reform the overtime and nighttime pay reform system for Customs inspectors.

I would finally like to add that the Customs Service could fund these and other positions through its salaries and expenses account. The bill will therefore provide Customs additional time to develop a plan by which current and future cruise ship passengers can be processed as part of Customs ongoing commitment to process passengers as efficiently as possible. The bill will provide short-term relief for the cruise ship industry in Florida, the group most immediately impacted by Customs' failure to develop such a plan.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3034, a bill to allow the U.S. Customs Service limited and temporary access to the Customs COBRA User Fee Account to fund, through September 30, 1998, up to 50 inspectional positions for processing passengers arriving on commercial vessels in Florida.

Cutbacks in the U.S. Customs Service have threatened the voyages of numerous cruise ships in Florida, due to the fact that the Custom Service no longer has authority to access the user fee account to pay for inspectional positions.

H.R. 3034 will give Customs limited access to the user fee account to fund 43 positions, plus an additional 7 positions to account for any growth in the cruise ship industry in fiscal year 1998.

I applaud my colleague, the distinguished gentleman from Florida, Mr. SHAW, and commend him for his efforts to ensure the success of the cruise ship industry.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. SHAW] that the House suspend the rules and pass the bill, H.R. 3034.

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

A motion to reconsider was laid on the table.

## JUSTICE FOR VICTIMS OF COMMUNISM ACT OF 1997

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3037) to clarify that unmarried children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program.

The Clerk read as follows:

H.R. 3037

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Justice for Victims of Communism Act of 1997''.

**SEC. 2. ELIGIBILITY FOR REFUGEE STATUS.**

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–171) is amended—

(1) in subsection (a)—

(A) by striking 'For purposes' and inserting ''Notwithstanding any other provision of law, for purposes'', and

(B) by striking ''fiscal year 1997'' and inserting ''fiscal years 1997 and 1998''; and

(2) by amending subsection (b) to read as follows:

''(b) ALIENS COVERED—

''(1) IN GENERAL.—An alien described in this subsection is an alien who—

''(A) is the son or daughter of a qualified national;

''(B) is 21 years of age or older; and

''(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

''(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

''(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

''(ii) is the widow or widower of an individual described in clause (i); and

''(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

''(ii) on or after April 1, 1995, is or has been accepted—

''(I) for resettlement as a refugee; or

''(II) for admission as an immigrant under the Orderly Departure Program.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. CANADY] and the gentleman from North Carolina [Mr. WATT] each will control 20 minutes.

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

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

Briefly, this is a bill which will extend and clarify an important State Department and Immigration and Naturalization Service authority that expired on September 30, 1997, which is necessary to help protect the victims of communism.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH] for further explanation.

Mr. SMITH of New Jersey. Mr. Speaker, this authority was necessary for longtime reeducation camp victims who had been persecuted in Vietnam for their pro-U.S. associations to bring their unmarried children with them to the United States if these children have reached the age of 21 during their incarceration or the long wait for an exit visa from the Communist authorities. A member of these former prisoners of conscience have refused to leave Vietnam unless they can bring their children with them. These families are trapped in Vietnam until the provision is reauthorized.

I would just like to point out to the Members that extension of this authority has been endorsed by the administration, on the other side of the building Senators MCCAIN, ABRAHAM, and KENNEDY, and it has the bipartisan support of the gentleman from Illinois [Mr. HYDE], the gentleman from New York [Mr. GILMAN], and the gentleman from California [Mr. BERMAN], and I appreciate their cosponsorship of this legislation, and Mr. BERMAN and Mr. DAVIS, as a matter of fact, are additional cosponsors as well.

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

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I rise in support of H.R. 3037. I do regret only that it has come up so quickly that many Members who would be here to speak in favor of it were not even aware that it was going to be brought up.

It is important that this country, who stood shoulder to shoulder, stood side by side and fighting communism in South Vietnam, stand yet again with those who have been the victims of torture and oppression subsequent to the fall of the South Vietnamese Government.

I know because of the many times that I have worked with refugees in California, trying to help their families away from the oppression, that people still face in Vietnam how important this measure is, and I commend the authors for jumping through I do not know how many legislative hoops to get it on this floor today.

I would also like to bring, because she was not aware it was going to be on the floor any more than I was before I got the call, that the gentlewoman from California [Ms. SANCHEZ] from Orange County and I recently held, with others, a human rights forum and study under the Human Rights Caucus, and the gentlewoman from California [Ms. SANCHEZ] and I learned firsthand from the testimony how important this measure is. And so I am sure I join with others, including my colleague from California, in urging support of this bill.

I thank the gentleman from North Carolina for allowing me to say these few words in support.

Mr. WATT of North Carolina. Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I have no further speakers. I do, however, ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I will be brief so as not to prolong this debate because I do not think there is anybody who opposes this bill. The bill serves a useful purpose of extending and clarifying an important State Department and INS authority that expired on September 30, 1997. This authority was necessary to allow longtime reeducation camp victims who have been persecuted in Vietnam for their pro-U.S. associations to bring their unmarried children with them to the United States if these children have reached the age of 21 during their incarceration or the long wait for an exit visa from the Communist authorities. A number of these former prisoners of conscience have refused to leave Vietnam unless they can bring their children. These families are trapped in Vietnam until this provision is reauthorized.

The extension of this authority has been endorsed by the Clinton administration, Senators MCCAIN, ABRAHAM, and KENNEDY, the gentleman from Illinois [Mr. HYDE], the gentleman from New York [Mr. GILMAN], the gentleman from California [Mr. BERMAN], and many others. As I say, there is no real objection to this bill.

I do want to raise one point, however, that I think can go unnoticed in the waning moments of a congressional session. This is a matter of immigration policy, and because this bill was just introduced, just dropped within the last minutes, the bill never has had a chance to go through the Subcommittee on Immigration and Claims of the Committee on the Judiciary, and so we continue to make somewhat haphazardly immigration policy in this country, and we yesterday on an appropriations bill made exceptions for Nicaraguans, Guatemalans, Salvadorans, other people from Communist countries, to be treated as refugees.

Under this bill, we make exceptions for some Vietnamese who obviously are very deserving, and the thing that is troubling is that we keep making these exceptions, all of which we support, but we keep leaving out the Haitians, which a number of people rose on the floor yesterday, especially Representatives from Florida, to try to see why we keep leaving out the Haitians, who really ought to be given an exception similar to the exceptions that we have given, we are giving, under this bill, that we gave under an appropriations bill to the Salvadorans, Guatemalans, and others yesterday.

Why do we keep leaving out the Haitians? And that question cries out for a response even though they are not people who oppose this particular bill. The question still is out there, why can we not find a bill and support for the Haitian people who came to this country under parole of Republican and Democratic Presidents, were given a status, and yet we are not dealing with them, we are ignoring them in the process of passing these bills?

So having expressed the procedural concern that we are haphazardly and kind of case-by-case making immigration policy without this bill having gone through the Subcommittee on Immigration and Claims or the Committee on the Judiciary, and having expressed a concern that nobody seems to be paying attention to the plight of the Haitians even though there is a bill which could just as easily be picked up and moved on the floor as this bill is being moved, I encourage my colleagues nonetheless to support this bill.

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

□ 1615

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman for his expression of support for the bill. I would encourage all Members to vote for this important bill, which will ensure that some people will be spared injustice if passed by the House today.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CANADY] that the House suspend the rules and pass the bill, H.R. 3037.

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

A motion to reconsider was laid on the table.

## ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. BATEMAN. Mr. Speaker, pursuant to H. Res. 314, I would like to announce that the following suspension is expected to be considered today:

H.Con.Res. 197, calling for the resignation or removal from office of Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs.

## ARMY RESERVE-NATIONAL GUARD EQUITY REIMBURSEMENT ACT

Mr. BATEMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2796) to authorize the reimbursement of members of the Army deployed to Europe in support of operations in Bosnia for certain out-of-pocket expenses incurred by the members during the period beginning October 1, 1996, and ending on May 31, 1997, as amended.

The Clerk read as follows:

H.R. 2796

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Army Reserve-National Guard Equity Reimbursement Act''.

**SEC. 2. REIMBURSEMENT OF MEMBERS OF THE ARMY DEPLOYED IN EUROPE IN SUPPORT OF BOSNIA OPERATIONS FOR OUT-OF-POCKET EXPENSES INCURRED TO TRANSPORT PERSONAL PROPERTY.**

(a) REIMBURSEMENT AUTHORIZED.—The Secretary of the Army may reimburse an individual described in subsection (b) for expenses incurred by that individual while a member of the Army for shipment of personal property of the individual to or from Europe during the period beginning on October 1, 1996, and ending on May 31, 1997, if the shipment of the personal property, if made on June 1, 1997, would have been covered by a temporary change of station weight allowance for shipment of personal property authorized by the Department of the Army. Such reimbursement shall be made from amounts available as of the date of the enactment of this section for the payment of the temporary change of station weight allowance.

(b) COVERED INDIVIDUALS.—An individual referred to in subsection (a) is an individual who, as a member of the Army during the period beginning on October 1, 1996, and ending on May 31, 1997, was deployed from the United States to Europe in support of operations in Bosnia or reassigned from Europe to United States upon the completion of such deployment, or both, under travel orders that did not authorize a temporary change of station weight allowance for shipment of personal property of the member.

The SPEAKER pro tempore [Mr. SNOWBARGER]. Pursuant to the rule, the gentleman from Virginia [Mr. BATEMAN] and the gentleman from California [Mr. DELLUMS] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BATEMAN].

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

Mr. Speaker, H.R. 2796 would not direct, but would indeed authorize reimbursement for certain out-of-pocket expenses incurred by certain members of the United States Army who were deployed to Europe in support of the Bosnian operations in late 1996.

The bill has been amended from the introduced version to more clearly specify who in the Army is eligible for such reimbursement if the Secretary of the Army elects to exercise its authority.

The Army supports this initiative, and I am not aware of any controversy at this time associated with the bill.

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

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

Mr. Speaker, the bill before us today, H.R. 2796, is an example of what I and more than 50 of our colleagues consider good governmental legislation. This bill will correct a gross inequity that impacts upon approximately 4,200 of our Army Reserve and National Guard personnel who are deployed in Europe in support of our operations in Bosnia.

It will provide the necessary statutory authority for the Army to reimburse those soldiers, who had to take money out of their pockets to pay for shipment of personnel items, which the Army has paid for in the past and has started to pay for again.

I am especially pleased that this legislation has been developed at the request of the Department, in that it demonstrates their sincere concern for the welfare of the junior grade enlisted personnel who are the intended beneficiaries of this legislation.

Further, Mr. Speaker, I am pleased to be the cosponsor of this bill, and I would like at this time to extend my congratulations to my distinguished colleague, the gentlewoman from North Carolina [Mrs. CLAYTON], for persisting in this effort. I underscore for emphasis ''persisting in this effort.''

Mr. Speaker, the distinguished gentlewoman brought this matter to my attention several weeks ago. We were not able to address this matter in the normal course of events in the context of the conference report that was the vehicle for our fiscal year 1998 defense authorization bill, but were able to do it in this context.

Mr. Speaker, the gentlewoman, as I said, brought this matter to my attention and worked with great diligence to bring us to this moment. I again congratulate the gentlewoman and loudly applaud her for her efforts on behalf of the 4,200 men and women of our Army Reserves and National Guard.

Mr. DELLUMS. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from North Carolina [Mrs. CLAYTON]

Mrs. CLAYTON. Mr. Speaker, I also want to commend both sides of the House, both the majority and the minority on this issue, for allowing this to come up. I want to pay particular attention to the care and attention and the direction that the gentleman from California [Mr. DELLUMS] gave to this issue, and thank the gentleman from Virginia [Mr. BATEMAN] for leading this effort on his side. We would not be here unless there was cooperation on both sides. I want to acknowledge that.

This issue came to me because 125 National Guardsmen in eastern North Carolina had experience going at the direction of their country, serving their country they thought well, but also having to pay for that engagement. What it meant was they had to pay for the shipment of their personal goods back to the United States.

Here before, military personnel would be reimbursed for the shipment of their personal goods. Why? Because there had been an administrative change or policy change within the administration of the Pentagon.

When we brought that to them, they said unless we actually sought legislative remedy, they could not make this correction, which we thought was an issue of fairness for the 125 military personnel in eastern North Carolina. We did it for the whole. So this particular legislation now is going to enable more than 4,200 individuals to be reimbursed, as they should be, for the transfer of their personal goods back home.

I think it is an issue of fairness; I think it is an issue of respect, the respect we have traditionally given our military, that if they incur expenses, certainly we ought to reimburse them.

Also I think it is an issue of respect for our junior personnel, because oftentimes we forget they, too, have expenses that they seem to think are big. $400 or $500 may not be big to us, but for junior personnel it is indeed an expense item that they would like to have reimbursed.

Again, Mr. Speaker, I want to thank everyone involved in this, all of the members of this committee, because 125 people in eastern North Carolina will be delighted to know now they can be reimbursed. I suspect the 4,200 personnel across the country are appreciative for this Congress correcting what was an injustice to them.

Mr. Speaker, I thank the gentleman for yielding me time, and thank the gentleman from California [Mr. DELLUMS] for his leadership.

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

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

Mr. Speaker, let me take this opportunity to congratulate the gentlewoman from North Carolina for a matter of paying attention to people she represents and trying to heal their financial reverses as a result of serving our Nation as Members of the National Guard. She not only helps them, but helps National Guardsmen all over the country. We thank the gentlewoman, from Missouri National Guardsmen, and, I know as well, from other Members across our country.

I have had, Mr. Speaker, the opportunity to visit with American National Guardsmen in Europe, in Germany, in Bosnia and in Hungary. They serve well, and they serve ably. In the process they are giving up a great deal. They are away from their homes, they are away from their work, they are away from their family, and they are serving as honorably as anyone in uniform.

For us not to pass this piece of legislation that makes them whole financially and on reimbursement for items they necessarily had to purchase in Europe would be a mistake. So I wholeheartedly support the effort of the gentlewoman from North Carolina [Mrs. CLAYTON], and the gentleman from California, as well as the gentleman from Virginia.

Mr. DELLUMS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. MCHALE].

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

Mr. Speaker, I want to point out this is really an extremely important effort on behalf of our Army and National Guard participating soldiers. The gentlewoman from North Carolina [Mrs. CLAYTON] has stepped forward today with a piece of legislation that will be very important to 4,206 Army Reserve and National Guard soldiers who, unfortunately, because of an administrative error, were not given the proper reimbursement on the shipment of personal goods.

This really goes beyond the shipment of personal items. The Representative from North Carolina [Mrs. CLAYTON] recognizes when these troops deploy to and from an overseas mission, they deserve to get a level of equity which, unfortunately, was not provided in this case.

There are no second-class soldiers in the United States Army. This corrects that inequity. It is, in fact, the Army Reserve-National Guard Equity Reimbursement Act, and I strongly urge my colleagues on both sides of the aisle to support the legislation.

Mr. DELLUMS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to join the long list of people commending the gentlewoman from North Carolina [Mrs. CLAYTON] for bringing this to our attention.

Over 4,200 reservists will be affected in their pocketbooks by this. They do not make much money. Most of them volunteered to go to Bosnia. Some of them were involuntarily called up. All of them took a pay cut, in all probability, to serve their country. So it is very important that, where we can and

when we can, we see to it that they incur no unnecessary expense in doing so.

Mr. Speaker, I want to commend the gentlewoman from North Carolina [Mrs. CLAYTON] for bringing this to our attention. I want to commend the gentleman from Indiana [Mr. BUYER] and the gentleman from Virginia [Mr. BATEMAN] for allowing this to come to the floor today. We are definitely doing the best thing for those people in uniform.

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

Mr. Speaker, I would simply like to conclude by indicating that I would have liked very much for this matter to have been dealt with in the context of the conference report that accompanied the defense authorization for fiscal year 1998. In that regard, this would, in a few short days perhaps, have been signed into law. But I am pleased we are at least taking this step.

My hope is by the House of Representatives taking this step, we will have sent the appropriate signal to the other body to act with dispatch on this matter that cries out for equity and cries out for action.

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

Mr. BATEMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I thank the chairman of the Subcommittee on Military Readiness for yielding me this time.

Mr. Speaker, I rise in strong support of the legislation to correct these errors with regard to our troops. This is really basically, my colleagues, support-the-troops legislation.

This legislation corrects a problem created earlier this year when, due to an administrative change in Army policy, reservists deployed to Bosnia were forced to pay out of their own pocket to ship their personal goods home at the completion of their tour. Most of the reservists called for the second rotation to Bosnia were affected by this change.

This matter came to the attention of the authorizing Committee on National Security really too late to deal with this issue effectively in the defense bill this year.

I compliment the gentlewoman from North Carolina [Mrs. CLAYTON] for bringing this to everyone's attention. I am disappointed that the Assistant Secretary of the Army for Manpower and Reserve affairs, Ms. Sara Lister, would not have brought this immediately to the Committee on National Security's attention. I know she brought this in response to your inquiry, but I wish she had brought it right to the authorizing committee. Perhaps, if she is listening, she is going to get that warning order.

I urge my colleagues to support the legislation. The troops can be reimbursed in a timely fashion for their selfless service to their country. I agree with the ranking member that hopefully the Senate will take this up immediately.

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

Mr. Speaker, let me add in conclusion my thanks and compliments to the gentlewoman from North Carolina [Mrs. CLAYTON] for having determined that there was this problem and having brought it to our attention in order that we could address the problem, one which definitely needed to be addressed and which I am happy to have cooperated in having the House hopefully pass in the next minute.

I hope also the Senate will take action on this and the President will sign it in order that we can have the authority for these troops to be paid that which they deserve.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. BATEMAN] that the House suspend the rules and pass the bill, H.R. 2796, as amended.

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

A motion to reconsider was laid on the table.

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□ 1630

## AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, as amended.

The Clerk read as follows:

S. 738

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

***SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49; TABLE OF SECTIONS.***

*(a) SHORT TITLE.—This Act may be cited as the ''Amtrak Reform and Accountability Act of 1997''.*

*(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.*

*(c) TABLE OF SECTIONS.—The table of sections for this Act is as follows:*


*Sec. 1. Short title; amendment of title 49; table of sections.*
*Sec. 2. Findings.*

*TITLE I—REFORMS*

*SUBTITLE A—OPERATIONAL REFORMS*

*Sec. 101. Basic system.*
*Sec. 102. Mail, express, and auto-ferry transportation.*
*Sec. 103. Route and service criteria.*
*Sec. 104. Additional qualifying routes.*
*Sec. 105. Transportation requested by States, authorities, and other persons.*
*Sec. 106. Amtrak commuter.*
*Sec. 107. Through service in conjunction with intercity bus operations.*
*Sec. 108. Rail and motor carrier passenger service.*
*Sec. 109. Passenger choice.*
*Sec. 110. Application of certain laws.*

*SUBTITLE B—PROCUREMENT*

*Sec. 121. Contracting out.*

*SUBTITLE C—EMPLOYEE PROTECTION REFORMS*

*Sec. 141. Railway Labor Act Procedures.*
*Sec. 142. Service discontinuance.*

*SUBTITLE D—USE OF RAILROAD FACILITIES*

*Sec. 161. Liability limitation.*
*Sec. 162. Retention of facilities.*

*TITLE II—FISCAL ACCOUNTABILITY*

*Sec. 201. Amtrak financial goals.*
*Sec. 202. Independent assessment.*
*Sec. 203. Amtrak Reform Council.*
*Sec. 204. Sunset trigger.*
*Sec. 205. Senate procedure for consideration of restructuring and liquidation plans.*
*Sec. 206. Access to records and accounts.*
*Sec. 207. Officers' pay.*
*Sec. 208. Exemption from taxes.*
*Sec. 209. Limitation on use of tax refund.*

*TITLE III—AUTHORIZATION OF APPROPRIATIONS*

*Sec. 301. Authorization of appropriations.*

*TITLE IV—MISCELLANEOUS*

*Sec. 401. Status and applicable laws.*
*Sec. 402. Waste disposal.*
*Sec. 403. Assistance for upgrading facilities.*
*Sec. 404. Demonstration of new technology.*
*Sec. 405. Program master plan for Boston-New York main line.*
*Sec. 406. Americans with Disabilities Act of 1990.*
*Sec. 407. Definitions.*
*Sec. 408. Northeast Corridor cost dispute.*
*Sec. 409. Inspector General Act of 1978 amendment.*
*Sec. 410. Interstate rail compacts.*
*Sec. 411. Board of Directors.*
*Sec. 412. Educational participation.*
*Sec. 413. Report to Congress on Amtrak bankruptcy.*
*Sec. 414. Amtrak to notify Congress of lobbying relationships.*
*Sec. 415. Financial powers.*


***SEC. 2. FINDINGS.***

*The Congress finds that—*

*(1) intercity rail passenger service is an essential component of a national intermodal passenger transportation system;*

*(2) Amtrak is facing a financial crisis, with growing and substantial debt obligations severely limiting its ability to cover operating costs and jeopardizing its long-term viability;*

*(3) immediate action is required to improve Amtrak's financial condition if Amtrak is to survive;*

*(4) all of Amtrak's stakeholders, including labor, management, and the Federal government, must participate in efforts to reduce Amtrak's costs and increase its revenues;*

*(5) additional flexibility is needed to allow Amtrak to operate in a businesslike manner in order to manage costs and maximize revenues;*

*(6) Amtrak should ensure that new management flexibility produces cost savings without compromising safety;*

*(7) Amtrak's management should be held accountable to ensure that all investment by the Federal Government and State governments is used effectively to improve the quality of service and the long-term financial health of Amtrak;*

*(8) Amtrak and its employees should proceed quickly with proposals to modify collective bargaining agreements to make more efficient use of manpower and to realize cost savings which are necessary to reduce Federal financial assistance;*

*(9) Amtrak and intercity bus service providers should work cooperatively and develop coordinated intermodal relationships promoting seamless transportation services which enhance travel options and increase operating efficiencies;*

*(10) Amtrak's Strategic Business Plan calls for the establishment of a dedicated source of capital funding for Amtrak in order to ensure that Amtrak will be able to fulfill the goals of maintaining—*

*(A) a national passenger rail system; and*

*(B) that system without Federal operating assistance; and*

*(11) Federal financial assistance to cover operating losses incurred by Amtrak should be eliminated by the year 2002.*

## TITLE I—REFORMS

### Subtitle A—Operational Reforms

**SEC. 101. BASIC SYSTEM.**

*(a) OPERATION OF BASIC SYSTEM.—(1) Section 24701 is amended to read as follows:*

**"§24701. National rail passenger transportation system**

*''Amtrak shall operate a national rail passenger transportation system which ties together existing and emergent regional rail passenger service and other intermodal passenger service.''.*

*(2) The item relating to section 24701 in the table of sections of chapter 247 is amended to read as follows:*

*''24701. National rail passenger transportation system.''.*

*(b) IMPROVING RAIL PASSENGER TRANSPORTATION.—Section 24702 and the item relating thereto in the table of sections for chapter 247 are repealed.*

*(c) DISCONTINUANCE.—Section 24706 is amended—*

*(1) by striking ''90 days'' and inserting ''180 days'' in subsection (a)(1);*

*(2) by striking ''24707(a) or (b) of this title,'' in subsection (a)(1) and inserting ''or discontinuing service over a route,'';*

*(3) by inserting ''or assume'' after ''agree to share'' in subsection (a)(1);*

*(4) by striking ''section 24707(a) or (b) of this title'' in subsection (a)(2) and inserting ''paragraph (1)''; and*

*(5) by striking ''section 24707(a) or (b) of this title'' in subsection (b)(1) and inserting ''subsection (a)(1)''.*

*(d) COST AND PERFORMANCE REVIEW.—Section 24707 and the item relating thereto in the table of sections for chapter 247 are repealed.*

*(e) SPECIAL COMMUTER TRANSPORTATION.—Section 24708 and the item relating thereto in the table of sections for chapter 247 are repealed.*

*(f) CONFORMING AMENDMENT.—Section 24312(a)(1) is amended by striking '', 24701(a),''.*

**SEC. 102. MAIL, EXPRESS, AND AUTO-FERRY TRANSPORTATION.**

*(a) REPEAL.—Section 24306 is amended—*

*(1) by striking the last sentence of subsection (a); and*

*(2) by striking subsection (b) and inserting the following:*

*''(b) AUTHORITY OF OTHERS TO PROVIDE AUTO-FERRY TRANSPORTATION.—State and local laws and regulations that impair the provision of auto-ferry transportation do not apply to Amtrak or a rail carrier providing auto-ferry transportation. A rail carrier may not refuse to participate with Amtrak in providing auto-ferry transportation because a State or local law or regulation makes the transportation unlawful.''.*

**SEC. 103. ROUTE AND SERVICE CRITERIA.**

*Section 24703 and the item relating thereto in the table of sections for chapter 247 are repealed.*

**SEC. 104. ADDITIONAL QUALIFYING ROUTES.**

*Section 24705 and the item relating thereto in the table of sections for chapter 247 are repealed.*

**SEC. 105. TRANSPORTATION REQUESTED BY STATES, AUTHORITIES, AND OTHER PERSONS.**

*(a) REPEAL.—Section 24704 and the item relating thereto in the table of sections of chapter 247 are repealed.*

*(b) STATE, REGIONAL, AND LOCAL COOPERATION.—Section 24101(c)(2) is amended by inserting '', separately or in combination,'' after ''and the private sector''.*

*(c) CONFORMING AMENDMENT.—Section 24312(a)(1) is amended by striking ''or 24704(b)(2)''.*

**SEC. 106. AMTRAK COMMUTER.**

*(a) REPEAL OF CHAPTER 245.—Chapter 245 and the item relating thereto in the table of chapters for subtitle V of such title, are repealed.*

*(b) CONFORMING AMENDMENT.—Section 24301(f) is amended to read as follows:*

*''(f) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.''.*

*(c) TRACKAGE RIGHTS NOT AFFECTED.—The repeal of chapter 245 of title 49, United States Code, by subsection (a) of this section is without prejudice to the retention of trackage rights over property owned or leased by commuter authorities.*

**SEC. 107. THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.**

*(a) IN GENERAL.—Section 24305(a) is amended by adding at the end the following new paragraph:*

*''(3)(A) Except as provided in subsection (d)(2), Amtrak may enter into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only—*

*''(i) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section 13902(b)(8)(A) of this title, other than a recipient of funds under section 5311 of this title;*

*''(ii) for passengers who have had prior movement by rail or will have subsequent movement by rail; and*

*''(iii) if the buses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (ii).*

*''(B) Subparagraph (A) shall not apply to transportation funded predominantly by a State or local government, or to ticket selling agreements.''.*

*(b) POLICY STATEMENT.—Section 24305(d) is amended by adding at the end the following new paragraph:*

*''(3) Congress encourages Amtrak and motor common carriers of passengers to use the authority conferred in sections 11322 and 14302 of this title for the purpose of providing improved service to the public and economy of operation.''.*

**SEC. 108. RAIL AND MOTOR CARRIER PASSENGER SERVICE.**

*(a) IN GENERAL.—Notwithstanding any other provision of law (other than section 24305(a)(3) of title 49, United States Code), Amtrak and motor carriers of passengers are authorized—*

*(1) to combine or package their respective services and facilities to the public as a means of increasing revenues; and*

*(2) to coordinate schedules, routes, rates, reservations, and ticketing to provide for enhanced intermodal surface transportation.*

*(b) REVIEW.—The authority granted by subsection (a) is subject to review by the Surface Transportation Board and may be modified or revoked by the Board if modification or revocation is in the public interest.*

**SEC. 109. PASSENGER CHOICE.**

*Federal employees are authorized to travel on Amtrak for official business where total travel cost from office to office is competitive on a total trip or time basis.*

**SEC. 110. APPLICATION OF CERTAIN LAWS.**

*(a) APPLICATION OF FOIA.—Section 24301(e) is amended by adding at the end thereof the following: ''Section 552 of title 5, United States Code, applies to Amtrak for any fiscal year in which Amtrak receives a Federal subsidy.''.*

*(b) APPLICATION OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT.—Section 303B(m) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(m)) applies to a proposal in the possession or control of Amtrak.*

### Subtitle B—Procurement

**SEC. 121. CONTRACTING OUT.**

*(a) REPEAL OF BAN ON CONTRACTING OUT.—Section 24312 is amended—*

*(1) by striking subsection (b);*

*(2) by striking ''(1)'' in subsection (a); and*

*(3) by striking ''(2) Wage'' in subsection (a) and inserting ''(b) WAGE RATES.—Wage''.*

*(b) AMENDMENT OF EXISTING COLLECTIVE BARGAINING AGREEMENT.—*

*(1) CONTRACTING OUT.—Any collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees before the date of enactment of this Act is deemed amended to include the language of section 24312(b) of title 49, United States Code, as that section existed on the day before the effective date of the amendments made by subsection (a).*

*(2) ENFORCEABILITY OF AMENDMENT.—The amendment to any such collective bargaining agreement deemed to be made by paragraph (1) of this subsection is binding on all parties to the agreement and has the same effect as if arrived at by agreement of the parties under the Railway Labor Act.*

*(c) CONTRACTING-OUT ISSUES TO BE INCLUDED IN NEGOTIATIONS.—Proposals on the subject matter of contracting out work, other than work related to food and beverage service, which results in the layoff of an Amtrak employee—*

*(1) shall be included in negotiations under section 6 of the Railway Labor Act (45 U.S.C. 156) between Amtrak and an organization representing Amtrak employees, which shall be commenced by—*

*(A) the date on which labor agreements under negotiation on the date of enactment of this Act may be re-opened; or*

*(B) November 1, 1999,*

*whichever is earlier;*

*(2) may, at the mutual election of Amtrak and an organization representing Amtrak employees, be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act; and*

*(3) may not be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act, unless both Amtrak and the organization representing Amtrak employees agree to include it in the negotiation.*

*No contract between Amtrak and an organization representing Amtrak employees, that is under negotiation on the date of enactment of this Act, may contain a moratorium that extends more than 5 years from the date of expiration of the last moratorium.*

*(d) NO INFERENCE.—The amendment made by subsection (a)(1) is without prejudice to the power of Amtrak to contract out the provision of food and beverage services on board Amtrak trains or to contract out work not resulting in the layoff of Amtrak employees.*

### Subtitle C—Employee Protection Reforms

**SEC. 141. RAILWAY LABOR ACT PROCEDURES.**

*(a) NOTICES.—Notwithstanding any arrangement in effect before the date of the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all*

*issues relating to employee protective arrangements and severance benefits which are applicable to employees of Amtrak, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973, shall be deemed served and effective on the date which is 45 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice.*

*(b) NATIONAL MEDIATION BOARD EFFORTS.—Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to the dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 120 days after the date of the enactment of this Act.*

*(c) RAILWAY LABOR ACT ARBITRATION.—The parties to the dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 120 days after the date of the enactment of this Act.*

*(d) DISPUTE RESOLUTION.—(1) With respect to the dispute described in subsection (a) which—*

*(A) is unresolved as of the date which is 120 days after the date of the enactment of this Act; and*

*(B) is not submitted to arbitration as described in subsection (c),*

*Amtrak shall, and the labor organization parties to such dispute shall, within 127 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 134 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection. If the National Mediation Board is not informed of the selection under the preceding sentence 134 days after the date of enactment of this Act, the Board shall immediately select such individual.*

*(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad.*

*(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.*

*(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 150 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.*

*(5) If the parties to a dispute described in subsection (a) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).*

*(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (a).*

*(e) NO PRECEDENT FOR FREIGHT.—Nothing in this Act, or in any amendment made by this Act, shall affect the level of protection provided to freight railroad employees and mass transportation employees as it existed on the day before the date of enactment of this Act.*

***SEC. 142. SERVICE DISCONTINUANCE.***

*(a) REPEAL.—Section 24706(c) is repealed.*

*(b) EXISTING CONTRACTS.—Any provision of a contract entered into before the date of the enactment of this Act between Amtrak and a labor organization representing Amtrak employees relating to employee protective arrangements and severance benefits applicable to employees of Amtrak is extinguished, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973.*

*(c) SPECIAL EFFECTIVE DATE.—Subsections (a) and (b) of this section shall take effect 180 days after the date of the enactment of this Act.*

*(d) NONAPPLICATION OF BANKRUPTCY LAW PROVISION.—Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.*

***Subtitle D—Use of Railroad Facilities***

***SEC. 161. LIABILITY LIMITATION.***

*(a) IN GENERAL.—Chapter 281 is amended by adding at the end the following new section:*

***"§ 28103. Limitations on rail passenger transportation liability***

*''(a) LIMITATIONS.—(1) Notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to damages or liability, in a claim for personal injury to a passenger, death of a passenger, or damage to property of a passenger arising from or in connection with the provision of rail passenger transportation, or from or in connection with any rail passenger transportation operations over or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State, punitive damages, to the extent permitted by applicable State law, may be awarded in connection with any such claim only if the plaintiff establishes by clear and convincing evidence that the harm that is the subject of the action was the result of conduct carried out by the defendant with a conscious, flagrant indifference to the rights or safety of others. If, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, this paragraph shall not apply.*

*''(2) The aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident, shall not exceed $200,000,000.*

*''(b) CONTRACTUAL OBLIGATIONS.—A provider of rail passenger transportation may enter into contracts that allocate financial responsibility for claims.*

*''(c) MANDATORY COVERAGE.—Amtrak shall maintain a total minimum liability coverage for claims through insurance and self-insurance of at least $200,000,000 per accident or incident.*

*''(d) EFFECT ON OTHER LAWS.—This section shall not affect the damages that may be recovered under the Act of April 27, 1908 (45 U.S.C. 51 et seq.; popularly known as the 'Federal Employers' Liability Act') or under any workers compensation Act.*

*''(e) DEFINITION.—For purposes of this section—*

*''(1) the term 'claim' means a claim made—*

*''(A) against Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State; or*

*''(B) against an officer, employee, affiliate engaged in railroad operations, or agent, of Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State;*

*''(2) the term 'punitive damages' means damages awarded against any person or entity to punish or deter such person or entity, or others, from engaging in similar behavior in the future; and*

*''(3) the term 'rail carrier' includes a person providing excursion, scenic, or museum train service, and an owner or operator of a privately owned rail passenger car.''.*

*(b) CONFORMING AMENDMENT.—The table of sections for chapter 281 is amended by adding at the end the following new item:*

*''28103. Limitations on rail passenger transportation liability.''.*

***SEC. 162. RETENTION OF FACILITIES.***

*Section 24309(b) is amended by inserting ''or on January 1, 1997,'' after ''1979,''.*

***TITLE II—FISCAL ACCOUNTABILITY***

***SEC. 201. AMTRAK FINANCIAL GOALS.***

*Section 24101(d) is amended by adding at the end thereof the following: ''Amtrak shall prepare a financial plan to operate within the funding levels authorized by section 24104 of this chapter, including budgetary goals for fiscal years 1998 through 2002. Commencing no later than the fiscal year following the fifth anniversary of the Amtrak Reform and Accountability Act of 1997, Amtrak shall operate without Federal operating grant funds appropriated for its benefit.''.*

***SEC. 202. INDEPENDENT ASSESSMENT.***

*(a) INITIATION.—Not later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall contract with an entity independent of Amtrak and not in any contractual relationship with Amtrak, and independent of the Department of Transportation, to conduct a complete independent assessment of the financial requirements of Amtrak through fiscal year 2002. The entity shall have demonstrated knowledge about railroad industry accounting requirements, including the uniqueness of the industry and of Surface Transportation Board accounting requirements. The Department of Transportation, Office of Inspector General, shall approve the entity's statement of work and the award and shall oversee the contract. In carrying out its responsibilities under the preceding sentence, the Inspector General's Office shall perform such overview and validation or verification of data as may be necessary to assure that the assessment conducted under this subsection meets the requirements of this section.*

*(b) ASSESSMENT CRITERIA.—The Secretary and Amtrak shall provide to the independent entity estimates of the financial requirements of Amtrak for the period described in subsection (a), using as a base the fiscal year 1997 appropriation levels established by the Congress. The independent assessment shall be based on an objective analysis of Amtrak's funding needs.*

*(c) CERTAIN FACTORS TO BE TAKEN INTO ACCOUNT.—The independent assessment shall take into account all relevant factors, including Amtrak's—*

*(1) cost allocation process and procedures;*

*(2) expenses related to intercity rail passenger service, commuter service, and any other service Amtrak provides;*

*(3) Strategic Business Plan, including Amtrak's projected expenses, capital needs, ridership, and revenue forecasts; and*

*(4) assets and liabilities.*

*For purposes of paragraph (3), in the capital needs part of its Strategic Business Plan Amtrak shall distinguish between that portion of the capital required for the Northeast Corridor and that required outside the Northeast Corridor, and shall include rolling stock requirements, including capital leases, ''state of good repair'' requirements, and infrastructure improvements.*

*(d) BIDDING PRACTICES.—*

*(1) STUDY.—The independent assessment also shall determine whether, and to what extent, Amtrak has performed each year during the period from 1992 through 1996 services under contract at amounts less than the cost to Amtrak of performing such services with respect to any activity other than the provision of intercity rail passenger transportation, or mail or express transportation. For purposes of this clause, the cost to Amtrak of performing services shall be determined using generally accepted accounting principles for contracting. If identified, such contracts shall be detailed in the report of the independent assessment, as well as the methodology for preparation of bids to reflect Amtrak's actual cost of performance.*

*(2) REFORM.—If the independent assessment performed under this subparagraph reveals that Amtrak has performed services under contract for an amount less than the cost to Amtrak of performing such services, with respect to any activity other than the provision of intercity rail passenger transportation, or mail or express transportation, then Amtrak shall revise its methodology for preparation of bids to reflect its cost of performance.*

*(e) DEADLINE.—The independent assessment shall be completed not later than 180 days after the contract is awarded, and shall be submitted to the Council established under section 203, the Secretary of Transportation, the Committee on Commerce, Science, and Transportation of the United States Senate, and the Committee on Transportation and Infrastructure of the United States House of Representatives.*

***SEC. 203. AMTRAK REFORM COUNCIL.***

*(a) ESTABLISHMENT.—There is established an independent commission to be known as the Amtrak Reform Council.*

*(b) MEMBERSHIP.—*

*(1) IN GENERAL.—The Council shall consist of 11 members, as follows:*

*(A) The Secretary of Transportation.*

*(B) Two individuals appointed by the President, of which—*

*(i) one shall be a representative of a rail labor organization; and*

*(ii) one shall be a representative of rail management.*

*(C) Three individuals appointed by the Majority Leader of the United States Senate.*

*(D) One individual appointed by the Minority Leader of the United States Senate.*

*(E) Three individuals appointed by the Speaker of the United States House of Representatives.*

*(F) One individual appointed by the Minority Leader of the United States House of Representatives.*

*(2) APPOINTMENT CRITERIA.—*

*(A) TIME FOR INITIAL APPOINTMENTS.—Appointments under paragraph (1) shall be made within 30 days after the date of enactment of this Act.*

*(B) EXPERTISE.—Individuals appointed under subparagraphs (C) through (F) of paragraph (1)—*

*(i) may not be employees of the United States;*

*(ii) may not be board members or employees of Amtrak;*

*(iii) may not be representatives of rail labor organizations or rail management; and*

*(iv) shall have technical qualifications, professional standing, and demonstrated expertise in the field of corporate management, finance, rail or other transportation operations, labor, economics, or the law, or other areas of expertise relevant to the Council.*

*(3) TERM.—Members shall serve for terms of 5 years. If a vacancy occurs other than by the expiration of a term, the individual appointed to fill the vacancy shall be appointed in the same manner as, and shall serve only for the unexpired portion of the term for which, that individual's predecessor was appointed.*

*(4) CHAIRMAN.—The Council shall elect a chairman from among its membership within 15 days after the earlier of—*

*(A) the date on which all members of the Council have been appointed under paragraph (2)(A); or*

*(B) 45 days after the date of enactment of this Act.*

*(5) MAJORITY REQUIRED FOR ACTION.—A majority of the members of the Council present and voting is required for the Council to take action. No person shall be elected chairman of the Council who receives fewer than 5 votes.*

*(c) ADMINISTRATIVE SUPPORT.—The Secretary of Transportation shall provide such administrative support to the Council as it needs in order to carry out its duties under this section.*

*(d) TRAVEL EXPENSES.—Each member of the Council shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.*

*(e) MEETINGS.—Each meeting of the Council, other than a meeting at which proprietary information is to be discussed, shall be open to the public.*

*(f) ACCESS TO INFORMATION.—Amtrak shall make available to the Council all information the Council requires to carry out its duties under this section. The Council shall establish appropriate procedures to ensure against the public disclosure of any information obtained under this subsection that is a trade secret or commercial or financial information that is privileged or confidential.*

*(g) DUTIES.—*

*(1) EVALUATION AND RECOMMENDATION.—The Council shall—*

*(A) evaluate Amtrak's performance; and*

*(B) make recommendations to Amtrak for achieving further cost containment and productivity improvements, and financial reforms.*

*(2) SPECIFIC CONSIDERATIONS.—In making its evaluation and recommendations under paragraph (1), the Council shall consider all relevant performance factors, including—*

*(A) Amtrak's operation as a national passenger rail system which provides access to all regions of the country and ties together existing and emerging rail passenger corridors;*

*(B) appropriate methods for adoption of uniform cost and accounting procedures throughout the Amtrak system, based on generally accepted accounting principles; and*

*(C) management efficiencies and revenue enhancements, including savings achieved through labor and contracting negotiations.*

*(3) MONITOR WORK-RULE SAVINGS.—If, after January 1, 1997, Amtrak enters into an agreement involving work-rules intended to achieve savings with an organization representing Amtrak employees, then Amtrak shall report quarterly to the Council—*

*(A) the savings realized as a result of the agreement; and*

*(B) how the savings are allocated.*

*(h) ANNUAL REPORT.—Each year before the fifth anniversary of the date of enactment of this Act, the Council shall submit to the Congress a report that includes an assessment of—*

*(1) Amtrak's progress on the resolution of productivity issues; or*

*(2) the status of those productivity issues,*

*and makes recommendations for improvements and for any changes in law it believes to be necessary or appropriate.*

*(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Council such sums as may be necessary to enable the Council to carry out its duties.*

***SEC. 204. SUNSET TRIGGER.***

*(a) IN GENERAL.—If at any time more than 2 years after the date of enactment of this Act and implementation of the financial plan referred to in section 24104(d) of title 49, United States Code, as amended by section 201 of this Act, the Amtrak Reform Council finds that—*

*(1) Amtrak's business performance will prevent it from meeting the financial goals set forth in section 24104(d) of title 49, United States Code, as amended by section 201 of this Act; or*

*(2) Amtrak will require operating grant funds after the fifth anniversary of the date of enactment of this Act,*

*then the Council shall immediately notify the President, the Committee on Commerce, Science, and Transportation of the United States Senate, and the Committee on Transportation and Infrastructure of the United States House of Representatives.*

*(b) FACTORS CONSIDERED.—In making a finding under subsection (a), the Council shall take into account—*

*(1) Amtrak's performance;*

*(2) the findings of the independent assessment conducted under section 202;*

*(3) the level of Federal funds made available for carrying out the financial plan referred to in section 24104(d) of title 49, United States Code, as amended by section 201 of this Act; and*

*(4) Acts of God, national emergencies, and other events beyond the reasonable control of Amtrak.*

*(c) ACTION PLAN.—Within 90 days after the Council makes a finding under subsection (a)—*

*(1) it shall develop and submit to the Congress an action plan for a restructured and rationalized national intercity rail passenger system; and*

*(2) Amtrak shall develop and submit to the Congress an action plan for the complete liquidation of Amtrak, after having the plan reviewed by the Inspector General of the Department of Transportation and the General Accounting Office for accuracy and reasonableness.*

***SEC. 205. SENATE PROCEDURE FOR CONSIDERATION OF RESTRUCTURING AND LIQUIDATION PLANS.***

*(a) IN GENERAL.—If, within 90 days (not counting any day on which either House is not in session) after a restructuring plan is submitted to the House of Representatives and the Senate by the Amtrak Reform Council under section 204 of this Act, an implementing Act with respect to a restructuring plan (without regard to whether it is the plan submitted) has not been passed by the Congress, then a liquidation disapproval resolution shall be introduced in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate. The liquidation disapproval resolution shall be held at the desk at the request of the Presiding Officer.*

*(b) CONSIDERATION IN THE SENATE.—*

*(1) REFERRAL AND REPORTING.—A liquidation disapproval resolution introduced in the Senate shall be placed directly and immediately on the Calendar.*

*(2) IMPLEMENTING RESOLUTION FROM HOUSE.—When the Senate receives from the House of Representatives a liquidation disapproval resolution, the resolution shall not be referred to committee and shall be placed on the Calendar.*

*(3) CONSIDERATION OF SINGLE LIQUIDATION DISAPPROVAL RESOLUTION.—After the Senate has proceeded to the consideration of a liquidation disapproval resolution under this subsection, then no other liquidation disapproval resolution originating in that same House shall be subject to the procedures set forth in this section.*

*(4) AMENDMENTS.—No amendment to the resolution is in order except an amendment that is relevant to liquidation of Amtrak. Consideration of the resolution for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except for perfecting amendments.*

*(5) MOTION NONDEBATABLE.—A motion to proceed to consideration of a liquidation disapproval resolution under this subsection shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this paragraph.*

*(6) LIMIT ON CONSIDERATION.—*

*(A) After no more than 20 hours of consideration of a liquidation disapproval resolution, the Senate shall proceed, without intervening action or debate (except as permitted under paragraph (9)), to vote on the final disposition thereof to the exclusion of all amendments not then pending and to the exclusion of all motions, except a motion to reconsider or table.*

*(B) The time for debate on the liquidation disapproval resolution shall be equally divided between the Majority Leader and the Minority Leader or their designees.*

*(7) DEBATE OF AMENDMENTS.—Debate on any amendment to a liquidation disapproval resolution shall be limited to one hour, equally divided and controlled by the Senator proposing the amendment and the majority manager, unless the majority manager is in favor of the amendment, in which case the minority manager shall be in control of the time in opposition.*

*(8) NO MOTION TO RECOMMIT.—A motion to recommit a liquidation disapproval resolution shall not be in order.*

*(9) DISPOSITION OF SENATE RESOLUTION.—If the Senate has read for the third time a liquidation disapproval resolution that originated in the Senate, then it shall be in order at any time thereafter to move to proceed to the consideration of a liquidation disapproval resolution for the same special message received from the House of Representatives and placed on the Calendar pursuant to paragraph (2), strike all after the enacting clause, substitute the text of the Senate liquidation disapproval resolution, agree to the Senate amendment, and vote on final disposition of the House liquidation disapproval resolution, all without any intervening action or debate.*

*(10) CONSIDERATION OF HOUSE MESSAGE.—Consideration in the Senate of all motions, amendments, or appeals necessary to dispose of a message from the House of Representatives on a liquidation disapproval resolution shall be limited to not more than 4 hours. Debate on each motion or amendment shall be limited to 30 minutes. Debate on any appeal or point of order that is submitted in connection with the disposition of the House message shall be limited to 20 minutes. Any time for debate shall be equally divided and controlled by the proponent and the majority manager, unless the majority manager is a proponent of the motion, amendment, appeal, or point of order, in which case the minority manager shall be in control of the time in opposition.*

*(c) CONSIDERATION IN CONFERENCE.—*

*(1) CONVENING OF CONFERENCE.—In the case of disagreement between the two Houses of Congress with respect to a liquidation disapproval resolution passed by both Houses, conferees should be promptly appointed and a conference promptly convened, if necessary.*

*(2) SENATE CONSIDERATION.—Consideration in the Senate of the conference report and any amendments in disagreement on a liquidation disapproval resolution shall be limited to not more than 4 hours equally divided and controlled by the Majority Leader and the Minority Leader or their designees. A motion to recommit the conference report is not in order.*

*(d) DEFINITIONS.—For purposes of this section—*

*(1) LIQUIDATION DISAPPROVAL RESOLUTION.—The term ''liquidation disapproval resolution'' means only a resolution of either House of Congress which is introduced as provided in subsection (a) with respect to the liquidation of Amtrak.*

*(2) RESTRUCTURING PLAN.—The term ''restructuring plan'' means a plan to provide for a restructured and rationalized national intercity rail passenger transportation system.*

*(e) RULES OF SENATE.—This section is enacted by the Congress—*

*(1) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a liquidation disapproval resolution; and they supersede other rules only to the extent that they are inconsistent therewith; and*

*(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.*

***SEC. 206. ACCESS TO RECORDS AND ACCOUNTS.***

*Section 24315 is amended by adding at the end the following new subsection:*

*''(h) ACCESS TO RECORDS AND ACCOUNTS.—A State shall have access to Amtrak's records, accounts, and other necessary documents used to determine the amount of any payment to Amtrak required of the State.''.*

***SEC. 207. OFFICERS' PAY.***

*Section 24303(b) is amended by adding at the end the following: ''The preceding sentence shall not apply for any fiscal year for which no Federal assistance is provided to Amtrak.''.*

***SEC. 208. EXEMPTION FROM TAXES.***

*Section 24301(l)(1) is amended—*

*(1) by striking so much as precedes ''exempt from a tax'' and inserting the following:*

*''(1) IN GENERAL.—Amtrak, a rail carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are'';*

*(2) by striking ''tax or fee imposed'' and all that follows through ''levied on it'' and inserting ''tax, fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority on Amtrak, a rail carrier subsidiary of Amtrak, or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or such a subsidiary, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom''; and*

*(3) by amending the last sentence thereof to read as follows: ''In the case of a tax or fee that Amtrak was required to pay as of September 10, 1982, Amtrak is not exempt from such tax or fee if it was assessed before April 1, 1997.''.*

***SEC. 209. LIMITATION ON USE OF TAX REFUND.***

*(a) IN GENERAL.—Amtrak may not use any amount received under section 977 of the Taxpayer Relief Act of 1997—*

*(1) for any purpose other than making payments to non-Amtrak States (pursuant to section 977(c) of that Act), or the financing of qualified expenses (as that term is defined in section 977(e)(1) of that Act); or*

*(2) to offset other amounts used for any purpose other than the financing of such expenses.*

*(b) REPORT BY ARC.—The Amtrak Reform Council shall report quarterly to the Congress on the use of amounts received by Amtrak under section 977 of the Taxpayer Relief Act of 1997.*

## *TITLE III—AUTHORIZATION OF APPROPRIATIONS*

***SEC. 301. AUTHORIZATION OF APPROPRIATIONS.***

*(a) AMENDMENT.—Section 24104(a) is amended to read as follows:*

*''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation—*

*''(1) $1,138,000,000 for fiscal year 1998;*
*''(2) $1,058,000,000 for fiscal year 1999;*
*''(3) $1,023,000,000 for fiscal year 2000;*
*''(4) $989,000,000 for fiscal year 2001; and*
*''(5) $955,000,000 for fiscal year 2002,*

*for the benefit of Amtrak for capital expenditures under chapters 243, 247, and 249 of this title, operating expenses, and payments described in subsection (c)(1)(A) through (C). In fiscal years following the fifth anniversary of the enactment of the Amtrak Reform and Accountability Act of 1997 no funds authorized for Amtrak shall be used for operating expenses other than those prescribed for tax liabilities under section 3221 of the Internal Revenue Code of 1986 that are more than the amount needed for benefits of individuals who retire from Amtrak and for their beneficiaries.''.*

*(b) AMTRAK REFORM LEGISLATION.—This Act constitutes Amtrak reform legislation within the meaning of section 977(f)(1) of the Taxpayer Relief Act of 1997.*

## *TITLE IV—MISCELLANEOUS*

***SEC. 401. STATUS AND APPLICABLE LAWS.***

*Section 24301 is amended—*

*(1) by striking ''rail carrier under section 10102'' in subsection (a)(1) and inserting ''railroad carrier under section 20102(2) and chapters 261 and 281''; and*

*(2) by amending subsection (c) to read as follows:*

*''(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of this title shall not apply to Amtrak, except for sections 11301, 11322(a), 11502, and 11706. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.''.*

***SEC. 402. WASTE DISPOSAL.***

*Section 24301(m)(1)(A) is amended by striking ''1996'' and inserting ''2001''.*

***SEC. 403. ASSISTANCE FOR UPGRADING FACILITIES.***

*Section 24310 and the item relating thereto in the table of sections for chapter 243 are repealed.*

***SEC. 404. DEMONSTRATION OF NEW TECHNOLOGY.***

*Section 24314 and the item relating thereto in the table of sections for chapter 243 are repealed.*

***SEC. 405. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK MAIN LINE.***

*(a) REPEAL.—Section 24903 is repealed and the table of sections for chapter 249 is amended by striking the item relating to that section.*

*(b) CONFORMING AMENDMENTS.—*

*(1) Section 24902 is amended—*

*(A) by striking subsections (a), (c), and (d) and redesignating subsection (b) as subsection (a) and subsections (e) through (m) as subsections (b) through (j), respectively; and*

*(B) in subsection (j), as so redesignated by subparagraph (A) of this paragraph, by striking ''(m)''.*

*(2) Section 24904(a) is amended—*

*(A) by inserting ''and'' at the end of paragraph (6);*

*(B) by striking ''; and'' at the end of paragraph (7) and inserting a period; and*

*(C) by striking paragraph (8).*

***SEC. 406. AMERICANS WITH DISABILITIES ACT OF 1990.***

*(a) APPLICATION TO AMTRAK.—*

*(1) ACCESS IMPROVEMENTS AT CERTAIN SHARED STATIONS.—Amtrak is responsible for its share, if any, of the costs of accessibility improvements required by the Americans With Disabilities Act of 1990 at any station jointly used by Amtrak and a commuter authority.*

*(2) CERTAIN REQUIREMENTS NOT TO APPLY UNTIL 1998.—Amtrak shall not be subject to any requirement under subsection (a)(1), (a)(3), or (e)(2) of section 242 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162) until January 1, 1998.*

*(b) CONFORMING AMENDMENT.—Section 24307 is amended—*

*(1) by striking subsection (b); and*

*(2) by redesignating subsection (c) as subsection (b).*

***SEC. 407. DEFINITIONS.***

*Section 24102 is amended—*

*(1) by striking paragraphs (2) and (11);*

*(2) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively; and*

*(3) by inserting '', including a unit of State or local government,'' after ''means a person'' in paragraph (7), as so redesignated.*

***SEC. 408. NORTHEAST CORRIDOR COST DISPUTE.***

*Section 1163 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1111) is repealed.*

***SEC. 409. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.***

*(a) AMENDMENT.—*

*(1) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''Amtrak,''.*

*(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect at the beginning of the first fiscal year after a fiscal year for which Amtrak receives no Federal subsidy.*

*(b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978. The*

*preceding sentence shall apply for any fiscal year for which Amtrak receives no Federal subsidy.*

*(c) FEDERAL SUBSIDY.—*

*(1) ASSESSMENT.—In any fiscal year for which Amtrak requests Federal assistance, the Inspector General of the Department of Transportation shall review Amtrak's operations and conduct an assessment similar to the assessment required by section 202(a). The Inspector General shall report the results of the review and assessment to—*

*(A) the President of Amtrak;*

*(B) the Secretary of Transportation;*

*(C) the United States Senate Committee on Appropriations;*

*(D) the United States Senate Committee on Commerce, Science, and Transportation;*

*(E) the United States House of Representatives Committee on Appropriations; and*

*(F) the United States House of Representatives Committee on Transportation and Infrastructure.*

*(2) REPORT.—The report shall be submitted, to the extent practicable, before any such committee reports legislation authorizing or appropriating funds for Amtrak for capital acquisition, development, or operating expenses.*

*(3) SPECIAL EFFECTIVE DATE.—This subsection takes effect 1 year after the date of enactment of this Act.*

***SEC. 410. INTERSTATE RAIL COMPACTS.***

*(a) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—*

*(1) retaining an existing service or commencing a new service;*

*(2) assembling rights-of-way; and*

*(3) performing capital improvements, including—*

*(A) the construction and rehabilitation of maintenance facilities;*

*(B) the purchase of locomotives; and*

*(C) operational improvements, including communications, signals, and other systems.*

*(b) FINANCING.—An interstate compact established by States under subsection (a) may provide that, in order to carry out the compact, the States may—*

*(1) accept contributions from a unit of State or local government or a person;*

*(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for Amtrak);*

*(3) on such terms and conditions as the States consider advisable—*

*(A) borrow money on a short-term basis and issue notes for the borrowing; and*

*(B) issue bonds; and*

*(4) obtain financing by other means permitted under Federal or State law.*

***SEC. 411. BOARD OF DIRECTORS.***

*(a) AMENDMENT.—Section 24302 is amended to read as follows:*

***"§ 24302. Board of Directors***

*''(a) REFORM BOARD.—*

*''(1) ESTABLISHMENT AND DUTIES.—The Reform Board described in paragraph (2) shall assume the responsibilities of the Board of Directors of Amtrak by March 31, 1998, or as soon thereafter as at least 4 members have been appointed and qualified. The Board appointed under prior law shall be abolished when the Reform Board assumes such responsibilities.*

*''(2) MEMBERSHIP.—(A)(i) The Reform Board shall consist of 7 voting members appointed by the President, by and with the advice and consent of the Senate, for a term of 5 years.*

*''(ii) Notwithstanding clause (i), if the Secretary of Transportation is appointed to the Reform Board, such appointment shall not be subject to the advice and consent of the Senate. If appointed, the Secretary may be represented at Board meetings by his designee.*

*''(B) In selecting the individuals described in subparagraph (A) for nominations for appointments to the Reform Board, the President should consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate.*

*''(C) Appointments under subparagraph (A) shall be made from among individuals who—*

*''(i) have technical qualification, professional standing, and demonstrated expertise in the fields of transportation or corporate or financial management;*

*''(ii) are not representatives of rail labor or rail management; and*

*''(iii) in the case of 6 of the 7 individuals selected, are not employees of Amtrak or of the United States.*

*''(D) The President of Amtrak shall serve as an ex officio, nonvoting member of the Reform Board.*

*''(3) CONFIRMATION PROCEDURE IN SENATE.—*

*''(A) This paragraph is enacted by the Congress—*

*''(i) as an exercise of the rulemaking power of the Senate, and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a motion to discharge; and it supersedes other rules only to the extent that it is inconsistent therewith; and*

*''(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.*

*''(B) If, by the first day of June on which the Senate is in session after a nomination is submitted to the Senate under this section, the committee to which the nomination was referred has not reported the nomination, then it shall be discharged from further consideration of the nomination and the nomination shall be placed on the Executive Calendar.*

*''(C) It shall be in order at any time thereafter to move to proceed to the consideration of the nomination without any intervening action or debate.*

*''(D) After no more than 10 hours of debate on the nomination, which shall be evenly divided between, and controlled by, the Majority Leader and the Minority Leader, the Senate shall proceed without intervening action to vote on the nomination.*

*''(b) BOARD OF DIRECTORS.—Five years after the establishment of the Reform Board under subsection (a), a Board of Directors shall be selected—*

*''(1) if Amtrak has, during the then current fiscal year, received Federal assistance, in accordance with the procedures set forth in subsection (a)(2); or*

*''(2) if Amtrak has not, during the then current fiscal year, received Federal assistance, pursuant to bylaws adopted by the Reform Board (which shall provide for employee representation), and the Reform Board shall be dissolved.*

*''(c) AUTHORITY TO RECOMMEND PLAN.—The Reform Board shall have the authority to recommend to the Congress a plan to implement the recommendations of the 1997 Working Group on Inter-City Rail regarding the transfer of Amtrak's infrastructure assets and responsibilities to a new separately governed corporation.''.*

*(b) EFFECT ON AUTHORIZATIONS.—If the Reform Board has not assumed the responsibilities of the Board of Directors of Amtrak before July 1, 1998, all provisions authorizing appropriations under the amendments made by section 301(a) of this Act for a fiscal year after fiscal year 1998 shall cease to be effective. The preceding sentence shall have no effect on funds provided to Amtrak pursuant to section 977 of the Taxpayer Relief Act of 1997.*

***SEC. 412. EDUCATIONAL PARTICIPATION.***

*Amtrak shall participate in educational efforts with elementary and secondary schools to inform students on the advantages of rail travel and the need for rail safety.*

***SEC. 413. REPORT TO CONGRESS ON AMTRAK BANKRUPTCY.***

*Within 120 days after the date of enactment of this Act, the Comptroller General shall submit a report identifying financial and other issues associated with an Amtrak bankruptcy to the United States Senate Committee on Commerce, Science, and Transportation and to the United States House of Representatives Committee on Transportation and Infrastructure. The report shall include an analysis of the implications of such a bankruptcy on the Federal government, Amtrak's creditors, and the Railroad Retirement System.*

***SEC. 414. AMTRAK TO NOTIFY CONGRESS OF LOBBYING RELATIONSHIPS.***

*If, at any time, during a fiscal year in which Amtrak receives Federal assistance, Amtrak enters into a consulting contract or similar arrangement, or a contract for lobbying, with a lobbying firm, an individual who is a lobbyist, or who is affiliated with a lobbying firm, as those terms are defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), Amtrak shall notify the United States Senate Committee on Commerce, Science, and Transportation, and the United States House of Representatives Committee on Transportation and Infrastructure of—*

*(1) the name of the individual or firm involved;*

*(2) the purpose of the contract or arrangement; and*

*(3) the amount and nature of Amtrak's financial obligation under the contract.*

*This section applies only to contracts, renewals or extensions of contracts, or arrangements entered into after the date of the enactment of this Act.*

***SEC. 415. FINANCIAL POWERS.***

*(a) CAPITALIZATION.—(1) Section 24304 is amended to read as follows:*

***"§ 24304. Employee stock ownership plans***

*''In issuing stock pursuant to applicable corporate law, Amtrak is encouraged to include employee stock ownership plans.''.*

*(2) The item relating to section 24304 in the table of sections of chapter 243 is amended to read as follows:*

*''24304. Employee stock ownership plans.''.*

*(b) REDEMPTION OF COMMON STOCK.—Amtrak shall, before October 1, 2002, redeem all common stock previously issued, for the fair market value of such stock.*

*(c) ELIMINATION OF LIQUIDATION PREFERENCE AND VOTING RIGHTS OF PREFERRED STOCK.—(1)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no liquidation preference.*

*(B) Subparagraph (A) shall take effect 90 days after the date of the enactment of this Act.*

*(2)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no voting rights.*

*(B) Subparagraph (A) shall take effect 60 days after the date of the enactment of this Act.*

*(d) STATUS AND APPLICABLE LAWS.—(1) Section 24301(a)(3) is amended by inserting '', and shall not be subject to title 31'' after ''United States Government''.*

*(2) Section 9101(2) of title 31, United States Code, relating to Government corporations, is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (L) as subparagraphs (A) through (K), respectively.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 20 minutes.

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

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

Mr. Speaker, at long last we have an Amtrak reform bill here on the floor which has strong bipartisan support. It is a bill which has the reforms in it which are so necessary. It is a bill which provides for the board, which is the creation of a new board which is constitutional and which has the degree of independence necessary to make the tough decisions. It provides for the management to be able to make decisions with regard to the route configuration. Indeed, it gives Amtrak a fighting chance to succeed and survive.

Mr. Speaker, I urge all of our colleagues to support this measure.

Mr. Speaker, I move to suspend the rules and pass the bill, S. 738, as amended.

Mr. Speaker, I rise in support of S. 738, the Amtrak Reform and Accountability Act of 1997.

Mr. Speaker, I am very pleased that we have been able to reach a bipartisan agreement on an amendment to S. 738. Over the past 24 hours, we have been able to reach consensus with our colleagues on the other side of the aisle on the issue of the Amtrak board of directors. This amendment will provide Amtrak with the reforms it so badly needs, as well as release of the $2.3 billion in capital funds that were provided in the Taxpayer Relief Act.

The amendment adopts the basic principles and reforms of S. 738, the bill passed by the Senate last Friday by unanimous consent, and makes limited but important changes that will ensure successful implementation of long overdue Amtrak reforms.

This amendment contains the labor, liability, and contracting-out provisions that were included in the Senate bill with no changes.

I am pleased that the reforms in this amendment will allow Amtrak, for the first time in its 26-year History, to operate more like a business and cut costs.

On the issue of labor protection, the Senate bill contains a provision that is almost identical to reforms that were included in the House bill, H.R. 2247. The provision will repeal the statutory guarantee that Amtrak provide up to 6 years of labor protection to any employee who is laid off due to a route elimination or frequency reduction to below three times per week. This issue would be sent to collective bargaining, under a 180-day accelerated bargaining process.

The current ban on contracting out any work other than food and beverage service if it would result in the layoff of a single employee would also be repealed in the Senate bill. This issue would be sent to collective bargaining, but would not be negotiable until the next round of contract negotiations, unless the parties mutually agreed to take it up before then.

The Senate bill also provides for a global cap of $200 million on tort liability for death or injury to a passenger, or damage to property of a passenger. It also includes a requirement that Amtrak maintain insurance of at least $200 million.

Again, on these important issues . . . labor protection, liability and contracting out . . . we are accepting the Senate compromise and making no change to it.

The one significant departure from the Senate bill in this amendment relates to the board of directors. The House amendment would replace the existing board with a new, 7-member reform board to be appointed by the President in consultation with House and Senate majority and minority leadership. New members would be required to have expertise in transportation or corporate or financial management.

The purpose of this provision is to provide a fresh start for Amtrak, and to ensure that only qualified professionals are permitted to serve on the board of directors. The amendment also allows the President to select the Secretary of Transportation as a board member. It also designates the president of Amtrak as an ex-officio, non-voting member of the board.

Mr. Speaker, these changes to Amtrak's board bill are necessary to allow the Senate-passed reforms to work.

Mr. Speaker, I believe that the Senate bill as modified by this amendment provides meaningful reform of Amtrak that will go a long way toward restoring financial viability and improving rail passenger service. It will also release the $2.3 billion that was provided in the Taxpayer Relief Act, allowing Amtrak to make much-needed capital investments.

I urge a "yes" vote on S. 738, as amended.

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

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

Mr. Speaker, the bill before us represents a compromise on Amtrak which I urge my colleagues on this side of the aisle to support, and which I say they can comfortably support. It is a compromise in which both sides have satisfied their most important objectives. While we have held divergent views on various aspects of this issue, we have had a common goal, that is, to ensure the survival of Amtrak. If we do not pass reform legislation before the end of the session, Amtrak's future will be in doubt.

Passage of this reform legislation is necessary for Amtrak to gain access to $2.3 billion for capital improvements made available by the tax reform bill. Equally important, in December Amtrak must go to its bankers for renewal of a line of credit which it needs to meet its daily operating expenses. If the bankers should learn that the $2.3 billion capital funding is still in doubt, they may be unwilling to renew the line of credit.

Our common goal of ensuring the survival of Amtrak could have been achieved earlier. We had differences. We have worked out those differences.

Our Republican colleagues on the committee wanted changes in the constitution of the board of Amtrak directors. We have accommodated those changes. We have worked them out. We reached agreement on a process for reforming the board of directors. Under this process, the directors will be appointed in a manner which is fair to the men and women of the Amtrak work force and which is fair to the American public which owns Amtrak through the Department of Transportation.

The manner of selecting the board preserves the constitutional authority of the President and of the Congress. In addition, we have developed a selection process that ensures that there will be an orderly transition; specifically, that the old board will not be terminated until the new board is ready to assume its responsibilities. The compromise also assures that the Secretary of Transportation who represents the public as owner of Amtrak may, I emphasize may, continue to serve on the board, and that the president of Amtrak will continue to participate in the board process, but not as a voting member.

Mr. Speaker, I want to emphasize that accepting this compromise does not mean that on my part I am dissatisfied in any way with the existing board. In my opinion, they have done an outstanding job of guiding Amtrak to make the best possible business decisions with limited resources available. I especially commend the board for their negotiations with the BMWE which produced an agreement which is fair to workers and protects Amtracks financial interests.

The bill does not prohibit the President from reappointing any member of the existing board to the new board. That possibility remains open. In fact, I believe that reappointment of some members would have the desirable effect of ensuring continuity.

Under the bill before us, Amtrak would have a board of 7 Members appointed by the President and confirmed by the Senate. In making the selections, the President would consult with the majority and minority leadership of the House and the Senate. However, neither the majority nor the minority would have the right to exclusive consultation for any specific seat or number of seats. The board Members will be individuals with technical qualifications, professional standing, and demonstrated expertise in transportation or corporate or financial management, and the president, as I said a moment ago, would be a nonvoting member of the board.

Mr. Speaker, adopting this bill will end the uncertainty that has clouded Amtrak's future for the past 3 years. Amtrak will get the capital it needs to modernize. It will be able to continue playing its vital role in our national transportation system.

Mr. Speaker, it has been a long and difficult journey, but we have reached a point where we can see the end of the journey. I want to thank my colleague, the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of our committee, for sticking with it and for working with us to achieve an acceptable outcome.

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

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding, and I also want to thank him for helping correct a shortcoming in the Senate bill that emerged from there with respect to

those States that are not currently served by Amtrak. There was a provision in the Senate bill which has been corrected over here, and I appreciate the chairman's help in correcting that, which would allow those States who are not currently served by Amtrak to also be able to access the $2.3 billion, and there has been a set-aside of 1 percent.

I would further add that we had prepared an amendment at one point that would address that and allow those States that are not served by Amtrak to find some uses for the funds that have been set aside, and I would appreciate the chairman of the Committee on Transportation and Infrastructure as well as the chairman of the House Committee on Ways and Means to work with me to find a method in which we can address that shortcoming in this particular bill. I look forward to doing that, and I thank the distinguished chairman for yielding.

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

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. WISE].

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

Mr. Speaker, this is a very good moment, a very good day, and there are a lot of thanks to go around, obviously to the gentleman from Pennsylvania [Mr. SHUSTER] for bringing this bill to the floor and for his efforts to reach a compromise. A lot of discussions have taken place over the last 24 hours, certainly thanks go to the ranking member, the gentleman from Minnesota [Mr. OBERSTAR], who has steered our side and held us firm and has had his hand firmly on the throttle as we moved forward.

I also think some thanks are due to a lot of Members, too many to name, but Republican and Democrat alike, on and off the Committee on Transportation and Infrastructure, who worked very hard on this. Thanks go to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, who has made sure and stressed continually the need to do something about Amtrak.

I would also like to recognize the board of directors of Amtrak, the present board of directors, who have worked tirelessly not only in resolving labor matters prior to this, but also in working to fashion this bill and to make sure that we were aware of all of the ramifications of our decision. I would particularly like to thank our former colleague, the Governor of Delaware, Tom Carper, who has been constantly on the phone, constantly working as a member of the board, but also one very devoted to making sure Amtrak not only survives but thrives. Also, of course, the Secretary of Transportation, Rodney Slater, who has been very active as well.

Mr. Speaker, this is a compromise, and yesterday when we were here on the floor, I was perhaps most vocal in saying that if something was not done within the next 24 hours the chance was that Amtrak would not survive as we know it and that Congress had to act before Congress goes home tonight or tomorrow.

The good news is that this compromise has been achieved because of the good efforts of everyone involved, Republican and Democrat alike, as well as the administration. It deals with the previously controversial areas of legal liability for Amtrak. People came to the table and reached agreement. We have resolved issues dealing with labor, and labor has put on the table and management has put on the table certain compromises and concessions which have been made. And it deals with the controversial area of the new board of directors.

So all of the controversial areas have been worked out: the legal liability of Amtrak, labor issues, and the new board of directors.

What does this compromise permit to happen now? Most significantly, passage of this bill means that Amtrak, in December, can go to the banks with a new authorization and able to extend their line of credit to continue operating and to become viable. More significantly than that, passage of this reform legislation means that Amtrak can begin drawing down $2.3 billion worth of capital for capital investment purposes, for instance, improving the new high-speed corridor in the Northeast and buying high-speed locomotives.

So what Amtrak can do is, A, extend its line of credit and, B, begin drawing down $2.3 billion for capital investment. Now Amtrak begins restructuring itself, and hopefully to become the viable instrument that we all want.

The good news is that whether one rides the Metroliner, the Cardinal or the Capital Limited in West Virginia, the Texas Eagle or wherever, all of these lines now have a future and have a much better promise ahead of them than what existed prior to this Congress acting. Amtrak now has a future, and it is because of the hard work of a lot of the men and women in this body on both sides of the aisle.

Mr. Speaker, I thank my colleagues for the efforts that have been made, and I urge quick passage of this bill.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to add a technical modification on page 25, line 14, before the word ''(A) date'' add the word ''the.''

The SPEAKER pro tempore. Without objection, the original motion is withdrawn, and the gentleman from Pennsylvania is recognized for a new motion.

There was no objection.

The SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. For the information of the Members, the Clerk will report the modification of the motion.

The Clerk read as follows:

Page 25, line 14 of the proposed amendment, insert ''(A) the'' before ''date.''

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 20 minutes.

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

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Delaware [Mr. CASTLE].

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

I congratulate all who had anything to do with putting this together, particularly the gentleman from Pennsylvania [Mr. SHUSTER] Just 24 hours ago, it was very dark as far as the future of Amtrak was concerned, and a lot of us were pleading to sit down and see if this could be worked out.

A lot of individuals undertook to do that, and that is in the best interests of this country. We have resolved the problems of the labor issues, the problems of the legal liability issues, the problems of the board issues that were so important. Hopefully now, with the release of the capital improvement money as well as what we are doing in this reauthorization, Amtrak can become self-sufficient once and for all by the year 2002.

We must improve passenger rail service. We are at the heart of it in Wilmington, DE. It is of vital importance to us. Our Governor is very involved, is on this board. But I think we have an obligation to make passenger rail service in the United States of America as great as our highway system is, our air system, which is the greatest in the world. It is going to take a lot of work to do it, but we have set the stage so that that can be done. So everybody that had anything to do with the resolution of this, I thank my colleagues and the country thanks to you, and we will see the benefit that will come from it.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, let me thank my friend, the gentleman from Minnesota [Mr. OBERSTAR], for yielding me this time, and really congratulate the gentleman from Pennsylvania [Mr. SHUSTER] and the ranking member for bringing this legislation forward.

As the gentleman from Delaware [Mr. CASTLE] pointed out, this has been a tough battle. We have had differences as to what the reform should look like and what should be included in it, and at jeopardy was the life of Amtrak. It has been a pleasure to work with my colleague, the gentleman from Delaware [Mr. CASTLE] on the legislation

initially to provide for the authorization for the $2.3 billion, and to work with the committee.

At stake in the passage of this bill literally is the light passenger rail service in the United States. That is important to all regions of this country. In the Northeast we are particularly concerned about the high-speed rail and the implementation of high-speed rail. This legislation provides for the necessary reform of Amtrak.

The chairman of the committee, the gentleman from Pennsylvania, [Mr. SHUSTER], and the ranking member, the gentleman from Minnesota [Mr. OBERSTAR], have negotiated very well with the other body, with the administration, and have now brought forward legislation that can pass both bodies and be signed by the President. That is a major accomplishments and one just 24 hours ago many of us thought would not be possible.

I really want to applaud the efforts of all involved. We are now at the threshold really of providing the congressional program so that Amtrak can move into the next century, they can be an efficient passenger rail service for our Nation, providing a service that is critical to all regions of our Nation, and I urge my colleagues to support this legislation.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

□ 1645

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

Mr. Speaker, I just want to say, when people really put their feet to the grindstone, we get things done. I just want to commend the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], and the ranking member, the gentleman from Minnesota [Mr. OBERSTAR], and the gentleman from West Virginia [Mr. WISE], because had the pressure not been kept on, we would not have saved Amtrak.

Amtrak will be saved by this legislation, in my opinion. It means so much to my district in the Hudson Valley. I just truly want to thank the gentlemen, because if they had not persevered, it would not have happened. I thank the gentlemen so much.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I rise today to support the Amtrak authorization legislation before us. This is not the be all and end all that will save intercity passenger rail as we know it forever, but it does save Amtrak at least for the time being.

This legislation allows $2.3 billion that was previously appropriated to be invested in Amtrak. That money is vital for Amtrak's survival. I am especially pleased that a conclusion has been reached to this impasse on this legislation, since my district contains Penn Station in New York City, the largest Amtrak station in this country.

Amtrak is not only vital to intercity passengers, it is also the tracks in the Northeast corridor which carry commuter trains into New York City. These commuter trains bring millions of people into and out of New York City and Philadelphia and other cities in the Northeast corridor every day. Without adequate funding, the daily operation and safety of these tracks could come into question.

Additionally, Amtrak employs over 20,000 people. It would have been shameful to allow these hardworking men and women to lose their jobs when $2.3 billion was waiting for them just on the other side of the tracks, or just on the other side of the impasse over this legislation. These tracks will be crossed today, and Amtrak, its employees, and, most of all, the passengers will benefit from our action.

Mr. Speaker, this is good legislation for now. But I must say, I do not approve of the fundamental direction we are heading in, in which we say Amtrak must be self-supporting or else. I do believe that fundamental infrastructure such as passenger rail may need and should get government subsidy and government operating subsidies.

That is not being done now under this legislation, and it is not in the cards politically in the near future, but I do believe that eventually we will come back to it, because we must maintain a national rail network, a national passenger rail network, not simply on corridors which can be made profitable; we must preserve service and increase service all over the country.

For now, this is good legislation. I commend those who have participated in drafting it and on reaching agreement on it. I would urge all Members of this body to support this bill today.

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

Mr. Speaker, I appreciate the kind words of the chairman of the Committee on Rules and thank him for his support in helping us move this legislation forward and in crafting rules that indeed were fair and moved the process along.

I would like to just add a footnote to the comment of my colleague, the gentleman from New York. While I respect his view, the objective of this legislation and what has moved us in this direction is a fervent hope that we will, through this legislation, move Amtrak to self-sufficiency, not dependence on public subsidy. That is, I think, an underlying element that has made possible these compromises.

Mr. Speaker, again, I want to thank the gentleman from Pennsylvania [Mr. SHUSTER] for his perseverance, for the good fellowship and cooperation, and the frankness and fairness of our discussions, and for the result that we can all celebrate this afternoon.

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

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

Mr. Speaker, I certainly want to congratulate and recognize my colleague, the gentleman from Minnesota [Mr. OBERSTAR], as well as the gentleman from West Virginia [Mr. Wise], and all the members of our committee who have worked so hard on this very complicated issue. The employees of Amtrak, the management of Amtrak, Secretary Slater, the administration, the other body, I think there is plenty of credit to go around for working our way through this very difficult issue.

I think we particularly should recognize the absolutely extraordinary job our staff has done, Glenn Scammel, Alice Tornquist, Jack Wells, Trinita Brown, Debby Hersman, really putting in unbelievable hours, as well as tremendous competence to make this all possible.

Mr. Speaker, today the House of Representatives and the Senate took a major step forward in ensuring that passenger rail service in this country has an opportunity to survive. By passing an amendment to S. 738, the ''Amtrak Reform and Accountability Act of 1997'' and forwarding it to the President, Congress is creating an atmosphere in which Amtrak, its employees and its passengers have an opportunity to make Amtrak succeed and work in a more businesslike manner.

Several questions have arisen in recent days over the impact that S. 738 would have on the $2.3 billion that was made available in the Taxpayer Relief Act of 1997 and over the effect of certain limitations that Act could have on non-Amtrak States.

My colleague on the Transportation and Infrastructure Committee, Congressman JOHN THUNE of South Dakota, has been at the forefront on the issue of potential impacts of both the Amtrak reform bill and the Taxpayer Relief Act on non-Amtrak States. For example, he has previously pointed out that the Taxpayer Relief Act, while setting aside some funds for surface transportation improvements in non-Amtrak States, does so in a way that might not give those States the flexibility they need. Mr. THUNE and Ways and Means Committee Chairman ARCHER have stated their intent to work together to address Mr. THUNE's concerns as that committee considers appropriate tax legislation in 1998.

Another issue potentially affecting the non-Amtrak States arose in the context of House deliberation on the Senate-passed version of S. 738. Section 209 of that bill included language that was intended to assure that the $2.3 billion would not be used for purposes not envisioned in the Taxpayer Relief Act. However, section 209 was inadvertently written a way that could have been interpreted as shutting off funds to non-Amtrak States. In the final stages of negotiating the House amendment to S. 738, and with the technical assistance of the Ways and Means Committee and the Senate Finance Committee, we were able to include an amendment to clarify that non-Amtrak States will indeed be able to use funds made available for them in the Taxpayer Relief Act. Once again, Congressman THUNE's effort in securing this clarification was instrumental in assuring that South Dakota and other non-Amtrak States will get their fair share of the Amtrak funds.

We have assured that the Amtrak reform bill will not jeopardize funding being made available to South Dakota and other non-Amtrak States. Furthermore, the groundwork has been laid for addressing use of the $2.3 billion in subsequent legislation. I commend Congressman THUNE's dedication and leadership in both instances in addressing the transportation concerns of non-Amtrak States.

Mr. THUNE. Mr. Speaker, I would like just a few minutes to address concerns I have as the lone representative from the State of South Dakota. South Dakota is one of six States that do not have intercity rail passenger service. As a result, I drafted an amendment to H.R. 2247, the Amtrak Reform and Privatization Act of 1997. I worked closely with the Gentleman from Pennsylvania, Mr. SHUSTER, on the legislation that would have amended a provision contained in the Taxpayer Relief Act of 1997. I worked with my colleagues from other States not served by Amtrak, including Alaska, Hawaii, Maine, Oklahoma, and Wyoming.

The amendment, though very narrow in scope, ran into jurisdictional concerns. Although it deals directly with transportation needs, the amendment actually makes a correction to the Taxpayer Relief Act of 1997 relating to tax refunds for the National Railroad Passenger Corporation [Amtrak].

Put simply, the tax provision would provide Amtrak with access to $2.3 billion, contingent upon passage of the bill before us today. In addition to money for Amtrak, the law also would set aside a portion of the fund for non-Amtrak States. Unfortunately, the law apparently allows such States to use the funds for very limited purposes, such as intercity passenger rail service and for intercity bus services.

My State, the State of South Dakota, presently does not have intercity passenger rail service and has not for some time. And while I am certain the State would find a way to put available funds to use for intercity bus service that is privately financed and privately operated, it may not make for the best use for those funds. That is why I presented an amendment to the Rules Committee on October 21, 1997, that would give non-Amtrak States more flexibility to use those funds.

The amendment specifically would provide flexibility to non-Amtrak States to use the funds for transportation priorities such as state-owned rail operations, rural transit and transit services for the elderly and disabled, and highway rail grade crossings projects.

While I appreciate the cooperation and work of the Chairman of the Committee on Ways and Means, the Gentleman from Texas, has concerns regarding authorizing jurisdiction of the amendment that could not be overcome. Those concerns and his willingness to work with me to address the non-Amtrak State issue in the context of a revenue measure were addressed in his letter to me dated October 21, 1997. I look forward to that opportunity.

For States that do not have rail passenger service, each of these transportation needs would be legitimate alternatives. The amendment represents sound, common sense policy that simply allows non-Amtrak States to make the best, most worthwhile use of the funds provided for transportation needs.

My colleagues in the House and the taxpayers of this Nation should have every assurance that the funds provided to non-Amtrak States will address important transportation links in each state.

For instance, the State of South Dakota owns over 600 miles of rail lines. The State purchased these lines in the early 1980's in an effort to ensure our State would continue to have access to reliable freight rail services. It is absolutely vital to maintain the farm-to-market transportation system in my State and to other States.

Likewise, we have acute transit needs, particularly in the area of transit services for the disabled, and rural transit services. In South Dakota, the Section 5311 transit program, which helps fund rural transit services, connects our seniors, disabled individuals, and children, in 42 of the 66 counties from rural locations to nearby communities for day-to-day living needs. The 5310 program supplements these needs by targeting its assistance at seniors and disabled individuals.

The amendment finally addresses an important safety concern. As my colleagues know, constructing and maintaining rail grade crossings are an important but often expensive safety priority. At present, only 219 of 2025 crossings are signalized in the State of South Dakota. For the sake of the railroads and motorists alike, the State and those traveling through our State would benefit greatly from additional assistance to improve highway/rail grade safety crossing.

I should also mention that I explored aid to rural air facilities and service. unfortunately, air service to South Dakota too often hangs precariously. There is little competition for commercial service but a significant demand. This situation unfortunately leads to high ticket prices and limited service. I hope to wrap aviation needs into the context of my amendment in the future. Doing so would be consistent with the spirit of the program, which is to give non-Amtrak States more options to address interstate transportation needs.

The amendment in sum helps non-Amtrak States maintain rail safety, transit for the elderly and disabled as well as the general public, and finally important freight rail needs. At the same time, it takes nothing from Amtrak, States served by Amtrak, or non-Amtrak States that would like to attract Amtrak service in the future.

Again, I thank the Chairman of the Transportation and Infrastructure Committee and the Committee on Ways and Means for their assistance and I look forward to continuing to work with them on this matter.

Mr. SHUSTER. Mr. Speaker, I urge the passage of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Snowbarger). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the Senate bill, S. 738, as amended.

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

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on S. 739, the Senate bill just considered.

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

There was no objection.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:15 p.m.

Accordingly (at 4 o'clock and 51 minutes p.m.), the House stood in recess until approximately 5:15 p.m.

□ 1725

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. BLUNT] at 5 o'clock and 25 minutes p.m.

## REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998.

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–406) on the resolution (H. Res. 330) waiving points of order against the conference report to accompany 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, which was referred to the House Calendar and ordered to be printed.

## CALLING FOR RESIGNATION OR REMOVAL FROM OFFICE OF SARA LISTER, ASSISTANT SECRETARY OF THE ARMY

Mr. SOLOMON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 197) calling for the resignation or removal from office of Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs.

The Clerk read as follows:

H. CON. RES. 197

Whereas Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs, on October 26, 1997, at a public conference held in Baltimore, Maryland, stated that ''The Marines are extremists.'';

Whereas such a characterization denigrates 222 years of sacrifice and dedication to the Nation by the Marine Corps and dishonors the hundreds of thousands of Marines whose blood has been shed in the name of freedom;

Whereas citizens from all walks of life have donned the Marine Corps uniform and gone to war to defend the Nation, many never to return;

Whereas the young people of America join the Marine Corps to be challenged, to be held to high standards, and to be part of something bigger than themselves;

Whereas a characterization of the Marines as ''extremists'', especially when made by a senior military department official with responsibility for military personnel policy, has the potential to have an extraordinarily detrimental effect on morale, recruitment, and retention not just for the Marine Corps but for all branches of the Armed Forces;

Whereas Marines and Army soldiers have fought and died side by side time and again in defense of the Nation;

Whereas the values of honor, courage, and commitment embodied by the Marine Corps are not extreme: and

Whereas to describe the Marines as ''extremists'' violates all rules of propriety and does not reflect the views of the American people: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That (1) Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs, should immediately resign from office, and (2) if she does not so resign, the President should remove her from office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. SOLOMON] and the gentleman from Missouri [Mr. SKELTON] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise to speak in support of this resolution I have brought before the House along with the gentleman from Pennsylvania [Mr. MCHALE] my very good friend and I am sorry to see retiring fellow Marine. He is a great American. He was a great Marine. He was a great Congressman.

Sadly, Mr. Speaker, this is a very grim and unfortunate situation which has raised the ire of myself and countless others from all walks of life and particularly those who have served proudly in the military of all branches but particularly the Marine Corps. I am referring to comments made by a high-ranking official of our Defense Department who has been confirmed by the other body to support and defend the Constitution of the United States in her capacity as Assistant Secretary of the Army. Her comments have greatly insulted the United States Marine Corps and they have shattered her ability to effectively do her job as someone in charge of military personnel and reservists in the U.S. Army.

Ms. Lister's comments characterizing the Marine Corps as ''extremists'' is beneath contempt. I ask you to ask Captain O'Grady. Do you remember him? Who rescued him? The Marines. Ask him if he thinks they were extremists.

No amount of spin and dissembling can explain her comments. They are simply arrogant, they are wrong and entirely out of line. Attempts by Ms. Lister to try and explain away her blatant attack on this distinguished branch of the military by saying that her comments were taken out of context does not constitute an apology, Mr. Speaker. In fact, Mr. Speaker, such quibbling and backpedaling is not an apology and is just a further insult to all of us who have worn the uniform of our country, especially those of us that served in the Marine Corps. To leave someone in this position within our Defense Department at this point would be nothing more than irresponsible.

As the United States continues to face potential combat actions in places like Iraq, and it could happen tomorrow, and have troops serving in dangerous deployments all around the world, Ms. Lister does not deserve to be in a position of special trust and of confidence within the Pentagon. The fact that she would make these comments publicly to a large group is just again irresponsible. Her statements are symptomatic, I believe, of a political correctness of the worst kind that is permeating the U.S. military. They were intemperate and if allowed to stand would constitute a major step down this slippery slope towards a military that is not prepared to do its job.

Mr. Speaker, take my word for it. We are treading on very dangerous territory here. If we do not take a strong stand now and demand the removal from office of Ms. Lister and those who share her opinions, we could seriously compromise our combat readiness and effectiveness. If the battle for the soul and the fighting spirit of all members of the Armed Forces is to be won, it has to be won by dismissing from leadership anyone who would make such irresponsible statements like this.

□ 1730

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

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

Missourian Mark Twain once said that a person should live so that if someone says something bad about him, no one would believe it. That is the way I think the U.S. Marine Corps finds themselves today. I do not think anyone can say anything bad about the Marine Corps that would be believed. It is an honorable, wonderful part of our national defense.

But I think we should pause and take a deep breath on this matter, Mr. Speaker, and I am sure that this resolution will pass, but let us take a quick gander at the letter that Sara E. Lister, assistant secretary of the Army for manpower and reserve affairs, wrote to General C.C. Krulak, the Commandant of the Marine Corps. This is a letter of apology, and I will put it in toto in the RECORD, but let me read it and share with this body some words therefrom.

''Dear General Krulak: This letter is in reference to a quotation attributed to me during a panel discussion sponsored by the U.S. Military and Post-Cold War Society Project of the John M. Olin Institute for Strategic Studies, Harvard University.

''I apologize to the Marine Corps and all current and former Marines for my remarks. It is unfortunate that my remarks were taken out of context. The issue under consideration was in relationship between civilian military segments of our society. In that context, we were asked to comment upon 14 scholarly papers discussing various aspects of that topic. I discussed several of the papers, including an interesting piece which was focused on the Marine Corps as an example of possible disconnects between society and the military. My point, ineptly put, was that all the services had different relationships with civilian society based in part on their culture, the size of their force, and their mission. My use of the word ''extremism'' was inappropriate and wrong.

''I regret that the use of this term during an academic discussion has generated a controversy that does not represent my views or those of the Army. I am well aware of the close and mutually supportive relationship between the Army and Marine Corps, both in war and in peace.

''Again, my remarks were not intended to denigrate the Marine Corps in any way. It is unfortunate that they were misplaced. The Marine Corps has a proud and honorable tradition of service to our country. Sincerely, Sarah E. Lister, Assistant Secretary of the Army.''

I will put this in the RECORD, and I read it for the purpose to show that Sara Lister has done her best in her position as an individual to express her regret and apologize, and I feel certain, Mr. Speaker, that the Commandant of the Marine Corps will accept this apology and move on.

Mr. Speaker, I have spent a great deal of my efforts within the Armed Services Committee, now the Committee on National Security, working with the various services, urging them, through legislation and discussion, to create a joint atmosphere of working with each other so that the Marines work with the Army, the Navy works with the Air Force, and all of the different variations thereof.

This is a total force, and it is unfortunate that Ms. Lister's comments created this issue, and I hope that as a result of this discussion here on the floor we can put this behind us and be proud of our Marine Corps, be proud of our Army, be proud of our Navy, be proud of our Air Force, and urge them to continue to do the wonderful work that they do in protecting freedom and the interests of our country.

It is with this in mind that I make these comments, and hopefully we can, Mr. Speaker, put this issue behind us and let it be water going on down the river.

The letter in its entirety is as follows:

DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT SECRETARY, MANPOWER AND RESERVE AFFAIRS,
*Washington, DC, November 13, 1997.*

Gen. C. C. KRULAK,
*Commandant of the Marine Corps,*
*Washington, DC.*

DEAR GENERAL KRULAK: This letter is in reference to a quotation attributed to me

during a panel discussion sponsored by the U.S. Military and Post-Cold War Society Project of the John M. Olin Institute for Strategic Studies (Harvard University).

I apologize to the Marine Corps and all current and former Marines for my remarks. It is unfortunate that my remarks were taken out of context. The issue under consideration was the relationship between civilian and military segments of our society; in that context, we were asked to comment upon 14 scholarly papers discussing various aspects of that topic. I discussed several of the papers, including an interesting piece which was focused on the Marine Corps as an example of possible disconnects between society and the military. My point—ineptly put—was that all the services had different relationships with civilian society, based in part on their culture, the size of their force and their mission. My use of the word ''extremism'' was inappropriate and wrong.

I regret that the use of this term during an academic discussion has generated a controversy that does not represent my views or those of the Army. I am well aware of the close and mutually supportive relationship between the Army and the Marine Corps, both in war and in peace.

Again, my remarks were not intended to denigrate the Marine Corps in any way. It is unfortunate that they were misinterpreted. The Marine Corps has a proud and honorable tradition of service to our country.

Sincerely,

SARA E. LISTER,
*Assistant Secretary of the Army.*

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MCHALE].

Mr. McHALE. Mr. Speaker, I thank the gentleman from Missouri for yielding this time to me.

I have to tell my colleagues, Mr. Speaker, that when I read the words of Assistant Secretary Lister in the Washington Times this morning, I was both stunned and dismayed. Her comments were needlessly embarrassing to one of our Nation's great military services, the United States Army.

As I read her comments, I realized that professional rivalry between the services is perhaps inevitable, even healthy. However, the comments that were attributed, I think accurately, to Assistant Secretary Lister were irresponsibly caustic. They were not taken out of context, they were not misinterpreted, they were simply wrong. Unfortunately for Assistant Secretary Lister, she was simultaneously articulate and foolish.

By contrast, Mr. Speaker, just the other day, on November 10, the United States Marine Corps celebrated its 222d birthday. At that celebration and by his presence, showing what I believe was the kind of respect that the services owed to one another, was the Chief of Staff of the Army, General Reimer. At that memorial service, where several thousand Marines had gathered, one Army general in uniform sat quietly in tribute to a brother service.

I would certainly hope that on all occasions senior officials in uniform and in civilian clothes from the United States Marine Corps would pay equal tribute to the United States Army. Assistant Secretary Lister is entitled to her opinion, and if she were a private citizen and not the Assistant Secretary of the Army, I do not believe this issue would be brought before the House today. But she spoke in an official capacity and should be held responsible in that capacity.

In my view, Mr. Speaker, Assistant Secretary Lister should immediately and unequivocally, unlike the statement read by the gentleman from Missouri, unequivocally rescind her statements, apologizing appropriately, or she may, in the alternative, defend her judgment and then retire to private life. No senior official holding her views, absent a blunt apology, should remain in a policy-making position within the Department of Defense.

If I could deliver a bottom line, Mr. Speaker, it would be this: Contrary to the outrageous rhetoric inappropriately used by Assistant Secretary Lister, the very best people I have ever met have been called lance corporal in the United States Marine Corps. I rise therefore in strong support of the Solomon resolution.

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

Mr. Speaker, I correct the gentleman, it is the Solomon-McHale resolution.

Just to respond, Mr. Speaker, because my very good friend, the gentleman from Missouri [Mr. SKELTON], who is one of the most distinguished and respected Members of this body, mentioned that Ms. Sara Lister was speaking as an individual. Here is the program, and she is listed as the Honorable Sara Lister, Department of the Army. She spoke in an official capacity, and I am going to get a copy of the tape, and I want every one of my colleagues to listen to that tape, and then they will share my view completely.

Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I compliment the gentleman from New York [Mr. SOLOMON] for bringing this legislation and my good friend and colleague, lieutenant colonel in the Reserves, the gentleman from Pennsylvania [Mr. MCHALE].

I also have been a very good listener of my friend, the gentleman from Missouri [Mr. SKELTON], and I agree with him, it is always moments to take a deep breath and not act on emotion, and I always follow that advice of my colleague. But this is also a comment that was made in official capacity with a tongue-in-cheek apology.

These comments were not taken out of context. As a matter of fact, I would respect Sara Lister even more if she had stood her ground and said, I said it, I mean it, that is how I have always felt. That is not what she is saying.

Now let me share something else. Over the past year, in dealing with the issues on gender and race in the United States military, my colleagues, see, I do not separate slanderous comments from one versus the other. If someone makes a slanderous comment on race, sure enough, whether it is their opinion, they will be called before immediately. Well, if someone makes a slanderous remark in gender or in reference to some other institutions, this is pretty insulting.

I strongly support this resolution and call for the immediate resignation of the Army Assistant Secretary Sara Lister. I believe it is imperative for our military leaders to fully respect and earn the respect of the men and women who are willing to make the ultimate sacrifice to protect and defend our country. How sad that, as the rest of the Department of Defense is working so diligently to advance the notion of joint operations, the Army's Assistant Secretary for Manpower and Reserve Affairs would spew such a divisive statement in a public forum with regard to her demeaning comments of the Marine Corps. These comments show a total lack of understanding for the unique mission and tremendous value system of the Marine Corps as well as that of the United States Army of which she leads.

I fail to understand how the values of honor, courage, commitment can be considered extremist and a little dangerous. Our Nation should be proud of the commitment each of our military services makes in instilling a strong sense of values into men and women who serve, something that, unfortunately, is missing in society today.

How sad, when the uniformed leadership in the Army is leading initiatives to establish joint exercise forces to optimize the synergistic abilities of the Nation's forces, that the chief personnel official of the United States Army would make such a blatant, albeit sophomoric, attack on the Army's partner in land battle.

How sad, when the rest of the Pentagon struggles in concert to address the future challenges of a largely undefined world stage, that such a key figure in the Army's hierarchy would devote her time on a stage provided by Harvard's Olin Institute of Strategic Studies to make such an unjustified, demeaning statement against the honored component of the Nation's defense.

How sad that as a panel member in the forum dedicated to civil/military relations, Ms. Lister so completely justified in growing the perception of a widening schism between the military and the liberal element of the social elite.

The saddest of all is how sad anyone is reading the Washington Times headline, quote, ''Top Army Woman: Marines extremist,'' might think even for a moment that this was the top woman in the Army. That brings disservice upon many of the men and particularly the women who serve in the military today.

I strongly urge the President and the Secretary of Defense to fully review her comments to determine whether

they are consistent with the administration's views of the contributions to the military services. More importantly, before they consider Ms. Lister as a candidate for the Secretary of the Army, the President and the Secretary of Defense must decide whether her comments reflect the proper level of respect for our military members necessary to be an effective civilian leader and to achieve the credibility of the military leadership for our country to continue to field the best fighting force.

It is critical for the service secretaries and the service chiefs to be able to work together effectively. It is also critical that the civilian leaders in the military understand and respect the unique missions and contributions of each of the military services.

I urge my colleague to support the Solomon-McHale resolution and to send a strong signal that this country's Marine Corps as well as each of the other services, that Congress does appreciate and respect their dedicated service despite Sarah Lister's demeaning remarks.

Mr. SKELTON. I yield 3 minutes to the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Speaker, let me join the Members with their concern about what the Assistant Secretary said, but let me also say I just talked to her, and she says that she was taken completely out of context. I think we should give her an opportunity to appear before the committee and let her have her say.

Now she is in the process. She has already resigned. She is in the process of leaving the job. She resigned several months ago, and it just seems to me that, as terrible as what was reported that she said, she should have an opportunity to say to a committee what she said, and give her an opportunity to explain.

For instance, it was recorded in the press that she is for women in combat. She says she denies that, she is not for women in combat, and many of the things that she says have been reported are inaccurate.

□ 1745

So it just seems that for us to take precipitous action on something like this, without giving her an opportunity, is unfair to her, whether you agree with her philosophically or not. I certainly do not know enough about what she said or what her position is to be able to judge whether she is right or not, but it seems before we rush to condemnation, that we should give her an opportunity to appear before a committee and have her say about these comments she has made.

She is shattered by what has happened. She has the highest regard for the Marine Corps. She says she started her career working closely with the Marine Corps, and everything she told me personally, just a few minutes ago on the phone, was that she has the highest regard, and she feels absolutely devastated that these comments she made were, as she says, taken out of context.

Now, whether they were or not, I do not know. But I do know I think that we should give her an opportunity to come before a committee and explain what she said, what the circumstances were, and exactly what she meant by these comments.

Mr. Speaker, I would ask the Chairman, who I have such a high regard for, and he and I have served on so many committees, and he is a recipient of the Iron Mike Award, but if he would not consider allowing, perhaps allowing this go to committee, and allow the committee to take this up and discuss it with her before we rush to a vote on this very delicate situation, which could chastise the woman who is serving this position, maybe prematurely and unfairly, possibly.

I do not know. I am not judging. I am just asking that we might be able to do something here that would be a little less onerous and perhaps give her an opportunity to have her say.

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

Mr. Speaker, I have great respect for the gentleman from Pennsylvania [Mr. MURTHA]. He is one of the finest Members of this body. I want him to go and listen to the tape, and then make the same speech he just made. He will change his mind.

This is what she said: ''The Marines are extremists. Wherever you have extremists, you have got some risk of total disconnection with society, and that is a little dangerous.''

Then she goes on and she cites, ''The Marine Corps is, you know, they have all these checkerboard fancy uniforms and stuff.''

What does she mean by that ''checkerboard,'' my good friend? You know what she means. She means the medals the Marines are wearing. It is the only checkerboard on a uniform.

Mr. MURTHA. Mr. Speaker, will the gentleman yield for a comment on the uniform?

Mr. SOLOMON. I yield 1 minute to my friend, the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. She says that she was not the one that made the comment about the uniform. She says absolutely it was the woman who was on the panel, and she did not say one word about the uniform.

That is what I am saying, there was some confusion. That is what she said. Now, I can only tell you what her comments were.

Mr. SOLOMON. Mr. Speaker, I will have a copy of the tape on the gentleman's desk tomorrow.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, there are not two more Members I respect more than the gentleman from Missouri [Mr. SKELTON] and the gentleman from Pennsylvania [Mr. MURTHA].

I have not heard the tape. I will listen to it tonight, if I can. If that is the case, then, yes, she should have her day. But the problem is the day will be 2 or 3 months from now, when all this issue is dead.

Joe Paterno, one of my favorite coaches at Penn State, told a story when I was in a football clinic. He said his dad was in the Army and hated the Marine Corps. He said they were a bunch of peacocks.

You can imagine Joe Paterno's amazement and the father's amazement and this old Italian family when his oldest brother came up and said he was going to join the Marine Corps. The father in his old way said, ''Go off, my son, and become a peacock.'' And he did. This is a son that never spoke back to his father a day in his life in that old Italian family.

The day he came back after boot camp in his finery, his father said, ''Look, here is that peacock.'' And a man that had never spoken an ill word to his Italian father in his life put his finger in his chest and says, ''Don't you ever say anything bad about the United States Marine Corps. It can lick any 10 Army regiments.'' The gentleman from California [Mr. HUNTER] would disagree with that.

But his whole idea was how do you collectively take a mind and mold it into a fighting machine with respect, and he took that same esprit de corps and turned it into the Penn State football team. And he talks about tradition.

What this gentlelady has just done is violate that tradition, and we cannot accept that kind of character, or lack of character, in the leadership of the Department of Defense. We can neither accept nor tolerate it. And, in my opinion, if the allegations are true, this gentlelady has no place, because the position of leadership in the military is not just a position, it is a guidepost for men and women in all the services.

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

Mr. Speaker, I can only hope that when the dust settles out of all of this, that wonderful United States Marine Corps, that great Army that we have, as well as the outstanding Navy and the Air Force that we have, will continue to work together in a joint atmosphere without rancor, without grudges, and let this be water that goes down the river.

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

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. GILCHREST], a very distinguished former Marine. He is a very quiet guy, but I think you will like what he has to say. He is a very serious Member of this body.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from New York for yielding. I would like to echo the words of my good friend and colleague,

the gentleman from Missouri [Mr. SKELTON], that we need to release our feeling of anger and rancor and let this go down the stream and flow out into the gentle waters.

We are all Americans, whether it is the Army, the Navy, the Marine Corps, the Air Force, the Coast Guard, the Merchant Marine. Whoever it is, we all serve this country in a way that we feel is right.

We are reacting now to some words that we do not agree with. But the positive part of those words, which I think were ill-spoken, the positive part of those words, which I think we all should not agree with, is that we are here to discuss that we as Americans in the military that serve our country do so in the proudest condition that we can. We believe in this country and we believe in freedom, so those in the military service are going to lay down their lives, which is the best gift that they can give, for their country. We consistently give words of encouragement to those soldiers, sailors and marines in lonely areas around the country.

I would just like to relay a very short story when I was in the service as a young marine with other young Marines, to give some sense about the military service.

Whenever we would cross this rice paddy in Vietnam, we would be shot at by a sniper. So we decided one day to send across this rice paddy some decoy marines, and then some of us would go around and find out where the sniper was.

We did that. The decoys went across the rice paddy. We went around, and from the ''hootch'' grass hut we could see some firing. We went into the grass hut, and we found a very old man with one leg, an old woman, about in their nineties, and a little girl about 10.

Well, we started to remove the old man. We were going to take him in because we assumed he was the sniper. The old woman sat on a little stump and started to cry. The little girl began screaming and pulling at our uniforms, desperate not to let this old man, maybe her great grandfather, go. She thought she would never see him again.

So we young marines, trained for combat, stopped. We looked into the eyes of the old man, and the woman stopped crying, in desperate fear, wondering what we were going to do next. We looked into the eyes of the old man, and I can still see his eyes. He had for an instant striking fear in his eyes, not knowing what we were going to do. And then the fear turned to curiosity, the curiosity turned to friendship, and we looked at this old man as a human being.

We simply let him go, and we walked away. We were never shot at again when we crossed that rice paddy. But we young marines, trained for desperate combat, found in this man a sense of common humanity, and that is what all the military services are about.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. SAM JOHNSON], someone I think we can all certainly believe. He was a prisoner of war for 6 years and 10 months, and who in the world could ever live through that, but the gentleman from Texas did.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would say to the gentleman from Missouri [Mr. SKELTON], I appreciate his position, I really do. I just cannot believe that we as a country have sunk to this level, where we have a high-level Clinton administration official referring to a branch of our military, in this case the Marine Corps, as being ''extremist'' and ''dangerous to society.'' The testimony you just heard is she does not say that. According to Mr. SOLOMON, this is all on tape. It is her words. It is not taken out of context.

These types of comments are not just unacceptable, but they are false, and a telling sign of disdain for the military by this administration. And no response, you might notice no response has been given by the Secretary of the Army, and this lady, even though it has been said she has resigned or is intending to resign, is being considered for the post of Secretary of the Army. It is unbelievable.

How many times have we seen in a country like ours bravery and ultimate sacrifice by one of our Armed Services?

I was in the Air Force, but the United States Marines showed their colors in the Pacific during World War II; in Korea, where I fought at the Chosin Reservoir; in Vietnam, where I was a POW in Khe Sahn; or the numerous evacuations of our citizens who have been endangered for no other reason than just being an American. Our Marines have been there.

The Secretary, it has been said, went on to mock the Marine uniform. ''They have all got on these checkerboard fancy uniforms, but the Army is sort of muddy boots on the ground.''

Do you know that the Marines are our ceremonial troops? Do you think that our Embassies around the world would love to have muddy boots guarding our Embassies in a ceremonial fashion? I do not think so.

I suggest the Secretary ask Captain Scott O'Grady what his opinion is of the Marine uniforms of those men who pulled him out of Bosnia, and what they were wearing. I think she would be enlightened, to say the least.

I am not here to enlighten the Secretary, or our Congress. I just think that that conduct is inexcusable and should result in immediate dismissal. The sacrifices that Marines, and, for that matter, all our Armed Forces, have made should not be subject to administration comments that are childish and dishonorable.

I believe Secretary Lister must go, and I hope, Mr. President, that you are listening.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. BACHUS].

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

Mr. BACHUS. Mr. Speaker, I rise in support of this resolution. I do it on behalf of not only myself, but my oldest son, who I am proud to say serves in the U.S. Marines, and his family, my other four children and their mother.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from Florida [Mr. SCARBOROUGH]. I wish I had more time to give him. We are just out of time.

Mr. SCARBOROUGH. Mr. Speaker, this is truly a very bad time for us. I wish Ms. Lister, instead of going to this Harvard symposium, would have been where I was a week ago and seen the 222nd birthday of the United States Marine Corps, and hear the commandant talk about the legend of Bella Wood in World War I, or talk about what happened at Iwo Jima in World War II, or talk about Khe Sahn or Inchon, or what the Marines did there, or look at what happened in Lebanon in 1980s.

What gets me is this same administration that has shown contempt for readiness in the name of political correctness in the 1990s may have contempt for the Marines, may be elitist and have elitist attitudes, but every time there is a problem halfway across the world, they have no problem picking up the phone and dialing their 911, and that continues to be and has always been, for 222 years, the United States Marine Corps.

□ 1800

Let us forget the spin control, let us forget the apologies. They are too late. She must resign and leave her position at once.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from California [Mr. PACKARD].

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

Mr. PACKARD. Mr. Speaker, I am personally incensed at these comments. My father was a civilian and fought with the Marines on Wake Island and spent 4 and a half years in a Japanese prison camp with those Marines. I represent the largest Marine base in the United States, Camp Pendleton. It is in the heart of my district. Fifty-five thousand Marines are incensed at what this lady has said. Calling them dangerous, calling them extremists. That is unconscionable, Mr. Speaker, and she should be relieved of her responsibilities immediately.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HUNTER], an outstanding member of this body.

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

I think the interesting point of this is that the very point of criticism that the Clinton administration official made about the Marine Corps is really in essence their strength. The Marine Corps is a service that did not bend to the winds of political correctness when this mixed gender training was requested by the Clinton administration. Today, my service, the U.S. Army, has representatives around the country in courts-martial trying to explain what happened to young women who were injected into basic training with young men in very close quarters, and all of the tragedies that resulted from that. The Marine Corps is one service that perhaps, more than all of the others, has kept its tradition of duty, honor and country, and Chuck Krulak, the Commandant, is one of the very, very best.

So I think we will come out of this with a stronger Marine Corps, more adherence to tradition, and a stronger America.

Mr. SOLOMON. Mr. Speaker, to close for our side, I yield the balance of our time to the distinguished gentleman from South Carolina [Mr. SPENCE], chairman of the Committee on National Security, an outstanding American.

(Mr. SPENCE asked and was given permission to revise and extend his remarks and include extraneous material in the RECORD.)

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

Mr. Speaker, as a Navy veteran and the brother of a retired Marine, and on behalf of the hundreds of thousands of Marines, living and dead, who served this country over all these years, I am personally saddened to hear of the remarks attributed to Ms. Sara Lister relative to the Marine Corps.

I cannot go into detail, I do not have enough time to make a speech on behalf of the Corps and in defense of the Corps, but I would like to just submit as part of my remarks an article which appeared in the Washington Times today which this quote comes from. Kate O'Beirne, the Washington editor of National Review magazine, appeared with Ms. Lister on the panel, and here is what she said:

''It is actually a slander at both the Marine Corps and the Army,'' she said in an interview. ''What attributes of the Marine Corps does she disrespect? Self-discipline? Courage? Patriotism? She believes these pose a danger to society and by implication she's grateful the Army doesn't share the Marine Corps attributes. Shocking.''

TOP ARMY WOMAN: MARINES ''EXTREMIST''

(By Rowan Scarborough)

Sara E. Lister, the Army's top personnel official and the Pentagon's most ardent advocate of women in combat, in a public forum called the Marines ''extremists'' and ''a little dangerous.''

Mrs. Lister, the assistant secretary of the Army for manpower and reserve affairs, also belittled the Marine Corps uniform.

''I think the Army is much more connected to society than the Marines are,'' Mrs. Lister told an Oct. 26 seminar. ''The Marines are extremists. Wherever you have extremist, you've got some risks of total disconnection with society. And that's a little dangerous.''

In response to a query by The Washington Times, the Army attempted last night to dampen a growing controversy that clearly rankled top officers:

''The statement attributed to Mrs. Lister was taken out of context. Her reference to the Marines and their relationship to society would be more aptly described as 'unique.'''

Gen. Charles Krulak, the Marine Corps commandant, issued a statement last night at his quarters vigorously defending a branch he has served 34 years.

''Assistant Secretary of the Army Sara Lister has been quoted as characterizing the Marine Corps as 'extremists,''' Gen. Krulak said. ''Such a depiction would summarily dismiss 222 years of sacrifice and dedication to the nation. It would dishonor the hundreds of thousands of Marines whose blood has been shed in the name of freedom.

''Citizens from all walks of life have donned the Marine Corps uniform and gone to war to defend this nation, never to return. Honor, courage and commitment are not extreme.''

Mrs. Lister, a close adviser to Army Secretary Togo West, made the remarks to a group of academics and military personnel at a conference in Baltimore.

According to a tape recording of the remarks, obtained by The Times, Mrs. Lister, who was appointed by President Clinton, also mocked the uniform of the Marine Corps.

''The Marine Corps is—you know they have all these checkerboard fancy uniforms and stuff,'' she said. ''But the Army is sort of muddy boots on the ground.''

Said Gen. Krulak, ''I agree with Mrs. Lister's depiction of the U.S. Army as 'sort of muddy boots on the ground.' I need not recount the times where the muddy boots of soldiers fell alongside those of Marines as we fought side by side.''

Kate O'Beirne, the Washington editor of National Review magazine, appeared with Mrs. Lister on the panel, along with retired Army Lt. Gen. Theodore Stroup. Mrs. O'Beirne, according to the tape recording, told the conference, sponsored by Harvard University's Olin Institute for Strategic Studies, that she was ''shocked and incredulous'' by Mrs. Lister's remarks.

''It is actually a slander at both the Marine Corps and the Army,'' she said in an interview later. ''What attributes of the Marine Corps does she disrespect? Self-discipline? Courage? Patriotism? She believes these pose a danger to society and by implication she's grateful the Army doesn't share the Marine Corps attributes. Shocking.

''I just want to say something on behalf of the Marine Corps. Unlike Secretary Lister, I don't see them as an extremist organization nor do I fear them in any way. And I find myself grateful for them most of the time.''

Mrs. Lister's caustic comments are sure to revive criticism within the military and among veterans groups that the Clinton administration is staffed at the highest levels with men and women with anti-military attitudes.

Mr. Clinton was sharply criticized by veterans groups in the 1992 campaign for remarks he made as young man trying to avoid the Vietnam War draft, saying that he and his friends held a ''loathing'' for the military, and shortly after taking office he offended military ranks with an attempt to lift long-standing policy barring known homosexuals in the military.

Mrs. Lister has said she will leave her post sometime this year and was honored recently at a retirement party. Pentagon sources say she may be a candidate for secretary of the Army if Mr. West, as expected, is named to head the Department of Veterans Affairs.

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The Army's statement defending Mrs. Lister went on to say that ''it is inappropriate try to create controversy around what was meant to be an honest, intellectual exchange of ideas. The U.S. Marines, like the Army, have served the nation with valor and fidelity since the forming of the nation. Mrs. Lister and the Army are proud to share a common heritage.''

Mrs. Lister has accused others of extremism, recently in a press interview labeling military advocate Elaine Donnelly an ''extremist.'' Mrs. Donnelly is chairman of the Center for Military Readiness, which supports women in the military and opposes combat roles for them.

''I don't like to see my name in the same sentence with that word,'' Mrs. Donnelly said yesterday. ''It shows that this person is very much out of step with the majority of women, both civilian and military. . . . If she puts us in the same group as the Marine Corps, we're in very good shape.''

Mr. EVERETT. Mr. Speaker, as a veteran, a member of the National Security Committee, and as an American, I am appalled at the callous disrespect that Sarah Lister, the Assistant Security of the Army for Manpower, displayed toward the U.S. Marine Corps when she referred to them as a ''dangerous'' and ''extremist'' group during a recent forum. This type of behavior is reprehensible from a high ranking official in the Department of Defense. This is not only an affront to the men and women serving in the Marine Corps, but it is offensive and demoralizing to the nearly 1.5 million men and women in uniform that go in harms way to defend the United States.

What type of message is sent to our young people serving in the military when they hear that a high ranking official in the Pentagon is quoted as saying that the Marines have a ''disconnection with society.'' This administration has been less than fully supportive of Armed Forces, and comments like these will undoubtedly have a further negative impact on their morale.

While Secretary Lister has said she will be leaving her post shortly, that's not good enough. Army Secretary Togo West should fire her now—today. Doing less will disgrace those brave Americans who have served and given their lives for this country. And as far as any talk of Secretary Lister being a possible candidate for Army Secretary should Secretary West leave the post—forget it.

On behalf of the U.S. Marine Corps and the entire military, I urge the strong support of this resolution calling for Sara Lister to step down; we cannot and will not tolerate this lack of respect from civilian leaders.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of this resolution expressing the sense of Congress that the Assistant Secretary of the Army for Manpower and Reserve Affairs, Sara E. Lister, should step down from her position following her derogatory remarks yesterday about our U.S. Marine Corps.

Secretary Lister's remarks have enraged those of us who are proud of the men and women who have served as marines. However, knowing the organization as I do and the type of people who are marines, they are not going to be hurt by her words.

The 222 year history of the United States Marine Corps speaks for itself. From its first

battles of the Revolutionary War, through the bloody Pacific landings during World War II, and from the campaigns in the snowy mountains of Korea, to the steamy jungles of Vietnam, and the parched deserts of Kuwait, the Marine Corps has an unquestionable tradition of serving our Nation in the finest and bravest manner.

The U.S. Army, which was not well served by Secretary Lister's comments, has its own distinguished record of valor and service to our Nation. For those of us who just returned from Veterans Day programs back home, our words are still fresh in our minds. We reminded all Americans that if it were not for the brave service of the men and women of the U.S. Marine Corps, Army, Navy, Air Force, and Coast Guard, America would not be a free nation today.

Unfortunately, the comments of Secretary Lister are another example of the lack of respect with which our armed services and those who serve in uniform receive from some within this administration. As I have said time and again, our all volunteer force deserves far better. They at least deserve the respect of those who have been appointed by the President to provide civilian leadership over our services.

This is the same administration that has demonstrated a cavalier willingness to send our troops into harms way on a moments notice to make a bold statement or accentuate its foreign policy. These deployments throughout the world and with increasing regularity are ordered with little regard for our national interest or the cost of such deployments.

Mr. Speaker, there are many ironies about Secretary Lister's comments. It is ironic that she made them just 2 days after the Marines celebrated another birthday and just 1 day after we as a nation honored those who have served our Nation in the uniform of the U.S. Marine Corps and all the services. Perhaps most ironic, though, is that the battles the Marine Corps have fought and won have been those to protect our Nation's most treasured freedoms and liberties. And there is no more basic American freedom than the freedom of speech. Yet, the President and our civilian leadership at the Pentagon cannot allow an appointee to continue to serve after showing such grave disrespect for every marine who has ever served in uniform.

When the President gives the order to ''Send in the Marines'', no one questions their character then. History has established that they are the force we turn to as a nation to be first on the scene, first to fight, and first to win.

Some of our Nation's greatest Army generals, who unlike Secretary Lister have seen marines in action, have acknowledged the spirit of our marines who have fought shoulder to shoulder with their brothers in the Army. Gen. John Pershing, during World War I, Gen. Douglas MacArthur, during the Korean conflict, and Gen. Norman Schwarzkopf, during Operation Desert Storm all agreed with MacArthur's comments from the outskirts of Seoul in 1950, that ''there is not a finer fighting organization in the world'' than the U.S. Marines.

Mr. Speaker, the marines who stand watch tonight on lonely outposts throughout the world, and those who are in training for their next mission wherever and whenever it may be, probably have not even heard about Secretary Lister's remarks. All they know is that they have chosen to wear the uniform of a U.S. Marine to defend and protect our great Nation. May their service and sacrifice stand as the greatest testament, making all other words ring hollow.

Semper Fidelis.

The SPEAKER pro tempore (Mr. BLUNT). The question is on the motion offered by the gentleman from New York (Mr. SOLOMON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 197.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany 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. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

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

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the distinguished gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule makes in order the fiscal year 1998 Commerce, Justice, and State conference report, the final appropriations bill for fiscal year 1998. This is the standard rule for conference reports, waiving points of order against the conference report and its consideration. The rule also provides that the conference report be considered as read.

That is it. Another great rule from the Committee on Rules under the leadership of the gentleman from New York [Mr. SOLOMON] to get the job done.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague, the gentleman from Florida [Mr. GOSS] for yielding me this time.

As he has described, this resolution, House Resolution 330, is a rule that waives all points of order against the conference report on H.R. 2267. This is a bill that makes appropriations for the Departments of Commerce, Justice and State, and related agencies. It is with great relief that I address this House on this, the last of the 13 regular appropriation bills. It is the one measure standing between us and the conclusion of the session this year.

The conference report contains major increases in funding for law enforcement programs, especially those aimed at preventing juvenile and drug-related crimes. The measure provides about $4 billion for the State Department, which is an increase above the levels in the House and Senate bills, but still less than the administration's request. This money is necessary to extend America's diplomatic presence abroad and assist with vital international peacekeeping efforts.

The conference contains a compromise which does not bar using statistical sampling in the Year 2000 Census. This will permit the Census Bureau to give statistical sampling a small-scale test. A commission will report on the results of the test. Unfortunately, this compromise also includes objectionable language calling on the House general counsel to file a civil suit to block sampling.

Mr. Speaker, I do not support everything in this bill, but we are already 6 weeks into the fiscal year. We should have wrapped up this process a long time ago. I urge adoption of the rule. Let us do our job and pass the bill, and let us go home.

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

Mr. GOSS. Mr. Speaker, I have no requests for time. The rule is not controversial. We are prepared to yield back as soon as the gentleman is.

Mr. HALL of Ohio. Mr. Speaker, I have 3 or 4 speakers that I know of.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the Commerce, Justice, and State bill is fatally flawed, and because of that, later today I will urge my colleagues to vote against it.

Earlier today we changed the House rules so that the Republican leadership could create a new subcommittee to investigate the census. Is the reason that we need this new subcommittee, is it because the current one is so overburdened that it cannot get all of its work done? No. There has been only one hearing in this Congress on the census, and that hearing had only two witnesses.

This new subcommittee is the latest effort by the leadership to politicize the census and make sure that millions

of minorities and poor are left out of the count. They try to hide behind the Constitution, but they do not care whether sampling is constitutional or not.

Look at this quote from one Republican leader. He admits that they do not care if sampling is constitutional, and then later he says if the court says it is constitutional, we simply will not fund it.

During the negotiations over the census language in this bill, the White House lawyers tried to improve the language to assure that the case would make it to the Supreme Court. Those improvements were rejected by the same people who claim to be worried about a constitutional census. Their concerns are not constitutional; they are political.

The scientific and professional support for sampling is overwhelming. Over 175 studies from the General Accounting Office, the Commerce Department, the National Academy of Sciences, and the Census Bureau have shown that sampling gives results that are more fair and accurate. Still, the Republican leadership opposes it. Why? They fear the political consequences of a fair and accurate census.

The opponents of sampling say they are worried about the administration using sampling to manipulate the numbers. However, when the gentleman from West Virginia [Mr. MOLLOHAN] proposed a blue ribbon commission to guard against manipulation, they rejected it on a party-line vote.

The opponents of sampling have raised one false claim after another to try and discredit sampling because they do not want a fair and accurate census. The language in the Commerce-Justice-State bill is one more attempt to stop a fair and accurate census.

This time, their tactics are to tie the Census Bureau up in the courts, to force them to run two censuses at once, and to confuse the public by issuing four sets of numbers instead of one. This will not work and we should not let it happen. I urge my colleagues to vote against the Commerce-Justice-State conference report, but to vote for the rule.

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to reluctantly oppose this conference report. I agree with all of the good things that we have heard and will continue to hear about.

However, I have some serious concerns regarding the census component. The so-called census compromise leaves several loopholes which could seriously hamper the ability of the Census Bureau to utilize sampling as a technique to conduct the 2000 Census. In essence, this compromise allows opponents of sampling an opportunity to disrupt, discredit, and dismantle an accurate census.

The census is far too important to become so politicized. I would like to support this agreement. However, it does not ensure a fair and accurate census count. In this democracy every American must be counted in order to count. In the last census we missed over 4 million people.

This agreement bestows upon the Speaker the unprecedented power to file a lawsuit on behalf of the House to challenge sampling. If we allow this agreement to go forward, African Americans, Hispanics, Asian Americans and other minorities can expect to have significant numbers of their population undercounted. Therefore, these communities will be underrepresented, not only in the halls of Congress but throughout government. I believe that every person must count; therefore, every person must be counted.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Speaker, I have a prepared statement which I will present. Mr. Speaker, this is serious business. For a moment I would like to address the Members of the other side.

□ 1815

Every time that I have come to the well or up here, I have tried to make my comments as nonpartisan as possible. I think the RECORD will indicate that. I came here to build bridges. We are making a very, very serious mistake on the language agreed to in the conference committee on the census and sampling.

I have in my hand here the materials that go back to 1994, 1995, 1996, concerning the city that I was mayor of, in Patterson, NJ, the third largest city in New Jersey. We were one of three communities that agreed to try out the new techniques of the U.S. Census. Sampling was used. Not only was it used, but it was proven to be very effective in that the city statistics for Patterson were changed by 8,000.

I ask the other side to please listen. I have here the letter from the U.S. Census which is dated September 12, 1995. In that letter, it specifically says that because of the work that we did in the city of Patterson, the letter was sent to us by Martha Farnesworth Rich, Director of the Census, the population change had been made officially to the city of Patterson. Not only do most scientific organizations in the United States support scientific sampling, but more important than that, in the areas that this was tried, it worked.

We talk on the other side about austerity and tightening our belts. We would agree with that. Do Members know how much money we spent to do this test in 1994 and 1995? This Government, through the Congress, spent $35 million. So now we want to shift to the dress rehearsal of 1998, and regardless of what comes out in that dress rehearsal, the leadership has said they are going to kill it in 1999.

I ask Members in good conscience, how can they accept that? In 1970, in 1980, in 1990, towns went to court against the census and the Department of Commerce, spent millions of dollars, lawyers got rich. All this document is going to do, this conference report, is make lawyers richer, put more antagonism on the floor of this House, and throw in the face of science what has already been proven.

What will we have accomplished? We are already past, way past, the time when one person-one vote is a reality. It is supported by the law. There are undercounts in small towns as well as large towns. All we want is an honest count. I ask Members, this conference report, while it has many good things in it, deserves to be sent down the tubes because of this unreasonable attempt to fly in the face of the state of the art and science.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. ROHRABACHER], who has done extraordinarily good work on 245(i).

Mr. ROHRABACHER. Mr. Speaker, I rise today to bring everyone's attention to a provision in this pending bill which will eventually phase out section 245(i) of the Immigration and Nationality Act, 245(i), which is a loophole for the sole benefit of illegal aliens.

For the 3 years this provision has existed, 245(i) has allowed anyone in the world to come to the United States illegally, find a sponsor, and then pay the Immigration and Naturalization Service a $1,000 fee to have their illegal status changed to legal. Sixty-two percent, 62 percent, of those who benefited from 245(i) came to the United States by sneaking across our borders. The rest came here on temporary visas and overstayed them.

With 245 intact, we have been talking about enforcement of our laws out of one side of our mouth and, with the other side, encouraging people to break our laws. This is what George Orwell called doublespeak in his classic novel ''1984.''

Although I am pleased that the Commerce-Justice-State conference has drafted a bill that will end 245(i) in the future, I still have concerns about the agreement that the conferees have come up with. The new compromise still allows all those who have been living in the United States illegally or those around the world who want to come to the United States illegally to pay $1,000 to become legal. All they have to do is find a sponsor to petition the INS within 60 days of the time this bill is signed into law.

I would like to remind my colleagues that there are currently 5 million illegal aliens living in the United States. News of the 60-day grace period has already sent them the message that they must quickly find a sponsor, go to the nearest INS office, and file a petition that puts them on the 245 illegal alien amnesty list. Just last week, crowds of illegal aliens in southern California stood in line for hours at packed INS offices because they heard on television that, for a limited period of

time, they can become legal permanent residents.

In addition to illegal aliens who are already here, this grace period sends a message to prospective illegal aliens around the world that the U.S. borders are wide open for the next couple of months. All that is required is a sponsor and $1,000.

Mr. Speaker, there is also a provision in this conference agreement which allows anyone to come here on a temporary visa and overstay it for up to 6 months. Even after violating the terms of their visa, these people will become permanent legal residents without having to return to their countries and go through the proper process. We are once again compromising the integrity of our immigration process for those who have broken our laws.

These provisions do not go far enough with this compromise to uphold the integrity of the Illegal Immigration Reform Act that we passed last year. Let us make sure this is the last time that we have to compromise on this measure. Let us make sure we stick to our guns, because if we ever, ever compromise again on this issue of illegal aliens coming in here and then getting their status adjusted, no immigrant will ever trust our word again. We will have floods of illegal immigrants into our country.

Mr. HALL of Ohio. Mr. Speaker I yield 7½ minutes to the gentleman from California [Mr. BECERRA].

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

Mr. Speaker, I urge all of the Members of this House to vote against this rule today for a number of different reasons. I want to first say that a number of things that did come out of this rule are good, and there are actually many good provisions in this. One is the section 245(i) that my friend and colleague, the gentleman from California [Mr. ROHRABACHER], just railed against.

I will say to the gentleman from California [Mr. ROHRABACHER], the 230-some-odd Members, bipartisan Members in this House, who voted to preserve section 245(i) did it for a number of reasons: First, because it preserves the integrity of our families; U.S. citizens are involved in this. Also, because the business community said they did not want to see a disruption of services, and also the opportunity for people to be employed. So section 245(i), fortunately, we did something good on that.

Where we did something very wrong was on the census. I would like to concentrate my comments on the census with regard to the Commerce-Justice-State appropriations bill. As much as it involves so many other things, let me focus on the Census.

Mr. Speaker, if Members recall, back in the 1990 census, we did a dismal job of counting the people of the United States of America, dismal because some 5 million people in America were not counted, 5 million people who were absent, 5 million people who disappeared for purposes of political representation in this body and for purposes of the distribution of tax dollars which they contributed to the Federal Treasury, which never went back to their communities, because they were not counted and they were not in the formulas that determined how much money would go back to these communities.

If we take a look at what we have in the census, we find that a State like California, which probably had an undercount of some 1.2 million people, probably will suffer worse consequences if we do not act upon a system for the Bureau of Census which will allow it to have the most accurate count of the people of the United States of America.

The Bureau has said that based on what the experts have told it, statistical sampling, a methodology used by technicians and the experts in the field, and they have talked to the National Academy of Sciences that has done research on this, that the experts are saying that statistical sampling is what is needed to try to give us the most accurate count possible.

If we take a look at the language of the bill, let me read one of the findings that we are supposed to support in this legislation under the census.

Finding No. 7 says, ''The Congress finds that the use of statistical sampling or statistical adjustment in conjunction with an actual enumeration to carry out the Census with respect to any segment of the population poses the risk of an inaccurate, invalid, and unconstitutional Census.''

Now, this finding is just what it says, it is a finding. It is not conclusive, nor is it constitutionally binding. But what we see is a manifesto here. This is a document which is being created by the majority to construct the ability to wage a campaign. This is a document to allow the majority and those opposed to statistical sampling to wage a campaign, both in the courts and on the streets, against the use of the most accurate method to count all of America.

Why? Because there is a fear that the politics will turn against them if all Americans are counted. Why? Because most of the people who are missed are people who are poor, are people who are minorities, people who do not often have a chance to vote. There is a fear that we will empower them if we do count them.

How do we empower them in this manifesto? Well, one, we give anyone in this country the right to sue the Government of the United States, to say we are being injured by the use of statistical sampling, and we bootstrap this by saying, you can go directly to the court, and even go directly to the Supreme Court on an appeal in this matter.

Not only that, but read this. It says that the Speaker, unilaterally, without ever having taken a vote of the 435 Members of this body, can file a suit to oppose the statistical sampling. Not only can the Speaker unilaterally file a suit, but the Speaker can employ the House counsel, at our expense, and of course at the taxpayers' expense, to do this litigation. Not only that, but the Speaker unilaterally could hire outside counsel to do the work.

So we are going to be using taxpayer dollars to let the Speaker, without ever having a vote in this House, hire attorneys to do the litigation for all of us, even though we may never even be asked to vote on that issue.

What else does this do? It gives a board that will be created the power to oversee what the Census Bureau does. What is the problem there? For the first time, I believe, in the history of conducting the census, a body will be given access to private documents. For the first time, I believe, in the history of this country taking the census, and we have done it since we have become a Republic, a body that is not affiliated directly with the Census, which is under strict confidentiality requirements, will have access to every single bit of data that the census Bureau collects.

Remember, Mr. Speaker, this is the utmost of private information which we tell Americans that will not be disclosed, and not even the FBI and CIA in lawsuits have been able to obtain some of this data. Yet this board will be able to take every single piece of information that the Census Bureau collects. What is wrong with that? This board, under this legislation, must share this with congressional bodies, committees.

□ 1830

We just voted today with strong opposition from the Democrats to create another subcommittee of the Committee on Government Reform and Oversight to look into the census. What is wrong with that? Well, that committee can disclose some of this information. Even though there are privacy concerns, for the first time there will be an opportunity to disclose information, because this legislation will provide that committee, that with body of Congress, with that opportunity.

All of that is to say that we are licensing with this manifesto a campaign, if not legally, then certainly politically, on the streets against statistical sampling. And what will be done is this, I guarantee: In the next year or so after we do the dress rehearsal where we test all the statistical sampling, we will see a comparison of the actual numbers of people counted to those that we created as a result of an actual count with statistical sampling, and hundreds of thousands, if not millions, of dollars will be spent to say, look, the count was not much different between the two. Let us not go with what we speculate will be the real count through statistical sampling. Let us go with what we know will be the count.

And, of course, that message will be directed to the State that will see their population shrink or not grow, because those are States that may lose representation in this body as a result of shifts in the demographic population of this country. The result, we are going to have an uproar of people saying, ''You mean to tell me that the census will use some sampling method to say that this is the number of people beyond what we actually counted, and that might cost me a representative?'' No way.

And we are going to have a political fight in our land which we cannot overcome because it will be difficult to ever convince the American people that what we have done is actually done the best job of providing an accurate census.

We heard many Members on the majority side of the aisle say we cannot let this go. I heard one Member say this is the Republican Jihad, religious war. There is a fear that if there is a count, if this is allowed to occur, if we get that accurate count, those minorities, those poor will be counted, and they may start to get engaged in the political process. Heaven forbid. That is where we are heading.

So, as much good as was done by the chairman and ranking member on this Committee on Appropriations, I must ask Members to vote against this rule.

Mr. GOSS. Mr. Speaker, in a moment of uncharacteristic optimism, I felt earlier that there was a possibility we might actually debate the rule. And since it is such a good rule and really not controversial, I thought we could dispose of it rather quickly. However, some very fine words have been uttered, and some of the provisions of the measure that the rule carries forward, and it seems that we are in a debate. So I yield 5 minutes to the distinguished gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Florida [Mr. GOSS] for yielding me the time.

My colleagues, a Republican Jihad? What kind of language is that? What kind of insinuation is that? But I tell my colleagues something. If we want to take a diversion from what this country has done for over 200 years, and that is to count the men and women and children in this country one by one, in a very methodical way, and say, instead of doing that, we are going to guess how many people are in this country, we are going to make some assumptions, and we are going to put some equations in place, and then we are going to put numbers in that equation, and if that equation does not meet the assumptions that we want, then we are going to do a statistical adjustment to make sure that the numbers that did not come out the way we want will meet the assumptions we put in the first place.

My colleagues, I think that this Congress has a responsibility first of all to itself, secondly to the Constitution, third to the taxpayers of this country that when we do the census, we do it right. What this bill has done, and of course the White House has worked with this to make sure that that language is in place and is fair and serves the interest of all people, that, number one, we do a test, we do a dress rehearsal; and in that dress rehearsal there will be enumeration, and there will be statistical sampling and statistical adjustment. And when we are done with statistical sampling, we have some transparencies. So we know what the numbers are. We know what the science is. We know what the technology is. And this Congress has the responsibility to do the census, has the ability to make good judgments.

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

Mr. HASTERT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Two questions quickly. One is has the Bureau of the Census and Department of Commerce and the White House all signed off on this proposal?

Mr. HASTERT. Reclaiming my time, that is correct.

Mr. ROGERS. Mr. Speaker, if the gentleman would further yield. Number two, in the history of the United States of America, have we ever in the census done anything like they are proposing, sampling or statistical adjustment? Had we ever done that before?

Mr. HASTERT. Never in the history of this country.

Mr. PASCRELL. Mr. Speaker, will the gentleman from Illinois [Mr. HASTERT] yield?

Mr. HASTERT. Mr. Speaker, I will not yield.

What I would like to do is also say, on my time, that one of the things that the gentleman said over on the other side of the aisle is that, my gosh, the Congress wants to look at these private numbers. These are not private numbers. These are numbers that belong to the people of this country, numbers that we need to take a look at, numbers that we need to judge with.

Let me tell my colleagues, I put together a map or two in my political life, and I could tell them, when we go down to census blocks, the very most simple geographical components of map-making that we have to have, we have to have very accurate numbers.

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

Mr. HASTERT. I will not yield.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New Jersey is not recognized. All Members will show courtesy to Members who are speaking.

The gentleman from Illinois [Mr. HASTERT] has 2 minutes remaining and may proceed.

Mr. HASTERT. Mr. Speaker, when we put together these census blocks for most simple geographical areas, the test that was done on this statistical sampling, or statistical guessing, in 1995 had a plus or minus 35 percent accuracy, plus or minus 35 percent accuracy. That means, if there is a census block and it could be 100 people in it, well, it could be 65, or it could be 135. We do not know. But when we put those census blocks together and they become the building blocks for any representative district, whether it is county board, school board, city council, State representative, State Senate seat, we have to have accurate building blocks to put these together, because I tell my colleagues, when we go to the Federal court, they choose what program they are going to take on what maps are most accurate, which map has the least deviation.

In Illinois, in 1991, the Federal Court said that the map that they chose was because 19 out of the 20 districts had a zero deviation, and one district, the southernmost district in Illinois, had plus 2. That takes pretty accurate measurement. That takes pretty accurate block-building, census block by census block.

Now, if we wanted to use statistical sampling and say, guess how many people are in the United States, 277 million, we probably would get a pretty accurate number; or how many people lived in a State, 15 million people, we would probably get a pretty accurate number; or how many people are in a city, 3½ million, we probably would get a pretty accurate number.

When we get down to census block and census block, we need to put a name and address with a place and census block so that we can start to put together those legislative and representative districts that bring people to this body. The taxpayers of this country, the Constitution of this country, expects the very best, and that is what we should give them.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentlewoman from California [Ms. WATERS].

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

Ms. WATERS. Mr. Speaker, I would first like to thank the gentleman from West Virginia [Mr. MOLLOHAN], the gentleman from Ohio [Mr. SAWYER] and the gentlewoman from New York [Mrs. MALONEY] and all of those who have worked so hard to try and make sense out of all of this. I know it has been difficult. I know that they were trying to do everything that they possibly could to see to it that we get a better count, because we have had an undercount, almost 4.8 million people undercounted, and we all know and believe that sampling could correct that. I understand what they had to do.

But what I think most people do not understand is this: In an attempt to work out the fact that there are people who want sampling, people who do not want sampling, none of us have realized that really sampling would help us all. It would help Democrats. It would help Republicans. We would get a better count. This would inure to

everybody's benefit. But because Republicans are so afraid of sampling and getting a better count, they were willing to literally go into the back room and form a deal that, in the final analysis, is not in their own best interest, and they do not even know what the deal is.

The fact of the matter is what has been agreed upon is that there will be a way by which we can do sampling in the rehearsal, and they will not interfere with that, in exchange for some bad language that we allowed them to have that basically said that sampling is unconstitutional maybe, and that somehow it is not in the best interest of the American people. And then we gave standing to the Speaker, or his representative, to go into court and the money to go along with it to say, now they can go and fight us, and we are going to let them fight us because we believe we can beat them in the court.

Well, in my estimation, it is a bad deal for everybody. I do not like these schemes. I do not like these schemes because I think this bad language that we allow them to put in the bill could be used as intent language in the court, and they could say, ''Well, they voted for something that they said you thought that it was not constitutional.'' I do not like this language, because I do not like the idea of giving the Speaker all the resources he would like to have in order to go in and fight us on sampling.

But let me tell my colleagues some other things I do not like. I do not like the way this board is constructed. I do not like the idea that we are about to set up and design a confrontation. We are going to give the board resources and the ability to have confidential information. We are going to kick up the arguments. And the debate and confrontation, all of the radio talk shows are going to be talking about sampling versus nonsampling. What we are going to have is a great big nasty fight in America over sampling. And we have one side, my side, who is saying, ''Trust me, we could beat them in court.'' And we have the other side saying, ''Give me standing, and we will beat them in court.''

Let me tell my colleagues what I think. I think that the Supreme Court has ruled on this more than one time, and the Supreme Court said sampling is fine. But further, the Supreme Court has said that the Secretary has the right to use any statistical method he or she deems necessary in order to get a good count.

If it was left up to me, I would let my colleagues do whatever they would want to do, and I would take the findings of the court, and I would go in court and I would proceed, and I would defend my position in court, and I would enjoin any language that they would attempt to have legislatively to say that it interferes with my ability as Secretary to get the job done. I would fight them head on. I would not have this diabolical scheme where most Republicans do not know what is in the deal, most Democrats do not know what is in the deal, and we have good people who are guessing at this and saying, ''Trust me, trust me, trust me.''

I do not want to lose, and I think a head-up fight is a good fight. I think we take all of the schemes out of it, and we go at it in court straight up. I would ask for a no vote on this. I do not like the deals that were made in the back rooms that Republicans should be afraid of and Democrats alike.

The SPEAKER pro tempore. The Chair would advise all Members that the gentleman from Florida [Mr. GOSS] has 20½ minutes remaining, and the gentleman from Ohio [Mr. HALL] has 8 minutes remaining.

Mr. GOSS. Mr. Speaker, if that is the case, I yield such time as he may consume to the distinguished gentleman from California [Mr. CUNNINGHAM], the Duke.

Mr. CUNNINGHAM. Mr. Speaker, why not sampling? Why not sampling? My parents always told me to cut to the quick. And two times in a political environment, people dance around the issue. It is because we do not trust you. And I will be specific. We do not trust the liberal leadership of the Democrat Party. The partisanship that has existed since we have taken the majority in every single case, we do not trust you. You want to guess. We want to count. For the first time in 200 years, you want to guess.

The White House has bought off on that language. The White House. So I guess the White House is part of that Jihad that my colleague talked about. No. We want an actual count. Let us take a look at some of the issues. Anything goes to win. The end justifies the means.

□ 1845

There is a story about a turtle and a snake. The snake could not swim across a river and it was poisonous, so he jumped on the turtle's back and said, ''If you take me across the river, I won't bite you.'' And the turtle says, ''No, you're venomous. I'm not going to take you.'' The snake says, ''I give you my word. I'm not going to bite you.''

So the turtle takes the snake across. As soon as he gets on the other side, the snake bites the turtle and in his death throes the turtle says, ''But you gave me your word you wouldn't bite me.'' The snake looks at him and says, ''I don't know what your problem is. You knew I was a snake.''

We do not trust you * * * all the way through since 1994 in partisanship. We do not trust you. Thirty-five percent error is allowed within sampling in each district. Where do you think that 35 percent error is going to take place? It is going to take place in Republican districts. Look at INS in San Diego. We had 2,000 new immigrants.

Mr. HEFNER. Mr. Speaker, I ask the gentleman's words be taken down.

Mr. CUNNINGHAM. I did not speak in respect to anybody specifically.

Mr. HEFNER. Snake-like tactics. That is not complimentary. That is not accurate. That is the gentleman's own opinion, and I ask that the gentleman's words be taken down when he referred to the snake-like tactics from duly elected Members of this body. I ask the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. LAHOOD). All Members will suspend.

Mr. CUNNINGHAM. I would say to the gentleman I have been very careful not to specifically mention anybody.

The SPEAKER pro tempore. The Chair would ask Members to suspend.

The Chair would ask the gentleman from California if he is withdrawing his words.

Mr. CUNNINGHAM. No, I will not withdraw. I have not spoken to anybody specifically.

The SPEAKER pro tempore. The gentleman will suspend.

The Clerk will report the words.

□ 1900

The SPEAKER pro tempore (Mr. LAHOOD). Does the gentleman from California seek recognition?

Mr. CUNNINGHAM. Mr. Speaker, if I may restate my words, the gentleman said it was really a deer and lion and not a snake and a turtle, and I did not mean to infer, and I was very careful not to mention, anybody's name. So I will restate it. By ''snakelike tactics'' I mean in general, and I will be specific, but I will not apply to anybody specifically on it, but I will point out some instances with different departments within the Government that I think have used tactics that are, like was said, we may not trust either one, sampling or counting, and if the gentleman would accept that.

The SPEAKER pro tempore. Does the gentleman ask unanimous consent to withdraw the earlier words?

Mr. CUNNINGHAM. I ask unanimous consent, Mr. Speaker, to withdraw the earlier words.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman may proceed.

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, specifically what I was speaking to:

In San Diego, for example, there were 2,000 new citizens sworn in, 2,000. The Republican Party asked if they could have tables to register, and they were told by Mr. Reed, head of the INS, no, they could not. They went down to the ceremony itself, and there were 10 Democrat tables set up inside the building ready to go to register people.

That kind of tactic we disagree with, and we think it is unfair.

I look at the INS and the Sanchez case refusing to give documents up and apply and go toward the subpoenas. We think that was unfair.

I look at the Lincoln bedroom, the Vice President with the Buddhists, and the money to the DNC.

I look to Charlie Trie, and Riady, and Lippo Bank, and the DNC and dollars to that, Ron Brown, special deals with the buses, John Huang, the DNC illegal campaign contribution, the FBI files, the IRS attacking businesses, Secretary Babbitt up for deals with tribes to give money to the DNC, and the whole point is, if my colleagues want to guess instead of actually counting, we are not going to buy it. I think that if looking at all of the different history, if it was different, we probably would say, okay, let us take a look and let us see which one works better.

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

Mr. CUNNINGHAM. I yield to the gentleman from New Jersey.

Mr. PASCRELL. Is the gentleman from California aware that in the past four censuses that we did not have a nose count, that 85 percent of the people were counted through normal means and the rest was due to an adjustment?

Mr. CUNNINGHAM. Reclaiming my time, Mr. Speaker, I am very familiar because California underwent when we picked up many seats, and I understand exactly the process. But we are saying an actual count of individual noses is much fairer and more accurate than just guessing which allows for 35 percent error in each district, and we do not feel that that will be used on the up and up, and that is the reason why we oppose sampling.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentleman from Ohio [Mr. HALL] for yielding this time to me.

I want to say a word about the census and then about the Equal Employment Opportunity Commission. I hope that youngsters and students have not been listening to this debate about statistical sampling because, if so, they have had a royal miseducation about the science of statistics and statistical techniques.

I want to suggest an alternative constitutional theory, that if this body approves a method of taking the Census that deliberately gets an undercount, that raises a constitutional question, and because we know that statistical sampling is more accurate, that is the constitutional issue before the body.

Mr. Speaker, I am a former chair of the Equal Employment Opportunity Commission. I appreciate that in conference $2.5 million was added to the EEOC's appropriation after the Women's Caucus wrote the conferees concerning stark underfunding of that agency. While this is $4 million less than the President's request, this amount does represent an increase.

I am pleased that the $7 million increase that was forthcoming from the Watt-Norton amendment last year actually helped reduce the backlog 30 percent, and we should continue to fund the agency so that it can continue to do that.

The Women's Caucus wrote the conferees in addition concerning committee report language that remains in the bill and that could have a chilling effect on EEOC's small litigation intervention program. Historically, the complaint has been that the EEOC does too little, not too much, litigation, and that is still the case.

In our letter, we express concern that the language could discourage the EEOC from intervening in cases like the notorious Mitsubishi case which protected the interests of hundreds of women who were not included in the private litigation.

The Women's Caucus has another concern as well. In 1994, the Women's Caucus supported and the Congress passed with strong bipartisan support the Violence Against Women Act. An important provision of that act allows for a suspension of deportation during a period in which an abused immigrant spouse is granted an exemption to pursue legal residency through self-petition.

Because the immigration section 245 provision in this bill does not contain that specific exemption for qualified immigrants, these battered spouses will be subject to deportation to obtain their green cards, making it harder for women and their children to leave dangerously abusive relationships with U.S. citizens. The women are often intimidated and reluctant to leave as it is. They may be subject to continuing abuse by their spouses and even to stalking if they return to their countries.

The immigration provisions of the Violence Against Women Act were written to provide a way out of violent relationships for battered immigrant women and children. We believe that it is a serious mistake not to include this exemption.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

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

Mr. ENGEL. Mr. Speaker, I rise in opposition to this rule for all the reasons that were mentioned in terms of the Census. But I also want to call attention to another very, very important issue, and that simply is the money that the United States owes in arrearages to the United Nations, which is not in this either and which is another reason why I oppose this.

Today our President is trying to reinvigorate the International Coalition Against Iraq so that our young men and women will not have to fight alone should the need arise. But just as we are readying the Nation for some kind of action in the coalition, Congress may take this disastrous step to undercut our ability to build a coalition of nations at the U.N. This makes no sense. If we do not begin today the effort to repay our arrearages to the U.N., our ability to forge a solid coalition against Iraq will be severely in jeopardy.

I want to be absolutely clear. I believe that in paying off our debt to the United Nations, it is in America's interest and it is justified on its own merits by the good work the U.N. does around the world. However, because of the threat emanating from the Persian Gulf, the danger of not paying our arrears is now much greater as American troops could be put at risk.

So I oppose this amendment, I oppose this rule, because of the Census and because of the U.N. arrearages.

Today, our President is trying to reinvigorate the international coalition against Iraq so that our young men and women will not have to fight alone, should the need arise.

I voted for the Gulf War and will support the President again if armed force is needed to reach Iraq a lesson.

But, just as we are readying the nation for military action, Congress may take a disastrous step to undercut our ability to build a coalition of nations at the U.N.

If we today do not begin the effort to repay our arrears to the U.N., our ability to forge a solid coalition against Iraq will be severely in jeopardy.

I want to be absolutely clear: I believe that paying off our debt to the U.N. is in America's interest and is justified on its own merits by the good work the U.N. does around the world.

However, because of the threat emanating from the Persian Gulf, the danger of not repaying our arrears is now much greater as American troops could be put at risk.

It is unfortunate that only a potential military crisis can reawaken the Congress to the need to pay what we owe to the world body.

Soon, the gentleman from Wisconsin [Mr. OBEY] will offer a motion to recommit this bill with instructions to waive the authorization requirement for the $100 million repayment of the money the U.S. owes the U.N.

I urge my colleagues to support the motion and, by doing so, support our troops in the Gulf.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I do not know if there could be a more crucial determination than the one we might be making today. How sad it is that on the shadow of the closing of this first session, this important decision on how the census will be taken to count every American is now being forced upon those of us who have fought to assure that those who are homeless and those who are undercounted, those who are rural, those who are urban, those who are Hispanic, those who are African-American, those who are Caucasian and Asian, and those who are others would not be counted.

It is tragic that we would have individuals of our colleagues on the other side of the aisle begin to talk about snake tactics and accusations of mistrust when it is well known that the National Academy of Sciences has documented that sampling is the very best

way to ensure that all Americans are counted, rich or poor, black or white. And this is a tragic response to the need for counting.

Might I say that there are points in this bill that I applaud, the acknowledgment of the Peer Review Justice Center on Juvenile Prevention. But yet I come to disappointment, the disappointment that under 245(I) battered women who may be immigrants will be excluded and therefore will not be allowed to stay in this country while others with less concern will be.

But let me turn my attention to this census. How false to be able to acknowledge that sampling is not an accurate count. It is, and the Republicans know that it is, and the misguided language in this bill that suggests that it is risky to suggest that this Speaker of the House could threaten the sampling process and rush to the court system, this denial of the state of the law that says that sampling is accurate, this choice of these particular cities and the possibility that they may not give us the ability to judge sampling in its accuracy.

Mr. Speaker, on the last day of this session, do we not want to say to the American people that our business is their business, that this count can count all of them, that the resources of this Nation are intended to meet all of their needs and not be falsely misrepresented by Republicans who say, oh, we do not want sampling?

Mr. Speaker, we need to vote down this rule because it is not about the American people, it is about pure politics in this body. What a disgrace, a disgrace. Vote down this rule.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, this is the way it is.

Mr. Speaker, I thank the gentleman from Florida for yielding this time to me. The argument of sampling really boils down to this very simple chart. Under the United States Census called for by the Constitution, the way it has always been done, they go house to house, door to door, and they count. Go to the first house, 3 people; the second house, 7; third house, 6; and we come up with 16 people. Pretty clear, pretty explicit, very understandable.

Now, as the last speaker said, Democrats' sample-matics is all about politics. Go to the first house, 3 people; go to the second house, 7 people; go to the third house; and, really, they do not go because they do not feel like it, it is time to knock off for lunch or do whatever people do when they work for the Government. So then they say, well, how many do we really need? We need 15 to 25 people? Well, we will just do that because we did not go to the third house.

That is what this is all about. If my colleagues like sampling, how would they like it done in their election? If my colleagues like sampling, sample their next IRS return and see how their administration backs them on that. Sample their golf score, sample their bookie; I do not know.

Mr. Speaker, this is the way to do a Census. Count it head by head, door by door.

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio [Mr. SAWYER].

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 2 minutes.

□ 1905

Mr. SAWYER. Mr. Speaker, I rise in deep gratitude for the passion and commitment of a number of the Members, including the gentlewoman from California [Mrs. WATERS], the gentleman from California [Mr. BECERRA], the gentleman from New Jersey [Mr. PASCRELL], the gentleman from Illinois [Mr. DAVIS], the gentlewoman from Texas [Ms. JACKSON-LEE] and others. They are absolutely right about sampling.

The gentleman from New Jersey [Mr. PASCRELL] is right when he says this is important. Several sampling techniques were evaluated in 1994 and 1995. Some were found to be woefully wanting; they were rejected. One enumeration method including sampling was selected, and now must be refined in the context of a full census-like environment known as a dress rehearsal.

This is not a reflection of a lack of confidence in sampling. It has been planned from the beginning of the decade. Like war game exercises, it is a needed step in preparing for this huge national undertaking.

When the gentleman from California [Mr. BECERRA] suggested that 5 million people were missed, I suggest that he underestimates. In fact, 10 million people were missed in 1990, 6 million were doubled, for a net undercount of 4 million, but an aggregate error of 16 million.

I am grateful for this support for sampling, and I share that support. I will vote differently on this bill. This bill is not a pretty piece of legislation. It is kind of a Rube Goldberg contraption. It is not a permanent victory for sampling; it is not a permanent defeat. The provisions regarding the census, however, reflect a clear victory for supporters of keeping sampling alive so it can be appropriately tested. There is no realistic chance for an injunction. Confidentiality is protected by current law.

I support this rule; I support going forward with sampling; I support keeping it alive until its accuracy can be verified in a census-like environment, in a dress rehearsal in 1998, and evaluated in 1999.

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

Mr. Speaker, I would simply say that actually this debate was supposed to be on the rule. I did not hear much objection to the rule. Actually I heard some praise for it. I think it is a fine rule, and perhaps we can get on with the debate about the census, which I know we have all been waiting for eagerly.

I would like to compliment the gentleman from Louisiana, Chairman LIVINGSTON, and the gentleman from Kentucky, Chairman ROGERS, and the ranking member, the gentleman from Wisconsin, Mr. OBEY, for the fine work they have done through the appropriations process, which we now hope is drawing to a close.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

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

Mrs. MALONEY of New York. 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.

Without objection, the vote on the motion to suspend the rules and agree to House Concurrent Resolution 137 will be reduced to 5 minutes.

There was no objection.

The vote was taken by electronic device, and there were—yeas 285, nays 113, not voting 34, as follows:

[Roll No. 636]

YEAS—285

| | | |
|---|---|---|
| Ackerman | Clement | Gekas |
| Aderholt | Coble | Gibbons |
| Allen | Coburn | Gilchrest |
| Archer | Collins | Gillmor |
| Armey | Cook | Gilman |
| Bachus | Cooksey | Goode |
| Baesler | Costello | Goodlatte |
| Ballenger | Cox | Goodling |
| Barcia | Cramer | Goss |
| Barr | Crane | Graham |
| Barrett (NE) | Crapo | Granger |
| Barrett (WI) | Cunningham | Greenwood |
| Bartlett | Davis (FL) | Gutknecht |
| Barton | Davis (VA) | Hall (OH) |
| Bass | Deal | Hall (TX) |
| Bateman | Delahunt | Hamilton |
| Bereuter | DeLay | Hansen |
| Berman | Diaz-Balart | Harman |
| Berry | Dicks | Hastert |
| Bilbray | Dingell | Hastings (WA) |
| Bilirakis | Dixon | Hayworth |
| Bliley | Dooley | Hefley |
| Blunt | Doolittle | Herger |
| Boehlert | Doyle | Hill |
| Boehner | Dreier | Hilleary |
| Bonilla | Duncan | Hobson |
| Bono | Dunn | Hoekstra |
| Boswell | Edwards | Holden |
| Boucher | Ehrlich | Horn |
| Brady | Emerson | Hostettler |
| Bryant | English | Hoyer |
| Bunning | Eshoo | Hulshof |
| Burr | Etheridge | Hunter |
| Burton | Everett | Hutchinson |
| Buyer | Ewing | Hyde |
| Callahan | Farr | Inglis |
| Calvert | Fawell | Istook |
| Camp | Fazio | Jackson (IL) |
| Campbell | Foley | Jenkins |
| Canady | Forbes | Johnson (CT) |
| Cannon | Fossella | Johnson (WI) |
| Castle | Fox | Johnson, Sam |
| Chabot | Frank (MA) | Jones |
| Chambliss | Franks (NJ) | Kanjorski |
| Chenoweth | Frelinghuysen | Kasich |
| Christensen | Gallegly | Kelly |
| Clayton | Ganske | Kennedy (MA) |

Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Manzullo
Markey
Mascara
Matsui
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Oberstar
Obey
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Thomas
Thornberry
Thune
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—113

Abercrombie
Andrews
Baldacci
Becerra
Bentsen
Bishop
Blagojevich
Bonior
Borski
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clyburn
Condit
Conyers
Coyne
Cummings
Danner
Davis (IL)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Doggett
Engel
Ensign
Evans
Fattah
Filner
Ford
Frost
Gejdenson
Gephardt
Gordon
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Klink
Kucinich
Lampson
Levin
Lewis (GA)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
McCarthy (MO)
McCarthy (NY)
McDermott
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Mink
Nadler
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Schumer
Scott
Serrano
Stabenow
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Torres
Towns
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Woolsey
Wynn

NOT VOTING—34

Baker
Blumenauer
Combest
Cubin
Dickey
Ehlers
Flake
Fowler
Furse
Gonzalez
Green
Houghton
John
LaFalce
Lipinski
McInnis
Miller (CA)
Myrick
Nussle
Ortiz
Pickett
Pryce (OH)
Riley
Roemer
Schiff
Smith (OR)
Snyder
Stark
Taylor (NC)
Watkins
Wexler
White
Wise
Yates

□ 1931

The Clerk announced the following pair:

On this vote:

Mr. Riley for, with Mr. Yates against.

Mrs. LOWEY changed her vote from ''yea'' to ''nay.''

Mr. DELAHUNT 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.

## APPOINTMENT AS LAW REVISION COUNSEL FOR THE HOUSE OF REPRESENTATIVES

The SPEAKER. Pursuant to the provisions of 2 U.S.C. 285c, the Chair announces the appointment of John R. Miller as law revision counsel for the House of Representatives, effective November 1, 1997.

## APPOINTMENT AS GENERAL COUNSEL OF HOUSE OF REPRESENTATIVES

The SPEAKER. Pursuant to the provisions of clause 11 of rule I, the Chair announces the appointment of Geraldine R. Gennet as general counsel of the U.S. House of Representatives, effective August 1, 1997.

## EXPRESSING SENSE OF HOUSE CONCERNING NEED FOR INTERNATIONAL CRIMINAL TRIBUNAL TO TRY MEMBERS OF IRAQI REGIME

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H.Con.Res. 137.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, H.Con.Res. 137, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 396, nays 2, not voting 34, as follows:

[Roll No. 637]

YEAS—396

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
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
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
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
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
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
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
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
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 (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Snyder

NOT VOTING—34

Baker
Blumenauer
Combest
Cubin
Dellums
Dickey
Ehlers
Flake
Fowler
Furse
Gonzalez
Green
Houghton
LaFalce
Lantos
Lipinski
McInnis
Miller (CA)
Myrick
Nussle
Ortiz
Pelosi
Pickett
Pryce (OH)
Riley
Roemer
Schiff
Smith (OR)
Stark
Taylor (NC)
Watkins
Wexler
White
Yates

□ 1943

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

□ 1945

## ADJOURNMENT SINE DIE OF FIRST SESSSION OF ONE HUNDRED FIFTH CONGRESS CONGRESS

The SPEAKER pro tempore (Mr. LAHOOD). The Chair lays before the House a Senate concurrent resolution (S. Con. Res. 68) to adjourn sine die the First Session of the One Hundred Fifth Congress, as a question of the privileges of the House.

The Clerk read the Senate Concurrent Resolution, as follows:

S. CON. RES. 68

*Resolved by the Senate (the House of Representatives concurring),* That when the House adjourns on the legislative day of Thursday, November 13, 1997, or Friday, November 14, 1997, on a motion offered pursuant to this concurrent resolution by the Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, and that when the Senate adjourns on Thursday, November 13, 1997, or Friday, November 14, 1997, on a motion offered pursuant to this concurrent resolution by the Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 3. The Congress declares that clause 5 of rule III of the Rules of the House of Representatives and the order of the Senate of January 7, 1997, authorize for the duration of the One Hundred Fifth Congress the Clerk of the House of Representatives and the Secretary of the Senate, respectively: To receive messages from the President during periods when the House and Senate are not in session and thereby preserve until adjournment sine die of the final regular session of the One Hundred Fifth Congress the constitutional prerogative of the House and Senate to reconsider vetoed measures in light of the objections of the President, since the availability of the Clerk and the Secretary during any earlier adjournment of either House during the current Congress does not prevent the return by the President of any bill presented to him for approval.

SEC. 4. The Clerk of the House of Representatives shall inform the President of the United States of the adoption of this concurrent resolution.

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

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

Mr. GEPHARDT. 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 205, nays 193, not voting 34, as follows:

[Roll No. 638]

YEAS—205

Aderholt
Archer
Armey
Bachus
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
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goodlatte
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
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
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Nethercutt
Neumann
Ney
Northup
Norwood
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
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
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—193

Abercrombie
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
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
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Goode
Goodling
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hulshof
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
Lantos
Levin
Lewis (GA)
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
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Wynn

NOT VOTING—34

| | | |
|---|---|---|
| Ackerman | Green | Roemer |
| Baker | Houghton | Schiff |
| Blumenauer | LaFalce | Smith (OR) |
| Combest | Lipinski | Souder |
| Cubin | McInnis | Stark |
| Dickey | Miller (CA) | Taylor (NC) |
| Ehlers | Myrick | Watkins |
| Flake | Nussle | Wexler |
| Fowler | Ortiz | White |
| Furse | Pickett | Yates |
| Gilman | Pryce (OH) | |
| Gonzalez | Riley | |

□ 2004

So the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## 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 and a concurrent resolution of the House of the following titles:

H.J. Res. 103. Joint resolution waiving certain enrollment requirements with respect to certain specified bills of the One Hundred Fifth Congress.

H. Con. Res. 194. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state of the Union.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 867) ''An Act to promote the adoption of children in foster care.''.

The message also announced that the Senate had passed a bill , a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1371. An act to establish felony violations for the failure to pay legal child support obligations and for other purposes.

S.J. Res. 39. Joint resolution to provide for the convening of the Second Session of the One Hundred Fifth Congress.

S. Con. Res. 68. Concurrent resolution to adjourn sine die the First Session of the One Hundred Fifth Congress.

## PROVIDING FOR CONVENING OF SECOND SESSION OF ONE HUNDRED FIFTH CONGRESS

Mr. ARMEY. Mr. Speaker, pursuant to House Resolution 311, I call up the Senate joint resolution (S.J. Res. 39) to provide for the convening of the Second Session of the One Hundred Fifth Congress, and ask for its immediate consideration in the House.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 311, the joint resolution is considered read.

The text of S.J. Res. 39 is as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second regular session of the One Hundred Fifth Congress shall begin at noon on Tuesday, January 27, 1998.

SEC. 2. Prior to the convening of the second regular session of the One Hundred Fifth Congress on January 27, 1998, as provided in the first section of this joint resolution, Congress shall reassemble at noon on the second day after its Members are notified in accordance with section 3 of this joint resolution.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to assemble whenever, in their opinion, the public interest shall warrant it.

The joint resolution was read a third time and passed.

A motion to reconsider was laid on the table.

## VACATING VOTE ON HOUSE RESOLUTION 328

Mr. FAZIO of California. Mr. Speaker, I ask unanimous consent that the vote by which House Resolution 328 was passed be vacated.

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

There was no objection.

AMENDMENT OFFERED BY MR. FAZIO OF CALIFORNIA

Mr. FAZIO of California. Mr. Speaker, I have an amendment to that resolution at the desk.

The Clerk read as follows:

Amendment offered by Mr. FAZIO of California:

Strike the election of David Price of North Carolina to the Committee on Budget.

The text of the resolution, as amended, is as follows:

*Resolved,* That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

To the Committee on Appropriations, the following Member:

Robert ''Bud'' Cramer of Alabama

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. FAZIO].

The amendment was agreed to.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform and Oversight:

HOUSE OF REPRESENTATIVES,
*Washington, DC, November 13, 1997.*

Hon. NEWT GINGRICH,
*Speaker of the House,*
*Washington, DC.*

DEAR NEWT: I respectfully request that you accept my resignation from the Government Reform and Oversight Committee, effective Friday, November 14, 1997.

Thank you for your assistance in this matter.

Sincerely,

ROB PORTMAN,
*Representative.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

## ELECTION OF MEMBER TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 331) and I ask unanimous consent for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 331

*Resolved,* That the following Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT: Mr. Miller of Florida.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## APPOINTMENT OF COMMITTEE OF TWO MEMBERS TO INFORM THE PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE FIRST SESSION OF THE ONE HUNDRED FIFTH CONGRESS AND ARE READY TO ADJOURN

The SPEAKER pro tempore. The Chair appoints as Members on the part of the House to the Committee to notify the President the gentleman from Texas [Mr. ARMEY] and the gentleman from Missouri [Mr. GEPHARDT].

## CONFERENCE REPORT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. ROGERS. Mr. Speaker, pursuant to House Resolution 330, I call up the conference report on 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, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

GENERAL LEAVE

Mr. ROGERS. 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.

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.

Mr. ROGERS. Mr. Speaker, I yield myself 11 minutes.

Mr. Speaker, we are honored to be the last train leaving the station of this session. I am also here to tell my colleagues that this is the last time I am going to be the last train leaving the station, for a variety of reasons.

But I am pleased to report and bring to my colleagues today the conference report on our bill. This bill provides $31.8 billion for the programs under the jurisdiction of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations. We have come a long way in addressing a number of very important issues, but we have not let up on our strong commitment to law enforcement and the fight against crime.

That is what this bill really is all about. It is not about census. It is not about 245(i). It is mainly the fight against crime. Of the total funding in this conference report, the lion's share, $17.5 billion, is for the Department of Justice programs. That is an increase of $1.04 billion over fiscal year 1997 dedicated to continuing the war on drugs, making our neighborhoods safer for children and their families, bringing our borders under control, and boosting juvenile justice efforts to get kids on the right track and away from a life of crime.

This Congress deserves credit for its leadership in reducing crime. The Nation's crime rate is lower today than in over a decade. Our commitment over the last 2 years has triggered a decline in the crime rate in each of those years.

In 1996 alone, serious reported crime in the United States declined 3 percent, including an 11 percent decline in murder rates. For State and local law enforcement assistance, our communities, our sheriffs, and our police departments, the conference report includes over $4.8 billion. That is a $658 million increase to give our communities an arsenal of programs that target violent criminals, sex offenders, domestic violence, child abuse, and juvenile crime.

And on juvenile crime, the hottest topic today in law enforcement, we hit the problem head on using both prevention and law enforcement initiatives. We provide a $489 million amount, triple the amount provided last year, for juvenile crime to build a hopeful future for America's youth. That is this Congress in action.

While overall crime is down, our kids are committing violent crimes at an alarming rate. One out of five people arrested for violent crimes is under 18 years of age, a 70 percent increase in the last 10 years. The conference report provides $239 million for juvenile crime prevention, a 36 percent increase over last year, for programs targeting dangerous precursors to crime, like teenage drug and alcohol abuse and programs that steer troubled kids away from crime. We provide $250 million for a new juvenile crime block grant to States to encourage them to adopt reforms to stop the revolving door of juvenile justice and to ensure that kids know that they will be punished if they commit a crime.

For the war on drugs, we provide another substantial increase, including an $84 million increase for the Drug Enforcement Administration, to target drug traffickers in the Southwest border and Caribbean drug corridors, and an $89 million increase to block the manufacture and distribution of heroin and methamphetamine.

To control our borders, we provide a $228 million increase for the Immigration and Naturalization Service, including 1,000 new border patrol agents, double what the administration asked of us.

□ 2015

We restore integrity to the naturalization process by ending the fingerprint scam that allowed felons by the thousands in 1996 to receive the most precious benefit this country can offer, United States citizenship. We are also requiring criminal record checks by law, no longer a policy, by law. The department did not follow their policy. They waived the policy last year and allowed felons to come into the country unchecked for their criminal records. No longer.

And we address the personal hardships of families and employers that have relied on section 245(i) by allowing people who file for permanent immigrant visas and later certifications before January 14, 1998 to continue to adjust to permanent residency under this provision without having to leave the country. At the same time, by letting this provision sunset, we require future immigrants to play by the rules and respect them.

For the Judiciary, $3.2 billion is provided, including a cost-of-living salary adjustment for justices and judges.

Regarding the 9th Circuit of the Federal Courts of Appeal, the conference agreement provides for a study of all circuits that has a timetable of 10 months from the date of quorum to conduct necessary studies plus up to an additional 2 months to submit recommendations on alternative structures for the Federal Circuit Courts.

On the Hyde provision, we have language that we believe is acceptable to all parties, that allows the recovery of attorneys' fees in criminal cases where the defendant is acquitted where the court finds that the prosecutor acted vexatiously, frivolously or in bad faith.

For the Commerce Department, the conference report provides $4.3 billion, a $450 million increase, most of which is related to the ramp-up for the year 2000 decennial census.

And on the 2000 census, we include provisions to provide for an expedited review by the courts on the legality and constitutionality of statistically adjusting the 2000 census. There is a legitimate question. I firmly and strongly believe that the Constitution requires an actual enumeration. Others in this Chamber, as honestly as me, believe to the contrary.

We will let the courts decide that, and only they can decide it. They should have decided it in my judgment long ago, as members of the subcommittee requested. The gentleman from California [Mr. DIXON] and the gentleman from Ohio [Mr. SAWYER] I think in times past have thought the same.

We also require the administration to plan for an actual head count in the 2000 census and to test that plan in the 1998 dress rehearsal. And we commission an 8-person bipartisan census monitoring board to oversee the whole process from the inside, so that everyone can be assured that it is being done in the proper way.

We also provide $390 million for the decennial census, $35 million more than the President's request, an increase of $305 million over current spending. There can be no question of our willingness to spend what it takes for the most accurate census possible.

For the international programs in the bill—State Department operations, the U.S. Information Agency, the Arms Control and Disarmament Agency—for all practical purposes, the bill level-funds them at $5 billion. A major new initiative is $35 million to fund the 24-hour broadcasting service to China through Radio Free Asia and the Voice of America, an initiative proposed by the Speaker and endorsed by the President.

For international organizations and peacekeeping, we provide $33 million less than 1997. Within that reduced amount, $100 million is provided for United Nations arrearages, but only if an authorization bill passes and only if that authorization bill contains real and substantial reforms as a condition for release of the money.

For Legal Services, we provide $283 million, the same level as 1997. The restrictions in last year's bill are retained, and added are new public disclosure requirements for grantees of the corporation.

In summary, I want to thank the gentleman from West Virginia [Mr. MOLLOHAN], the ranking minority member. No chairman of any subcommittee has a more able ranking member than I do. The gentleman from West Virginia has provided leadership for the things he strongly believes in. He has been able to work with us in every respect in constructing a bill that is best for the Nation. I want to thank the gentleman from West Virginia personally and profusely for his hard work and loyal dedication.

I want to thank the gentleman from Louisiana [Mr. LIVINGSTON], our committee chairman, without whose help we would not be here tonight. He has

been superb in helping us bring this bill through some really rocky shoals to this nice peaceful shore. And the gentleman from Wisconsin [Mr. OBEY] the ranking minority member on the full committee, who has been helpful all the way through. And all the members of the subcommittee for their help and support.

Most of all, I think I want to thank the staff, some of whom are in the room with me at this time. Others are absent from the room. But these are the people who really have stayed up all night, time and again. They were up all night last night reading this bill all the way through. The staff, we appreciate their dedication and their service beyond words. We could not do this without them. We appreciate them very much.

This conference report shows the American people our commitment to continue our fight to make our streets safer and the future brighter for our children. I urge support for this conference agreement.

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267)

| | FY 1997 Enacted | FY 1998 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| TITLE I - DEPARTMENT OF JUSTICE | | | | | | |
| General Administration | | | | | | |
| Salaries and expenses | 75,773,000 | 79,959,000 | 76,199,000 | 79,373,000 | 76,199,000 | +426,000 |
| Emergency appropriations | 3,600,000 | ..... | ..... | ..... | ..... | -3,600,000 |
| Total, salaries and expenses | 79,373,000 | 79,959,000 | 76,199,000 | 79,373,000 | 76,199,000 | -3,174,000 |
| Counterterrorism fund | 9,450,000 | 29,450,000 | 20,000,000 | 29,450,000 | 52,700,000 | +43,250,000 |
| Emergency appropriations | 20,000,000 | ..... | ..... | ..... | ..... | -20,000,000 |
| Total, Counterterrorism fund | 29,450,000 | 29,450,000 | 20,000,000 | 29,450,000 | 52,700,000 | +23,250,000 |
| Administrative review and appeals: | | | | | | |
| Direct appropriation | 62,000,000 | 70,007,000 | 66,700,000 | 20,007,000 | 70,007,000 | +8,007,000 |
| Emergency appropriations | 1,000,000 | ..... | ..... | ..... | ..... | -1,000,000 |
| Crime trust fund | 48,000,000 | 59,251,000 | 59,000,000 | 59,251,000 | 59,251,000 | +11,251,000 |
| Total, Administrative review and appeals | 111,000,000 | 129,258,000 | 125,700,000 | 79,258,000 | 129,258,000 | +18,258,000 |
| Office of Inspector General | 31,960,000 | 33,211,000 | 35,211,000 | 33,211,000 | 33,211,000 | +1,251,000 |
| Total, General administration | 251,783,000 | 271,878,000 | 257,110,000 | 221,292,000 | 291,368,000 | +39,585,000 |
| Appropriations | (179,183,000) | (212,627,000) | (198,110,000) | (162,041,000) | (232,117,000) | (+52,934,000) |
| Emergency appropriations | (24,600,000) | ..... | ..... | ..... | ..... | (-24,600,000) |
| Crime trust fund | (48,000,000) | (59,251,000) | (59,000,000) | (59,251,000) | (59,251,000) | (+11,251,000) |
| United States Parole Commission | | | | | | |
| Salaries and expenses | 4,845,000 | 4,799,000 | 4,799,000 | 5,009,000 | 5,009,000 | +164,000 |
| Legal Activities | | | | | | |
| General legal activities: | | | | | | |
| Direct appropriation | 420,793,000 | 466,557,000 | 445,300,000 | 437,178,000 | 444,200,000 | +23,407,000 |
| Emergency appropriations | 1,719,000 | ..... | ..... | ..... | ..... | -1,719,000 |
| Crime trust fund | 7,750,000 | 7,969,000 | 7,969,000 | 7,969,000 | 7,969,000 | +219,000 |
| Total, General legal activities | 430,262,000 | 474,526,000 | 453,269,000 | 445,147,000 | 452,169,000 | +21,907,000 |
| Vaccine injury compensation trust fund | 4,028,000 | 4,028,000 | 4,028,000 | 4,028,000 | 4,028,000 | ..... |
| Independent counsel (permanent, indefinite) | 3,000,000 | 9,500,000 | 9,500,000 | 9,500,000 | 9,500,000 | +6,500,000 |
| Antitrust Division | 92,447,000 | 97,542,000 | 94,542,000 | 92,447,000 | 93,495,000 | +1,048,000 |
| Offsetting fee collections - carryover | -16,000,000 | -10,000,000 | -16,000,000 | -10,000,000 | -18,000,000 | -2,000,000 |
| Offsetting fee collections - current year | -58,905,000 | -70,000,000 | -70,000,000 | -70,000,000 | -70,000,000 | -11,095,000 |
| Direct appropriation | 17,542,000 | 17,542,000 | 8,542,000 | 12,447,000 | 5,495,000 | -12,047,000 |
| United States Attorneys: | | | | | | |
| Direct appropriation | 923,340,000 | 1,018,617,000 | 973,000,000 | 986,404,000 | 972,460,000 | +49,120,000 |
| Emergency appropriations | 10,900,000 | ..... | ..... | ..... | ..... | -10,900,000 |
| Crime trust fund | 43,876,000 | 50,828,000 | 62,828,000 | 46,128,000 | 62,828,000 | +18,952,000 |
| Total, United States Attorneys | 978,116,000 | 1,069,445,000 | 1,035,828,000 | 1,032,532,000 | 1,035,288,000 | +57,172,000 |
| United States Trustee System Fund | 107,950,000 | 116,721,000 | 107,950,000 | 116,721,000 | 114,248,000 | +6,298,000 |
| Offsetting fee collections | -49,869,000 | -116,721,000 | -107,950,000 | -116,721,000 | -114,248,000 | -64,379,000 |
| Direct appropriation | 58,081,000 | ..... | ..... | ..... | ..... | -58,081,000 |
| Foreign Claims Settlement Commission | 953,000 | 1,226,000 | 1,226,000 | 1,226,000 | 1,226,000 | +273,000 |
| United States Marshals Service: | | | | | | |
| Direct appropriation | 457,495,000 | 475,244,000 | 462,944,000 | 471,786,000 | 467,833,000 | +10,338,000 |
| Crime trust fund | 25,000,000 | 25,553,000 | 25,553,000 | 25,553,000 | 25,553,000 | +553,000 |
| Total, United States Marshals Service | 482,495,000 | 500,797,000 | 488,497,000 | 497,339,000 | 493,386,000 | +10,891,000 |
| Federal Prisoner Detention | 405,262,000 | 462,831,000 | 405,262,000 | 405,262,000 | 405,262,000 | ..... |
| Fees and expenses of witnesses | 100,702,000 | 75,000,000 | 75,000,000 | 75,000,000 | 75,000,000 | -25,702,000 |
| Community Relations Service | 5,319,000 | 7,500,000 | 5,319,000 | 5,319,000 | 5,319,000 | ..... |
| Assets forfeiture fund | 23,000,000 | 23,000,000 | 23,000,000 | 23,000,000 | 23,000,000 | ..... |
| Total, Legal activities | 2,508,760,000 | 2,645,395,000 | 2,509,471,000 | 2,510,800,000 | 2,509,673,000 | +913,000 |
| Appropriations | (2,419,515,000) | (2,561,045,000) | (2,413,121,000) | (2,431,150,000) | (2,413,323,000) | (-6,192,000) |
| Emergency appropriations | (12,619,000) | ..... | ..... | ..... | ..... | (-12,619,000) |
| Crime trust fund | (76,626,000) | (84,350,000) | (96,350,000) | (79,650,000) | (96,350,000) | (+19,724,000) |
| Radiation Exposure Compensation | | | | | | |
| Administrative expenses | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 | ..... |
| Advance appropriation | ..... | 2,000,000 | 2,000,000 | ..... | ..... | ..... |
| Payment to radiation exposure compensation trust fund | 13,736,000 | 4,381,000 | 4,381,000 | 4,381,000 | 4,381,000 | -9,355,000 |
| Advance appropriation | ..... | 29,000,000 | 29,000,000 | ..... | ..... | ..... |
| Total, Radiation Exposure Compensation | 15,736,000 | 37,381,000 | 37,381,000 | 6,381,000 | 6,381,000 | -9,355,000 |

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

| | FY 1997 Enacted | FY 1998 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| **Interagency Law Enforcement** | | | | | | |
| Interagency crime and drug enforcement | 359,430,000 | 294,967,000 | 294,967,000 | 294,967,000 | 294,967,000 | -64,463,000 |
| **Federal Bureau of Investigation** | | | | | | |
| Salaries and expenses | 2,257,880,000 | 2,482,267,000 | 2,475,463,000 | 2,495,267,000 | 2,445,471,000 | +187,591,000 |
| Anti-terrorism activities (emergency appropriations) | 115,610,000 | | | | | -115,610,000 |
| Counterintelligence and national security | 147,081,000 | 147,081,000 | 147,081,000 | 200,000,000 | 221,050,000 | +73,969,000 |
| Non-defense function | | | | 57,601,000 | | |
| Subtotal | 147,081,000 | 147,081,000 | 147,081,000 | 257,601,000 | 221,050,000 | +73,969,000 |
| FBI Fingerprint identification | 84,400,000 | 84,400,000 | 84,400,000 | 84,400,000 | 84,400,000 | |
| Advance appropriation, FY 1999 | | 47,800,000 | | | | |
| Health care fraud enforcement | -38,000,000 | | | | | +38,000,000 |
| Subtotal | 2,566,971,000 | 2,761,548,000 | 2,706,944,000 | 2,837,268,000 | 2,750,921,000 | +183,950,000 |
| Crime trust fund | 169,000,000 | 179,121,000 | 179,121,000 | 179,121,000 | 179,121,000 | +10,121,000 |
| Telecommunications carrier compliance fund | | 50,000,000 | | | | |
| Defense function | | 50,000,000 | 50,000,000 | | | |
| Emergency appropriations | 60,000,000 | | | | | -60,000,000 |
| Construction | 41,639,000 | 49,006,000 | 38,506,000 | 59,006,000 | 44,506,000 | +2,867,000 |
| Total, Federal Bureau of Investigation | 2,837,610,000 | 3,089,675,000 | 2,974,571,000 | 3,075,395,000 | 2,974,548,000 | +136,938,000 |
| Appropriations | (2,493,000,000) | (2,862,754,000) | (2,795,450,000) | (2,896,274,000) | (2,795,427,000) | (+302,427,000) |
| Advance appropriations | | (47,800,000) | | | | |
| Emergency appropriations | (175,610,000) | | | | | (-175,610,000) |
| Crime trust fund | (169,000,000) | (179,121,000) | (179,121,000) | (179,121,000) | (179,121,000) | (+10,121,000) |
| **Drug Enforcement Administration** | | | | | | |
| Salaries and expenses | 798,212,000 | 740,293,000 | 872,731,000 | 697,533,000 | 782,109,000 | -16,103,000 |
| Diversion control fund | -52,824,000 | -58,268,000 | -58,268,000 | -58,268,000 | -58,268,000 | -5,444,000 |
| Direct appropriation | 745,388,000 | 682,025,000 | 814,463,000 | 639,265,000 | 723,841,000 | -21,547,000 |
| Emergency appropriations | 5,000,000 | | | | | -5,000,000 |
| Crime trust fund | 220,000,000 | 400,037,000 | 310,037,000 | 441,117,000 | 403,537,000 | +183,537,000 |
| Construction | 30,806,000 | 5,500,000 | 5,500,000 | 10,500,000 | 8,000,000 | -22,806,000 |
| Total, Drug Enforcement Administration | 1,001,194,000 | 1,087,562,000 | 1,130,000,000 | 1,090,882,000 | 1,135,378,000 | +134,184,000 |
| Appropriations | (776,194,000) | (687,525,000) | (819,963,000) | (649,765,000) | (731,841,000) | (-44,353,000) |
| Emergency appropriations | (5,000,000) | | | | | (-5,000,000) |
| Crime trust fund | (220,000,000) | (400,037,000) | (310,037,000) | (441,117,000) | (403,537,000) | (+183,537,000) |
| **Immigration and Naturalization Service** | | | | | | |
| Salaries and expenses | 1,590,159,000 | 1,651,463,000 | 1,606,441,000 | 1,430,199,000 | 1,657,886,000 | +67,727,000 |
| Emergency appropriations | 15,000,000 | | | | | -15,000,000 |
| Immigration initiative (crime trust fund) | 500,000,000 | 732,251,000 | 690,957,000 | 719,898,000 | 608,206,000 | +108,206,000 |
| Subtotal, Direct and crime trust fund | (2,105,159,000) | (2,383,714,000) | (2,297,398,000) | (2,150,097,000) | (2,266,092,000) | (+160,933,000) |
| Fee accounts: | | | | | | |
| Immigration legalization fund | (1,893,000) | (1,259,000) | (1,259,000) | (1,259,000) | (1,259,000) | (-634,000) |
| Immigration user fee | (388,664,000) | (419,296,000) | (419,296,000) | (398,896,000) | (426,622,000) | (+37,958,000) |
| Land border inspection fund | (11,054,000) | (8,888,000) | (8,888,000) | (8,888,000) | (8,888,000) | (-2,166,000) |
| Immigration examinations fund | (567,550,000) | (646,916,000) | (667,477,000) | (646,916,000) | (785,342,000) | (+217,792,000) |
| Breached bond fund | (6,613,000) | (104,471,000) | (104,471,000) | (138,900,000) | (235,272,000) | (+228,659,000) |
| Immigration enforcement fines | | (13,800,000) | (13,800,000) | (3,800,000) | (3,800,000) | (+3,800,000) |
| Subtotal, Fee accounts | (975,774,000) | (1,194,630,000) | (1,215,191,000) | (1,198,659,000) | (1,461,183,000) | (+485,409,000) |
| Construction | 8,841,000 | 73,831,000 | 70,959,000 | 73,559,000 | 75,959,000 | +67,118,000 |
| Total, Immigration and Naturalization Service | (3,089,774,000) | (3,652,175,000) | (3,583,548,000) | (3,422,315,000) | (3,803,234,000) | (+713,460,000) |
| Appropriations | (1,599,000,000) | (1,725,294,000) | (1,677,400,000) | (1,503,758,000) | (1,733,845,000) | (+134,845,000) |
| Emergency appropriations | (15,000,000) | | | | | (-15,000,000) |
| Crime trust fund | (500,000,000) | (732,251,000) | (690,957,000) | (719,898,000) | (608,206,000) | (+108,206,000) |
| (Fee accounts) | (975,774,000) | (1,194,630,000) | (1,215,191,000) | (1,198,659,000) | (1,461,183,000) | (+485,409,000) |
| **Federal Prison System** | | | | | | |
| Salaries and expenses | 2,858,316,000 | 3,015,642,000 | 2,917,642,000 | 2,932,900,000 | 2,911,642,000 | +53,326,000 |
| Prior year carryover | -90,000,000 | -50,000,000 | -90,000,000 | | -90,000,000 | |
| Direct appropriation | 2,768,316,000 | 2,965,642,000 | 2,827,642,000 | 2,932,900,000 | 2,821,642,000 | +53,326,000 |
| Crime trust fund | 25,224,000 | 26,135,000 | 26,135,000 | 6,135,000 | 26,135,000 | +911,000 |
| Total, Salaries and expenses | 2,793,540,000 | 2,991,777,000 | 2,853,777,000 | 2,939,035,000 | 2,847,777,000 | +54,237,000 |
| Buildings and facilities | 395,700,000 | 252,833,000 | 255,133,000 | 267,833,000 | 255,133,000 | -140,567,000 |

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

| | FY 1997 Enacted | FY 1998 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| Federal Prison Industries, Incorporated (limitation on administrative expenses) | (3,042,000) | (3,930,000) | (3,490,000) | (3,042,000) | (3,266,000) | (+224,000) |
| Total, Federal Prison System | 3,189,240,000 | 3,244,610,000 | 3,108,910,000 | 3,206,868,000 | 3,102,910,000 | -86,330,000 |
| Office of Justice Programs | | | | | | |
| Justice assistance: | | | | | | |
| Direct appropriation | 101,429,000 | 166,665,000 | 162,500,000 | 183,165,000 | 173,600,000 | +72,171,000 |
| Emergency appropriations | 17,000,000 | | | | | -17,000,000 |
| Total, Justice assistance | 118,429,000 | 166,665,000 | 162,500,000 | 183,165,000 | 173,600,000 | +55,171,000 |
| State and local law enforcement assistance: | | | | | | |
| Direct appropriations: | | | | | | |
| Byrne grants (discretionary) | 60,000,000 | | 46,500,000 | 75,000,000 | 46,500,000 | -13,500,000 |
| Weed and seed fund (earmark) | | | 40,000,000 | (33,500,000) | 33,500,000 | +33,500,000 |
| Byrne grants (formula) | 301,000,000 | | 491,500,000 | 376,500,000 | 462,500,000 | +161,500,000 |
| Subtotal, Direct appropriations | 361,000,000 | | 578,000,000 | 451,500,000 | 542,500,000 | +181,500,000 |
| Crime trust fund: | | | | | | |
| Byrne grants (discretionary) | | 75,000,000 | | | | |
| Weed and seed fund (earmark) | (28,500,000) | (28,500,000) | | | | (-28,500,000) |
| Byrne grants (formula) | 199,000,000 | 505,000,000 | 13,500,000 | 128,500,000 | 42,500,000 | -156,500,000 |
| Community oriented policing services | 1,400,000,000 | 1,400,000,000 | 1,400,000,000 | 1,400,000,000 | 1,400,000,000 | |
| Police corps | 20,000,000 | 20,000,000 | 20,000,000 | 40,000,000 | 30,000,000 | +10,000,000 |
| Law enforcement scholarship program | | 20,000,000 | | | | |
| Police recruitment grants program | | 5,000,000 | | | | |
| Prosecutorial initiatives targeting crime and violent juveniles program | | 100,000,000 | | | | |
| Juvenile crime block grant | | | 300,000,000 | | 250,000,000 | +250,000,000 |
| Local law enforcement block grant | 523,000,000 | | 523,000,000 | 503,000,000 | 523,000,000 | |
| Underage drinking prevention | | | | (25,000,000) | | |
| Boys and Girls clubs (earmark) | (20,000,000) | | (20,000,000) | (20,000,000) | (20,000,000) | |
| Domestic violence | | | | (10,000,000) | | |
| Child exploitation investigations | | | | (2,400,000) | | |
| Drug courts | 30,000,000 | 75,000,000 | 30,000,000 | 40,000,000 | 30,000,000 | |
| Upgrade criminal history records | 50,000,000 | 45,000,000 | 45,000,000 | 45,000,000 | 45,000,000 | -5,000,000 |
| State prison grants | 670,000,000 | 710,500,000 | 722,500,000 | 740,500,000 | 720,500,000 | +50,500,000 |
| State criminal alien assistance program | 330,000,000 | 350,000,000 | 420,000,000 | 350,000,000 | 420,000,000 | +90,000,000 |
| Violence Against Women grants | 196,500,000 | 248,750,000 | 305,500,000 | 263,750,000 | 270,750,000 | +74,250,000 |
| State prison drug treatment | 30,000,000 | 63,000,000 | 63,000,000 | 61,200,000 | 63,000,000 | +33,000,000 |
| State courts assistance | | 50,000,000 | | | | |
| Other crime control programs | 7,650,000 | 30,605,000 | 14,650,000 | 22,700,000 | 17,650,000 | +10,000,000 |
| Subtotal, Crime trust fund | 3,456,150,000 | 3,697,855,000 | 3,857,150,000 | 3,594,650,000 | 3,812,400,000 | +356,250,000 |
| Total, State and local law enforcement | 3,817,150,000 | 3,697,855,000 | 4,435,150,000 | 4,046,150,000 | 4,354,900,000 | +537,750,000 |
| Juvenile justice programs | 174,500,000 | 230,422,000 | 238,672,000 | 235,422,000 | 238,672,000 | +64,172,000 |
| Crime trust fund | | | | 145,000,000 | | |
| Total, Juvenile Justice programs | 174,500,000 | 230,422,000 | 238,672,000 | 380,422,000 | 238,672,000 | +64,172,000 |
| Public safety officers benefits program: | | | | | | |
| Death benefits | 30,126,000 | 31,003,000 | 31,003,000 | 31,003,000 | 31,003,000 | +877,000 |
| Disability benefits | 2,200,000 | 2,264,000 | | | | -2,200,000 |
| Federal law enforcement education assistance | | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 | +2,000,000 |
| Total, Public safety officers benefits program | 32,326,000 | 35,267,000 | 33,003,000 | 33,003,000 | 33,003,000 | +677,000 |
| Total, Office of Justice Programs | 4,142,405,000 | 4,130,209,000 | 4,869,325,000 | 4,642,740,000 | 4,800,175,000 | +657,770,000 |
| Appropriations | (669,255,000) | (432,354,000) | (1,012,175,000) | (903,090,000) | (987,775,000) | (+318,520,000) |
| Emergency appropriations | (17,000,000) | | | | | (-17,000,000) |
| Crime trust fund | (3,456,150,000) | (3,697,855,000) | (3,857,150,000) | (3,739,650,000) | (3,812,400,000) | (+356,250,000) |
| Total, title I, Department of Justice | 16,425,003,000 | 17,264,021,000 | 17,554,891,000 | 17,277,990,000 | 17,462,460,000 | +1,037,457,000 |
| Appropriations | (11,680,174,000) | (12,006,221,000) | (12,305,141,000) | (12,053,168,000) | (12,277,460,000) | (+597,286,000) |
| Advance appropriations | | (78,800,000) | (31,000,000) | | | |
| Emergency appropriations | (249,829,000) | | | | | (-249,829,000) |
| Crime trust fund | (4,495,000,000) | (5,179,000,000) | (5,218,750,000) | (5,224,822,000) | (5,185,000,000) | (+690,000,000) |
| (Limitation on administrative expenses) | (3,042,000) | (3,930,000) | (3,490,000) | (3,042,000) | (3,266,000) | (+224,000) |
| TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES | | | | | | |
| TRADE AND INFRASTRUCTURE DEVELOPMENT | | | | | | |
| Office of the United States Trade Representative | | | | | | |
| Salaries and expenses | 21,449,000 | 22,092,000 | 22,700,000 | 22,092,000 | 23,450,000 | +2,001,000 |

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

| | FY 1997 Enacted | FY 1998 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| International Trade Commission | | | | | | |
| Salaries and expenses | 40,850,000 | 41,980,000 | 41,400,000 | 41,000,000 | 41,200,000 | +350,000 |
| Total, Related agencies | 62,299,000 | 64,072,000 | 64,100,000 | 63,092,000 | 64,650,000 | +2,351,000 |
| DEPARTMENT OF COMMERCE | | | | | | |
| International Trade Administration | | | | | | |
| Operations and administration | 270,000,000 | 271,636,000 | 279,500,000 | 280,736,000 | 283,066,000 | +13,066,000 |
| Export Administration | | | | | | |
| Operations and administration | 36,000,000 | 43,126,000 | 41,000,000 | 43,126,000 | 42,000,000 | +6,000,000 |
| CWC enforcement | ..... | 3,500,000 | ..... | ..... | 1,900,000 | +1,900,000 |
| Emergency appropriations | 3,900,000 | ..... | ..... | ..... | ..... | -3,900,000 |
| Total, Export Administration | 39,900,000 | 46,626,000 | 41,000,000 | 43,126,000 | 43,900,000 | +4,000,000 |
| Economic Development Administration | | | | | | |
| Economic development assistance programs | 328,500,000 | 319,000,000 | 340,000,000 | 250,000,000 | 340,000,000 | +11,500,000 |
| Emergency appropriations | 25,000,000 | ..... | ..... | ..... | ..... | -25,000,000 |
| Emergency appropriations (1997 supplemental) | 50,200,000 | ..... | ..... | ..... | ..... | -50,200,000 |
| Subtotal | 403,700,000 | 319,000,000 | 340,000,000 | 250,000,000 | 340,000,000 | -63,700,000 |
| Salaries and expenses | 20,036,000 | 24,028,000 | 21,000,000 | 22,028,000 | 21,028,000 | +992,000 |
| Emergency appropriations (1997 supplemental) | 2,000,000 | ..... | ..... | ..... | ..... | -2,000,000 |
| Total, Economic Development Administration | 425,736,000 | 343,028,000 | 361,000,000 | 272,028,000 | 361,028,000 | -64,708,000 |
| Minority Business Development Agency | | | | | | |
| Minority business development | 28,000,000 | 27,811,000 | 25,000,000 | 27,811,000 | 25,000,000 | -3,000,000 |
| Total, Trade and Infrastructure Development | 825,935,000 | 753,173,000 | 770,600,000 | 686,793,000 | 777,644,000 | -48,291,000 |
| ECONOMIC AND INFORMATION INFRASTRUCTURE | | | | | | |
| Economic and Statistical Analysis | | | | | | |
| Salaries and expenses | 45,900,000 | 52,196,000 | 46,000,000 | 47,917,000 | 47,499,000 | +1,599,000 |
| Bureau of the Census | | | | | | |
| Salaries and expenses | 135,000,000 | 138,056,000 | 136,499,000 | 138,056,000 | 137,278,000 | +2,278,000 |
| Periodic censuses and programs | 210,500,000 | 523,126,000 | 550,126,000 | 520,726,000 | 555,813,000 | +345,313,000 |
| Total, Bureau of the Census | 345,500,000 | 661,182,000 | 686,625,000 | 658,782,000 | 693,091,000 | +347,591,000 |
| National Telecommunications and Information Administration | | | | | | |
| Salaries and expenses | 15,000,000 | 18,074,000 | 17,100,000 | 16,574,000 | 16,550,000 | +1,550,000 |
| Public telecommunications facilities, planning and construction | 15,250,000 | ..... | 16,750,000 | 25,000,000 | 21,000,000 | +5,750,000 |
| Information infrastructure grants | 21,490,000 | 36,000,000 | 21,490,000 | 21,490,000 | 20,000,000 | -1,490,000 |
| Total, National Telecommunications and Information Administration | 51,740,000 | 54,074,000 | 55,340,000 | 63,064,000 | 57,550,000 | +5,810,000 |
| Patent and Trademark Office | | | | | | |
| Salaries and expenses | 61,252,000 | 27,000,000 | 22,000,000 | 27,000,000 | 27,000,000 | -34,252,000 |
| Fees collected | (601,723,000) | (629,320,000) | (664,000,000) | (629,320,000) | (664,000,000) | (+62,277,000) |
| (Prior year carryover) | (30,000,000) | ..... | (18,000,000) | (27,000,000) | (25,000,000) | (-5,000,000) |
| Total, Patent and Trademark Office | (692,975,000) | (656,320,000) | (704,000,000) | (683,320,000) | (716,000,000) | (+23,025,000) |
| Total, Economic and Information Infrastructure | 504,392,000 | 794,452,000 | 809,965,000 | 796,763,000 | 825,140,000 | +320,748,000 |
| SCIENCE AND TECHNOLOGY | | | | | | |
| Technology Administration | | | | | | |
| Salaries and expenses | 9,500,000 | 9,230,000 | 8,500,000 | 8,800,000 | 8,500,000 | -1,000,000 |
| National Institute of Standards and Technology | | | | | | |
| Scientific and technical research and services | 268,000,000 | 276,852,000 | 276,852,000 | 276,852,000 | 276,852,000 | +8,852,000 |
| Industrial technology services | 313,000,000 | 399,000,000 | 298,600,000 | 311,040,000 | 306,000,000 | -7,000,000 |
| Construction of research facilities | ..... | 16,692,000 | 111,092,000 | 16,000,000 | 95,000,000 | +95,000,000 |
| Total, National Institute of Standards and Technology | 581,000,000 | 692,544,000 | 686,544,000 | 603,892,000 | 677,852,000 | +96,852,000 |

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

| | FY 1997 Enacted | FY 1998 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| National Oceanic and Atmospheric Administration | | | | | | |
| Operations, research and facilities | 1,854,067,000 | 1,476,245,000 | 1,391,400,000 | 1,999,052,000 | 1,512,050,000 | -342,017,000 |
| Offsetting collections - fees | -3,000,000 | -3,000,000 | -3,000,000 | -3,000,000 | -3,000,000 | ..... |
| Direct appropriation | 1,851,067,000 | 1,473,245,000 | 1,388,400,000 | 1,996,052,000 | 1,509,050,000 | -342,017,000 |
| (By transfer from Promote and Develop Fund) | (66,000,000) | (62,381,000) | (63,881,000) | (62,381,000) | (62,381,000) | (-3,619,000) |
| (By transfer from Damage assessment and restoration revolving fund, permanent) | 6,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | -1,000,000 |
| (Damage assessment and restoration revolving fund) | -6,000,000 | -5,000,000 | -5,000,000 | -5,000,000 | -5,000,000 | +1,000,000 |
| Total, Operations, research and facilities | 1,851,067,000 | 1,473,245,000 | 1,388,400,000 | 1,996,052,000 | 1,509,050,000 | -342,017,000 |
| Procurement, acquisition and construction | ..... | 503,464,000 | 460,600,000 | ..... | 491,609,000 | +491,609,000 |
| Advance appropriations, FY 1999 - 2010 | ..... | 3,485,517,000 | ..... | ..... | ..... | ..... |
| Coastal zone management fund | (7,800,000) | (7,800,000) | (7,800,000) | (7,800,000) | (7,800,000) | ..... |
| Mandatory offset | (-7,800,000) | (-7,800,000) | (-7,800,000) | (-7,800,000) | (-7,800,000) | ..... |
| Construction | 58,250,000 | ..... | ..... | 88,000,000 | ..... | -58,250,000 |
| Emergency appropriations (1997 supplemental) | 10,800,000 | ..... | ..... | ..... | ..... | -10,800,000 |
| Fleet modernization, shipbuilding and conversion | 8,000,000 | ..... | ..... | 15,823,000 | ..... | -8,000,000 |
| Fishing vessel and gear damage fund | 200,000 | ..... | ..... | 200,000 | ..... | -200,000 |
| Fishermen's contingency fund | 1,000,000 | 953,000 | 953,000 | 953,000 | 953,000 | -47,000 |
| Foreign fishing observer fund | 196,000 | 189,000 | 189,000 | 189,000 | 189,000 | -7,000 |
| Fisheries finance program account | 250,000 | 238,000 | 250,000 | 338,000 | 338,000 | +88,000 |
| Total, National Oceanic and Atmospheric Administration | 1,929,763,000 | 5,463,606,000 | 1,850,392,000 | 2,101,555,000 | 2,002,139,000 | +72,376,000 |
| Total, Science and Technology | 2,520,263,000 | 6,165,380,000 | 2,545,436,000 | 2,714,247,000 | 2,688,491,000 | +168,228,000 |
| General Administration | | | | | | |
| Salaries and expenses | 28,490,000 | 30,085,000 | 26,490,000 | 28,490,000 | 27,490,000 | -1,000,000 |
| Office of Inspector General | 20,140,000 | 21,677,000 | 20,140,000 | 20,140,000 | 20,140,000 | ..... |
| Working capital fund (by transfer) | (3,000,000) | ..... | ..... | (3,000,000) | ..... | (-3,000,000) |
| Total, General administration | 48,630,000 | 51,762,000 | 46,630,000 | 48,630,000 | 47,630,000 | -1,000,000 |
| National Institute of Standards and Technology | | | | | | |
| Construction of research facilities (rescission) | -16,000,000 | ..... | ..... | ..... | ..... | +16,000,000 |
| National Oceanic and Atmospheric Administration | | | | | | |
| Operations, research and facilities (rescission) | -20,000,000 | ..... | -5,000,000 | ..... | -20,500,000 | -500,000 |
| General reduction | ..... | ..... | ..... | -10,490,000 | ..... | ..... |
| United States Travel and Tourism Administration | | | | | | |
| Salaries and expenses (rescission) | ..... | ..... | ..... | ..... | -3,000,000 | -3,000,000 |
| Total, Department of Commerce | 3,800,921,000 | 7,700,695,000 | 4,103,531,000 | 4,172,851,000 | 4,250,755,000 | +449,834,000 |
| Total, title II, Department of Commerce and related agencies | 3,863,220,000 | 7,764,767,000 | 4,167,631,000 | 4,235,943,000 | 4,315,405,000 | +452,185,000 |
| Appropriations | (3,807,320,000) | (4,279,250,000) | (4,172,631,000) | (4,235,943,000) | (4,338,905,000) | (+531,585,000) |
| Rescissions | (-36,000,000) | ..... | (-5,000,000) | ..... | (-23,500,000) | (+12,500,000) |
| Advance appropriations | ..... | (3,485,517,000) | ..... | ..... | ..... | ..... |
| Emergency appropriations | (91,900,000) | ..... | ..... | ..... | ..... | (-91,900,000) |
| (By transfer) | (69,000,000) | (62,381,000) | (63,881,000) | (65,381,000) | (62,381,000) | (-6,619,000) |
| TITLE III - THE JUDICIARY | | | | | | |
| Supreme Court of the United States | | | | | | |
| Salaries and expenses: | | | | | | |
| Salaries of justices | 1,704,000 | 1,654,000 | 1,654,000 | 1,654,000 | 1,654,000 | -50,000 |
| Other salaries and expenses | 25,453,000 | 27,624,000 | 27,624,000 | 27,249,000 | 27,591,000 | +2,138,000 |
| Total, Salaries and expenses | 27,157,000 | 29,278,000 | 29,278,000 | 28,903,000 | 29,245,000 | +2,088,000 |
| Care of the building and grounds | 2,800,000 | 3,997,000 | 3,400,000 | 6,170,000 | 3,400,000 | +600,000 |
| Total, Supreme Court of the United States | 29,957,000 | 33,275,000 | 32,678,000 | 35,073,000 | 32,645,000 | +2,688,000 |
| United States Court of Appeals for the Federal Circuit | | | | | | |
| Salaries and expenses: | | | | | | |
| Salaries of judges | 1,898,000 | 1,887,000 | 1,887,000 | 1,887,000 | 1,887,000 | -11,000 |
| Other salaries and expenses | 13,115,000 | 14,269,000 | 13,620,000 | 13,909,000 | 13,688,000 | +573,000 |
| Total, Salaries and expenses | 15,013,000 | 16,156,000 | 15,507,000 | 15,796,000 | 15,575,000 | +562,000 |

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

| | FY 1997 Enacted | FY 1998 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| United States Court of International Trade | | | | | | |
| Salaries and expenses: | | | | | | |
| Salaries of judges | 1,447,000 | 1,483,000 | 1,483,000 | 1,483,000 | 1,483,000 | +36,000 |
| Other salaries and expenses | 9,667,000 | 9,995,000 | 9,995,000 | 9,995,000 | 9,966,000 | +299,000 |
| Total, Salaries and expenses | 11,114,000 | 11,478,000 | 11,478,000 | 11,478,000 | 11,449,000 | +335,000 |
| Courts of Appeals, District Courts, and Other Judicial Services | | | | | | |
| Salaries and expenses: | | | | | | |
| Salaries of judges and bankruptcy judges | 225,956,000 | 227,674,000 | 227,674,000 | 227,674,000 | 227,674,000 | +1,718,000 |
| Other salaries and expenses | 2,330,044,000 | 2,614,166,000 | 2,459,395,000 | 2,562,103,000 | 2,454,726,000 | +124,682,000 |
| Emergency appropriations | 10,000,000 | ..... | ..... | ..... | ..... | -10,000,000 |
| Direct appropriation | 2,566,000,000 | 2,841,840,000 | 2,687,069,000 | 2,789,777,000 | 2,682,400,000 | +116,400,000 |
| Crime trust fund | 30,000,000 | 50,000,000 | 40,000,000 | ..... | 40,000,000 | +10,000,000 |
| Total, Salaries and expenses | 2,596,000,000 | 2,891,840,000 | 2,727,069,000 | 2,789,777,000 | 2,722,400,000 | +126,400,000 |
| Vaccine Injury Compensation Trust Fund | 2,390,000 | 2,450,000 | 2,450,000 | 2,450,000 | 2,450,000 | +60,000 |
| Defender services | 308,000,000 | 329,529,000 | 329,529,000 | 308,000,000 | 329,529,000 | +21,529,000 |
| Fees of jurors and commissioners | 67,000,000 | 69,651,000 | 66,196,000 | 68,252,000 | 64,438,000 | -2,562,000 |
| Court security | 127,000,000 | 170,304,000 | 167,214,000 | 167,883,000 | 167,214,000 | +40,214,000 |
| Total, Courts of Appeals, District Courts, and Other Judicial Services | 3,100,390,000 | 3,463,774,000 | 3,292,458,000 | 3,336,362,000 | 3,286,031,000 | +185,641,000 |
| Administrative Office of the United States Courts | | | | | | |
| Salaries and expenses | 49,450,000 | 54,108,000 | 52,000,000 | 53,843,000 | 52,000,000 | +2,550,000 |
| Federal Judicial Center | | | | | | |
| Salaries and expenses | 17,495,000 | 18,425,000 | 17,495,000 | 17,495,000 | 17,495,000 | ..... |
| Judicial Retirement Funds | | | | | | |
| Payment to Judiciary Trust Funds | 30,200,000 | 32,200,000 | 34,200,000 | 34,200,000 | 34,200,000 | +4,000,000 |
| United States Sentencing Commission | | | | | | |
| Salaries and expenses | 8,490,000 | 9,480,000 | 9,000,000 | 9,480,000 | 9,240,000 | +750,000 |
| General Provisions | | | | | | |
| Judges' pay raise | ..... | ..... | ..... | 6,000,000 | 5,000,000 | +5,000,000 |
| Total, title III, the Judiciary | 3,262,109,000 | 3,638,896,000 | 3,464,816,000 | 3,519,727,000 | 3,463,635,000 | +201,526,000 |
| Appropriations | (3,222,109,000) | (3,588,896,000) | (3,424,816,000) | (3,519,727,000) | (3,423,635,000) | (+201,526,000) |
| Emergency appropriations | (10,000,000) | ..... | ..... | ..... | ..... | (-10,000,000) |
| Crime trust fund | (30,000,000) | (50,000,000) | (40,000,000) | ..... | (40,000,000) | (+10,000,000) |
| TITLE IV - DEPARTMENT OF STATE | | | | | | |
| Administration of Foreign Affairs | | | | | | |
| Diplomatic and consular programs | 1,700,900,000 | 1,291,277,000 | 1,706,577,000 | 1,727,868,000 | 1,705,600,000 | +4,700,000 |
| Registration fees | 700,000 | 700,000 | 700,000 | 700,000 | 700,000 | ..... |
| Emergency appropriations (security) | 23,700,000 | ..... | ..... | ..... | ..... | -23,700,000 |
| Security | ..... | ..... | 23,700,000 | ..... | 23,700,000 | +23,700,000 |
| Machine-readable visa fees | ..... | ..... | ..... | (140,000,000) | ..... | ..... |
| Fee proposal | ..... | 595,000,000 | ..... | ..... | ..... | ..... |
| Total, Diplomatic and consular programs | (1,725,300,000) | (1,886,977,000) | (1,730,977,000) | (1,868,568,000) | (1,730,000,000) | (+4,700,000) |
| Salaries and expenses | 352,300,000 | 363,513,000 | 363,513,000 | 363,513,000 | 363,513,000 | +11,213,000 |
| Capital investment fund | 24,600,000 | 64,600,000 | 50,600,000 | 105,000,000 | 86,000,000 | +61,400,000 |
| Office of Inspector General | 27,495,000 | 28,300,000 | 28,300,000 | 27,495,000 | 27,495,000 | ..... |
| Representation allowances | 4,490,000 | 4,300,000 | 4,300,000 | 4,100,000 | 4,200,000 | -290,000 |
| Protection of foreign missions and officials | 8,332,000 | 7,900,000 | 7,900,000 | 7,900,000 | 7,900,000 | -432,000 |
| Security and maintenance of United States missions | 364,495,000 | 373,081,000 | 373,081,000 | 420,281,000 | 404,000,000 | +39,505,000 |
| Emergency appropriations | 24,825,000 | ..... | ..... | ..... | ..... | -24,825,000 |
| Total, Security and maintenance of United States missions | 389,320,000 | 373,081,000 | 373,081,000 | 420,281,000 | 404,000,000 | +14,680,000 |
| Emergencies in the diplomatic and consular service | 5,800,000 | 5,500,000 | 5,500,000 | 5,500,000 | 5,500,000 | -300,000 |
| Repatriation Loans Program Account: | | | | | | |
| Direct loans subsidy | 593,000 | 593,000 | 593,000 | 593,000 | 593,000 | ..... |
| Administrative expenses | 663,000 | 607,000 | 607,000 | 607,000 | 607,000 | -56,000 |
| Total, Repatriation loans program account | 1,256,000 | 1,200,000 | 1,200,000 | 1,200,000 | 1,200,000 | -56,000 |

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

| | FY 1997 Enacted | FY 1998 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| Payment to the American Institute in Taiwan | 14,490,000 | 14,490,000 | 14,000,000 | 14,490,000 | 14,000,000 | -490,000 |
| Payment to the Foreign Service Retirement and Disability Fund | 126,491,000 | 129,935,000 | 129,935,000 | 129,935,000 | 129,935,000 | +3,444,000 |
| Total, Administration of Foreign Affairs | 2,679,874,000 | 2,879,796,000 | 2,709,306,000 | 2,807,982,000 | 2,773,743,000 | +93,869,000 |
| International Organizations and Conferences | | | | | | |
| Contributions to international organizations, current year assessment | 892,000,000 | 969,000,000 | 924,952,000 | 903,009,000 | 901,515,000 | +9,515,000 |
| Prior year assessment | ..... | 54,000,000 | 54,000,000 | 54,000,000 | 54,000,000 | +54,000,000 |
| Subtotal | 892,000,000 | 1,023,000,000 | 978,952,000 | 957,009,000 | 955,515,000 | +63,515,000 |
| Contributions for international peacekeeping activities, current year | 302,400,000 | 240,000,000 | 215,000,000 | 154,320,000 | 210,000,000 | -92,400,000 |
| Prior year assessment | 50,000,000 | 46,000,000 | 46,000,000 | 46,000,000 | 46,000,000 | -4,000,000 |
| Subtotal | 352,400,000 | 286,000,000 | 261,000,000 | 200,320,000 | 256,000,000 | -96,400,000 |
| International conferences and contingencies | ..... | 4,941,000 | 1,500,000 | ..... | ..... | ..... |
| Total, International Organizations and Conferences | 1,244,400,000 | 1,313,941,000 | 1,241,452,000 | 1,157,329,000 | 1,211,515,000 | -32,885,000 |
| International Commissions | | | | | | |
| International Boundary and Water Commission, United States and Mexico: | | | | | | |
| Salaries and expenses | 15,490,000 | 18,490,000 | 17,490,000 | 18,200,000 | 17,490,000 | +2,000,000 |
| Construction | 6,463,000 | 6,463,000 | 6,463,000 | 6,463,000 | 6,463,000 | ..... |
| American sections, international commissions | 5,490,000 | 5,660,000 | 5,490,000 | 5,010,000 | 5,490,000 | ..... |
| International fisheries commissions | 14,549,000 | 14,549,000 | 14,490,000 | 14,549,000 | 14,549,000 | ..... |
| Total, International commissions | 41,992,000 | 45,162,000 | 43,933,000 | 44,222,000 | 43,992,000 | +2,000,000 |
| Other | | | | | | |
| Payment to the Asia Foundation | 8,000,000 | 8,000,000 | 8,000,000 | 5,000,000 | 8,000,000 | ..... |
| Total, Department of State | 3,974,266,000 | 4,246,899,000 | 4,002,691,000 | 4,014,533,000 | 4,037,250,000 | +62,984,000 |
| RELATED AGENCIES | | | | | | |
| Arms Control and Disarmament Agency | | | | | | |
| Arms control and disarmament activities | 41,500,000 | 46,200,000 | 41,500,000 | 32,613,000 | 41,500,000 | ..... |
| United States Information Agency | | | | | | |
| International information programs | 440,000,000 | 434,097,000 | 430,597,000 | 427,097,000 | 427,097,000 | -12,903,000 |
| Emergency appropriations | 1,375,000 | ..... | ..... | ..... | ..... | -1,375,000 |
| Total, salaries and expenses | 441,375,000 | 434,097,000 | 430,597,000 | 427,097,000 | 427,097,000 | -14,278,000 |
| Technology fund | 5,050,000 | 7,000,000 | 5,050,000 | 10,000,000 | 5,050,000 | ..... |
| Educational and cultural exchange programs | 185,000,000 | 197,731,000 | 193,731,000 | 200,000,000 | 197,731,000 | +12,731,000 |
| Eisenhower Exchange Fellowship Program, trust fund | 600,000 | 600,000 | 600,000 | 570,000 | 570,000 | -30,000 |
| Israeli Arab scholarship program | 400,000 | 400,000 | 400,000 | 400,000 | 400,000 | ..... |
| International Broadcasting Operations | 325,000,000 | 366,750,000 | 391,550,000 | 339,655,000 | 364,415,000 | +39,415,000 |
| Broadcasting to Cuba (direct) | 25,000,000 | ..... | ..... | 22,095,000 | 22,095,000 | -2,905,000 |
| Radio construction | 35,490,000 | 32,710,000 | 40,000,000 | 32,710,000 | 40,000,000 | +4,510,000 |
| East-West Center | 10,000,000 | 7,000,000 | ..... | 22,000,000 | 12,000,000 | +2,000,000 |
| North/South Center | 1,495,000 | 1,500,000 | ..... | 3,000,000 | 1,500,000 | +5,000 |
| National Endowment for Democracy | 30,000,000 | 30,000,000 | 30,000,000 | 30,000,000 | 30,000,000 | ..... |
| Total, United States Information Agency | 1,059,410,000 | 1,077,788,000 | 1,091,928,000 | 1,087,527,000 | 1,100,858,000 | +41,448,000 |
| Arms Control and Disarmament Agency | | | | | | |
| Arms control and disarmament activities (rescission) | ..... | ..... | ..... | ..... | -700,000 | -700,000 |
| Total, related agencies | 1,100,910,000 | 1,123,988,000 | 1,133,428,000 | 1,120,140,000 | 1,141,658,000 | +40,748,000 |
| Total, title IV, Department of State | 5,075,176,000 | 5,370,887,000 | 5,136,119,000 | 5,134,673,000 | 5,178,908,000 | +103,732,000 |
| Appropriations | (5,025,276,000) | (5,370,887,000) | (5,136,119,000) | (5,134,673,000) | (5,179,608,000) | (+154,332,000) |
| Emergency appropriations | (49,900,000) | ..... | ..... | ..... | ..... | (-49,900,000) |
| Rescissions | ..... | ..... | ..... | ..... | (-700,000) | (-700,000) |
| TITLE V - RELATED AGENCIES | | | | | | |
| DEPARTMENT OF TRANSPORTATION | | | | | | |
| Maritime Administration | | | | | | |
| Operating-differential subsidies (liquidation of contract authority) | (148,430,000) | (135,000,000) | (51,030,000) | (135,000,000) | (51,030,000) | (-97,400,000) |

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

| | FY 1997 Enacted | FY 1998 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| Maritime Security Program | 54,000,000 | 52,400,000 | 35,500,000 | 35,000,000 | 35,500,000 | -18,500,000 |
| Operations and training | 65,000,000 | 70,000,000 | 65,000,000 | 69,000,000 | 67,600,000 | +2,600,000 |
| Maritime Guaranteed Loan Program Account: | | | | | | |
| Guaranteed loans subsidy | 37,450,000 | 35,000,000 | 35,000,000 | 29,000,000 | 32,000,000 | -5,450,000 |
| Administrative expenses | 3,450,000 | 4,000,000 | 3,450,000 | 4,000,000 | 3,725,000 | +275,000 |
| Total, Maritime guaranteed loan program account | 40,900,000 | 39,000,000 | 38,450,000 | 33,000,000 | 35,725,000 | -5,175,000 |
| Total, Maritime Administration | 159,900,000 | 161,400,000 | 138,950,000 | 137,000,000 | 138,825,000 | -21,075,000 |
| Commission for the Preservation of America's Heritage Abroad | | | | | | |
| Salaries and expenses | 206,000 | 206,000 | 250,000 | 206,000 | 250,000 | +44,000 |
| Commission on the Advancement of Federal Law Enforcement | | | | | | |
| Salaries and expenses | 2,000,000 | ..... | ..... | ..... | ..... | -2,000,000 |
| Commission on Civil Rights | | | | | | |
| Salaries and expenses | 8,740,000 | 11,000,000 | 8,740,000 | 8,740,000 | 8,740,000 | ..... |
| Commission on Immigration Reform | | | | | | |
| Salaries and expenses | 2,196,000 | 500,000 | 496,000 | 459,000 | 459,000 | -1,737,000 |
| Commission on Security and Cooperation in Europe | | | | | | |
| Salaries and expenses | 1,090,000 | 1,090,000 | 1,090,000 | 1,090,000 | 1,090,000 | ..... |
| Equal Employment Opportunity Commission | | | | | | |
| Salaries and expenses | 239,740,000 | 246,000,000 | 239,740,000 | 242,000,000 | 242,000,000 | +2,260,000 |
| Federal Communications Commission | | | | | | |
| Salaries and expenses | 188,079,000 | 219,079,000 | 177,079,000 | 185,949,000 | 186,514,000 | -1,565,000 |
| Offsetting fee collections - current year | -152,523,000 | -162,523,000 | -152,523,000 | -162,523,000 | -162,523,000 | -10,000,000 |
| Direct appropriation | 35,556,000 | 56,556,000 | 24,556,000 | 23,426,000 | 23,991,000 | -11,565,000 |
| Federal Maritime Commission | | | | | | |
| Salaries and expenses | 14,000,000 | 14,300,000 | 13,500,000 | 14,300,000 | 14,000,000 | ..... |
| Federal Trade Commission | | | | | | |
| Salaries and expenses | 101,930,000 | 108,000,000 | 105,000,000 | 108,000,000 | 106,500,000 | +4,570,000 |
| Offsetting fee collections - carryover | -16,000,000 | -10,000,000 | -16,000,000 | -10,000,000 | -18,000,000 | -2,000,000 |
| Offsetting fee collections - current year | -58,905,000 | -70,000,000 | -70,000,000 | -70,000,000 | -70,000,000 | -11,095,000 |
| Direct appropriation | 27,025,000 | 28,000,000 | 19,000,000 | 28,000,000 | 18,500,000 | -8,525,000 |
| Gambling Impact Study Commission | | | | | | |
| Salaries and expenses | 4,000,000 | ..... | ..... | 1,000,000 | 1,000,000 | -3,000,000 |
| Legal Services Corporation | | | | | | |
| Payment to the Legal Services Corporation | 283,000,000 | 340,000,000 | 250,000,000 | 300,000,000 | 283,000,000 | ..... |
| Marine Mammal Commission | | | | | | |
| Salaries and expenses | 1,189,000 | 1,240,000 | 1,000,000 | 1,240,000 | 1,185,000 | -4,000 |
| National Bankruptcy Review Commission | | | | | | |
| Salaries and expenses | 494,000 | ..... | ..... | ..... | ..... | -494,000 |
| Ounce of Prevention Council | | | | | | |
| Direct appropriation | 500,000 | ..... | ..... | ..... | ..... | -500,000 |
| Crime trust fund | ..... | 9,000,000 | ..... | ..... | ..... | ..... |
| Securities and Exchange Commission | | | | | | |
| Salaries and expenses | 305,400,000 | 317,412,000 | 315,000,000 | 317,412,000 | 315,000,000 | +9,600,000 |
| Offsetting fee collections | -222,622,000 | -249,523,000 | -249,523,000 | -249,523,000 | -249,523,000 | -26,901,000 |
| Offsetting fee collections - carryover | -45,000,000 | -32,000,000 | -32,000,000 | -32,000,000 | -32,000,000 | +13,000,000 |
| Direct appropriation | 37,778,000 | 35,889,000 | 33,477,000 | 35,889,000 | 33,477,000 | -4,301,000 |
| Small Business Administration | | | | | | |
| Salaries and expenses | 239,547,000 | 246,100,000 | 235,047,000 | 246,100,000 | 254,200,000 | +14,653,000 |
| Offsetting fee collections | -4,500,000 | ..... | ..... | ..... | ..... | +4,500,000 |
| Direct appropriation | 235,047,000 | 246,100,000 | 235,047,000 | 246,100,000 | 254,200,000 | +19,153,000 |
| Office of Inspector General | 9,000,000 | 10,600,000 | 9,490,000 | 10,600,000 | 10,000,000 | +1,000,000 |

## DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2267) — continued

| | FY 1997 Enacted | FY 1998 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| Business Loans Program Account: | | | | | | |
| Direct loans subsidy | 1,691,000 | ..... | ..... | ..... | ..... | -1,691,000 |
| Guaranteed loans subsidy | 179,700,000 | 173,235,000 | 187,100,000 | 181,232,000 | 181,232,000 | +1,532,000 |
| Micro loan guarantees | 2,317,000 | ..... | ..... | ..... | ..... | -2,317,000 |
| Administrative expenses | 94,000,000 | 94,000,000 | 94,000,000 | 94,000,000 | 94,000,000 | ..... |
| Total, Business loans program account | 277,708,000 | 267,235,000 | 281,100,000 | 275,232,000 | 275,232,000 | -2,476,000 |
| Disaster Loans Program Account: | | | | | | |
| Direct loans subsidy | ..... | ..... | ..... | ..... | 23,200,000 | +23,200,000 |
| Administrative expenses | 191,932,000 | 173,200,000 | 199,100,000 | 173,200,000 | 150,000,000 | -41,932,000 |
| Emergency appropriations | 135,000,000 | ..... | ..... | ..... | ..... | -135,000,000 |
| Total, Disaster loans program account | 326,932,000 | 173,200,000 | 199,100,000 | 173,200,000 | 173,200,000 | -153,732,000 |
| Surety bond guarantees revolving fund | 3,730,000 | 3,500,000 | 3,500,000 | 3,500,000 | 3,500,000 | -230,000 |
| Total, Small Business Administration | 852,417,000 | 700,635,000 | 728,237,000 | 708,632,000 | 716,132,000 | -136,285,000 |
| State Justice Institute | | | | | | |
| Salaries and expenses 1/ | 6,000,000 | 13,550,000 | 3,000,000 | 13,550,000 | 6,850,000 | +850,000 |
| Total, title V, Related agencies | 1,675,831,000 | 1,619,366,000 | 1,462,036,000 | 1,515,532,000 | 1,489,499,000 | -186,332,000 |
| Appropriations | (1,540,831,000) | (1,610,366,000) | (1,462,036,000) | (1,515,532,000) | (1,489,499,000) | (-51,332,000) |
| (Liquidation of contract authority) | (148,430,000) | (135,000,000) | (51,030,000) | (135,000,000) | (51,030,000) | (-97,400,000) |
| TITLE VI - GENERAL PROVISIONS | | | | | | |
| DEPARTMENT OF JUSTICE | | | | | | |
| Congressional legal expenses (sec. 616) | ..... | ..... | 1,000,000 | ..... | ..... | ..... |
| GOVERNMENT-WIDE | | | | | | |
| Defense function (by transfer) | ..... | (34,025,000) | (34,025,000) | (34,025,000) | (33,169,000) | (+33,169,000) |
| International function (by transfer) | ..... | (47,089,000) | (46,592,000) | (46,592,000) | (45,432,000) | (+45,432,000) |
| Domestic function (by transfer) | ..... | (31,845,000) | (31,845,000) | (31,845,000) | (31,061,000) | (+31,061,000) |
| Total, title VI, general provisions | ..... | ..... | 1,000,000 | ..... | ..... | ..... |
| Appropriations | ..... | ..... | (1,000,000) | ..... | ..... | ..... |
| (By transfer) | ..... | (112,959,000) | (112,462,000) | (112,462,000) | (109,662,000) | (+109,662,000) |
| TITLE VII - RESCISSIONS | | | | | | |
| DEPARTMENT OF JUSTICE | | | | | | |
| General Administration | | | | | | |
| Working capital fund (rescission) | -36,400,000 | ..... | ..... | -30,310,000 | -100,000,000 | -63,600,000 |
| Immigration and Naturalization Service | | | | | | |
| Immigration Emergency fund (rescission) | -34,779,000 | ..... | ..... | ..... | ..... | +34,779,000 |
| Total, title VII, Rescissions | -71,179,000 | ..... | ..... | -30,310,000 | -100,000,000 | -28,821,000 |
| TITLE VIII - EMERGENCY SUPPLEMENTAL APPROPRIATIONS | | | | | | |
| National Oceanic and Atmospheric Administration | | | | | | |
| Operations, research and facilities | ..... | ..... | ..... | ..... | 7,000,000 | +7,000,000 |
| Grand total: | | | | | | |
| New budget (obligational) authority | 30,230,160,000 | 35,657,937,000 | 31,786,493,000 | 31,653,555,000 | 31,816,907,000 | +1,586,747,000 |
| Appropriations | (25,275,710,000) | (26,855,620,000) | (26,501,743,000) | (26,459,043,000) | (26,709,107,000) | (+1,433,397,000) |
| Advance appropriations | ..... | (3,564,317,000) | (31,000,000) | ..... | ..... | ..... |
| Emergency appropriations | (536,629,000) | ..... | ..... | ..... | (7,000,000) | (-529,629,000) |
| Rescissions | (-107,179,000) | ..... | (-5,000,000) | (-30,310,000) | (-124,200,000) | (-17,021,000) |
| Crime trust fund | (4,525,000,000) | (5,238,000,000) | (5,258,750,000) | (5,224,822,000) | (5,225,000,000) | (+700,000,000) |
| (By transfer) | (69,000,000) | (175,340,000) | (176,343,000) | (177,843,000) | (172,043,000) | (+103,043,000) |
| (Limitation on administrative expenses) | (3,042,000) | (3,930,000) | (3,490,000) | (3,042,000) | (3,266,000) | (+224,000) |
| (Liquidation of contract authority) | (148,430,000) | (135,000,000) | (51,030,000) | (135,000,000) | (51,030,000) | (-97,400,000) |

1/ President's budget proposes $5,000,000 for State Justice Institute.

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

Mr. MOLLOHAN. Mr. Speaker, I yield myself 5¼ minutes.

Mr. Speaker, the gentleman is honored, I think I am more relieved to be here finally, and not any more excited about being the last vehicle out of town than he is as everybody jumps on our bill. I want to commend the gentleman for his fine management of this bill and his dealing with all the appropriation issues all year. He has been extremely capable, as always.

The gentleman from Kentucky is very gracious. He has allowed the minority to participate in the process fully, which the minority greatly appreciates. He has also been very adroit in his handling and compromising of the accounts that are under our jurisdiction as well as, particularly because we are the last vehicle out of town, as accommodating as he possibly can be to all of the authorizing requests that we have received in the last 2 weeks particularly. He has done an outstanding job, as he always does, and I am very grateful for the opportunity to cooperate with him as we move this bill forward.

Likewise, I want to express appreciation to the gentleman from Louisiana [Mr. LIVINGSTON], who has been extremely active and constructive in ensuring that our process moves forward at every step of the way.

I would also like to extend a special thanks to the gentleman from Wisconsin [Mr. OBEY], the ranking minority member, who has been tireless in giving needed attention to the details of not only this bill but particularly this bill, but what is really impressive, the detail that he gives to all 13 of our appropriations subcommittee bills. I am very personally appreciative for his help to me and his guidance. I thank the gentleman for the attention he has given to it. I know it has been tireless.

The gentleman from Colorado [Mr. SKAGGS] and the gentleman from California [Mr. DIXON] are tremendous contributors to our subcommittee on the minority. I very much appreciate and enjoy working with these friends and colleagues.

Mr. Speaker, I want to commend the hard work of all staff involved, particularly Sally Gaines and Liz Whyte of my personal staff, and Jim Kulikowski, Therese McAuliffe, Jennifer Millier, Mike Ringler and Jane Weisman of the committee staff, along with my sincere appreciation for all of the efforts of the minority appropriations staff, Mark MURRAY, David Reich and Pat Schleuter.

Mr. Speaker, joining in much of the sentiment expressed by our chairman, my colleagues should be pleased with the core funding contained in this bill. The centerpiece of this bill, the defining characteristic of it, if you will, is law enforcement, which is robustly funded. The FBI enjoys a $136 million increase over last year in this bill; the Drug Enforcement Administration, a $134 million increase; the Immigration and Naturalization Service, a whopping $714 million increase.

The INS funding provides for 1,000 new Border Patrol and the equipment to support them. The COPS program, fully funded at $1.4 billion, keeps us on track toward the President's promise to increase Federal funding for new policemen on the beat to the 100,000 number. The crime trust fund is increased by $356 million. The popular Byrne Grant program is robustly funded at $505 million. The Violence Against Women program is increased by $74 million. Juvenile crime prevention is $489 million, of which $239 is for prevention programs, which is an increase of $64 million. Legal services is increased in conference to $283 million.

Overall, the Justice Department enjoys a $1.037 billion increase under this bill. State, USIA, Arms Control is an overall $5.17 billion, an increase of $100 million. The Judiciary enjoys a $200 million increase to $3.4 billion. The Commerce Department in this bill is increased $450 million to $4.3 billion. Of that, NOAA enjoys a $100 million increase. ATP is funded at $192 million, $82 million in new grant money.

The census, Mr. Speaker, is increased by $349 million in preparation for the very important decennial census. This report contains a very imperfect compromise admittedly regarding the inclusion of sampling in the census process. The best thing I can say is that the agreement assures that this time-sensitive process, planning for the 2000 census, can go forward incorporating the statistical technique of sampling, which all the experts say will that the 2000 census can be the most accurate in the history of the Nation.

The gentleman from Ohio [Mr. SAWYER], the gentlewoman from New York [Mrs. MALONEY], the gentleman from California [Mr. BECERRA] and the gentlewoman from California [Ms. WATERS] all deserve our gratitude for the time and attention they have given to this issue. The gentleman from Ohio [Mr. SAWYER] and the gentlewoman from New York [Mrs. MALONEY] are students of it, and they have made insightful contributions to the democratic process as this process has moved forward. I appreciate their help.

I urge my colleagues to support this conference report. It is on balance an excellent bill, while containing several difficult but, on balance, satisfactory compromises.

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

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON] the very dynamic chairman of the full committee.

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

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman from Kentucky for yielding this time to me, and I congratulate him for doing an outstanding job on a difficult bill. The gentleman from Kentucky is one of our best negotiators. He has hung tough to the very last minute, and I think that he will not want to hang so tough until the last minute the next time, but I appreciate the great work that he has done on this bill.

I also want to pay tribute to the tremendous job by the gentleman from West Virginia, the ranking minority member of the subcommittee, and to the gentleman from Wisconsin [Mr. OBEY], the ranking minority member of the full committee. They have been incredibly helpful in getting this bill through. I hope with their help that we will get it all the way through and that it will find its way through passage tonight and not at some later date.

I also want to thank the staff. As the gentleman from Kentucky [Mr. ROGERS] has pointed out, they worked all night last night, and many went without sleep for a couple of days in order to get this bill prepared for the floor. Frankly, they and all of the staff on the Committee on Appropriations have just been invaluable throughout this very difficult year. I thank them for their service.

I would like to take this opportunity to just pose a colloquy with the gentleman from Kentucky, the chairman of the subcommittee, to congratulate him for his work and just ask him what in his mind might happen to the floor schedule if in fact a motion to recommit were adopted or if in fact this bill failed to pass tonight.

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

Mr. LIVINGSTON. I yield to the gentleman from Kentucky.

Mr. ROGERS. If a motion to recommit should pass, under the rules of the House, the bill would have to be reconferenced with the Senate, which means we would have to reconvene a conference with the Senate and bring the bill back at some future time.

□ 2030

Now I am told that that may be difficult to do, because I am told most of the Members of the other body are not present in town at this time, which means that we would have to, I guess, go to next week or some other time to bring the House back in session and try to pass a bill at that time.

Now, if the bill fails tonight, by the same token, we have to reconference and come back at some future time, so we would be here next week.

Mr. LIVINGSTON. Mr. Speaker, I just want to be absolutely clear. If Members think for some reason that it might be a good idea to vote for the motion to recommit and they happen to be in the majority, or, in the alternative, if they were to vote against the bill and they were to find themselves in the majority, and the bill for any reason were to be defeated tonight, the gentleman is absolutely correct, we could not convene a conference tomorrow. We could only convene a conference when the Members of both bodies could be accumulated some time

next week or some time later on this year, and we would have to go through an additional extended continuing resolution. We would risk the possibility of the closure of the State Department, the Commerce Department, the Justice Department.

I just caution Members, if in fact they are considering not supporting this bill or supporting the motion to recommit, it would be a bad idea. Let us get this bill passed, and let us put it to bed and say good night to the first session of the 105th Congress.

Mr. MOLLOHAN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. DIXON], a very valuable member of the subcommittee.

Mr. DIXON. Mr. Speaker, I thank the gentleman for yielding this time to me, and I certainly would like to add my comments of congratulations to the chairman of the committee and the ranking member of the committee for the fine work that they have done. I think most Members realize that in this conference process it did not follow the traditional process, and I think under all the circumstances they have done an excellent job.

I rise in full support of the conference committee, and I certainly identify with the gentlemen and the ladies of the House who have expressed clear displeasure with the census language in this bill. If this was an up and down vote on census language, I would not be voting for it. But the truth of the matter is that no matter what we say about this reprehensible language, it does not prohibit sampling, statistical sampling, in the pilot program, nor does it prohibit it being used in the year 2000 but, rather, it leaves that fight to be fought another day.

The truth of the matter is that there are people who want an accurate count in the House and then there are people that want an accurate count. How do we count 270 million people in our country? Some would suggest it is door to door. I doubt that any of my colleagues really believe that.

If my colleagues look at the CONGRESSIONAL RECORD, if they read the newspapers and if they listen to the 1 minutes, we use statistical data to illustrate our point. Most of that comes from statistical sampling, not door-to-door searches.

But more importantly, we have to look at what this bill does do, and for those who are interested in 245(I), it extends past the signing of the bill for 60 days the opportunity for people to get the I–130 forms. For those who are interested in legal services, it has $30 million more than this House provided. It is at a figure of $283 million. For those who are interested in crime prevention programs, it has $64 million above last year's programs. And for those who are interested in the Ninth Circuit in California, it sets up a reasonable way to take an objective approach to how we divide the Ninth Circuit Court up.

Mr. Speaker, it is for all those reasons that it does not prohibit the use of statistical sampling, that it has many good programs for law enforcement as well as social programs, that I urge each Member to vote aye on the conference report.

Mr. ROGERS. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa [Mr. LATHAM], a very distinguished, hard-working member of our subcommittee who has contributed much to our cause here.

Mr. LATHAM. Mr. Speaker, I especially want to thank the chairman, the gentleman from Kentucky, for all of his very hard work, and the ranking member that did such a great job, and I think the Members should be aware that we would not have any problems on this bill if it were not for extraneous provisions that were brought in.

This committee has worked very, very hard and on a bipartisan basis to get a very good bill to the floor, and I too, would like to commend the staff for doing a tremendous job. It has been a real pleasure in my first year on the subcommittee to work with such a professional staff, and they have done a great job.

Just some of the provisions in the bill and reasons I think that all Members should strongly support this bill: When we talk about the COPS Program, it does continue the funding at $1.4 billion for the 100,000 new police officers on the street. But very important to me is the fact that it increases from 10 to 20 percent the COPS More Program.

Many of the communities in my district cannot afford the COPS Program to put additional officers on the force and then 3 years later have to take over the funding. They just simply do not have it in their budget. So the COPS More Program is extremely important, that they can buy technology and equipment that they so desperately need.

The COPS Program also establishes four innovative new programs. There is $35 million for law enforcement technology grants, $35 million for drug enforcement grants, $34 million for methamphetamine initiatives, which is a problem that has exploded in the upper Midwest and in Iowa in my district; also, $1 million for police recruitment programs.

In the Office of the Justice programs, which are increased from $118 to $173 million, it includes a very important provision. There is $25 million for a new national sex offender registry, extremely important, I think, in this day and age.

As far as the State and local law enforcement assistance, it is increased dramatically, about $500 million, the highest level ever on the Byrne grants, and the Weed & Seed programs establish a new $250 million juvenile crime block grant and increases by $75 million the Violence Against Women grants, which is up to $271 million. Again, that is increased by $75 million. There is $720 million for State prison grants; when we talked about truth-in-sentencing, very, very important.

As far as funding for the INS, that is increased from $2.1 to about $2.5 billion, and that includes funding for improved INS fingerprinting equipment, requires fingerprinting services must be conducted by INS agents or law enforcement agents. If my colleagues remember, last year, we had testimony that Pookie's Bar & Grill in California was doing fingerprinting for us, paid by the tax dollars to fingerprint potential U.S. citizens.

And it also guarantees that citizenship cannot be granted without a full and completed FBI background check, and the reason for this, my colleagues, is in the rush last year to have more citizens register to vote, especially in California, there were 186,000 people who were given citizenship last year without an FBI background check.

By any standard, when we talked about sampling, about 20 percent of those people normally are convicted felons. That means, in a conservative way, there are over 30,000 convicted felons who are given citizenship. This will put a stop to that, and I urge support of this bill.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I am going to vote for this bill, and I personally want to thank the Chair and the ranking member and the subcommittee and the House for considering a number of issues critical for California in a favorable light.

I am unhappy about the Census language, but I will still support the bill for the reasons later to be explained by the gentleman from Ohio.

But what I would like the other party to explain to me is the strange logic by which, when they do not get the language they want, the Mexico City language on family planning programs abroad, they appropriate the money for family planning, and then, to retaliate for not getting that language, they take their highest priority for the last 3 years, the reform of the international relations bureaucracy, and kill it. They take their desire to leverage lower assessments in New York at the U.N. through very well calibrated conditions on arrearages and destroy it, and then risk all the consequences of financial instability that come from the currency fluctuations by destroying the IMF new borrowing authority. What a bizarre and strange reaction when they provide and appropriate the family planning funds which cause them to get so angry and strike out after all these things.

I support the gentleman from Wisconsin's motion to recommit, and I urge the body to do so.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY], who has provided such leadership for our caucus on this issue.

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition, but first I would like to thank the gentleman from West Virginia [Mr. MOLLOHAN], the gentleman from New Jersey [Mr. SHAYS], and the gentleman from Ohio [Mr. SAWYER], for all their help on the Census issue.

And to the rest of my colleagues, if they believe in a fair and accurate Census, they simply cannot vote for this bill. Getting a fair and accurate count is the civil rights issue of the 21st century. If my colleagues are not counted, they are not represented. If they are not counted, they are not part of the Federal funding formulas.

This deal, as many have said, funding is provided for statistical sampling through September of 1998, yet at the same time it stacks the deck against achieving it by helping to build a case for those who plan to kill it in 1999. And the Speaker has vowed to kill the sampling issue in 1999.

This legislation aids this plan by putting into place a campaign to smear it. First the deal allows opponents to file multiple lawsuits to tie the Census up in court. The deal also allows the Speaker, using the House general counsel, to sue on behalf of the House to block sampling. In other words, the Speaker, representing the viewpoint of the RNC, will be using taxpayers' funds to block sampling.

Second, it asks the bureau to run two censuses at once; and, thirdly, it confuses the public by issuing four sets of numbers instead of just one. The opposition simply does not want to count our Nation's poor in our rural and our urban areas.

If this legislation becomes law, we are sending a message that we are willing to purposefully disenfranchise millions of Americans in the name of politics; in other words, we are willing to count them out of democracy. The Republican leadership is on record over and over again in their design to kill sampling. This language gives them the tools for the execution either by a thousand cuts in the courts or through spreading confusion about the results.

We cannot allow this to happen. I urge a no vote against the Commerce-Justice-State conference report.

Mr. MOLLOHAN. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

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

□ 2045

Ms. JACKSON-LEE of Texas. Mr. Speaker, what I really wanted to come to this floor tonight for was to show my appreciation for the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] for work well done. Though my comments will criticize what we have secured with respect to census, I mean what I say with respect to the work that you gentlemen have done, and I thank you for that.

Particularly I thank you for working with me on the Prairie View A&M Justice Center, and as well working to curb pornography on the Internet for our children, developing a study by the Justice Department to find ways to prevent such horrible activities to be subjected to the Internet and for our children to see.

I need, however, to address this important and crucial issue which we hope we will find a solution for, and I thank the gentleman from Ohio [Mr. SAWYER] and certainly the gentlewoman from New York [Mrs. MALONEY] and the caucuses that worked on this issue.

But this census process will not work. This future litigation by the Speaker of the House will not work, as it proves to threaten sampling. This public relations campaign, using the monitoring board and a new House subcommittee just for census, shows us that this Congress is not serious about counting every American.

I ask my friends and colleagues to consider opposing this bill because of the concerns we have raised. I hope we can solve this problem, and have a true counting and a true census.

Mr. Speaker, I rise this evening to share my concerns regarding the Conference Report on H.R. 2267, the Commerce, Justice, State, and Judiciary Appropriations bill.

The first of these concerns involves the failure of this Conference Report to provide protection to illegal immigrants who are the victims of domestic violence. The Conference Report to H.R. 2267 provides that only those immigrants who have 245(i) applications for permanent legal status pending at the time of the bill's enactment, may stay in the United States. In refusing to permanently extend 245(i) for most immigrants, the Conference Report makes one concession—it provides permanent extension of 245(i) for those immigrants holding employment-based visas. It makes no exception for battered illegal immigrants. In so doing, the Conference Report undermines the strides to protect battered immigrants made in the Violence Against Women Act (''VAWA'').

The Violence Against Women Act exempts battered immigrant women and their children from the three to ten year inadmissibility bars that apply to other illegal immigrants. These provisions were written to provide a way out of violent relationships for battered women and children abused by their U.S. citizen and lawful permanent resident spouses and parents. These provisions were included in VAWA in an effort to free battered immigrants to seek protection for themselves and their children from ongoing abuse and to allow them to cooperate in the criminal prosecution of their abusers.

The vast majority of battered immigrant women who qualify for protection under VAWA are in the United States in undocumented status because their citizen and lawful permanent resident spouses or parents have had control over their immigration status. These spouses also often control what information their abuse victims receive and with whom they associate.

Because the Conference Report does not provide permanent extension of 245(i) to battered immigrants, many of these women will be required to return to their home countries to obtain their green cards. All battered women who apply for relief under VAWA, however, must prove that their deportation will cause extreme hardship to themselves or their children. In requiring those women to return to the very country that INS agrees poses them a danger as the only means to obtain their permanent residency is dangerous and illogical.

Additionally, most battered immigrant women will have difficulty raising the funds to travel abroad to obtain their permanent residency. Many more will be required to travel to countries that cannot or will not protect them from their abusers, from their abuser's family or from the social ostracization that often accompanies women who publicly challenge abuse. Many victims will violate family court custody orders if they travel abroad or leave the jurisdiction where the court order was issued. Finally, many will be unable to make safe child care arrangements for their children if they are required to travel abroad or else they will have to take their children with them. Battered immigrant women should not have to be faced with leaving their children with an abuser or in a situation in which the children cannot be adequately protected from the abuser or possibly being charged with international kidnapping. Faced with these obstacles, many battered immigrants will choose to stay with their abusers.

It is important that both the battered immigrant and her children be able to obtain lawful permanent residency status under VAWA without interruption in the support, counseling, and legal relief they are receiving to help them and their children address the consequences of the violence. For VAWA's immigration provisions to offer victims of domestic violence the intended protection, battered women must be able to obtain their permanent residency without leaving the country regardless of when they file their self-petition.

The second area of concern that I would like to raise with respect to the Conference report on H.R. 2267, is the compromise reached on the census provisions. The revised language in the Conference Report regarding the census states that sampling poses the risk of an inaccurate census which is the very opposite of what is true.

The agreement on the Conference Report also allows the opponents of sampling to file suit in any and all courts in the country. If any one of those courts issues an injunction against the use of sampling it would take so long to clear up that the use of sampling in any ''dress rehearsal'' would effectively be blocked. If there is no sampling in the dress rehearsal, there will be no sampling in the census which means that the chance for an accurate census will be lost.

The Conference language regarding the census calls for the Census Bureau to issue several sets of census counts for both the dress rehearsal and the census. This would be confusing to the public and create chaos in the redistricting process. Redistricting experts dislike having multiple numbers so much that two years ago the National Conference of State Legislators passed a resolution calling for a one-number census in 2000.

Next I would like to discuss areas of the Conference Report that I am sure have not drawn the attention of many of my colleagues, but for which I believe the Conferees deserve my congratulations.

I worked with my colleagues during the appropriations process in an effort to find funding in the Commerce-Justice-State Appropriations bill 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, Texas. While we were not successful in getting such funding into the House version of the Commerce-Justice-State bill, the Senate included in its version of this bill, $500,000 for the establishment of the Prairie View Center. Although I was disappointed that this specific line item did not survive in the Conference report, I am pleased that the Report requires OJJDP to carefully review Prairie View's grant application.

The National Center would fill some very important functions: (1) conducting academic programs, including continuing education and training for professionals in the juvenile justice field; (2) conducting policy research; and (3) developing and assisting with community outreach programs focused on the prevention of juvenile violence, crime, drug use, and gang-related activities.

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, in 1995, law enforcement agencies made an estimated 2.7 million arrests of persons under 18.

Studies show that prevention is far more cost-effective than incarceration in reducing the rates of juvenile crime. A study by the Rand Corporation, 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 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 be come 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 thank the Conferees for their support of this important Center.

Finally, I am gratified that an amendment which I offered before on the floor of the House and agreed to has been included in the Conference Report for Commerce-Justice-State. The language in the conference report states that the Department of Justice should consult with the National Academy of Sciences to review computer-based technologies and other approaches that could help to restrict the availability to children of pornographic images through the Internet and on-line services.

Unfortunately, this language does not go far enough; my original amendment would have provided for the identification of methods that would locate illegal pornographic images with the goal of criminally prosecuting those purveyors of such pornographic images to children. The goal of my amendment was to create a pool of understandings regarding the technological capabilities currently available for identifying digitized pornographic images stored on a computer, network, or other computer communication mediums by the use of software or other computer technologies.

The funding for this amendment would have come from funds otherwise appropriated; therefore revenue neutral to the Department of Justice, which should not exceed $750,000.

I would like strongly urge the Department of Justice to pay attention to the intent of the Amendment when implementing this section of the conference report.

I would like to also ask that Members of the House join me in support of the original intent of the amendment to help eliminate the growing threat of pornographic images that our children who use the technology must face. This is an opportunity for us to help all of our nation's children have a safer future.

Mr. MOLLOHAN. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, first I want to express my agreement with the gentleman from California on the importance of putting back in here important international financial material. But secondly, I want to congratulate the gentleman from Ohio for his work on the census and say that I plan to vote for this bill.

I try very hard to avoid cliches, but it is much too late in the session to think fresh, so I am going to have to use one. I think some of my good friends here are trying to snatch defeat from the jaws of victory. The problem I and others had with the original census language was that it said we could not go forward with the sampling process until the Supreme Court had said it was okay. That would have killed it. That is not in the bill.

We now have parallel processes. We have the sampling going forward, and we have the court process. I disagree with my friends who say, oh, allowing the court process to go forward kills sampling.

I think sampling is constitutional. I do not think the Supreme Court is going to find it unconstitutional. Indeed, I am sceptical that the Supreme Court, given its own rules on ripeness and standing, will even decide this at all.

So what we have is a situation where previously sampling could not go forward until the Supreme Court acted, and we knew the Supreme Court was not going to be able to act because of its own doctrines, and now we have a situation where it can go forward.

I do not want to argue this too strongly, because I do not want to lose you any votes on this side, but the fact is the obstacle to census sampling that existed previously has been dissolved. Now we have been told, well, there will be a subcommittee that will propagandize.

I have to be honest with you, I hope I am not being unduly modest when I say I do not think most people pay too much attention to our subcommittees. They can dance and sing and whistle, and we can still go ahead with it. Yes, it may have to face a court test, but that is to be done.

In fact, I want to congratulate the Republicans. This is one more example of their belief in judicial activism, and I want to salute the Republican conversion to the notion that when there are important decisions that are to be made, we should ask some unelected, life-tenured Federal judges to arbitrate them for us. I think that is appropriate, as long as the work is not held up until then. So I think we have the best of both worlds.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the chairman of the Subcommittee on National Security, International Affairs and Criminal Justice, the gentleman from Illinois, Mr. HASTERT.

Mr. HASTERT. Mr. Speaker, I thank the chairman. I first want to congratulate him for his hard work, and certainly the gentleman from West Virginia, the gentleman from West Virginia [Mr. MOLLOHAN], who has worked on this diligently as well. I wanted to talk a minute about the census.

There were some accusations, and I probably agree with my good friend from Massachusetts [Mr. FRANK]. We need to go forward. We need to have transparency in the system, and if there is an issue of whether this is constitutional or not constitutional, we probably ought to let the Supreme Court decide that issue. If there is an issue whether this is statutorily legal to do or not statutorily legal to do, we probably ought to let a court decide that.

But in the meantime, let me just say a couple things about transparency. Yes, there is going to be, first, a commission that looks at numbers, and, you know, it is not terrible to have four numbers, the four numbers in counting when you actually go out and count people and find out what the number is when you get counting and what the number is when you get done adjusting, which there is not an adjustment. So the number in counting, Number 1, will be the same as number 2.

Actually, when you get into sampling, which what you have is that you have a number when you get done, and that number will be X, and then it will be X plus or X minus something else, when you get done sampling. When you

do that census block by census block, people ought to be able to see what you do.

Whether you take population away from this precinct and you add population to that precinct, there ought to be a transparency about what this guessing business is all about. When the bureaucrats get done guessing what the population should be, because it meets their parameters of what they guessed it should be in the first place, there is a transparency, we can look at sampling, see if sampling is worthwhile, whether it has some value, whether it is constitutional, whether it is legal, and we will look at enumeration, which the Constitution talks about enumeration, counting, one by one. It has been going on in this country for 230-some years. It was prescribed by the forefathers of this country, and I think it is probably something we ought to continue to take a very serious look at.

I just have to tell my friends there is one government agency that basically goes door to door every day. They basically know how many people are in each house. It is called the Postal Service. If we need to do an extraordinary job of census, then maybe we could hire some people in the Postal Service on weekends on their time off. They can knock on doors. They know who lives in those houses.

Let us do the job that the Constitution says we should do. Let us move forward, let us do the census block, census block by census block, by geographical area by geographical area and put the numbers in there.

The test that was done in 1995 says there was a plus or minus 35 percent error rate when you get down to the lowest geographical area, which is usually the census block. If there is 100 people that live in a census block, we do not want to guess whether there are 65 people there or 135 people.

Let us get the numbers straight. Let us do it the way it is supposed to be done and pass this bill.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from West Virginia for yielding me this time.

Sampling will clearly be one of the most important issues that we confront in the next session of Congress that is being addressed in this bill. I am going to support this bill, and I, too, congratulate the chairman and the ranking member for accomplishing a very difficult task.

I rise briefly, however, to call the attention to what the Speaker of the House said just a few years ago. I want to read it:

I respectfully request that the census numbers for the State of Georgia be readjusted, that is after counting, I tell my friend, from door to door, to reflect the accurate population of the State so as to include the over 300,000 which were previously not included.

That is in the door-to-door count, according to the Speaker.

Based on available information, without an adjustment to compensate for the undercount, minorities in Georgia could lose two State Senate seats and four to five House seats. As a result of conversations with black legislators, it is my understanding that they have not only concurred with this request, but stated that they believe it is required under the Voting Rights Act.

Representative NEWT GINGRICH sent that to Bob Mosbacher, then Secretary of Commerce, with respect to sampling.

We are not going to argue situational ethics, I hope. If sampling was good then in this letter from Speaker NEWT GINGRICH in 1991 to Secretary Mosbacher, it is good today.

Now, my friends, let me tell you, there was a similar letter, and I will not read it, you can read it for yourself, from the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentleman from Mississippi [Mr. PARKER], the gentleman from Virginia [Mr. BATEMAN], the gentleman from South Carolina [Mr. SPENCE], the gentleman from Louisiana [Mr. TAUZIN], the gentleman from Florida [Mr. CLAY SHAW], in a letter to Bill Clinton in 1994.

Barbara Bryant, who was the head of the census under George Bush, clearly says, 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 will increase the accuracy of the census.

My friends, again, let us not be into situational ethics. Let us not be into which side gains politically. The Speaker thought in 1991 perhaps it served his political interest. But I also believe he said and believed that that was the accurate way to count. Let us not deviate from that for the situational effects that it may have.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS], a very active and effective member of our subcommittee.

Mr. SKAGGS. Mr. Speaker, I want to thank my friend for the time.

I hope the Members of the House will support this conference report. It is basically a very good piece of work. In that regard, I want to thank our distinguished chairman from Kentucky and the gentleman from West Virginia [Mr. MOLLOHAN] and the absolutely tireless work of a terrific staff in putting this all together. It is a good piece of work. Many areas, it is especially commendable to the Members.

One I would like to point to in particular is the substantial funding base that is given to the Department of Commerce and its several important science and research activities under NOAA, the National Institute of Standards and Technology.

There are still some problems. I am particularly distressed at the counterproductive and, I think, very backward-looking restrictions that are included in this bill on the activities of the Legal Services Corporation and its grantees. There is some gratuitous language in here about the census. But make no mistake about that, the bottom line on the census is that it allows the sampling process to move forward, and my colleagues particularly on this side of the aisle that are concerned about that ought to welcome this breakthrough, as was so well explained by previous speakers.

Finally, I hope the Members will support the motion to recommit that Mr. OBEY intends to offer. As Mr. BERMAN earlier explained, I think it is absolutely critical that we make good on at least a modest down payment on our arrearage to the UN, especially at this crisis time when we have to count on our working relationship within that body to deal with the difficult situation in Iraq, as well, as was explained, the need for funding flexibility to the IMF to deal with currency problems.

But the basic point here is a good conference report, worthy of Members' support.

Mr. MOLLOHAN. Mr. Speaker, I yield 1–3/4 minutes to the distinguished gentleman from California, Mr. Becerra, who has been extremely active on this issue and a leader of the Hispanic Caucus.

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

Mr. Speaker, I had a chance to speak during the rule, so I will try to be somewhat brief now on the actual bill.

I think that the ranking member of the subcommittee, the ranking member of the full committee, the Chair of the subcommittee and the Chair of the full committee have done a tremendous job trying to pull together a bill that could get the majority support in this House necessary to pull this together and send it off to the President. I commend them for the work they have done. I think that those four individuals have worked sincerely to try to pull together something that could get the support of all of us.

I must say that I continue to have the greatest of concerns with regard to the work on the census. I see no reason why we could not have sent this directly to the President and said, Mr. President, tell us what the experts say we should do with regard to a count of the citizens and the residents of this country when it comes to the year 2000.

□ 2100

Let us not inject politics into this, and let us go straight with what the experts say would be best to do for this country, because we know in the past we have left many Americans uncounted.

We had an opportunity to do that, but we failed. We failed miserably because the politics got in the way, and this legislation is apparently the best we could expect. The best we could expect says that we will have lawsuit

after lawsuit filed to try to stop statistical sampling, even though expert after expert has said that is the only way to get an accurate count of America.

Yet we stand here saying, this is what the President must sign. But in 16 or 17 minutes we will have to revisit this, because we do not have funding for a full dress rehearsal as sampling in the end to take place in the census. That is wrong, and that is why people should vote against this bill.

Mr. ROGERS. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio [Mr. REGULA], the chairman of the Appropriations Subcommittee on Interior, but a very able, hard-working member of this subcommittee.

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

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time. I want to commend the chairman, the staff and the ranking minority member for doing a good job. I strongly urge support of this bill.

We have heard a lot of speeches about the big picture tonight; I want to talk about the little picture with a big potential.

1998 is the International Year of the Ocean, and we have not paid enough attention to the ocean in terms of its impact on human life. One of the exciting things provided for in here, subsidies, $1.5 million for the Jason Foundation for Education. What the Jason Foundation will do is translate underwater research into the Internet, which means that school students and adults around the world will be able to interact with these researchers and learn more about our oceans and about what is being produced by the research that is taking place, in large part because it is the Year of the Ocean.

This is an exciting concept. I think we barely scratch the surface. What it means is that when it comes to fruition, that students will be able to interact with people at the National Gallery, at the Smithsonian, at the Kennedy Center, at colleges throughout the United States.

I saw this in action in my district where the Jason Foundation had a biologist at Yosemite talking about terminals, and the students in Wooster, Ohio could ask questions of this biologist and he could respond. It really worked out well, and it is an exciting concept. It is part of this bill.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me this time.

Mr. Speaker, I just want to say very briefly in response to my good friend, the gentleman from California [Mr. BERMAN], we were engaged in a very difficult negotiation with the White House over the last several days, and in the end we gave half a loaf on the Mexico City policy which separates abortion from family planning. We said that foreign nongovernmental organizations would be precluded, those that are subsidized by the U.S. Government, would no longer be able to lobby in foreign capitals to topple their pro-life laws. It seems to me this was a very modest proposal. This was rejected.

The good news for the pro-life said that the Speaker of the House and the majority leader have given their solemn word that the IMF issue and arrearages payments, and those arrearages payments are in dispute, there are all different, conflicting numbers as to what they should be, that those three issues are intertwined and they will move forward together or they will not move forward at all.

We have offered the White House a true compromise; they have rejected it at this point. My hope is that in the spirit of comity, I would hope that we could move to a real compromise on this, and then we could work in partnership on all three of these issues.

Mr. MOLLOHAN. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], who has worked tirelessly on all of our 13 appropriations bill.

Mr. OBEY. Mr. Speaker, I have absolutely no objection to the job done by the gentleman from Ohio [Mr. SAWYER] or the gentleman from West Virginia [Mr. MOLLOHAN]. I think they have been imminently reasonable. I think they have produced a good product in what is in the bill. I certainly do not have any objections to the job done by the gentleman from Louisiana [Mr. LIVINGSTON]. I think he has done a very fine job. But I have to say my concern is what is not in the bill.

As my colleagues know, an agreement was made by the Republican Party, just referred to by the previous speaker to, for the moment, concede on their views on Mexico City and family planning issues on the fast track bill. In retaliation for that, for that concession, the decision was made to strike the State Department reauthorization language, to strike the currency stabilization fund, and to strike the U.N. arrearage authority.

I believe that is an extremely shortsighted and irresponsible decision, and I believe that decision significantly damages United States interests in two ways: It does not punish Bill Clinton, it punishes the country. It damages us in two ways because, first of all, it weakens our ability to develop consensus within the United Nations in building a proactive foreign policy against Saddam Hussein. It also undercuts the resources necessary to deal with the currency fluctuations and instability which we have seen throughout Asia and Latin America that could very well have incredibly serious effects on our own economy.

Now, the response of the House leadership on this matter I find most troubling. The Speaker sent a letter to the President today which says, ''With the challenge of Iraqi defiance against the world community and the importance of the United Nations Security Council in responding to that challenge, the U.S. must continue to play a central role in the U.N.'' It says, ''With the turmoil in international markets, it is clearly prudent for the Secretary of the Treasury to seek additional resources.''

And yet, this bill tonight withholds those resources until the President capitulates on a totally unrelated matter.

The letter then goes on to say, ''We do not believe that our disagreement over abortion should block action on national security issues.'' But then my colleagues proceed to block them anyway.

I have infinite respect for the gentleman from New Jersey [Mr. SMITH] and others who share his view on abortion policy; I share some of those same views. But the Constitution defines how one is supposed to win. In order to win on an issue, one needs to have a majority in both Houses or the signature of the President. If one does not have the signature of the President, then one needs two-thirds in both Houses. With all due respect, the only majority that the gentleman has at this moment is the majority in one House.

Now, what he is trying to do is to exercise leverage in order to expand that majority by holding other proposals hostage. Individual Members have a right to try that, but it is an obligation of leadership to say no when that puts in jeopardy severe and important interests of the United States. It is reckless for the leadership of this House to do otherwise.

Secretary Albright just called me. She was about to step on a plane going to the Middle East to try to build a tighter alliance to deal with Saddam Hussein. She said, ''I need those extra resources.''

I am going to be offering a motion to recommit, a straight motion to recommit, in order to give this committee an opportunity to put back into this bill the authority that they need for the $100 million in U.N. arrearages for the first year of the 3-year plan, and to also put into the bill the authority we need for currency stabilization. There is no problem in the Senate with that. The only group that seems to have any real problem with it is the House leadership.

It seems to me that the only way to meet our responsibilities, unless we want to walk out of here for three months and risk seeing a further unraveling of the currency markets and the security markets around the world, unless we want to risk seeing that, it seems to me we have an obligation tonight to provide those resources. That is what I will attempt to do by offering the motion to recommit, and I urge every single Member to support that motion. Without it, Congress will be

committing one of the most remarkably irresponsible abdications of responsibility that I have seen in all of the years that I have served in Congress.

Mr. ROGERS. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the full committee.

Mr. LIVINGSTON. Mr. Speaker, I thank my friend for yielding me this time.

I just want to point out that in two separate packages we tried to put together an opportunity to pay the U.N. arrearages, for the IMF funding, for the State Department reauthorization, and yes, coupled with the promise that the President would not continue to use taxpayers' funds to lobby to use abortion as a family planning tool. It was a simple proposal. They did not want that.

So then we offered to put these together with all of the three appropriations bills that have just passed the House in the last two days. The President said he would veto it, the Senate said that they would filibuster it, and the Members of the other side in the minority said they were against it.

Now, look, this place is a place of compromise. Let us not say that we have held anybody hostage. The gentleman from New Jersey was very reasonable. He reduced his demands to simply say that he will not use taxpayers' funds to advocate abortion abroad as a family planning tool. That is not radical. The President refused it, and he refused to go along with this offer.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

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

Mrs. MORELLA. Mr. Speaker, I want to congratulate the Chairman and the ranking member for their yeoman's work in crafting this conference report and bringing this legislation to the floor. This bill has a number of important provisions which will advance and promote the national interests. I am going to cite just some of them briefly.

First of all, I want to thank the gentleman from Kentucky [Mr. ROGERS], chairman of the subcommittee, for his work to fund the programs of the National Institute of Standards and Technology. NIST is the Nation's oldest Federal laboratory, established by Congress in 1901, and its mission is to promote economic growth by working with industry to develop and apply technology, measurements and standards.

NIST currently has the need for repair and replacement of some of the critical laboratories. It has a maintenance backlog of over $300 million, and in addition, NIST requires new laboratory space. It must construct an advanced measurement laboratory. It is part of the funding appropriated for NIST. This bill includes $95 million for construction, renovation and maintenance for NIST laboratories. I applaud that.

In addition, it includes money for the core programs at NIST known as Scientific and Technical Research and Services programs, which include very important research conducted in its laboratories. The total is equivalent to the Senate-passed bill, $6 million below the amount originally authorized by the Committee on Science and appropriated by the House, but I applaud it.

Also, the bill includes $192.5 million for the advanced technology program; $113.5 million for the manufacturing extension program; $150 million for the National Oceanic and Atmospheric Administration, which actually is $150 million more than what the House had asked for.

Let me comment just briefly on the compromise on 245(i) of the Immigration Act. I think it is very important. I am glad it was done. It should include the opportunity for victims of domestic violence to be accorded that treatment.

Mr. Speaker, I want to congratulate the Chairman and ranking member for their yeoman's work in crafting this conference report and bringing this legislation to the floor. The conference report on H.R. 2267, the Commerce-Justice-State appropriations bill, contains a number of important provisions which will advance and promote the national interest.

First, I thank Chairman ROGERS for his work to fund the programs of 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 funding appropriated for NIST, H.R. 2267 includes $95 million for construction, renovation and maintenance for NIST's laboratories. This funding level is slightly below the $111 million appropriated by the House, but well above the $16 million recommended by the Senate. The total should be sufficient to begin funding the construction of the AML, while at the same time allowing NIST to address some of its critical maintenance needs.

In addition, H.R. 2267 includes $276.9 million for NIST core programs, known as the Scientific and Technical Research and Services [STRS] programs, which include the important research conducted by its laboratories. This total is equivalent to the Senate passed bill and $6 million below the amount originally authorized by the Science Committee and appropriated by the House. While I would have preferred the House funding level, I understand the funding constraints under which the House and Senate Conferees had to operate.

The bill also includes $192.5 million for the Advanced Technology Program [ATP] and $113.5 million for the Manufacturing Extention Partnership [MEP] program. This level splits the difference between the House authorization and appropriation levels and the Senate appropriation for ATP. It seems to be a good compromise, and I applaud the House and Senate conferees for coming to an equitable conclusion on ATP and including the higher total for MEP.

I am pleased with the increase in funding for the National Oceanic and Atmosphere Administration—about $150 million more than the House bill.

I also want to recognize the compromise which was reached on section 245i of the immigration act. The expiration of this provision would have adversely and unfairly affected a number of families and businesses in my district. However, I am sorely disappointed that the conferees did not include the battered women immigrants provisions of the Violence Against Women Act in this compromise. The conferees demonstrated great compassion in extending the provisions of 245i until the beginning of next year; immigrants who are victims of domestic violence should be accorded the same compassionate treatment.

I am also disappointed that we have not yet found a way to repay our arrearages to the United Nations. Especially at a time when we are counting on the U.N. to maintain our position on Iraqi weapons inspections, continued delay of our debt repayment is, to say the least, embarassing.

I want to congratulate the conferees for the funding levels which were agreed to on the Legal Services Corporation. This funding is critical to assisting vulnerable people in our society. Women and children are among the vulnerable who without assistance often find themselves in abusive situations that they cannot control. The impact of these situations is significant and may result in homelessness and the loss of necessary financial resources for food, maintenance, and health care. In addition, LSC has been invaluable in allowing impoverished people to access the judicial system in support of their just claims. Much of their caseload, and almost half of the caseload in Maryland, deals with such issues as divorce, child custody, and domestic violence.

As with many eleventh hour compromises, this bill's Census provisions aren't perfect, but they have significantly improved thanks to the diligent work of many of my colleagues and the Administration.

While I am concerned that this compromise delays the decision of whether to use sampling in Census 2000 until 1999, I am pleased that, unlike the original bill, it does not significantly hinder the Bureau's critical work in preparation for Census 2000.

The failure of the 1990 Census, the GAO report on sampling, and the National Academy of Science's support of sampling should be more than enough evidence that we need to

use sampling to get the most accurate count possible in 2000, but a majority of my colleagues are not convinced. This decision allows for expedited court review of the constitutionality of sampling and it sets up a balanced monitoring board to carefully review the Census Bureau's plans.

This compromise allows the Census Bureau to test sampling in one of the three Spring dress rehearsal sites, the urban site in Sacramento, CA. Furthermore, this decision will not hinder the necessary preparation of the Long Form, the only reliable source of national data about who we are as a nation.

Finally, the agreement includes a $74 million increase for Violence Against Women Grants. While this bill's funding is $35 million less than the House bill, it is still $22 million more than the administration request and $7 million more than the Senate level of funding. This program provides funding to law enforcement agencies to encourage arrests in domestic violence cases and to train local prosecutors in the handling of crimes of domestic violence.

Again, I congratulate the Chairman and the ranking member for their work on this very contentious bill.

Mr. ROGERS. Mr. Speaker, I yield one-half minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to support this bipartisan legislation, and I thank the gentleman from Kentucky [Mr. ROGERS], chairman of the subcommittee, and the gentleman from West Virginia [Mr. MOLLOHAN], the ranking member, for the outstanding job they have done, especially with regard to the legislation and its development of National Sex Offender Registries, the Violence Against Women's programs, Missing and Exploited Children's programs, and the State and local law enforcement programs such as the COPS on the Beat initiative. I know, as a former assistant DA, these programs will help our local communities improve our local public safety.

I ask my colleagues to please support the legislation.

Mr. MOLLOHAN. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Ohio [Mr. SAWYER] who has provided such leadership for our caucus on this issue.

□ 2115

Mr. SAWYER. Mr. Speaker, I rise in support of the conference report before us and intend to vote for it, not because I am so terribly satisfied with all of its provisions concerning preparations for the next Census, but because I believe it preserves the opportunity to continue down a path that will lead toward the most accurate and fair Census possible in 2000.

There are provisions of the agreement over the Census funding and design that I do not agree with. I wish they were not in this bill. I do not believe that the use of sampling and statistical methods, however, poses the risk of an inaccurate and unconstitutional Census. To the contrary, those methods, in combination with enhanced traditional accounting, hold the only real hope of overcoming the persistent high undercount of rural and urban poor and people of color and children that continues to plague every Census, and every court that has reviewed the question of whether sampling to supplement a good-faith traditional accounting effort is constitutional and legal has concluded that it is.

I do not think it is wise to ask taxpayers to foot the bill for a lawsuit by the Speaker of the House in an effort to prevent the use of sampling in the Census. In essence, the Speaker is asking taxpayers to help him ensure that millions of people will not be included in 2000. Shame on the Speaker, who supported the use of sampling in 1990, for insisting on this provision. Fortunately, I have every confidence that a lawsuit will not be successful, but it will be a waste of taxpayers' dollars, nonetheless.

The fact is that there is no realistic chance for an injunction to stop the dress rehearsal or the Census. Anyone challenging sampling would have to show an irreparable injury from the dress rehearsal going forward. There simply is no injury caused by a rehearsal. As with any litigation, suits can be brought in a number of courts. However, the bill allows for consolidation and requires expedited judicial review by the Supreme Court.

What the agreement does that is most important, however, is that it allows the Bureau to prepare for the kind of Census that it believes will be most accurate and cost effective. The Bureau will be able to carry out and evaluate a Census that uses sampling methods in the 1998 dress rehearsal.

I am confident that the dress rehearsal will demonstrate that the limited use of sampling and statistical techniques to supplement and improve direct counting methods will produce Census numbers that are far more accurate and inclusive at all levels of geography than a Census that relies only on methods that have not worked well in the past.

When that happens, my colleagues who oppose sampling ought to think twice about forcing an inaccurate Census on the American people through legislative fiat once again, as they tried to do on the disaster relief bill earlier this year. They ought to think twice about preventing the Census Bureau from eliminating the inevitable undercount of the poor and minorities through threats to deprive the Bureau of adequate funding 1 year before this historic undertaking begins.

All of us will be watching their oversight activities during the next year very closely. We will be using every opportunity to reach out to the American people, to build their confidence in the Census Bureau's work, and for the promise that it holds for a fair count. I urge the President to do the same. We will do whatever it takes to ensure that we can freely and objectively proceed to demonstrate that the use of sampling is wise and sound and, above all, necessary to achieving an accurate count in 2000.

If there is unwarranted interference with the process of preparing and implementing for the best Census possible, the American people will know it and this administration will fight back, because in the end, any effort to cause an incomplete count in some communities will guarantee an inaccurate count in all communities. Every State, county, city, and neighborhood will suffer.

So I urge my colleagues to refrain from causing the kind of chaos and confusion and misunderstanding about the Census process that some provisions in this bill may be designed to foster. If that is the purpose, then they ultimately will end up hurting the very people we claim to serve.

Mr. Speaker, I recognize the work of the gentleman from Kentucky [Mr. ROGERS] in crafting the bill, and the work of the gentleman from West Virginia [Mr. MOLLOHAN] in making sure it is sound.

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

Mr. SAWYER. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, will the gentleman be voting for the bill?

Mr. SAWYER. Indeed I will, Mr. Speaker.

Mr. ROGERS. I thank the gentleman very much.

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

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Kentucky [Mr. ROGERS] is recognized for 3 minutes.

Mr. ROGERS. Mr. Speaker, on the point of the United Nations payments, let us clear this up. The bill has in it $100 million to pay our arrearage at the United Nations. That is an amount that we owe. However, that is subject to passage of an authorization law by the Congress. Of course, that law has not yet been passed, but we have plenty of time early next year to do that, in which case the $100 million will be freed up to pay on the arrearage at the United Nations.

But there is a much bigger issue than that. If Members are concerned that at this time especially, we need to be supportive of the United Nations, then Members need to vote for this bill because in this bill are the funds to pay our annual assessment at the United Nations, which is $320 million. That is in this bill. If Members vote no, they are harming the United Nations at a very critical time.

This $320 million, if this bill does not pass, will not be paid by the United States. So if Members are worried about our standing at the United Nations, if they are worried about us not paying our bills at a time of international crisis, then imagine what the effect will be if this conference report is defeated.

If Members are worried about Iraq and whether the United Nations can stand up for our interests, Members need to vote for this bill, because it contains the funding to pay our dues in 1998 in full. That $320 million is at stake. That is one reason why Members need to support this bill.

In closing, Mr. Speaker, there is going to be a motion to recommit. If Members vote for the motion to recommit, we will be here at least next week, because the other body is not in session. We have to reconference this bill. I do not know when we will get to it. So if Members are worried about the schedule, then they need to vote no on the motion to recommit and yes on final passage.

Mr. GEPHARDT. Mr. Speaker, I reluctantly rise today to oppose the Commerce, Justice, State and the Judiciary Appropriations bill for FY 1998 which I believe poses a serious danger to the use of statistical sampling in the 2000 Census. By insisting on the language included in this legislation, Republicans continue in their opposition to sampling which has been universally accepted by the scientific community as the best way to ensure a fair and accurate census in 2000.

The census language in this legislation is problematic in several important ways. First, the bill states that the use of statistical sampling ''poses the risk of an inaccurate, invalid and unconstitutional census.'' This partisan language wrongly presumes the unconstitutionality of sampling when every federal court that has addressed the issue has held that the Constitution and federal statutes support the use of sampling. Second, the bill sets the stage for a legal assault on sampling by allowing opponents to file suit in federal courts across the country and seek injunctive relief that would halt the use of sampling in preparation for the 2000 Census. Third, this language gives unprecedented power to the Speaker of the House to sue on behalf of the House to block sampling and to use the resources of the House Counsel or outside counsel to pursue such litigation. While the Speaker is entitled to express his views on sampling wherever and whenever he chooses—as he has done frequently in voicing his strong opposition to sampling—I cannot support giving him my proxy or that of other Members of the House who share my belief that he is dead wrong on this issue.

Sampling is not an exotic or controversial theory. It is a scientific principle endorsed by the American Statistical Association, the General Accounting Office, and the National Academy of Science. And, it is non-partisan. In fact, the Republican-appointed director of the last census, Barbara E. Bryant.

Why do we need sampling to conduct an accurate census? The answer is simply that our history of conducting the decennial census clearly illustrates that the traditional method of enumeration, relying on a door to door count for each and every person in this country, is neither the most efficient nor the most cost-effective way to conduct the census. In fact, in 1990, the Census Bureau reported an undercount of 4 million people using the traditional method of enumeration or 1.6% of the total population. The Census Bureau estimates that nearly 5 million people will go uncounted if sampling is not implemented in the 2000 census.

The Republican leadership has a singular purpose for the 2000 Census and that is to make every effort possible to block the use of sampling. Unfortunately, I believe the language in this bill is representative of that purpose; therefore, I must oppose this bill.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today in opposition to the Census language in the Commerce, Justice, State Appropriations bill because all Americans must be counted in this nation's census.

Republican attempts to make sure that the 2000 census does not represent all Americans flies in the face of democracy. We now have the opportunity to accurately collect data from all sectors of society through the methodology of sampling. If we accept the language in this bill, we will direct the Census Bureau to separate planning and implementation activities for these ''dress rehearsal'' sites when the Census Bureau can barely support one—that is a set up for failure. If we accept this language, we will create an entire new subcommittee exclusively on the census issue—this not only wastes taxpayers' money on a method which all national organizations in the field of statistical analysis agree is the most accurate tool for determining the census, but also runs contrary to what the Republicans boast as one of their greatest accomplishments of the 104th Congress, eliminating subcommittees. Finally, if we accept this language, we will permit opponents of sampling to file suits in any court in the country, and they will file suits until they find a court to issue an injunction against the use of sampling. Such an injunction could be the death knell for sampling and with no sampling in the ''dress rehearsal'', there can be no sampling in the census and no way to avoid the inaccuracies of the 1990 census.

In 1990, four million Americans were not counted and several million were counted twice. Between 1940 and 1980 the net undercount of all Americans and legal immigrants decreased from 5.4 to 1.2 percent. However, the difference between black and non-black undercount increased from 3.4 percent in 1940 to 4.3 percent in 1970. In 1980, this undercount improved slightly to 3.7 percent, but this is still a significant miscalculation of the actual number and kind of people who make up this country. In 1990, the difference between Black and non-Black census undercount was the largest differential in the entire history of the census.

As a representative of California's 37th Congressional District, I am particularly concerned about the disproportionately high number of the California residents who were not included in the 1990 census. In 1990, 800,000 people were undercounted in California alone. The entire state represented 20% of the 1990 undercount. Because of these errors, my state was denied a Congressional seat that rightfully belonged to Californians.

My constituents deserve to be included and counted in the 2000 census and in all future census counts.

The census not only determines how the seats of the House are apportioned among the states, but is a significant force in shaping private and public sectors across the country. The census is used to allocate hundreds of billions of dollars to state and local governments. It is used to enforce the Voting Rights Act. It is used by businesses to locate specific work force populations. It is used to determine the kinds of services to provide to certain demographic areas. It is used to allocate resources for the construction of highways and the maintenance of adequate water supplies for communities.

This census is too important for it to not be accurate. Leading experts, including the National Academy of Sciences, have clearly stated the need for statistical sampling. Scientists admit that it is impossible to physically count every American citizen and legal immigrant in this nation. But it is not impossible to produce an accurate assessment of the American population.

The Census Bureau has made and continues to make tremendous strides in trying to accurately calculate census tracts throughout the country. With all of these improvements in distribution, collecting and analyzing the census surveys and the use of statistical sampling, the 2000 count could be the most accurate census yet. It could include all of the constituents of the 37th Congressional District, of the state of California, and of the entire nation. But if we let the current language remain in the Commerce, Justice, State bill, we will make the realization of this possibility impossible.

It is illogical, unscientific and wrong to endorse a proposal that we know would produce incomplete information about the people who make up this nation. We do not have the right to waste taxpayers' money on an old methodology that we know is not accurate. And we do not have the right to tie up a scientific methodology that is proven effective in the hands of adversarial politicians.

Mr. COBLE. Mr. Speaker, regrettably, I must rise in opposition to this Conference Report, because I fear that the provisions pertaining to the availability of funds to the United States Patent and Trademark Office set a terrible precedent and could have the effect of stifling long-term innovation in this country.

The House version of the Commerce-Justice-State appropriations bill included a provision, contained in every appropriations bill to date, which allows the U.S. Patent and Trademark Office, which does not receive any taxpayer funding, to spend all that it collects from its base user fees for its operations by stating that such funds ''shall remain available until expended.''

Unfortunately, the Senate version of the bill, for the first time since the PTO became self-sufficient, capped the amount of its user fees that the PTO may spend, diverting the rest to the general treasury to be used for other purposes.

I appreciate the efforts of the Chairman of the House CJS Appropriations Subcommittee, the gentleman from Kentucky [Mr. ROGERS], in trying to reconcile the differences between the House and the Senate versions of the bill. I know he did the best he could to keep the House version. However, a ''cap'' on the fees still exists in the compromise bill and I am dismayed to see, for the first time in history, that the PTO will not be able to spend appropriately all of its base fees which are set by the Congress.

We should not sanction a new tax on American innovation by holding back funds which come directly from the pockets of applicants for PTO services. In my opinion, all these fees are necessary for the efficient operation of our Patent and Trademark Office. Remember, not one tax dollar goes to the PTO. All the money they spend comes from applicants and should

be available for processing applications quickly and efficiently.

Any other result will stifle the engine of our growing economy in the information age.

I therefore will regrettably vote ''no'' on this Conference Report. We must stand up for inventors and trademark applicants in America.

Mr. BARR of Georgia. Mr. Speaker, for nearly three years almost since the day the Communications Assistance for Law Enforcement Act of 1994 or CALEA was enacted, its journey has been problematic. CALEA is now more than three years old and is expected to be fully implemented on October 25, 1998. It now appears that this may not be the case. Conflicts between the FBI and the telecommunications industry over capability standards, capacity notices, and cost reimbursements, have become commonplace and serious. I have become very concerned that delays in putting standards in place have created major handicaps in fulfilling the Act. I have also concluded that law enforcement has been using CALEA to overreach, and that the FBI is looking to use CALEA for the perfect solution to their wiretapping wishes. Indeed, many of the so-called ''punch-list'' items clearly are beyond the scope of the Act.

These and other critical matters were raised during an October 23d oversight hearing on CALEA held by the Crime Subcommittee of the Judiciary Committee. Chairman MCCOLLUM and our colleagues both sides of the aisle expressed the need for adjustments to ensure the workability of CALEA within the parameters of the Act.

As we attempt to bring this matter to a head, four issues must be dealt with as major areas of contention between industry and law enforcement: cost reimbursements, capability standards (through which the FBI has been seeking to use imposition of these standards to expand the government's wiretap capabilities; which is prohibited by CALEA's provisions), capacity notices, and compliance dates. They must all be resolved in order to put CALEA back on track.

Finally, a plan must be developed in which the government will pay to retrofit network facilities with no more than the $500 million available in the Act without shifting additional costs to industry. If we are successful, we will achieve the balance we seek between law enforcement security needs and protection of privacy concerns of individuals and industry.

Mr. ROGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. OBEY. In its present form, I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. OBEY moves to recommit the conference report on H.R. 2267 to the committee on conference.

The SPEAKER pro tempore. The motion to recommit is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. OBEY. 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 171, nays 216, not voting 45, as follows:

[Roll No. 639]

YEAS—171

Abercrombie
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Lampson
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Minge
Mink
Moakley
Moran (VA)
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Weygand
Wise
Woolsey
Wynn

NAYS—216

Aderholt
Archer
Armey
Bachus
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
Coburn
Collins
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Fawell
Foley
Forbes
Fossella
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Morella
Murtha
Nethercutt
Neumann
Ney
Northup
Norwood
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Poshard
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
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 (MS)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—45

Ackerman
Baesler
Baker
Blagojevich
Blumenauer
Boucher
Combest
Cubin
Dickey
Doggett
Ehlers
Ewing
Flake
Fowler
Gonzalez
Green
Houghton
King (NY)
LaFalce
Lipinski
McInnis
McIntosh
McKinney
Miller (CA)
Myrick
Neal
Nussle
Ortiz
Pickett
Pryce (OH)
Riley
Roemer
Salmon
Scarborough
Schiff
Shuster
Smith (OR)
Stark
Taylor (NC)
Watkins
Waxman
Wexler
White
Whitfield
Yates

□ 2141

Messrs. SNOWBARGER, GUTKNECHT, HOLDEN, KLINK and KANJORSKI changed their vote from ''yea'' to ''nay.''

Messrs. FORD, OWENS, BARCIA, SCHUMER and Mrs. MCCARTHY of New York changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the 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 282, nays 110, not voting 40, as follows:

[Roll No. 640]

YEAS—282

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady
Brown (CA)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Carson
Castle
Chambliss
Clement
Collins
Condit
Cook
Cooksey
Costello
Cramer
Cunningham
Danner
Davis (FL)
Davis (VA)
Delahunt
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fawell
Fazio
Foley
Forbes
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Kanjorski
Kasich
Kelly
Kennelly
Kildee
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schaffer, Bob
Schumer
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Sununu
Talent
Tanner
Tauscher
Tauzin
Thomas
Thornberry
Thune
Tiahrt
Tierney
Torres
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—110

Barr
Bartlett
Becerra
Blunt
Bonior
Brown (FL)
Brown (OH)
Bryant
Campbell
Chabot
Chenoweth
Christensen
Clay
Clayton
Clyburn
Coble
Coburn
Conyers
Cox
Coyne
Crane
Crapo
Cummings
Davis (IL)
Deal
DeFazio
DeGette
DeLauro
Dellums
Doolittle
Duncan
Engel
Ensign
Fattah
Filner
Ford
Frost
Furse
Gejdenson
Gephardt
Gibbons
Hastings (FL)
Hefley
Herger
Hilleary
Hilliard
Hinchey
Hostettler
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones
Kaptur
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kucinich
Largent
Levin
Lewis (GA)
Lucas
Maloney (NY)
Manzullo
McDermott
McKinney
Meehan
Meek
Millender-McDonald
Moran (KS)
Nadler
Neumann
Olver
Owens
Paul
Payne
Pease
Petri
Pombo
Rangel
Rivers
Rodriguez
Rohrabacher
Royce
Rush
Ryun
Salmon
Sanders
Sanford
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Serrano
Smith, Linda
Stearns
Stokes
Stump
Stupak
Taylor (MS)
Thompson
Thurman
Towns
Traficant
Velazquez
Waters
Watt (NC)
Watts (OK)

NOT VOTING—40

Ackerman
Baesler
Baker
Blagojevich
Blumenauer
Boucher
Combest
Cubin
Dickey
Ehlers
Ewing
Flake
Fowler
Gonzalez
Green
Houghton
King (NY)
LaFalce
Lipinski
McInnis
McIntosh
Miller (CA)
Myrick
Neal
Nussle
Ortiz
Pickett
Pryce (OH)
Riley
Roemer
Schiff
Shuster
Smith (OR)
Stark
Taylor (NC)
Watkins
Waxman
Wexler
White
Yates

□ 2210

The clerk announced the following pairs:

On this vote:

Mr. Ortiz for, with Mr. Roemer against.
Mr. Riley for, with Mr. Yates against.

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.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 1564. An act to provide redress for inadequate restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust, and for other purposes.

S. 1565. An act to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act.

S. Con. Res. 69. Concurrent resolution to correct the enrollment of the bill S. 830.

S. Con. Res. 70. Concurrent resolution to correct a technical error in the enrollment of the bill S. 1026.

## FURTHER CONTINUING APPROPRIATIONS, 1998

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J.Res. 106) making further continuing appropriations for the fiscal year 1998, and for other purposes, and that the House immediately consider and pass the joint resolution.

The Clerk read the title of the joint resolution.

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

Mr. OBEY. Reserving the right to object, Mr. Speaker, I would ask the gentleman from Louisiana if he would explain what the effect of this new continuing resolution is.

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

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I would be happy to explain.

The continuing resolution offers a 12-day continuing resolution so that the President may act on the bills that have been passed. In the meantime, I am happy to announce that we have concluded all action on the fiscal year 1998 appropriations bills, and this is the first time in 3 years that we will present to the President 13 individual appropriations bills, and I might add that they are all within the congressional budget.

The continuing resolution again represents a 10-day extension, but 12 when we consider Sundays, of the existing CR for those remaining bills so that they can be enrolled by a clerk and presented to the President. Ten days is the time span specified by the Constitution, and although I have every indication that the President will sign the bills that are on his desk, we should pass the simple extension out of comity.

I urge the adoption of the resolution.

Mr. OBEY. Mr. Speaker, further reserving the right to object, let me simply say that with respect to some of the priorities in the bills that we passed, I am reminded of the question asked by Peggy Lee, ''Is that all there is?'' But, nonetheless, I guess at this point we cannot do anything to change those priorities. This simply extends the date, as I understand it, to the 26th of November, and we have no objection on this side of the aisle.

Mr. LIVINGSTON. Mr. Speaker, will gentleman yield for a question?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Is that Peggy Lee or Pinky Lee?

Mr. OBEY. Peggy. Pinky is more the gentleman's type.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 106

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 106(3) of Public Law 105–46 is further amended by striking ''November 14, 1997'' and inserting in lieu thereof ''November 26, 1997'', and each provision amended by sections 122 and 123 of such public law shall be applied as if ''November 26, 1997'' was substituted for ''October 23, 1997''.

The SPEAKER pro tempore. Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

□ 2215

## ENVIRONMENTAL POLICY AND CONFLICT RESOLUTION ACT OF 1997

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the bill (H.R. 3042) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. PASTOR. Mr. Speaker, reserving the right to object, we have cleared this bipartisan bill through our side of the aisle. I would like to thank the gentleman from Alaska, Chairman YOUNG, the gentleman from California, Mr. MILLER, and my colleague, the gentleman from Arizona, Mr. KOLBE, for helping us with this legislation.

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

Mr. PASTOR. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, I would also like to thank the chairman of the Committee on Resources, the gentleman from Alaska [Mr. YOUNG] for his cooperation on this. This fulfills a commitment that this body made several years ago when we created the Udall Foundation, to provide for them an authorization for them to do mediation on environmental disputes between Federal agencies and other Federal agencies, State or local agencies, as well as private businesses.

Mr. Speaker, I think this is a step in the right direction to get litigation out of the courtroom and into mediation. I think it can serve us very well in our goals of trying to protect the environment, and also provide for economic growth in this country. I strongly support this.

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

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3042

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Environmental Policy and Conflict Resolution Act of 1997''.

**SEC. 2. DEFINITIONS.**

Section 4 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5602) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (9), (7), and (8), respectively;

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

''(4) the term 'environmental dispute' means a dispute or conflict relating to the environment, public lands, or natural resources;'';

(3) by inserting after paragraph (5) (as redesignated by paragraph (1)) the following:

''(6) the term 'Institute' means the United States Institute for Environmental Conflict Resolution established pursuant to section 7(a)(1)(D);'';

(4) in paragraph (7) (as redesignated by paragraph (1)), by striking ''and'' at the end;

(5) in paragraph (8) (as redesignated by paragraph (1)), by striking the period at the end and inserting ''; and''; and

(6) in paragraph (9) (as redesignated by paragraph (1))

(A) by striking ''fund'' and inserting ''Trust Fund''; and

(B) by striking the semicolon at the end and inserting a period.

**SEC. 3. BOARD OF TRUSTEES.**

Section 5(b) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5603(b)) is amended—

(i) in the matter preceding paragraph (1) of the second sentence, by striking ''twelve'' and inserting ''thirteen''; and

(2) by adding at the end the following:

''(7) the chairperson of the President's Council on Environmental Quality, who shall serve as a nonvoting, ex officio member and shall not be eligible to serve as chairperson.''.

**SEC. 4. PURPOSE.**

Section 6 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604) is amended—

(1) in paragraph (4), by striking ''an Environmental Conflict Resolution'' and inserting ''Environmental Conflict Resolution and Training'';

(2) in paragraph (6), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(8) establish as part of the Foundation the United States Institute for Environmental Conflict Resolution to assist the Federal Government in implementing section 101 of the National Environmental Policy Act of 1969 (42 U.S.C. 4331) by providing assessment, mediation, and other related services to resolve environmental disputes involving agencies and instrumentalities of the United States; and

''(9) complement the direction established by the President in Executive Order 12988 (61 Fed. Reg. 4729; relating to civil justice reform).''.

**SEC. 5. AUTHORITY.**

Section 7(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5605(a)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(D) INSTITUE FOR ENVIRONMENTAL CONFLICT RESOLUTION.—

''(i) IN GENERAL.—The Foundation shall—

''(I) establish the United States Institute for Environmental Conflict Resolution as part of the Foundation; and

''(II) identify and conduct such programs, activities, and services as the Foundation determines appropriate to permit the Foundation to provide assessment, mediation, training, and other related services to resolve environmental disputes.

''(ii) GEOGRAPHIC PROXIMITY OF CONFLICT RESOLUTION PROVISION.—In providing assessment, mediation, training, and other related services under clause (i) (II) to resolve environmental disputes, the Foundation shall consider, to the maximum extent practicable, conflict resolution providers within the geographic proximity of the conflict.''; and

(2) in paragraph (7), by inserting ''and Training'' after ''Conflict Resolution''.

**SEC. 6. ENVIRONMENTAL DISPUTE RESOLUTION FUND.**

(a) REDESIGNATION.—Sections 10 and 11 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5608, 5609) are redesignated as sections 12 and 13 of that Act, respectively.

(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) (as amended by subsection (a)) is amended by inserting after section 9 the following:

**''SEC. 10. ENVIRONMENTAL DISPUTE RESOLUTION FUND.**

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States an Environmental Dispute Resolution Fund to be administered by the Foundation. The fund shall consist of amounts appropriated to the Fund under section 13(b) and amounts paid into the Fund under section 11.

''(b) EXPENDITURES.—The Foundation shall expend from the Fund such sums as the Board determines are necessary to establish and operate the Institute, including such amounts as are necessary for salaries, administration, the provision of mediation and other services, and such other expenses as the Board determines are necessary.

''(c) DISTINCTION FROM TRUST FUND.—The Fund shall be maintained separately from the Trust Fund established under section 8.

''(d) INVESTMENT OF AMOUNTS.—

''(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

''(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

''(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

''(A) on original issue at the issue price; or

''(B) by purchase of outstanding obligations at the market price.

''(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

''(5) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.''.

**SEC. 7. USE OF THE INSTITUTE BY A FEDERAL AGENCY.**

The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) (as amended by section 6) is amended by inserting after section 10 the following:

**''SEC. 11. USE OF THE INSTITUTE BY A FEDERAL AGENCY.**

''(a) AUTHORIZATION.—A Federal agency may use the Foundation and the Institute to provide assessment, medication, or other related services in connection with a dispute or conflict related to the environment, public lands, or natural resources.

''(b) PAYMENT.—

''(1) IN GENERAL.—A Federal agency may enter into a contract and expend funds to obtain the services of the Institute.

''(2) PAYMENT INTO ENVIRONMENTAL DISPUTE RESOLUTION FUND.—A payment from an executive agency on a contract entered into under paragraph (1) shall be paid into the Environmental Dispute Resolution Fund established under section 10.

''(c) NOTIFICATION AND CONCURRENCE.—

''(1) NOTIFICATION.—An agency or instrumentality of the Federal Government shall notify the chairperson of the President's Council on Environmental Quality when using the Foundation or the Institute to provide the services described in subsection (a).

''(2) NOTIFICATION DESCRIPTIONS.—In a matter involving 2 or more agencies or instrumentalities of the Federal Government, notification under paragraph (1) shall include a written description of—

''(A) the issues and parties involved;

''(B) prior efforts, if any, undertaken by the agency to resolve or address the issue or issues;

''(C) all Federal agencies or instrumentalities with a direct interest or involvement in the matter and a statement that all Federal agencies or instrumentalities agree to dispute resolution; and

''(D) other relevant information.

''(3) CONCURRENCE.—

''(A) IN GENERAL.—In a matter that involves 2 or more agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality), the agencies or instrumentalities of the Federal Government shall obtain the concurrence of the chairperson of the President's Council on Environmental Quality before using the Foundation or Institute to provide the services described in subsection (a).

''(B) INDICATION OF CONCURRENCE OR NONCONCURRENCE.—The chairperson of the President's Council on Environmental Quality shall indicate concurrence or nonconcurrence under subparagraph (A) not later than 20 days after receiving notice under paragraph (2).

''(d) EXCEPTIONS.—

''(1) LEGAL ISSUES AND ENFORCEMENT.—

''(A) IN GENERAL.—A dispute or conflict involving agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality) that concern purely legal issues or matters, interpretation or determination of law, or enforcement of law by 1 agency against another agency shall not be submitted to the Foundation or Institute.

''(B) APPLICABILITY.—Subparagraph (A) does not apply to a dispute or conflict concerning—

''(ii) agency implementation of a program or project;

''(ii) a matter involving 2 or more agencies with parallel authority requiring facilitation and coordination of the various government agencies; or

''(iii) a nonlegal policy or decisionmaking matter that involves 2 or more agencies that are jointly operating a project.

''(2) OTHER MANDATED MECHANISMS OR AVENUES.—A dispute or conflict involving agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality) for which Congress by law has mandated another dispute resolution mechanism or avenue to address or resolve shall not be submitted to the Foundation or Institute.''.

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

''(a) IN GENERAL.—Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (as redesignated by section 6(a)) is amended—

''(1) by striking ''There are authorized to be appropriated to the Fund'' and inserting the following:

''(a) TRUST FUND.—There is authorized to be appropriated to the Trust Fund''; and

(2) by adding at the end the following:

''(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There are authorized to be appropriated to the Environmental Dispute Resolution Fund established under section 10—

''(1) $4,250,000, for fiscal year 1998, of which—

''(A) $3,000,000 shall be for capitalization; and

''(B) $1,250,000 shall be for operation costs; and

''(2) $1,250,000 for each of fiscal years 1999 through 2002 for operation costs.''

**SEC. 9. CONFORMING AMENDMENTS.**

(a) The second sentence of section 8(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5606) is amended—

(1) by striking ''fund'' and inserting ''Trust Fund''; and

(2) by striking ''section 11'' and inserting ''section 13(a)''.

(b) Sections 7(a)(6), 8(b), and 9(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5605(a)(6), 5606(b), 5607(a)) are each amended by striking ''Fund'' and inserting ''Trust Fund'' each place it appears.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 17 AND H.R. 2687

Mr. DOGGETT. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor from H. Con. Res. 17 and H.R. 2687.

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

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2697

Mrs. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2697.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3000

Mr. RUSH. Mr. Speaker, I ask unanimous consent to have my name removed from H.R. 3000.

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

There was no objection.

## CONSIDERING MEMBER AS FIRST SPONSOR H. CON. RES. 47

Mr. JOHNSON of Wisconsin. Mr. Speaker, I ask unanimous consent I might hereafter be considered as first sponsor of House Concurrent Resolution 47, a bill originally represented by the gentleman from Pennsylvania [Mr. FOGLIETTA] of Pennsylvania, for the purpose of adding cosponsors and requesting reprints pursuant to clause 4 of rule XXII.

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

There was no objection.

## DISAPPROVING CANCELLATIONS TRANSMITTED BY PRESIDENT ON OCTOBER 6, 1997—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–172)

The Speaker pro tempore laid before the House the following veto message from the President of the United States:

*To the House of Representatives:*

I am returning herewith without my approval H.R. 2631, ''An Act disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45.''

Under the authority of the Line Item Veto Act, on October 6, 1997, I canceled 38 military construction projects to save the taxpayers $287 million. The bill would restore all of the 38 projects.

The projects in this bill would not substantially improve the quality of life of military service members and their families, and most of them would not likely use funds for construction in FY 1998. While the bill does restore funding for projects that were canceled based on outdated information provided by the Department of Defense, I do not endorse restoration of all 38 projects.

The Administration remains committed to working with the Congress to restore funding for those projects that were canceled as a result of data provided by the Department of Defense that was out of date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 13, 1997.*

The SPEAKER pro tempore. The objections of the President will be spread

at large upon the Journal, and the veto message and the bill will be printed as a House document.

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the message, together with the accompanying bill, be referred to the Committee on Appropriations.

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

There was no objection.

## HOLOCAUST VICTIMS REDRESS ACT

(Mr. LEACH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEACH. Mr. Speaker, the bill would authorize up to $25 million as a U.S. contribution to organizations serving survivors of the Holocaust living in the United States and an additional $5 million for archival research by the U.S. Holocaust Museum to assist in the restitution of assets looted or extorted from Holocaust victims. It would also declare that it is the sense of Congress that all governments take appropriate action to ensure that artworks confiscated by the Nazis—or in the aftermath of World War II by the Soviets—be returned to their original owners or their heirs.

The genesis for this proposal dates back to hearings which the Committee on Banking and Financial Services held over the past year, chronicling how the Nazis looted gold from the central banks of Europe, as well as from individual Holocaust victims.

Following World War II, the Tripartite Gold Commission, consisting of the United States, the United Kingdom and France, was created to oversee the recovery and return of Nazi-looted gold to the countries from which it was stolen. Most of the gold recovered during that period was long ago returned to claimant countries. However, a small portion of that gold remains to be distributed. The amount of gold in TGC custody, amount to six metric tons, is worth anywhere from $50 million to $70 million depending on the price of gold at a given time. Fifteen nations hold claim to some portion of that gold.

The case for speedy final distribution of the remaining gold pool to Holocaust survivors is compelling. The moral case for such a distribution has been increased by the horrific revelation in the recently released report from Under-Secretary of State Stuart Eizenstat that Nazi Germany co-mingled victim gold, taken from the personal property of Holocaust victims, including their dental fillings, with monetary gold, resmelting it into gold bars which the Nazis traded for hard currency to finance the war effort.

This bill would put the Congress on record in strong support of the State Department's appeal to claimant nations to contribute their TGC gold to Holocaust survivors and strengthen the Department's hand in seeking this goal by authorizing the President to commit the United States to a voluntary donation of up to $25 million for this purpose. A voluntary contribution on our part would go a long way in facilitating a similar gesture of generosity from others who may be claimants of the gold pool or who may have reason to provide redress for actions taken during the dark night of the human soul we call the Holocaust.

A contribution of this nature by the United States would also serve as an act of conscience on the part of this nation. As the bill indicates in the findings, there was an unknown quantity of heirless assets of Holocaust victims in the United States after World War II. A 1941 census of foreign assets in the United States identified $198 million in German-owned assets in the United States as well as another $1.2 billion in Swiss assets. Assets inventoried in the census included bank accounts, securities, trusts, and other items. In the years following World War II, Congress recognized that some of these assets held in the United States may have in fact belonged to Jewish victims of the Holocaust who had sent their assets abroad for safekeeping.

Given this circumstance, Congress authorized up to $3 million in claims for such heirless assets to be awarded to a successor organization to provide relief and rehabilitation for needy survivors. However, the political difficulties associated with such a commitment led Congress ultimately to settle on a $500,000 contribution. Although the documentary record on asset ownership remains sparse, it is likely that heirless assets in the U.S. were worth much more than the 1962 settlement figure.

A precise accounting of claims will remain unknowable, but the fact that the United States committed itself to such a modest amount in settlement for victim claims provides justification for the United States to make an inflation-adjusted contribution today for victim funds mingled with Nazi assets located in and seized by the United States during the war.

In testimony before our Committee, Under Secretary Eizenstat urged that a better accounting be made for the fate of heirless assets in banks in the United States, and that the issue of World War II-era insurance policies, securities and art work also be examined. To help answer these questions, the legislation would direct $5 million to the United States Holocaust Museum for archival research to assist in the restitution of assets of all types looted or extorted from Holocaust victims, and activities that would support Holocaust remembrance and education activities.

The second title of the bill deals with Nazi-looted art. A witness at our hearings noted that, 'The twelve years of the Nazi era mark the greatest displacement of art in history.' Under international legal principles dating back to the Hague Convention of 1907, pillaging during war is forbidden as is the seizure of works of art. In defiance of international standards, the Nazis looted valuable works of art from their own citizens and institutions as well as from people and institutions in France and Holland and other occupied countries. This grand theft of art helped the Nazis finance their war. Avarice served as an incentive to genocide with the ultimate in governmental censorship being reflected in the Aryan supremacist notion that certain modern art was degenerate and thus disposable.

The Nazis purged state museums of impressionist, abstract, expressionist, and religious art as well as art they deemed to be politically or racially incorrect. Private Jewish art collections in Germany and Nazi-occupied countries are confiscated while others were extorted from their owners. Still others were exchanged by their owners for exit permits to flee the country. As the Nazis sold works of art for hard currency to finance the war, many artworks disappeared into the international marketplace. Efforts following the war to return the looted art to original owners were successful to a degree, but to this day many items remain lost to their original owners and heirs.

It is interesting to note that when the French Vichy government tried to object on international legal grounds to Nazi confiscation of art owned by Jewish citizens in France, the Germans responded that such individuals (including those who were sent to concentration camps) had been declared by French authorities no longer to be citizens. Hence, the Nazis claimed that the 1907 Hague Convention, which prohibits the confiscation of assets from citizens in occupied countries, did not apply.

This reasoning cannot be tolerated by civilized people and one purpose of the legislation before us today is to underline that the restitution of these works of art to their rightful owners is required by international law, as spelled out in the 1907 Hague Convention. The return of war booty ought to be a goal of civilized nations even at this late date, long after the end of World War II. For that reason, I have included in the legislation a sense of Congress urging all governments to take appropriate actions to achieve this end.

The Holocaust may have been a war within a war—one fought against defined individuals and civilized values—but it was an integral part of the larger world war among states. Hence, the international principles prohibiting the theft of art and private property during wartime should be applied with equal rigor in instances of genocidal war within a country's borders or conquered territory.

## 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 bill of the House of the following title:

S. 1559. An act to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1271. An act to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes.

## CONSIDERING AS ADOPTED REMAINING MOTIONS TO SUSPEND THE RULES CONSIDERED ON MONDAY, SEPTEMBER 29, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the House be considered to have adopted a motion to suspend the rules and pass each of the following measures in the form considered by the House on Monday, September 29th, 1997:

S. 1161, to amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8061.)

H.R. 2233, to assist in the conservation of coral reefs;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8066.)

H.R. 2007, to amend the Act that authorized the Canadian River reclamation project, Texas, to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8067.)

H.R. 1476, to settle certain Miccosukee Indian land takings claims within the State of Florida;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8069.)

H.R. 1262, to authorize appropriations for the Securities and Exchange Commission for fiscal years 1998 and 1999, and for other purposes;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8084.)

H.R. 2165, to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 3862 in the State of Iowa, and for other purposes;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8087.)

H.R. 2207, to amend the Federal Water Pollution Control Act concerning a proposal to construct a deep ocean outfall off the coast of Mayaguez, Puerto Rico;

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8088.)

S. 819, to designate the United States courthouse at 200 South Washington Street in Alexandria, Virginia, as the ''Martin V.B. Bostetter, Jr. United States Courthouse'';

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8090.)

S. 833, to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, as the ''Howard M. Metzenbaum United States Courthouse'';

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8091.)

H.R. 548, to designate the United States courthouse located at 500 Pearl Street in New York City, New York, as the ''Ted Weiss United States Courthouse'';

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8091); and

H.R. 595, to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the ''William Augustus Bootle Federal Building and United States Courthouse''.

(For text of bill see proceedings of the House of Monday, September 29, 1997, at page H8095), and that in each case a motion to reconsider be considered as laid on the table.

Mr. DUNCAN. Mr. Speaker, this bill is similar to legislation, H.R. 2036 which the House considered, but did not vote, on September 29.

S. 1193 reauthorizes the War Risk Insurance Program until December 31, 1998 and supersedes language in the Department of Defense Authorization bill regarding this program.

This shorter extension of the program is a compromise worked out with the other body and with the administration in order to develop an alternative to a borrowing authority provision that was in the original House reported bill.

The Administration has agreed to develop in the coming months an alternative to the borrowing authority that would ensure that air carrier insurance claims could be paid in a timely manner.

And we look forward to working with them on that.

Mr. Speaker, the war risk insurance program was first authorized in 1951, and, over the years, has been improved upon during the reauthorization process.

On May 1 of this year, the Aviation Subcommittee held a hearing to review this very important program, which expired on September 30 of this year.

Of course, we rarely hear about this program until a conflict arises, like Vietnam, the gulf war, or Bosnia. This insurance program was an integral part of our Nation's military response in those cases.

The Reauthorization of this program is also very essential for a viable Civil Reserve Air Fleet program which meets the Nation's security needs.

The Department of Defense depends on the CRAF program for over 90% of its passengers, 40% of its cargo, and nearly 100% of its air medical evacuation capability in wartime. These flights could not be operated without the insurance provided by this bill.

So it is very important that we reauthorize this program as soon as possible.

Mr. Speaker, this legislation authorizes the Secretary of Transportation to be guided by reasonable business practices of the commercial aviation insurance industry when determining the amount for which an aircraft should be insured.

This change is intended to recognize that there may be instances in which an aircraft's market value is not the appropriate basis for determining the amount of insurance.

The bill also states that the President's signature of the indemnification agreement between the DOT Secretary and the head of another U.S. government agency will constitute the required finding under current law that the flight is necessary to carry out the foreign policy of the United States.

Section 4 of the bill permits a war risk insurance policy to provide for binding arbitration of a dispute between the FAA and the commercial insurer over what part of a loss each is responsible.

And finally, the bill includes a very simple provision designed to fix a problem experienced by defense contractors who lease back their planes from the military in order to fly them in air shows or other similar demonstrations.

Although this practice has been going on for many years, some in the FAA have interpreted the law in a way that would prevent this from occurring.

This bill would allow these flight demonstrations, which are important to product development and company sales, to take place.

I strongly urge the House to support this legislation so that we can reauthorize this very essential program.

## CONSIDERING AS PASSED H. CON. RES. 131, SENSE OF CONGRESS REGARDING THE OCEAN, AS AMENDED

Mr. ARMEY. Mr. Speaker, I ask further unanimous consent that the amendment to H. Con. Res. 131 placed at the desk be considered as adopted and the resolution H.Con.Res. 131 be considered as adopted, and a motion to reconsider be laid on the table.

The text of H.Con.Res. 131 is as follows:

H. CON. RES. 131

Whereas the ocean comprises nearly three quarters of the surface of the Earth;

Whereas the ocean contains diverse species of fish and other living organisms which form the largest ecosystem on Earth;

Whereas these living marine resources provide important food resources to the United States and the world, and unsustainable use of these resources has unacceptable economic, environmental, and cultural consequences;

Whereas the ocean and sea floor contain vast energy and mineral resources which are critical to the economy of the United States and the world;

Whereas the ocean largely controls global weather and climate, and is the ultimate source of all water resources;

Whereas the vast majority of the deep ocean is unexplored and unknown, and the ocean is truly the last frontier on Earth for science and civilization;

Whereas the ocean is the common means of transportation between coastal nations and carries the majority of the United States foreign trade;

Whereas any nation's use or misuse of ocean resources has effects far beyond that nation's borders; and

Whereas the United Nations has declared 1998 to be the International Year of the Ocean, and in order to observe such celebration, the National Oceanic and Atmospheric Administration and other Federal agencies, in cooperation with organizations concerned with ocean science and marine resources, have resolved to promote exploration, utilization, conservation, and public awareness of the ocean: Now, therefore, be it

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

(1) the ocean is of paramount importance to the economic future, environmental quality, and national security of the United States;

(2) the United States has a responsibility to exercise and promote comprehensive stewardship of the ocean and the living marine resources it contains; and

(3) the agencies of the United States Government, and all other public and private organizations, are encouraged to strive toward a better understanding of the ocean, communicate this understanding to the people of the United States, and thereby promote the exploration of the ocean, the sustainable use of ocean resources, and the conservation of these resources for future generations.

The text of House Concurrent Resolution 131, as amended, is as follows:

H. CON. RES. 131

Whereas the ocean, which comprises nearly three-quarters of the Earth's surface, sustains a large part of the Earth's biodiversity, provides an important source of food, and interacts with and affects global weather and climate;

Whereas the ocean is critical to national security, is the common means of transportation among coastal nations, and carries 95 percent of the United States foreign trade;

Whereas the ocean and sea floor contain vast energy and mineral resources that are critical to the economy of the United States and the world;

Whereas ocean resources are limited and susceptible to change as a direct and indirect result of human activities, and such changes can impact the ability of the ocean to provide the benefits upon which the Nation depends;

Whereas the vast majority of the deep ocean is unexplored and unknown, and the ocean is truly the last frontier on Earth for science and civilization;

Whereas there exists significant promise for the development of new ocean technologies for stewardship of ocean resources that will contribute to the economy through business and manufacturing innovations and the creation of new jobs;

Whereas any nation's use or misuse of ocean resources has effects far beyond that nation's borders;

Whereas it has been 30 years since the Commission on Marine Science, Engineering, and Resources (popularly known as the Stratton Commission) met to examine the state of United States ocean policy and issued recommendations that led to the present Federal structure for oceanography and marine resource management; and

Whereas 1998 has been declared the International Year of the Ocean, and in order to observe such celebration, the National Oceanic and Atmospheric Administration and other Federal agencies, in cooperation with organizations concerned with ocean science and marine resource,s have resolved to promote exploration, utilization, conservation, and public awareness of the ocean: Now, therefore, be it

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

(1) the ocean is of paramount importance to the economic future, environmental quality, and national security of the United States;

(2) the United States has a responsibility to exercise and promote comprehensive stewardship of the ocean and the living marine resources it contains; and

(3) Federal agencies are encouraged to take advantage of the United States and international focus on the oceans in 1998, to—

(A) review United States oceanography and marine resource management policies and programs;

(B) identify opportunities to streamline, better direct, and increase interagency cooperation in oceanographic research and marine resource management policies and programs; and

(C) develop scientific, educational, and resource management programs which will advance the exploration of the ocean and the sustainable use of ocean resources.

Amend the title so as to read: ''Concurrent resolution acknowledging 1998 as the International Year of the Ocean and expressing the sense of Congress regarding the ocean.''.

## CONSIDERING AS ADOPTED S. 1193, AND H.R. 2036, AVIATION INSURANCE REAUTHORIZATION ACT OF 1997

Mr. ARMEY. Mr. Speaker, I ask further unanimous consent that the Senate bill (S. 1193) to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes, the counterpart of H.R. 2036, considered by the House on Monday, September 29, 1997, be considered as adopted, and the motion to reconsider be laid on the table.

The text of S. 1193 is as follows:

S. 1193

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Aviation Insurance Reauthorization Act of 1997''.

**SEC. 2. VALUATION OF AIRCRAFT.**

(a) GENERAL AUTHORITY FOR INSURANCE AND REINSURANCE.—Section 44302(a)(2) of title 49, United States Code, is amended by striking ''as determined by the Secretary.'' and inserting ''as determined by the Secretary in accordance with reasonable business practices in the commercial aviation insurance industry.''.

(b) LIMITATION ON MAXIMUM INSURED AMOUNT.—Section 44306(c) of title 49, United States Code, is amended by striking ''as determined by the Secretary.'' and inserting ''as determined by the Secretary in accordance with reasonable business practices in the commercial aviation insurance industry.''.

**SEC. 3. EFFECT OF INDEMNITY AGREEMENTS.**

Section 44305(b) of title 49, United States Code, is amended by adding at the end the following: ''If such an agreement is countersigned by the President or the President's designee, the agreement shall constitute, for purposes of section 44302(b), a determination that continuation of the aircraft operations to which the agreement applies is necessary to carry out the foreign policy of the United States.''.

**SEC. 4. ARBITRATION AUTHORITY.**

(a) AUTHORIZATION OF BINDING ARBITRATION.—Section 44308(b)(1) of title 49, United States Code, is amended by inserting after the second sentence the following: ''Any such policy may authorize the binding arbitration of claims made thereunder in such manner as may be agreed to by the Secretary and any commercial insurer that may be responsible for any part of a loss to which such policy relates.''.

(b) AUTHORITY TO PAY ARBITRATION AWARD.—Section 44308(b)(2) of such title is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) pay the amount of a binding arbitration award made under paragraph (1); and''.

**SEC. 5. EXTENSION OF PROGRAM.**

(a) IN GENERAL.—Section 44310 of title 49, United States Code, is amended by striking ''September 30, 2002'' and inserting ''December 31, 1998''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 1997.

**SEC. 6. USE OF AIRCRAFT FOR DEMONSTRATION.**

Section 40102(a)(37)(A) of title 49, United States Code, is amended—

(1) by striking ''or'' in clause (i);

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following:

''(ii) owned by the United States Government and operated by any person for purposes related to crew training, equipment development, or demonstration; or''.

(For text of H.R. 2036, see proceedings of the House of Monday, September 29, 1997, at page H8092.)

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the bill, H.R. 2036, be laid on the table.

The SPEAKER pro tempore. Is there objection to the combined requests of the gentleman from Texas?

There was no objection.

Mr. SHUSTER. Mr. Speaker, the War Risk Insurance Program has been a relatively noncontroversial program. It was first authorized in 1951 and last reauthorized in 1992.

Since 1975, it has been used to insure more than 5,000 flights to trouble spots such as the Middle East, Haiti, and Bosnia. It was used to insure airlines ferrying troops and supplies to the Middle East during Operation Desert Storm. The program expired on September 30, 1997. The reauthorization of this program is relatively straightforward.

Several technical changes suggested by GAO, the administration, or the affected airlines have been included in the bill. These changes would do the following: First, authorize the Secretary to be guided by the reasonable business practices of the commercial aviation insurance industry when determining the amount for which an aircraft should be insured. This change is intended to recognize that there may be instances in which an aircraft's market value is not the appropriate basis for determining the amount of insurance. For example, this occurs in the case of leased or mortgaged aircraft when the lessor or mortgagor require a specified amount of insurance in the lease or mortgage agreement. As the market values of aircraft fluctuate, the specified amount may sometimes be different than the market value of the aircraft. Second, state that the President's signature of the indemnification agreement between the DOT Secretary and the head of another U.S. Government agency will coinstitute the required finding that the flight is necessary to carry out the foreign policy of the United States. Third, permit war risk insurance policy to provide for binding arbitration of a dispute between FAA and the commercial insurer over what part of a loss each is responsible for. And fourth, extend the program for 1 year.

There are three changes from the bill that was reported by our committee, Report 105–244. They are: Elimination of the provision on borrowing authority; shortening of the authorization period; and a very limited provision on public aircraft.

The elimination of the borrowing authority and the shortening of the reauthorization period are closely related.

We have dropped the borrowing authority at the request of the administration. However, FAA officials have committed to us that in return for eliminating this provision, they would work with us to develop an alternative to ensure that airline insurance claims can be paid in a timely fashion. We look forward to working with the FAA, DOD, and the airlines on this.

The reauthorization period has been shortened to 1 year to ensure that FAA addresses this matter in the next year. It is our intent that the 1-year reauthorization period in this bill would supersede the longer period in section 1088 of the DOD reauthorization bill.

The new provision on public aircraft is a response to a problem recently experienced by Boeing, McDonnell-Douglas, and other defense contractors. The problem arises because these companies will sometimes lease back from the military aircraft that they had previously sold them. The do this in order to fly them in air shows, flight demonstrations, research, development, test, evaluation, or aircrew qualification. When they do this, FAA now believes that they lose their status as public aircraft and become subject to FAA regulations. However, as military aircraft, they cannot comply with civil regulations.

In order to allow aircraft manufacturers to once again fly their aircraft in air shows and demonstrate them for customers, this bill will make clear that these aircraft retain their status as public aircraft when leased back to the manufacturer from the Government for these limited purposes. This provision will certainly not allow anyone to lease a plane from the military and use it to carry passengers or for similar commercial purposes.

This bill is essentially the same as H.R. 2036 that the House debated on September 29, 1997. I urge support for this legislation.

## TRIBUTE TO ED NICHOLS UPON HIS RETIREMENT

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

Mr. KLECZKA. Mr. Speaker, I rise today to dispel a myth. Most of us who frequent this Chamber, if we ever stop to consider it, probably think the mace just magically appears and disappears at the start and conclusion of each session. The truth is much harder to believe. For the past 21 years, without missing a single day, a gentleman named Ed Nichols has faithfully carried out the ceremonial duties associated with the mace. An historic symbol of the duty of the Sergeant at Arms to keep order in the House of Representatives, the mace, right behind me, lets us know at a glance when we are meeting in the full session.

Ed has decided to retire at the end of the 105th Congress, and that end has come tonight. His career on Capitol Hill began in 1976 with the office of Sergeant at Arms. Previous to that, he spent several years in the Navy living for a time in Japan with his wife Joan. As assistant to the Sergeant at Arms, Ed's duties extended beyond the care and feeding of the mace, to include accompanying delegations of Members for a variety of activities, most recently to the funeral services for our late colleague Walter Capps.

Members new to the institution found Ed a willing and friendly source of information as they struggled to get a handle on the legislative process. Perhaps this is where we will miss Ed most of all.

The sense of loss we feel in Ed's retirement is tempered by the knowledge that a long-cherished dream is about to become a reality. Ed and his beloved wife Joan recently purchased a beautiful home on Maryland's Eastern Shore. Their two sons, Ron and Bobby, and their daughter Susan, along with their four grandchildren, are blocking off vacation time at this home as this tribute is being delivered tonight.

Ed leaves behind a career of dedication to this institution that will not be forgotten or easily duplicated. We join together today to wish him the very best, which is what he gave to us every day.

Ed, good fishing, good golfing, good luck, and, good God, please don't write a book.

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

Mr. KLECZKA. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, Ed Nichols, I remember, if I may, watching the House of Representatives back in 1982 and 1983, before I even thought of being a Member. I was always so impressed with the opening of the House, even as a citizen, having never in my life having been to Washington or in this Chamber, the ceremony, the seriousness of the matter, the professionalism by which the House is opened each day. Some days it seems like the last moment of professionalism for the House that day, as it gets to be a raucus-caucus place on occasion. But always when Ed Nichols would open that door and bring that mace before us, we knew something important was going to happen in the Nation's business that day.

Ed has done this for 21 years as a service to his country, to this Chamber, and I believe to his family and to each Member here. If I might join the gentleman in wishing my best for you in retirement, may your home never be large enough to hold all your friends, and may you outlive all your enemies.

Ms. DUNN of Washington. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentlewoman from Washington.

Ms. DUNN. Mr. Speaker, I, too, am one of the admirers of Ed Nichols. There are many people in this body who walk through your life and leave no imprint, but there are others like Ed Nichols, whom you remember forever. Ed is a person to me who epitomizes everything good about the institution of the House, and that is probably because he is dedicated to it and committed to it and loves this place. You can tell that when you talk to the other people who work around this body and how much they are going to miss Ed Nichols as he leaves to go to his chosen retreat on the Eastern Shore to fish and enjoy time with his family.

I came here 5 years ago, and he was the first person I noticed as I walked in for my first vote. He was the epitome of the dignity that I expected to find after having been honored by my constituents as they chose me to come and represent them. He is the person we looked toward as we walked onto the floor of the House for votes, who personified the traditions of this great place, the seriousness of this great institution, and the love that those of us who are committed to this House now feel for it.

So for the time I have been here, Ed has been a fixture, and he has made an imprint on my life. He is not somebody that I will soon forget, and it is for this reason, Ed, that I am honored to be able to say thank you for the good things that you have done for those of us who cherish this experience. We know you cherish it along with us. It is my great honor to say thank you on behalf of all of us. We will miss you.

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

Mr. KLECZKA. I yield to the gentleman from Arizona.

Mr. PASTOR. Mr. Speaker, in October 1991 when I first came to this House, one of the persons in this House, after I was sworn in, who came to me and said, if I can be of any help, please call on me, and I have to tell you that from that day and even today, I sometimes seek his counsel, and I cherish his friendship.

So, Ed, I want to thank you form the friendship you have given me. I want to thank you for the 21 years of service you have given this country, and I wish you the best and many years of retirement.

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

Mr. KLECZKA. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I rise because I am really somewhat shocked this evening, having heard the remarks of my friend from Arizona, my friend from Washington, my friend from Texas. I had been up to this moment convinced I was the only person in this Chamber that Ed Nichols had came to and said, you know, I will do anything for you that I possibly can to help you.

But I find that he was more even-handed than any of us could have possibly thought. He did a great deal, not only ceremonially, but in providing assistance to many of us, and I have to say that I had the great opportunity to get to know Ed and his wife Joan when we used to have those wonderful trips that would go in a bipartisan way every other year to New York City, and I remember those many visits. My friend from New York City, Mr. GILMAN, is applauding once again, hoping we can once again have those sorts of bipartisan quarters. Ed will not be here for those, but he clearly did play a role in facilitating those, making them a very, very enjoyable experience for every one of us.

Obviously, here in this Chamber, as I said, he obviously has helped many, many others, and I appreciate his friendship, and I am very gratified by the directive that has come from my friend from Wisconsin that Mr. Nichols not write a book.

Thank you very much.

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

Mr. KLECZKA. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Wisconsin for yielding.

I rise, Ed, on behalf of myself, but also on behalf of the Minority Leader, DICK GEPHARDT; our Whip, DAVID BONIOR; the Chairman of our Caucus, VIC FAZIO, and the Vice Chairman of our Caucus, BARBARA KENNELLY, and all the other leadership and Members on our side of the aisle.

Ed Nichols has chosen well for the Eastern Shore. Now, I represent the Western Shore, and WAYNE GILCHREST is not here, but I am sure that WAYNE would swell with pride and be delighted, Ed, that you are going to spend many years of full enjoyment of not only the Shore, but of the many recreational opportunities it has. As the gentleman from Wisconsin has said, and the majority leader said, a house full of relatives and friends.

□ 2330

Far too often, as I have said so many times on this floor, the public turns on C-Span and they see confrontation. Sometimes they even see vitriol directed at one another.

What they do not see often enough is the human relationships of which the gentlewoman from Washington [Ms. DUNN] spoke. What they do not see is the commitment and dedication of the folks who sit at the desk and stand on the floor to ensure that in the context of the confrontation of philosophies and ideas, that there is a semblance of order which allows us to do the people's business, which allows this people's House to act in the finest traditions of democracy. It is people who, as has been said before, like Ed Nichols, dedicated to his country, dedicated to this institution.

Ed Nichols has served under 5 Speakers of the House: Speaker Albert, Speaker O'Neill, Speaker Wright, Speaker Foley, and now Speaker GINGRICH. He has served, as my colleagues can tell from listening to the comments made by both sides of the aisle, by Members more liberal, by Members more conservative, he has dealt with each of us in an evenhanded, positive fashion, reaching out to us to assist us in representing to the very best of our abilities the people of our constituencies. And in so doing, he has made a very significant and lasting contribution to the strength of this country and the strength of this institution.

Ed, we will miss you from this floor. We will not forget you. We hope you will return often for that smile and the warm word, the handshake, the nod of encouragement. It meant a great deal to all of us. God bless and Godspeed.

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

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

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding to me, because I am pleased, and yet I am mournful of the fact that Ed Nichols is leaving us in this Chamber.

Mr. Speaker, I have had people say to me, when they have watched C-Span, they have called and said, who is that good-looking, gray-haired man who brings in the mace? And I think to myself, Ed Nichols, of course.

In fact, somebody even asked me where you lived, Ed. I really wanted to say he is my constituent. He lives in Montgomery County, Maryland. But unfortunately for me, he is moving to the Eastern Shore, to another part of Maryland, but for me he will always be not only my constituent, but my very good friend.

He has seen a lot of things happen in his 20-plus years, his 2 decades plus 1 here on this House floor, and he also has a great sense of humor, and I often think that as we enter the Chamber, there is a statue of Will Rogers there and he is kind of looking down, sort of smiling.

I remember something that Will Rogers said, not because I was there, but I remember reading about Will Rogers making the statement that Congress is a place where somebody speaks and says nothing, nobody listens, and everybody disagrees.

Well, I do not know. I think we have our man here who could give testimony to the fact that a lot of good things do happen in this Chamber. I know that we will always remember the fact that he was there, as has been mentioned, ready to help us, ready to smile, to say everything is going to be fine, this is the way it is done, and very professional, very professional and dignified in all that he did. He made this station be exactly what it should be: One where all of us can look up to what he has done.

So Ed, we appreciate your sense of humor, your professionalism, your dignity, your fairness. On both sides of the aisle we can see tremendous testimony given to you. I will be very careful about those speed bumps in your neighborhood. I do not know whether they have them on the Eastern Shore or not, probably not.

But quite candidly, I will miss you, my colleagues will miss you, and we hope that you have a grand time. As Emerson said to Thoreau, ''I meet you at the beginning of a new adventure.'' May you enjoy your adventure, because you certainly left an impact here. Thank you. Godspeed.

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

Mr. KLECZKA. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

I began my service in this body as a member of the staff, and I have great respect and particular appreciation for those who serve to support this institution and support the Members and guide them, point them in the right path, and that is what Ed Nichols has been for all of us. He has been a safe haven in a storm, and when things were swirling about and there was confusion on the floor, many is the Member who sought the quiet refuge and the steady hand of Ed Nichols off in the corner, explaining what had happened, predicting what was about to happen, and apologizing when it did not happen that way.

He understands the institutions, he understood each of us and our specific needs, and he responded in a very special and unique way. But the treasure, for all of the kind and wonderful things that others have said about Ed Nichols, the treasure I will carry with me is the treasure of his friendship, the warmth and the caring of a very special person.

I recall when my wife Jo passed away and Ed was there to help with the arrangements for the Mass of Resurrection. For all those who came to pay their respects, he made it all happen in a very orderly and respectful manner, as he has conducted himself in this office that he holds and which he is about to leave.

Adlai STEVENSon, addressing a graduating class, said, ''As you leave, remember why you came.'' Ed will never forget why he came. He came to serve. We thank you for that service.

Mr. KLECZKA. So Ed, on behalf of all of your friends here in the House of Representatives, let me thank you for your 21 years of dedicated service. May you enjoy your retirement in good health and with God's blessing, and know that when I have the annual get-together in Milwaukee, Wisconsin with kielbasa, you are always invited.

## LIST OF REPUBLICAN MEMBERS SELECTED TO SERVE AS ''POOL'' FOR PURPOSES RELATING TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 6 of rule X, the Chair announces the Speaker's appointment of the following Members to serve as need on investigative subcommittees as prescribed by the recently enacted ethics reforms:

Mr. BATEMAN of Virginia.
Mr. BRYANT of Tennessee.
Mr. DEAL of Georgia.
Mr. HASTINGS of Washington.
Mr. MCCRERY of Louisiana.
Mr. MCKEON of California.
Mr. MILLER of Florida.
Mr. PORTMAN of Ohio.
Mr. TALENT of Missouri.
Mr. THORNBERRY of Texas.

## LIST OF DEMOCRATIC MEMBERS SELECTED TO SERVE AS ''POOL'' FOR PURPOSES RELATING TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore. Pursuant to clause 6 of rule X, the Chair lays before the House the following communication:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, OFFICE OF THE DEMOCRATIC LEADER,
*Washington, DC, November 13, 1997.*

Speaker NEWT GINGRICH,
*House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: Following is the list of Members I have selected to serve as the ''pool'' for purposes relating to the Committee on Standards:

Mr. Clyburn of South Carolina.
Mr. Doyle of Pennsylvania.
Mr. Edwards of Texas.
Mr. Klink of Pennsylvania.
Mr. Lewis of Georgia.
Ms. Meek of Florida.
Mr. Scott of Virginia.
Mr. Stupak of Michigan.
Mr. Tanner of Tennessee.

Sincerely.

RICHARD A. GEPHARDT.

## CONSIDERING AS PASSED AND ADOPTED S. 1565, TECHNICAL CORRECTIONS TO NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT; S. 1559, CENTER FOR HISTORICALLY BLACK HERITAGE; S. CON. RES. 70, CORRECTING TECHNICAL ERROR IN ENROLLMENT OF S. 1026

Mr. THUNE. Mr. Speaker, I ask unanimous consent that the following measures be taken from the Speaker's desk and be considered as passed or adopted respectively:

S. 1565, to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act; S. 1559, to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University; and S. Con. Res. 70, to correct a technical error in the enrollment of the bill S. 1026.

The text of S. 1565 is as follows:

S. 1565

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

**SECTION 1. TECHNICAL CORRECTIONS TO NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.**

(a) ADJUSTMENT OF STATUS.—Section 202(a)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the matter preceding subparagraph (A), by striking ''Notwithstanding section 245(c) of the Immigration and Nationality Act, the'' and inserting ''The''; and

(2) in subparagraph (B)—

(A) by striking ''is otherwise eligible to receive an immigrant visa and''; and

(B) by striking ''(6)(A), and (7)(A)'' and inserting ''(6)(A), (7)(A), and (9)(B)''.

(b) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the matter preceding subparagraph (A), by striking ''Notwithstanding section 245(c) of the Immigration and Nationality Act, the'' and inserting ''The''; and

(2) in subparagraph (D)—

(A) by striking ''is otherwise eligible to receive an immigrant visa and'';

(B) by striking ''exclusion'' and inserting ''inadmissibility''; and

(C) by striking ''(6)(A), and (7)(A)'' and inserting ''(6)(A), (7)(A), and (9)(B)''.

(c) TRANSITIONAL RULES WITH REGARD TO SUSPENSION OF DEPORTATION.—Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as added by section 203(a)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended (1) in clause (i),in the matter preceding subclause (I), by inserting ''of this paragraph'' after ''subparagraph (A)''; (2) in clause (ii), by striking ''this clause (i),'' and inserting ''clause (i)''.

(d) TEMPORARY REDUCTION IN DIVERSITY VISAS.—Section 203(d) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in paragraph (1) by inserting ''otherwise'' before ''available under that section''; and

(2) in paragraph (2)(A)—

(A) by striking ''309(c)(5)(C)'' and inserting ''309(c)(5)(C)(i)''; and

(B) by striking ''year exceeds—'' and inserting ''year; exceeds''.

(e) TEMPORARY REDUCTION IN OTHER WORKERS' VISAS.—Section 203(e)(2)(A) of the Nicaraguan Adjustment and Central American Relief Act is amended by striking ''(d)(2)(A), exceeds—'' and inserting ''(d)(2)(A); exceeds''.

(f) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect upon the enactment of the Nicaraguan Adjustment and Central American Relief Act (as contained in the District of Columbia Appropriations Act, 1998); and

(2) shall be effective as if included in the enactment of such Act.

The text of S. 1559 is as follows:

S. 1559

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

**SECTION 1. CONSTRUCTION OF A CENTER FOR REGIONAL BLACK CULTURE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Currently 500,000 historically important artifacts of the Civil War era and the early days of the civil rights movement in the Southeast region of the United States are housed at Florida A&M University.

(2) To preserve this large repository of African-American history and artifacts it is appropriate that the Federal Government share in the cost of construction of this national repository for culture and history.

(b) DEFINITION.—In this section:

(1) CENTER.—The term ''Center'' means the Center for Historically Black Heritage at Florida A&M University.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Interior acting through the Director of the National Park Service.

(c) CONSTRUCTION OF CENTER.—The Secretary may award a grant to the State of Florida to pay for the Federal share of the cost, design, construction, furnishing, and equipping of the Center at Florida A&M University.

(d) GRANT REQUIREMENTS.—

(1) IN GENERAL.—In order to receive a grant awarded under subsection (c), Florida A&M University, shall submit to the Secretary a proposal.

(2) FEDERAL SHARE.—The Federal share described in subsection (c) shall be 50 percent.

(e) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary of Interior to carry out this section a total of $3,800,000 for fiscal year 1998 and any succeeding fiscal years. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expanded.

The text of Senate Concurrent Resolution 70 is as follows:

S. CON. RES. 70

*Resolved by the Senate (the House of Representatives concurring),* That, in the enrollment of the bill (S. 1026) to reauthorize the Export-Import Bank of the United States, the Secretary of the Senate shall strike subsection (a) of section 2 and insert the following:

''(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking 'until' and all that follows through 'but' and inserting 'until the close of business on September 30, 2001, but'.''.

## LOWER BRULE SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND ACT

Mr. THUNE. Mr. Speaker, I ask further unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 156), to provide certain benefits of the Pick-Sloan Missouri River Basin Program to the Lower Brule Sioux Tribe, and for other purposes, and that the bill be considered as passed.

The text of S. 156 is as follows:

S. 156

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) under the Act of December 22, 1944, commonly known as the ''Flood Control Act of 1944'' (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.) Congress approved the Pick-Sloan Missouri River Basin program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Fort Randall and Big Bend projects are major components of the Pick-Sloan Missouri River Basin program, and contribute to the national economy by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(3) the Fort Randall and Big Bend projects overlie the eastern boundary of the Lower Brule Indian Reservation, having inundated the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Lower Brule Sioux Tribe and the homeland of the members of the Tribe;

(4) Public Law 85–923 (72 Stat. 1773 et seq.) authorized the acquisition of 7,997 acres of Indian land on the Lower Brule Indian Reservation for the Fort Randall project and Public Law 87–734 (76 Stat. 698 et seq.) authorized the acquisition of 14,299 acres of Indian land on the Lower Brule Indian Reservation for the Big Bend project;

(5) Public Law 87–734 (76 Stat. 698 et seq.) provided for the mitigation of the effects of the Fort Randall and Big Bend projects on the Lower Brule Indian Reservation, by directing the Secretary of the Army to—

(A) as necessary, by reason of the Big Bend project, protect, replace, relocate, or reconstruct—

(i) any essential governmental and agency facilities on the reservation, including schools, hospitals, offices of the Public

Health Service and the Bureau of Indian Affairs, service buildings, and employee quarters existing at the time that the projects were carried out; and

(ii) roads, bridges, and incidental matters or facilities in connection with those facilities;

(B) provide for a townsite adequate for 50 homes, including streets and utilities (including water, sewage, and electricity), taking into account the reasonable future growth of the townsite; and

(C) provide for a community center containing space and facilities for community gatherings, tribal offices, tribal council chamber, offices of the Bureau of Indian Affairs, offices and quarters of the Public Health Service, and a combination gymnasium and auditorium;

(6) the requirements under Public Law 87–734 (76 Stat. 698 et seq.) with respect to the mitigation of the effects of the Fort Randall and Big Bend projects on the Lower Brule Indian Reservation have not been fulfilled;

(7) although the national economy has benefited from the Fort Randall and Big Bend projects, the economy on the Lower Brule Indian Reservation remains underdeveloped, in part as a consequence of the failure of the Federal Government to fulfill the obligations of the Federal Government under the laws referred to in paragraph (4);

(8) the economic and social development and cultural preservation of the Lower Brule Sioux Tribe will be enhanced by increased tribal participation in the benefits of the Fort Randall and Big Bend components of the Pick-Sloan Missouri River Basin program; and

(9) the Lower Brule Sioux Tribe is entitled to additional benefits of the Pick-Sloan Missouri River Basin program.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) FUND.—The term ''Fund'' means the Lower Brule Sioux Tribe Infrastructure Development Trust Fund established under section 4(a).

(2) PLAN.—The term ''plan'' means the plan for socioeconomic recovery and cultural preservation prepared under section 5.

(3) PROGRAM.—The term ''Program'' means the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) TRIBE.—The term ''Tribe'' means the Lower Brule Sioux Tribe of Indians, a band of the Great Sioux Nation recognized by the United States of America.

**SEC. 4. ESTABLISHMENT OF LOWER BRULE SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.**

(a) LOWER BRULE SIOUX TRIBE INFRASTRUCTURE DEVELOPMENT TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the ''Lower Brule Sioux Tribe Infrastructure Development Trust Fund''.

(b) FUNDING.—Beginning with fiscal year 1998, and for each fiscal year thereafter, until such time as the aggregate of the amounts deposited in the Fund is equal to $39,300,000, the Secretary of the Treasury shall deposit into the Fund an amount equal to 25 percent of the receipts from the deposits to the Treasury of the United States for the preceding fiscal year from the Program.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) ESTABLISHMENT OF ACCOUNT AND TRANSFER OF INTEREST.—The Secretary of the Treasury shall, in accordance with this subsection, transfer any interest that accrues on amounts deposited under subsection (b) into a separate account established by the Secretary of the Treasury in the Treasury of the United States.

(2) PAYMENTS.—

(A) IN GENERAL.—Beginning with the fiscal year immediately following the fiscal year during which the aggregate of the amounts deposited in the Fund is equal to the amount specified in subsection (b), and for each fiscal year thereafter, all amounts transferred under paragraph (1) shall be available, without fiscal year limitation, to the Secretary of the Interior for use in accordance with subparagraph (C).

(B) WITHDRAWAL AND TRANSFER OF FUNDS.—For each fiscal year specified in subparagraph (A), the Secretary of the Treasury shall withdraw amounts from the account established under paragraph (1) and transfer such amounts to the Secretary of the Interior for use in accordance with subparagraph (C). The Secretary of the Treasury may only withdraw funds from the account for the purpose specified in this paragraph.

(C) PAYMENTS TO TRIBE.—The Secretary of the Interior shall use the amounts transferred under subparagraph (B) only for the purpose of making payments to the Tribe.

(D) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (C) only for carrying out projects and programs pursuant to the plan prepared under section 5.

(3) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this subsection may be distributed to any member of the Tribe on a per capita basis.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

**SEC. 5. PLAN FOR SOCIOECONOMIC RECOVERY AND CULTURAL PRESERVATION.**

(a) PLAN.—

(1) IN GENERAL.—The Tribe shall, not later than 2 years after the date of enactment of this Act, prepare a plan for the use of the payments made to the Tribe under section 4(d)(2). In developing the plan, the Tribe shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(2) REQUIREMENTS FOR PLAN COMPONENTS.—The plan shall, with respect to each component of the plan—

(A) identify the costs and benefits of that component; and

(B) provide plans for that component.

(b) CONTENT OF PLAN.—The plan shall include the following programs and components:

(1) EDUCATIONAL FACILITY.—The plan shall provide for an educational facility to be located on the Lower Brule Indian Reservation.

(2) COMPREHENSIVE INPATIENT AND OUTPATIENT HEALTH CARE FACILITY.—The plan shall provide for a comprehensive inpatient and outpatient health care facility to provide essential services that the Secretary of Health and Human Services, in consultation with the individuals and entities referred to in subsection (a)(1), determines to be—

(A) needed; and

(B) unavailable through facilities of the Indian Health Service on the Lower Brule Indian Reservation in existence at the time of the determination.

(3) WATER SYSTEM.—The plan shall provide for the construction, operation, and maintenance of a municipal, rural, and industrial water system for the Lower Brule Indian Reservation.

(4) RECREATIONAL FACILITIES.—The plan shall provide for recreational facilities suitable for high-density recreation at Lake Sharpe at Big Bend Dam and at other locations on the Lower Brule Indian Reservation in South Dakota.

(5) OTHER PROJECTS AND PROGRAMS.—The plan shall provide for such other projects and programs for the educational, social welfare, economic development, and cultural preservation of the Tribe as the Tribe considers to be appropriate.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such funds as may be necessary to carry out this Act, including such funds as may be necessary to cover the administrative expenses of the Fund.

**SEC. 7. EFFECT OF PAYMENTS TO TRIBE.**

(a) IN GENERAL.—No payment made to the Tribe pursuant to this Act shall result in the reduction or denial of any service or program to which, pursuant to Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

(b) EXEMPTIONS; STATUTORY CONSTRUCTION.—

(1) POWER RATES.—No payment made pursuant to this Act shall affect Pick-Sloan Missouri River Basin power rates.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed as diminishing or affecting—

(A) any right of the Tribe that is not otherwise addressed in this Act; or

(B) any treaty obligation of the United States.

## SENSE OF HOUSE REGARDING IRAQ

Mr. THUNE. Mr. Speaker, I ask further unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 322), expressing the sense of the House that the United States should act to resolve the crisis with Iraq in a manner that assures full Iraqi compliance with United Nations Security Council resolutions regarding the destruction of Iraq's capability to produce and deliver weapons of mass destruction, and that peaceful and diplomatic efforts should be pursued, but that if such efforts fail, multilateral military action or unilateral United States military action should be taken; the amendment to the text that I have placed at the desk be considered as adopted; the resolution be considered as adopted; and the amendment to the preamble that I have placed at the desk be considered as adopted.

The text of H. Res. 322, as amended, is as follows:

H. RES. 322

Whereas at the conclusion of the Gulf War the United States and the United Nations acting through the Security Council determined to find and destroy all of Iraq's capability to produce chemical, biological, and nuclear weapons and its ability to produce missiles capable of delivering such weapons of mass destruction;

Whereas in pursuit of this goal, the United Nations set up a special multinational commission of experts to oversee the completion

of this task (the United Nations Special Commission—UNSCOM), and that task could and should have been accomplished within a matter of months if Iraq had cooperated with the United Nations officials;

Whereas sanctions were imposed upon Iraq to insure its compliance with United Nations directives to eliminate its capability to produce weapons of mass destruction, with the provision that the sanctions would be lifted when UNSCOM certified that Iraq's capability to produce weapons of mass destruction had been eliminated;

Whereas for six and a half years Iraq has pursued a policy of deception, lies, concealment, harassment and intimidation in a deliberate effort to hamper the work of UNSCOM in eliminating Iraq's ability to produce and deliver weapons of mass destruction; and

Whereas recently the government of Iraq has escalated its policy of non-compliance with United Nations Security Council resolutions by refusing to permit United States citizens who are recognized specialists from participating as members of UNSCOM teams in carrying out in Iraq actions to implement Security Council resolutions: Now, therefore, be it

*Resolved,* That it is the sense of the United States House of Representatives

(1) that the current crisis regarding Iraq should be resolved peacefully through diplomatic means but in a manner which assures full Iraqi compliance with United Nations Security Council resolutions, regarding the destruction of Iraq's capability to produce and deliver weapons of mass destruction;

(2) that in the event that military means are necessary to compel Iraqi compliance with United Nations Security Council resolutions, such military action should be undertaken with the broadest feasible multi-national support, preferably pursuant to a resolution of the United Nations Security Council;

(3) but that if it is necessary, the United States should take military action unilaterally to compel Iraqi compliance with United Nations Security Council resolutions.

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Strike all after the resolved clause and insert the following:

That it is the sense of the House of Representatives that—

(1) the current crisis regarding Iraq should be resolved peacefully through diplomatic means but in a manner which assures full Iraqi compliance with United Nations Security Council resolutions regarding the destruction of Iraq's capability to produce and deliver weapons of mass destruction;

(2) in the event that military means are necessary to compel Iraqi compliance with United Nations Security Council resolutions, such military action should be undertaken with the broadest feasible multinational support, preferably pursuant to a decision of the United Nations Security Council; and

(3) if it is necessary, however, the United States should take military action unilaterally to compel Iraqi compliance with United Nations Security Council resolutions.

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Strike all that precedes the resolved clause and insert the following:

Whereas at the conclusion of the Gulf War the United States and the United Nations, acting through the Security Council, determined to find and destroy all of Iraq's capability to produce chemical, biological, and nuclear weapons and its ability to produce missiles capable of delivering such weapons of mass destruction;

Whereas in pursuit of this goal, the United Nations set up a special multinational commission of experts to oversee the completion of this task (the United Nations Special Commission—UNSCOM), and that task could and should have accomplished within a matter of months if Iraq had cooperated with United Nations officials;

Whereas sanctions were imposed upon Iraq to insure its compliance with United Nations directives to eliminate its capability to produce weapons of mass destruction;

Whereas for 6½ years Iraq has pursued a policy of deception, lies, concealment, harassment, and intimidation in a deliberate effort to hamper the work of UNSCOM in eliminating Iraq's ability to produce and deliver weapons of mass destruction; and

Whereas recently the Government of Iraq has escalated its policy of noncompliance and continues to breach in a material way United Nations Security Council resolutions by refusing to permit United States citizens who are recognized specialists as members of UNSCOM teams in carrying out in Iraq actions to implement Security Council resolutions: Now, therefore, be it

Mr. GILMAN. Mr. Speaker, I want to express my support for the resolution that our colleague, Mr. LANTOS, has introduced, and to commend him for his forthrightness on the issue of Saddam Hussein. I am pleased to cosponsor this bill. The current crisis with Iraq is, at its core, yet another effort by Saddam to evade sanctions and to isolate the United States from its allies.

It was decided by the member states of the United Nations, under the auspices of the U.N. Security Council, over 6 years ago, that the civilized world would no longer countenance Saddam's efforts to threaten the region and the world through chemical, biological, and nuclear means. Accordingly, UNSCOM was created to uncover and destroy Iraq's weapons of mass destruction.

The sanctions which followed were imposed upon Iraq to ensure its compliance, and were to remain in place until that capability no longer existed. However, the Iraqi regime has evaded UNSCOM's efforts at every turn, and UNSCOM inspectors have been harassed, intimidated, and deceived on a regular basis. It is testament to UNSCOM's persistence that progress in eliminating Iraq's capabilities has been made over the years. But Saddam's capabilities have not been completely eliminated.

It has become clear that Saddam Hussein's repeated refusal to permit American inspectors from participating in UNSCOM inspections cannot be allowed to stand. While all of us support resolving this latest crisis through diplomatic means, Saddam must know that force will be used, if necessary, to ensure that the U.N. Security Council resolutions are complied with.

The bill expresses the sense of the house supporting the use of force as a last resort to assure the destruction of Iraq's capability to produce and deliver weapons of mass destruction—preferably through a multilateral effort. However, the bill advocates unilateral action by the United States if necessary.

Saddam must know that our resolve is greater than his, and that we will not be swayed by our collective determination to eliminate his capability to create and inflict weapons of mass destruction upon his neighbors and the world. Accordingly, I urge our colleagues' support for this bill.

## PERMISSION FOR COMMITTEE ON BANKING AND FINANCIAL SERVICES TO FILE REPORT ON H.R. 217 NO LATER THAN DECEMBER 19, 1997.

Mr. THUNE. Mr. Speaker, I ask further unanimous consent that the Committee on Banking and Financial Services be permitted to file a report on the bill H.R. 217 no later than December 19, 1997.

The SPEAKER pro tempore. Is there objection to the combined requests of the gentleman from South Dakota?

There was no objection.

The SPEAKER pro tempore. The various motions to reconsider are laid on the table.

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## OMITTED FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, NOVEMBER 12, 1997

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## RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

HOUSE OF REPRESENTATIVES,
*Washington, DC, November 11, 1997.*

Hon. TOM RIDGE,
*Governor, Commonwealth of Pennsylvania, Harrisburg, PA.*

DEAR MR. GOVERNOR: This letter is to officially notify you of my resignation as United States Representative to the First District of Pennsylvania. President Clinton has given me the opportunity to continue my lifetime of public service by nominating me to be Ambassador to Italy, the nation of my heritage.

I thank the people of the First District for the opportunity to serve them, this country and this institution. It has been a great honor.

Thank you.

Sincerely,

THOMAS M. FOGLIETTA.

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## OMITTED FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, NOVEMBER 12, 1997, DURING CONSIDERATION OF H.R. 2709

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

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

(Mr. GILMAN. Mr. Speaker, the Iran Missile Proliferation Sanctions Act of 1997 is intended to close loopholes in our counterproliferation laws in order to address a matter of critical concern to our national security, the risk that Iran may soon obtain from firms in Russia and elsewhere the capability of producing its own medium and long-range ballistic missiles.

This legislation enjoys extremely strong support on both sides of the aisle. At last count, over 263 Members had asked to be listed as cosponsors, including both the Speaker, Mr. GINGRICH, and the Democratic leader, Mr. GEPHARDT. A companion measure in the Senate has 84 cosponsors, led by the Senate majority leader, Mr. LOTT, and by Mr. LIEBERMAN of Connecticut.

The urgency for this legislation is apparent from press reports. For more

than a year, our Government has been in constant dialog with the Russian leadership regarding Russian assistance to the Iranian ballistic missile program. The meetings have been going on, more talks are scheduled, more summits are held, yet the Iranian military continues to make rapid progress in developing long-range missiles with critically needed assistance from Russian firms. Unless something happens soon, according to press reports, Iran is likely to achieve the ability to produce its own ballistic missiles within less than 1 year.

It is now time for the Congress to say that enough is enough. We need to back up our rhetoric on nonproliferation with meaningful action. With this legislation, we will be giving Russian firms compelling reasons not to trade with Iran. The sanctions which this legislation threatens to impose will force those firms to choose between their short-term profits from dealing with Iran and potentially far more lucrative long-term economic relations with our own Nation.

To make certain that the President takes a careful look at this legislation, the amendment before us also adds to our Iranian sanctions measure the text of Senate 610, the Chemical Weapons Convention Implementation Act of 1997, which passed the Senate unanimously earlier this year. Unlike the Chemical Weapons Convention itself, which was controversial in the Senate, the implementing legislation is strongly supported all across the political spectrum, from the administration to Senators such as JOHN KYL and JESSE HELMS who have led the fight against the Chemical Weapons Convention.

Mr. Speaker, in the 1980's the world stood by as Saddam Hussein built up the Iraqi arsenal of weapons of mass destruction. This bill will help make certain that Iran does not follow the example of its neighbors in Iraq and become the next threat to international stability. Accordingly, I urge my colleagues to join in support of this measure.

Mr. Speaker, the Iran Missile Proliferation Sanctions Act of 1997 is intended to close loopholes in our counter-proliferation laws in order to address a matter of critical concern to our national security—the risk that Iran may soon obtain from firms in Russia and elsewhere the capability to produce its own medium and long-range ballistic missiles.

This legislation enjoys extremely strong support on both sides of the aisle. At last count, 263 Members had asked to be listed as cosponsors, including both the Speaker, Mr. GINGRICH, and the Democratic Leader, Mr. GEPHARDT. A companion measure in the Senate currently has 84 cosponsors, led by the Senate Majority Leader, Mr. LOTT, and by Mr. LIEBERMAN of Connecticut.

Once implemented, this bill will help to stop the scourge of missile proliferation that directly threatens our troops and our allies throughout Europe and Asia. It will help the Administration in its efforts to stop Russian institutes and research facilities from assisting Iran's medium and long range missile program, and will defuse the growing Iranian missile threat in the Persian Gulf and the Middle East.

The urgency for this legislation is apparent from recent press accounts regarding the status of Iran's ballistic missile program. For more than a year, our government has been in a constant dialog with the Russian leadership on the issue of Russian assistance to the Iranian ballistic missile program.

On April 14 of this year in a letter to Senator MCCONNELL, the President assured the Congress that the Administration will ''continue to engage the Russians at the highest levels on this sensitive subject to prevent any transfer or cooperation inconsistent with Russian government policy and contrary to its assurances to us.''

However, several months—and many meetings—later, on September 11, State Department Spokesman Jim Foley noted that ''We're very concerned by reports indicating that Russian entitles may have provided * * * missile assistance to Iran. * * * While we appreciate * * * assurances [from the Russian government], we remain disturbed by the discrepancy between these assurances and reports of Russian firms cooperating with Iran.''

The meetings go on, more talks are scheduled, more summits are held, yet the Iranian military continues to make rapid progress in developing long range missiles with critically-needed assistance from Russian firms. Unless something happens soon, according to press reports, Iran is likely to achieve the ability to produce its own ballistic missiles within less than a year.

It is now time for the Congress to say that enough is enough. We need to back up our rhetoric on nonproliferation with meaningful action. With the adoption of this bill, we will close the loopholes in our existing sanctions laws, and help the Administration convince the Russian government to act decisively to crack down on their cash-strapped institutes and firms.

Equally important, with this legislation we will give those Russian institutes and firms compelling reasons not to trade with Iran. The sanctions this legislation threatens to impose will force those firms to choose between short-term profits from dealing with Iran and potentially far more lucrative long-term economic relations with our own Nation. Under this legislation, firms that sell missile technology to Iran will be denied all arms export licenses, all dual use export licenses, and all U.S. foreign assistance for at least two years.

Now it is well-known that the Administration does not support this legislation. As is almost always the case, they would rather deal with proliferation to Iran through quiet diplomacy rather than through meaningful sanctions legislation.

To make certain that the President takes a careful look at this legislation, the amendment before us adds to our Iranian sanctions measure the text of S. 610, the ''Chemical Weapons Convention Implementation Act of 1997'', which passed the Senate unanimously earlier this year. Unlike the Chemical Weapons Convention itself, which was very controversial in the Senate, the implementing legislation is strongly supported all across the political spectrum, from the Administration to Senators such as JON KYL and JESSE HELMS, who led the fight against the Chemical Weapons Convention.

There is one technical point with regard to the text of S. 610—now title II of H.R. 2709—that Chairman HYDE of our Judiciary Committee has asked me make.

Section 603 of S. 610—which appears as section 273 of H.R. 2709—replaces the exceptions to the automatic stay in paragraphs (4) and (5) of 11 U.S.C. 362(b) with both a broader exemption for governmental units and explicit language embracing organizations exercising authority under the Chemical Weapons Convention. Although Members of this body were not involved in crafting this provision, we view it as important for the legislative history to emphasize that the new paragraph (4) relates only to enforcement of police and regulatory power—a term which cannot appropriately be given an expansive construction for purposes of interpreting the new Bankruptcy Code language. The automatic stay, for example, will continue to apply to the post-petition collection of pre-petition taxes because such collection efforts are not exercises of police and regulatory power within the meaning of new paragraph (4) of Bankruptcy Code section 362(b). The language of section 603 of S. 610—now section 273 of H.R. 2709—also explicitly excludes the enforcement of a money judgment—an exclusion designed to ensure that an exemption from the automatic stay cannot successfully be asserted for such an enforcement effort.

Because enactment of S. 610 is an Administration priority, and because it is something that we in the House will ultimately pass in any event, we have linked it to H.R. 2709 in hopes that the two measures can be enacted together.

Mr. Speaker, in the 1980s, the world stood by as Saddam Hussein built up his arsenal of weapons of mass destruction and the recent events in that country indicate that we have yet to identify and uncover a number of these weapons. We cannot afford to pay any less attention to Iran as it shows every indication that it is fully prepared to use its petrodollars to purchase weapons systems that will threaten its neighbors and endanger our forces throughout the Persian Gulf region.

Your support for this bill will help to ensure that Iran does not follow the example of its neighbor and become the next threat to international stability.

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

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. FLOWER (at the request of Mr. ARMEY) for today after 5:00 p.m. on account of official business.

Mr. ROEMER (at the request of Mr. GEPHARDT) for today after 3:00 p.m. and the balance of the week on account of personal business.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 5:00 p.m. on account of personal business.

## 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. 1564. An act to provide redress for inadequate restitution of assets seized by the United States Government during World War

II which belonged to victims of the Holocaust, and for other purposes; to the Committee on International Relations.

## ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 103. Joint resolution waiving certain enrollment requirements with respect to certain specified bills of the One Hundred Fifth Congress.

## BILLS AND JOINT RESOLUTIONS 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, bills and joint resolutions of the House of the following titles:

H.R. 2366. An act to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

H.R. 1840. An act to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices.

H.R. 1090. An act to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error.

H.J. Res. 91. Joint Resolution granting the consent of Congress to the Apalachicola-Chattahoochee-Flint River Basin Compact.

H.J. Res. 92. Joint Resolution granting the consent of Congress to the Alabama-Coosa-Tallapoosa River Basin Compact.

H.R. 1086. An act to codify without substantive change laws related to transportation and to improve the United States Code.

H.R. 2813. An act to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Robert R. Ingram of Jacksonville, Florida, for acts of valor while a Navy Hospital Corpsman in the Republic of Vietnam during the Vietnam conflict.

## SINE DIE ADJOURNMENT

Mr. PEASE. Mr. Speaker, pursuant to Senate Concurrent Resolution 68, and as the designee of the majority leader, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with the provisions of Senate Concurrent Resolution 68, the Chair declares the 1st session of the 105th Congress adjourned sine die.

Thereupon (at 10 o'clock and 44 minutes p.m.), pursuant to House Concurrent Resolution 68, the House adjourned.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5913. A letter from the Assistant Secretary for Nuclear and Chemical and Biological Defense Programs, Department of Defense, transmitting the report on the Deep Digger program required by Senate Report 105–29; to the Committee on National Security.

5914. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's semiannual report on the activities and efforts relating to utilization of the private sector, pursuant to 12 U.S.C. 1827; to the Committee on Banking and Financial Services.

5915. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Technical Amendment to Definition of Deposits in Banks or Trust Companies [No. 97–38] (RIN: 3069–AA63) received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5916. A letter from the Assistant Secretary for Vocational and Adult Education, Department of Education, transmitting Final Interpretations and Waivers——National Center or Centers for Research in Vocational Education, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

5917. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the notice of final interpretations and waivers—National Center or Centers for Research in Vocational Education, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

5918. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the notice of final regulations— Standards for Conduct and Evaluation of Activites Carried out by the Office of Educational Research and Improvement: Designation of Exemplary and Promising Programs, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

5919. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the notice of final eligibility and selection criteria—National Awards Program for Model Professional Development, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

5920. A letter from the Acting Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule— Prevailing Wage Policy for Nonagricultural Immigration Programs—received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5921. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting notification that no exceptions to the prohibition against favored treatment of a government securities broker or dealer were granted by the Secretary for the calendar year 1996, pursuant to 31 U.S.C. 3121 nt.; to the Committee on Commerce.

5922. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois [IL158a; FRL–5900–3] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5923. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Michigan [MI38–01–6734; FRL–5884–1] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5924. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation Request, Maintenance Plan and Mobile Emissions Budget for the Richmond Ozone Nonattainment Area [VA062–5030 and VA080–5030; FRL–5921–3] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5925. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Comprehensive Guideline for Procurement of Products Containing Recovered Materials [SWH-FRL–5909–6] (RIN: 2050–AE23) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5926. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to the Republic of Korea for defense articles and services (Transmittal No. 98–15), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5927. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Ambassador Frank Wisner's report on the question of Russian-Iranian missile cooperation; to the Committee on International Relations.

5928. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled ''Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes,'' pursuant to Public Law 103—236, section 527(f); to the Committee on International Relations.

5929. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Federal Open Market Committee; Rules Regarding Availability of Information [Docket No. R–0983] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5930. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on activities of the Inspector General for the period ending September 30, 1997, and the semiannual management report on the status of audit followup for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

5931. A letter from the the Chief Administrative Officer, the U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 1997, through September 30, 1997 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 105—170); to the Committee on House Oversight and ordered to be printed.

5932. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report with respect to the ''Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996,'' pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5933. A letter from the the Acting Assistant Secretary (Civil Works), the Department of the Army, transmitting the report on a hurricane and storm damage reduction project for the Lake Cataouatche area on the west bank of the Mississippi River in the vicinity of New Orleans, Louisiana, pursuant to Public Law 104—303, section 101(b)(11); (H. Doc. No. 105—171); to the Committee on

Transportation and Infrastructure and ordered to be printed.

5934. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Avions Pierre Robin Model R3000 Airplanes (Federal Aviation Administration) [Docket No. 97–CE–87–AD; Amdt. 39–10193; AD 97–23–05] (RIN: 2120–AA64) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5935. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Avions Pierre Robin Model R3000 Airplanes (Federal Aviation Administration) [Docket No. 97–CE–87–AD; Amdt. 39–10193; AD 97–23–05] (RIN: 2120–AA64) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5936. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland DHC–6 Series Airplanes (Federal Aviation Administration) [Docket No. 91–CE–45–AD; Amdt. 39–10197; AD 97–23–09] (RIN: 2120–AA64) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5937. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Colored Federal Airway Amber 15 (A–15); AK (Federal Aviation Administration) [Airspace Docket No. 96–AAL–14] (RIN: 2120–AA66) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5938. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Change Using Agency for Restricted Areas R–5107B and J, White Sands Missile Range, NM, and R–5111D, Elephant Butte, NM [Airspace Docket No. 97–ASW–15] (RIN: 2120–AA66) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5939. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Crescent City, Imperial County and Red Bluff, CA (Federal Aviation Administration) [Airspace Docket No. 97–AWP–18] (RIN: 2120–AA66) received November 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5940. A letter from the Chairman, National Transportation Safety Board, transmitting the 1995 annual report of the Board's activities, pursuant to 49 U.S.C. 1904; to the Committee on Transportation and Infrastructure.

5941. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Certain Payments Made Pursuant to a Securities Lending Transaction [Notice 97–66] received November 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5942. A letter from the United States Trade Representative, transmitting a draft of proposed legislation to modify the marketing of certain silk products and containers; to the Committee on Ways and Means.

5943. A letter from the Secretary of Energy, transmitting notification that the Department of Energy requires an additional 45 days to transmit the Implementation Plan for addressing the issues described in the Defense Nuclear Facilities Safety Board's Recommendation 97–2 concerning criticality safety, pursuant to 42 U.S.C. 2286d(e); jointly to the Committees on National Security and Commerce.

5944. A letter from the Acting Director, Office of Personnel Management, transmitting a draft of proposed legislation to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code; jointly to the Committees on Government Reform and Oversight and Ways and Means.

5945. A letter from the Deputy Administration, Health Care Financing Administration, transmitting the Administration's final rule—Medicare Program; Changes in Provider Agreement Regulations Related to Federal Employees Health Benefits [BPD–748–F] (RIN: 0938–AG03) received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS: Committee of Conference. Conference report on H.R. 2267. A bill 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 (Rept. 105–405). Ordered to be printed.

Mr. GOSS: Committee on Rules. House Resolution 330. Resolution waiving points of order against the conference report to accompany 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 (Rept. 105–406). Referred to the House Calendar.

## 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 New Jersey (for himself, Mr. BERMAN, and Mr. DAVIS of Virginia):

H.R. 3037. A bill to clarify that unmarried children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program; to the Committee on the Judiciary.

By Mr. BOYD:

H.R. 3038. A bill to provide for the design, construction, furnishing, and equipping of a Center for Historically Black Heritage within Florida A&M University; to the Committee on Resources.

By Mr. STUMP (for himself, Mr. EVANS, Mr. QUINN, and Mr. FILNER):

H.R. 3039. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to guarantee loans to provide multifamily transitional housing for homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BARTON of Texas (for himself, Mr. BRADY, and Mr. HALL of Texas):

H.R. 3040. A bill to monitor and analyze energy use, and conduct continuous commissioning in Federal buildings to optimize building energy system; to the Committee on Commerce.

By Mr. DIAZ-BALART:

H.R. 3041. A bill to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act; to the Committee on the Judiciary.

By Mr. KOLBE (for himself and Mr. PASTOR):

H.R. 3042. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Resources, 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. FRANKS of New Jersey:

H.R. 3043. A bill to amend section 485(f)(1)(F) of the Higher Education Act of 1965 to provide for the disclosure of all criminal incidents that manifest evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity, or disability; to the Committee on Education and the Workforce.

By Mr. MINGE:

H.R. 3044. A bill to amend the Internal Revenue Code of 1986 to provide that economic subsidies provided by a State or local government for a particular business to locate or remain within the government's jurisdiction shall be taxable to such business, and for other purposes; to the Committee on Ways and Means.

By Mr. KASICH (for himself, Mr. INGLIS of South Carolina, Mr. BOYD, Mr. GOSS, Mr. HOBSON, Mr. MILLER of Florida, Mr. HOEKSTRA, Mr. OBEY, and Mrs. THURMAN):

H.R. 3045. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Rules, and the Budget, 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. FOX of Pennsylvania (for himself, Mr. ABERCROMBIE, Mr. WELDON of Pennsylvania, Mr. RAMSTAD, Mr. SAXTON, Mr. GILMAN, Mr. KINGSTON, Mr. QUINN, Mr. SMITH of New Jersey, and Mr. BACHUS):

H.R. 3046. A bill to provide for financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty; to the Committee on the Judiciary.

By Mr. BONILLA:

H.R. 3047. A bill to authorize expansion of Fort Davis National Historic Site in Fort Davis, Texas, by 16 acres; to the Committee on Resources.

By Mr. BOUCHER (for himself and Mr. CAMPBELL):

H.R. 3048. A bill to update and preserve balance in the Copyright Act for the 21st Century; to advance educational opportunities through distance learning; to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mrs. MEEK of Florida, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. WATT of North Carolina, Mr. HASTINGS of Florida, Ms. BROWN of Florida, and Ms. WATERS):

H.R. 3049. A bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 3050. A bill to establish procedures and remedies for the prevention of fraudulent and deceptive practices in the solicitation of telephone service subscribers, and for other purposes; to the Committee on Commerce.

By Mr. CUMMINGS (for himself and Mr. WYNN):

H.R. 3051. A bill to designate the Department of Veterans Affairs Medical Center located at 10 North Greene Street in Baltimore, Maryland, as the ''Parren J. Mitchell Veterans Medical Center''; to the Committee on Veterans' Affairs.

By Ms. ESHOO (for herself and Mr. PALLONE):

H.R. 3052. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improved safety of imported foods; to the Committee on Commerce.

By Mr. FATTAH (for himself, Mr. DAVIS of Illinois, Ms. JACKSON-LEE, Mr. THOMPSON, Mr. REYES, and Mr. BISHOP):

H.R. 3053. A bill to provide for the transition for new Members of the House of Representatives; to the Committee on House Oversight.

By Mr. GUTIERREZ (for himself, Mr. BECERRA, Mrs. MEEK of Florida, Mr. HINOJOSA, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. SANCHEZ, and Ms. WATERS):

H.R. 3054. A bill to adjust the immigration status of certain nationals of El Salvador, Guatemala, and Haiti, to amend the Immigration and Nationality Act to eliminate the special rule relating to termination of the period of continuous physical presence for cancellation of removal, and for other purposes; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 3055. A bill to deem the activities of the Miccosukee Tribe on the Tamiami Indian Reservation to be consistent with the purposes of the Everglades National Park, and for other purposes; to the Committee on Resources, 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. HILL (for himself, Mr. SMITH of Oregon, and Mr. YOUNG of Alaska):

H.R. 3056. A bill to provide for the preservation and sustainability of the family farm through the transfer of responsibility for operation and maintenance of the Flathead Indian Irrigation Project, Montana; to the Committee on Resources.

By Mr. HILL:

H.R. 3057. A bill to authorize an exchange of lands among the Secretary of Agriculture, Secretary of the Interior, and the Big Sky Lumber Company; to the Committee on Resources.

By Ms. JACKSON-LEE (for herself, Mr. PALLONE, Mrs. MEEK of Florida, Mrs. THURMAN, Ms. MCCARTHY of Missouri, Mr. CRAMER, Ms. FURSE, Mrs. MINK of Hawaii, Mr. SANDLIN, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Ms. HOOLEY of Oregon, Mr. WYNN, Mr. KILDEE, Ms. ROS-LEHTINEN, Ms. VELAZQUEZ, Mrs. CLAYTON, Mr. WEYGAND, Mr. HAMILTON, Mr. TIERNEY, Mr. ALLEN, Mr. DIAZ-BALART, Mr. RODRIGUEZ, Mr. REYES, Mr. HINOJOSA, Mr. LAMPSON, Mr. GEJDENSON, Mr. BROWN of California, Mrs. MORELLA, Mr. QUINN, Mr. CAMPBELL, Mr. BRADY, Ms. GRANGER, Mr. PASCRELL, Mr. MENENDEZ, Mr. KENNEDY of Rhode Island, Mr. KENNEDY of Massachusetts, Mr. CLAY, Mr. POSHARD, Mr. COSTELLO, Mr. ORTIZ, and Mr. POMEROY):

H.R. 3058. A bill to require the Secretary of Education to conduct a study and submit a report to the Congress on methods for identifying and treating children with dyslexia in kindergarten through 3d grade; to the Committee on Education and the Workforce.

By Ms. JACKSON-LEE (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK of Florida, Mr. DAVIS of Illinois, Mr. HINOJOSA, Mr. ROMERO-BARCELO, Mr. REYES, Mr. SANDLIN, Mr. LAMPSON, Mr. CUMMINGS, and Ms. KILPATRICK):

H.R. 3059. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty, to establish a commission to simplify the tax code, to require the Internal Revenue Service to use alternative dispute resolution, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Massachusetts (for himself, Mr. BARRETT of Wisconsin, Mr. CLAY, Mr. EVANS, Mr. FILNER, Mr. GUTIERREZ, Mr. HINCHEY, Mr. OLVER, Mr. PALLONE, Mr. RUSH, Mr. SCHUMER, Mr. THOMPSON, Mr. TORRES, Mr. TOWNS, Ms. WATERS, and Mr. WATTS of Oklahoma):

H.R. 3060. A bill to amend the Consumer Credit Protection Act to protect consumers from inadequate disclosures and certain abusive practices in rent-to-own transactions, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. KLINK (for himself and Mr. TRAFICANT):

H.R. 3061. A bill to prohibit the use of stale cohort default data in the termination of student assistance eligibility for institutions of higher education; to the Committee on Education and the Workforce.

By Mr. KLINK (for himself, Mr. MCHALE, Mr. ENGLISH of Pennsylvania, Mr. MASCARA, and Mr. DOYLE):

H.R. 3062. A bill to require the provision of information sufficient for homebuyers and homweowners to insure themselves against loss from subsidence resulting from underground coal or clay mines; to the Committee on Banking and Financial Services, and in addition to the Committee on Resources, 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. LARGENT (for himself and Mr. KASICH):

H.R. 3063. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. LIPINSKI:

H.R. 3064. A bill to direct the Administrator of the Federal Aviation Administration to issue regulations to limit the number of pieces of carry-on baggage that a passenger may bring on an airplane to 1 piece of carry-on baggage per passenger; to the Committee on Transportation and Infrastructure.

By Ms. LOFGREN:

H.R. 3065. A bill to direct the Administrator of the Environmental Protection Agency to design and implement a performance-based measurement system to encourage the development of new environmental monitoring technologies; to the Committee on Science, and in addition to the Committees on Commerce, and 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 Mrs. MALONEY of New York:

H.R. 3066. A bill to amend the Truth in Lending Act to require 90 days notice before changing the annual percentage rate of interest applicable on any credit card account or before changing the index used to determine such rate, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. MALONEY of New York:

H.R. 3067. A bill to provide that Federal Reserve Banks be covered under the chapter 71 of title 5, United States Code, relating to labor-management relations; to the Committee on Government Reform and Oversight.

By Ms. MCKINNEY (for herself, Mr. CLYBURN, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON, and Mrs. CLAYTON):

H.R. 3068. A bill to provide that a State may use a proportional voting system for multiseat congressional districts; to the Committee on the Judiciary.

By Mr. MILLER of California:

H.R. 3069. A bill to extend the Advisory Council on California Indian Policy to allow the Advisory Council to advise Congress on the implementation of the proposals and recommendations of the Advisory Council; to the Committee on Resources.

By Mr. PALLONE (for himself, Mr. BROWN of Ohio, Mr. STUPAK, Ms. ESHOO, and Ms. DELAURO):

H.R. 3070. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improved public health and food safety through enhanced enforcement, and for other purposes; to the Committee on Commerce.

By Mr. PALLONE (for himself, Ms. JACKSON-LEE, Ms. MILLENDER-MCDONALD, Ms. NORTON, and Mr. PASCRELL):

H.R. 3071. A bill to amend title 23, United States Code, to provide for the enactment of State laws prohibiting children under 13 years of age from riding in the front seats of motor vehicles; to the Committee on Transportation and Infrastructure.

By Ms. PELOSI (for herself, Mr. GEPHARDT, Mrs. MORELLA, Mr. CUMMINGS, Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BONIOR, Ms. DELAURO, Mr. ENGEL, Ms. ESHOO, Mr. FARR of California, Mr. FAZIO of California, Mr. FILNER, Mr. FROST, Mr. GUTIERREZ, Mr. HINCHEY, Mr. LANTOS, Mr. MCDERMOTT, Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. MATSUI, Mr. MEEHAN, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. PAYNE, Ms. SANCHEZ, Mr. TOWNS, Ms. WATERS, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, and Ms. JACKSON-LEE):

H.R. 3072. A bill to amend title XIX of the Social Security Act and title XXVI of the Public Health Service Act with respect to treatments regarding infection with the virus commonly known as HIV; to the Committee on Commerce.

By Mr. RIGGS (for himself, Mr. BILBRAY, Mr. CUNNINGHAM, Mr. FARR of California, Mr. FILNER, Ms. HARMAN, Ms. LOFGREN, Ms. ROYBAL-ALLARD, Mrs. TAUSCHER, Mr. HORN, Mr. LOBIONDO, Mr. MCDERMOTT, Mr. GILCHREST, Mr. KLUG, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, Mr. COX of California, Mr. HASTINGS of Washington, Mr. DEFAZIO, Mr. SHERMAN, Ms. WOOLSEY, Mr. CAMPBELL, Mr. BONO, and Mr. CONDIT):

H.R. 3073. A bill to prohibit certain oil and gas leasing activities on portions of the Outer Continental Shelf, consistent with the President's Outer Continental Shelf moratorium statement of June 26, 1990; to the Committee on Resources.

By Mr. RIGGS (for himself, Mr. BILBRAY, Mr. CUNNINGHAM, Mr. FARR

of California, Mr. FILNER, Ms. HARMAN, Ms. LOFGREN, Ms. ROYBAL-ALLARD, Mrs. TAUSCHER, Mr. HORN, Mr. LOBIONDO, Mr. MCDERMOTT, Mr. GILCHREST, Mr. KLUG, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, Mr. SHERMAN, Ms. WOOLSEY, Mr. CAMPBELL, Mr. BONO, and Mr. PALLONE):

H.R. 3074. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases on certain portions of the Outer Continental Shelf; to the Committee on Resources.

By Mr. ROGAN:

H.R. 3075. A bill to amend section 274 of the Immigration and Nationality Act to impose mandatory minimum sentences, and increase certain sentences, for bringing in and harboring certain aliens and to amend title 18, United States Code, to provide enhanced penalties for persons committing such offenses while armed; to the Committee on the Judiciary.

By Mr. SANDLIN:

H.R. 3076. A bill to amend the Internal Revenue Code of 1986 to repeal estate, gift, and generation-skipping transfer taxes; to the Committee on Ways and Means.

By Mr. SANDLIN:

H.R. 3077. A bill to amend title II of the Social Security Act to eliminate the provision that reduces primary insurance amounts for individuals receiving pensions from noncovered employment; to the Committee on Ways and Means.

By Mr. SANFORD:

H.R. 3078. A bill to provide for an accurate disclosure on individual pay checks of payments made under the Federal Insurance Contributions Act; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 3079. A bill to amend the Internal Revenue Code of 1986 to remove the requirement of a mandatory beginning date for distributions from individual retirement accounts; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 3080. A bill to waive the determination of the President that Lebanon and Syria are not major drug-transit or major illicit drug producing countries under the Foreign Assistance Act of 1961, and for other purposes; to the Committee on International Relations.

By Mr. SCHUMER (for himself, Mr. CONYERS, Mrs. MORELLA, Mr. MCCOLLUM, Mr. GEPHARDT, Mr. WAXMAN, Mr. CLEMENT, Mr. NADLER, Mr. HINCHEY, Mr. LEVIN, Mr. FORD, Mr. MEEHAN, Mr. DELLUMS, Mr. ENGEL, Mr. LEWIS of Georgia, Mr. LANTOS, Mr. OLVER, Mrs. LOWEY, Mr. ROMERO-BARCELO, Ms. CARSON, Mr. PALLONE, Mrs. KENNELLY of Connecticut, Mr. FILNER, Mr. REYES, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. OWENS, Mr. PAYNE, Mrs. MINK of Hawaii, Mr. PRICE of North Carolina, Ms. ROYBAL-ALLARD, Ms. WOOLSEY, and Mrs. MCCARTHY of New York):

H.R. 3081. A bill to enhance Federal enforcement of hate crimes, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, 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. SMITH of Michigan (for himself, Mr. PORTER, Mr. CAMPBELL, Mr. KNOLLENBERG, Mr. HOUGHTON, and Mr. SANFORD):

H.R. 3082. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide prospectively for personalized retirement security through personal retirement savings accounts to allow for more control by individuals over their Social Security retirement income, and to provide other reforms relating to benefits under such title II; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 3083. A bill to suspend temporarily the duty on Grilamid TR90; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 3084. A bill to amend title 10, United States Code, to strengthen the limitations on participation of the Armed Forces in foreign airshows or trade exhibitions involving military equipment; to the Committee on National Security.

By Ms. WOOLSEY:

H.R. 3085. A bill to amend the Higher Education Act of 1965 to authorize a program to provide grants to postsecondary education institutions for the purpose of creating partnerships between post-secondary institutions and elementary orsecondary schools to instruct prospective teachers and classroom teachers; to the Committee on Education and the Workforce.

By Ms. WOOLSEY (for herself, Mr. KILDEE, Mr. MILLER of California, Mr. MARTINEZ, Mr. PAYNE, Ms. SANCHEZ, and Mr. CLAY):

H.R. 3086. A bill to amend the Child Nutrition Act of 1966 to expand the School Breakfast Program in elementary schools, and to provide greater access to snacks in school-based childcare programs; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska:

H.R. 3087. A bill to require the Secretary of Agriculture to grant an easement to Chugach Alaska Corporation; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 3088. A bill to amend the Alaska Native Claims Settlement Act, regarding Huna Totem Corporation public interest land exchange, and for other purposes; to the Committee on Resources.

By Mr. LIVINGSTON:

H.J. Res. 106. A joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes; to the Committee on Appropriations.

By Mr. BLILEY:

H. Con. Res. 196. Concurrent resolution to correct the enrollment of the bill S. 830; considered under suspension of the rules and agreed to.

By Mr. SOLOMON (for himself, Mr. MCHALE, Mr. GINGRICH, Mr. ARMEY, Mr. BUNNING of Kentucky, Mr. BUYER, Mr. COX of California, Mr. DREIER, Mr. GILCHREST, Mr. HASTINGS of Washington, Mr. INGLIS of South Carolina, Mr. SAM JOHNSON, Mr. JONES, Mr. KASICH, Mr. KINGSTON, Mr. LAHOOD, Mr. LIVINGSTON, Mr. METCALF, Mrs. MYRICK, Mr. PACKARD, Ms. ROS-LEHTINEN, Mr. SCARBOROUGH, Mr. STUMP, Mr. TAYLOR of North Carolina, and Mr. WELDON of Pennsylvania):

H. Con. Res. 197. Concurrent resolution calling for the resignation or removal from office of Sara E. Lister, Assistant Secretary of the Army for Manpower and Reserve Affairs; to the Committee on National Security.

By Mr. CASTLE:

H. Con. Res. 198. Concurrent resolution to correct a technical error in the enrollment of the bill S. 1026; to the Committee on House Oversight.

By Mr. BRADY (for himself and Mr. TRAFICANT):

H. Con. Res. 199. Concurrent resolution expressing the sense of the Congress with respect to United States assistance or support for the investigation on capital punishment in the United States by the United Nations Human Rights Commission; to the Committee on International Relations, and in addition to the Committee on the Judiciary, 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. OBEY (for himself, Mr. BOYD, Mr. MANTON, Mr. FRANK of Massachusetts, Mr. GIBBONS, Mr. COOKSEY, Mr. GEKAS, Mr. JOHNSON of Wisconsin, Mr. ROMERO-BARCELO, Mr. CRAMER, Mr. REYES, Mr. VISCLOSKY, Ms. CARSON, Mr. KIND of Wisconsin, Mr. GORDON, Mr. BARRETT of Wisconsin, Mr. MCNULTY, Ms. SANCHEZ, Mr. BISHOP, Ms. KAPTUR, Mr. FRELINGHUYSEN, and Mr. BILIRAKIS):

H. Con. Res. 200. Concurrent resolution expressing the sense of the Congress that a series ofpostage stamps should be issued in recognition of the recipients of the Congressional Medal of Honor; to the Committee on Government Reform and Oversight.

By Mr. SOLOMON:

H. Res. 325. A resolution designating majority membership on certain standing committeesof the House; considered and agreed to.

By Mr. SHAW:

H. Res. 327. A resolution providing for the consideration of the bill H.R. 867 and the Senate amendment thereto; considered and agreed to.

By Mr. FAZIO of California:

H. Res. 328. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. LAZIO of New York:

H. Res. 329. A resolution providing for the concurrence by the House with an amendment to the Senate amendment to the House amendments to S. 562; considered under suspension of the rules and adopted.

By Mr. ARMEY:

H. Res. 331. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. BLAGOJEVICH (for himself and Mr. HAMILTON):

H. Res. 332. A resolution expressing concern for the plight of Assyrians in the Near East; to the Committee on International Relations.

By Mr. GEPHARDT (for himself, Mr. ENGEL, and Mr. PASCRELL):

H. Res. 333. A resolution expressing the sense of Congress that the United States should support Italy's inclusion as a permanent member of the United Nations Security Council if there is to be an expansion of this important international body; to the Committee on International Relations.

By Mr. SANDERS:

H. Res. 334. A resolution directing the Secretary of the Treasury to produce all factual information pertaining to the actions taken by the Secretary of the Treasury and the United States Executive Directors at the international financial institutions to comply with the requirements of 1621 of the International Financial Institutions Act, relating to encouragement of fair labor practices; to the Committee on Banking and Financial Services.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

231. The SPEAKER presented a memorial of the House of Representatives of the State

of Illinois, relative to House Joint Resolution No. 12 urging the passage of federal legislation which extends the boundaries of the Illinois and Michigan Canal National Heritage Corridor from Harlem Avenue to Lake Michigan; to the Committee on Resources.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. KENNEDY of Massachusetts.
H.R. 26: Mr. BRADY.
H.R. 45: Mr. HALL of Texas.
H.R. 51: Mr. JONES.
H.R. 59: Mr. CAMPBELL, Mr. STENHOLM, Mr. GOODE, Mr. DEAL of Georgia, Mr. BRYANT, and Mr. SMITH of Michigan.
H.R. 80: Mrs. TAUSCHER.
H.R. 135: Mr. ADAM SMITH of Washington.
H.R. 146: Mr. HALL of Texas.
H.R. 165: Mr. JONES.
H.R. 192: Mrs. TAUSCHER.
H.R. 251: Mr. GOODLING.
H.R. 371: Mr. WATTS of Oklahoma.
H.R. 372: Mr. GEJDENSON, Mr. THOMPSON, and Mr. PAYNE.
H.R. 414: Mrs. TAUSCHER.
H.R. 543: Mr. BISHOP.
H.R. 590: Mr. LUTHER.
H.R. 594: Mr. DEUTSCH and Mr. METCALF.
H.R. 612: Ms. SANCHEZ and Ms. DANNER.
H.R. 616: Mr. THOMPSON.
H.R. 617: Mr. CLEMENT.
H.R. 637: Mr. PAPPAS.
H.R. 705: Mr. GOODE.
H.R. 738: Mrs. LOWEY and Mr. ENGEL.
H.R. 746: Mr. LIPINSKI.
H.R. 758: Mr. SUNUNU.
H.R. 773: Mr. GUTIERREZ.
H.R. 815: Ms. MCCARTHY of Missouri.
H.R. 871: Mr. COYNE.
H.R. 900: Ms. STABENOW.
H.R. 902: Mr. WAMP, Mr. JENKINS, Mr. TIAHRT, and Mr. GEKAS.
H.R. 915: Mr. POSHARD.
H.R. 925: Ms. HOOLEY of Oregon and Mrs. TAUSCHER.
H.R. 983: Mr. ENGEL.
H.R. 991: Ms. HOOLEY of Oregon.
H.R. 1010: Mr. POMBO and Mr. CAMP.
H.R. 1036: Mr. WATTS of Oklahoma.
H.R. 1054: Ms. HARMAN and Mr. METCALF.
H.R. 1059: Mrs. KELLY.
H.R. 1060: Mr. CLYBURN.
H.R. 1061: Mr. WOLF.
H.R. 1062: Mr. KASICH and Mr. ARMEY.
H.R. 1063: Mr. DUNCAN and Mr. JOHNSON of Wisconsin.
H.R. 1104: Mr. MEEHAN.
H.R. 1114: Mr. POMEROY, Mr. PALLONE, Mr. MOAN of Kansas, and Mr. MICA.
H.R. 1126: Mr. GOSS, Mr. MCINTOSH, Ms. BROWN of Florida, Mr. GILMAN, and Mr. SPRATT.
H.R. 1132: Mr. MALONEY of Connecticut.
H.R. 1151: Mr. ORTIZ.
H.R. 1173: Mr. OWENS, Mr. HINOJOSA, Mrs. MINK of Hawaii, and Mr. WELDON of Pennsylvania.
H.R. 1232: Mr. MALONEY of Connecticut.
H.R. 1237: Mr. STOKES.
H.R. 1261: Mr. BARRETT of Nebraska and Mr. MORAN of Kansas.
H.R. 1280: Mr. QUINN.
H.R. 1283: Mr. FRELINGHUYSEN and Ms. HOOLEY of Oregon.
H.R. 1322: Mr. NEAL of Massachusetts and Mr. CALVERT.
H.R. 1334: Mr. LEWIS of Georgia, Mr. FORBES, Mr. ACKERMAN, Ms. WATERS, Mr. CONYERS, Mr. FRANK of Massachusetts, and Mr. CAMPBELL.
H.R. 1356: Mr. DUNCAN.
H.R. 1375: Mrs. MCCARTHY of New York.
H.R. 1378: Mr. ROGAN.
H.R. 1415: Mr. GUTIERREZ, Mr. TORRES, Mr. BORSKI, Mr. WELDON of Pennsylvania, Mr. TIAHRT, Mr. YATES, and Ms. LOFGREN.
H.R. 1325: Mr. ACKERMAN.
H.R. 1507: Mr. LAMPSON and Mr. PAYNE.
H.R. 1521: Ms. HARMAN.
H.R. 1524: Mr. ENGEL.
H.R. 1531: Mr. PALLONE.
H.R. 1555: Mr. GUTIERREZ.
H.R. 1560: Mr. PAPPAS and Ms. HOOLEY of Oregon.
H.R. 1573: Mrs. MORELLA, Ms. DELAURO, Mr. FOLEY, Ms. KILPATRICK, and Ms. THURMAN.
H.R. 1608: Mr. SNYDER and Ms. HOOLEY of Oregon.
H.R. 1636: Mr. COSTELLO.
H.R. 1679: Mr. DELAHUNT.
H.R. 1689: Mr. BISHOP, Mr. VENTO, Mr. FRANKS of New Jersey, Ms. SLAUGHTER, and Mr. HERGER.
H.R. 1711: Mr. ORTIZ.
H.R. 1715: Mr. GOODLING.
H.R. 1736: Ms. SLAUGHTER and Mr. SHAYS.
H.R. 1742: Mr. BEREUTER.
H.R. 1749: Ms. KAPTUR.
H.R. 1761: Mr. MALONEY of Connecticut, Mr. BOYD, Mrs. MEEK of Florida, and Mr. MCINTYRE.
H.R. 1766: Mr. SMITH of New Jersey.
H.R. 1776: Mr. ENGEL.
H.R. 1786: Mr. FATTAH, Mr. CONYERS, Mr. COYNE, Mr. TALENT, Mr. BERMAN, Mr. RUSH, Ms. ESHOO, Mr. TORRES, Mrs. MORELLA, Mr. OWENS, Ms. BROWN of Florida, Ms. ROYBAL-ALLARD, Mr. WAXMAN, Ms. RIVERS, Ms. FURSE, and Mr. SANDERS.
H.R. 1788: Mr. ROTHMAN.
H.R. 1802: Mr. HASTINGS of Washington and Mr. HERGER.
H.R. 1807: Ms. FURSE, Ms. WOOLSEY, and Mr. DOYLE.
H.R. 1822: Mrs. TAUSCHER.
H.R. 1870: Mr. POSHARD, Ms. SANCHEZ, and Ms. HOOLEY of Oregon.
H.R. 1872: Mr. CRAPO, Mr. MANTON, Mr. SHIMKUS, Mr. PICKERING, Mr. MCINTOSH, Mrs. THURMAN, Ms. DELAURO, Mr. MCDERMOTT, Mr. LATOURETTE, and Mr. FRELINGHUYSEN.
H.R. 1891: Mr. TANNER.
H.R. 1984: Mr. PEASE.
H.R. 1987: Mrs. KENNELLY of Connecticut and Mr. THOMPSON.
H.R. 2004: Mr. MCGOVERN and Mr. SPRATT.
H.R. 2009: Mr. LAMPSON, Mrs. MCCARTHY of New York, Mr. TORRES, and Mr. KENNEDY of Rhode Island.
H.R. 2019: Mr. TIAHRT.
H.R. 2034: Mr. WATKINS.
H.R. 2088: Ms. FURSE.
H.R. 2090: Mr. CAMPBELL.
H.R. 2094: Mr. SAXTON and Mr. GILCHREST.
H.R. 2130: Mr. NADLER, Mrs. TAUSCHER, and Mr. MORAN of Virginia.
H.R. 2182: Mr. PRICE of North Carolina.
H.R. 2183: Mr. BARRETT of Wisconsin and Mr. GILCHREST.
H.R. 2186: Mr. CRAPO.
H.R. 2191: Mr. BARCIA of Michigan and Mr. CALVERT.
H.R. 2202: Mr. ENSIGN and Mr. DAVIS of Virginia.
H.R. 2211: Mr. MARTINEZ and Mr. ENGEL.
H.R. 2224: Mr. ENGEL.
H.R. 2228: Ms. SANCHEZ.
H.R. 2231: Mr. MCCRERY and Mr. HOEKSTRA.
H.R. 2275: Mr. THOMPSON.
H.R. 2290: Mr. ANDREWS, Mr. FORD, and Ms. KILPATRICK.
H.R. 2313: Mr. SANFORD.
H.R. 2321: Mr. TALENT and Mr. BARR of Georgia.
H.R. 2327: Mr. LIVINGSTON, Mr. TURNER, and Mr. LATOURETTE.
H.R. 2351: Mrs. JOHNSON of Connecticut and Mr. ACKERMAN.
H.R. 2365: Mrs. LOWEY, Mr. SCHUMER, and Mr. SERRANO.
H.R. 2374: Mrs. MCCARTHY of New York.
H.R. 2377: Mr. CRAMER and Mr. KIND of Wisconsin.
H.R. 2396: Ms. PELOSI.
H.R. 2397: Mr. STUPAK.
H.R. 2408: Mr. MCGOVERN.
H.R. 2431: Mr. POSHARD.
H.R. 2432: Mr. RAHALL.
H.R. 2438: Mr. ARMEY, Mr. SMITH of Oregon, Mr. DUNCAN, Mr. SHADEGG, and Mr. SENSENBRENNER.
H.R. 2450: Mr. LUTHER.
H.R. 2453: Mr. MORAN of Virginia.
H.R. 2454: Mr. MASCARA.
H.R. 2456: Mr. SANDLIN.
H.R. 2457: Mr. MASCARA.
H.R. 2459: Mr. SENSENBRENNER.
H.R. 2468: Mr. DEFAZIO, Mr. STOKES, Mr. HOLDEN, Mr. PAYNE, Mr. SANDERS, Mr. THOMPSON, and Mr. WYNN.
H.R. 2481: Mrs. CHENOWETH.
H.R. 2490: Mr. BARR of Georgia, Mr. CANNON, Mr. CHABOT, Mrs. EMERSON, Mr. GOODLING, and Mr. SCHIFF.
H.R. 2495: Ms. NORTON.
H.R. 2497: Mr. JONES, Mr. ENGLISH of Pennsylvania, Mr. COOK, Mr. REDMOND, Mr. ROEMER, and Mr. SMITH of Texas.
H.R.2499: Mr. BISHOP and Mr. CANNON.
H.R. 2500: Mr. PETERSON of Pennsylvania, Mr. TAYLOR of North Carolina, Mr. HOBSON, Mr. TURNER, Mr. POMBO, Mr. PICKERING, Mr. WICKER, Mr. BILBRAY,
Mr. LATHAM, Mr. GALLEGLY, Mr. PEASE, Mr. LAMPSON, Mr. WYNN, Mr. SHAW, Mr. BLUMENAUER, Ms. DANNER, Mr. ENGLISH of Pennsylvania, Mr. MICA, Mr. HERGER, and Mr. WAMP.
H.R. 2503: Mr. DEUTSCH.
H.R. 2509: Mr. COYNE, Mr. TRAFICANT, and Mr. BISHOP.
H.R. 2517: Mr. GIBBONS, Mr. NORWOOD, Mr. FRANKS of New Jersey, Mr. DUNCAN, Mr. ENSIGN, Mr. GOODE, Mr. COBLE, Mr. REDMOND, Mrs. MYRICK, Mr. SCHUMER, Mr. BOB SCHAFFER, Mr. SCHIFF, and Mr. SHAYS.
H.R. 2519: Ms. MCCARTHY of Missouri.
H.R. 2525: Mr. OWENS, Ms. KILPATRICK, Mr. LEWIS of Georgia, and Ms. LOFGREN.
H.R. 2540: Mrs. MALONEY of New York.
H.R. 2545: Mr. GEJDENSON, Mrs. MEEK of Florida, Mr. STRICKLAND, Mr. HAYWORTH, Mr. DAVIS of Illinois, Mr. TOWNS, Mr. HASTINGS of Florida, Mr. KENNEDY of Rhode Island, Mr. GUTIERREZ, Mr. TORRES, and Mr. BARTLETT of Maryland.
H.R. 2565: Mr. BLILEY.
H.R. 2566: Mr. ENGEL.
H.R. 2568: Mr. FOLEY.
H.R. 2590: Mr. ROTHMAN.
H.R. 2593: Mr. SANDLIN, Mr. DAVIS of Illinois, Mr. COBURN, Mr. SPENCE, Mr. WEYGAND, Mr. COOK, and Mr. CHABOT.
H.R. 2596: Mr. BEREUTER, Mr. LUTHER, Mr. BARCIA of Michigan, and Mr. THOMPSON.
H.R. 2609: Mr. TAUZIN, Mr. THOMPSON, and Mr. RIGGS.
H.R. 2611: Mr. SHAW, Mr. HALL of Texas, Mr. RADANOVICH, Mr. PORTER, and Mr. PAPPAS.
H.R. 2625: Mr. CALLAHAN, Mr. ROHRABACHER, and Mr. MICA.
H.R. 2627: Mr. PICKETT, Mr. INGLIS of South Carolina, Mr. BARTLETT of Maryland, Mr. METCALF, and Mrs. FOWLER.
H.R. 2635: Mr. COSTELLO.
H.R. 2649: Ms. SLAUGHTER and Mrs. ROUKEMA.
H.R. 2650: Mr. ACKERMAN, Mr. KLINK, and Mrs. ROUKEMA,
H.R. 2671: Mr. THOMPSON.
H.R. 2678: Mr. PORTER.
H.R. 2693: Mr. BISHOP, Mr. THOMPSON, and Mr. ENGEL.
H.R. 2695: Mr. LEWIS of Georgia, Ms. HOOLEY of Oregon, and Mr. MARTINEZ.
H.R. 2704: Mr. ACKERMAN and Mr. WAXMAN.
H.R. 2713: Mrs. MALONEY of New York.

H.R. 2723: Mr. NEY.
H.R. 2733: Mr. DEUTSCH and Mr. ACKERMAN.
H.R. 2734: Mr. CRAPO and Mr. CRANE.
H.R. 2750: Mr. GOODLING.
H.R. 2755: Ms. NORTON and Mr. THOMPSON.
H.R. 2757: Mr. KIND of Wisconsin, Mr. KENNEDY of Rhode Island, Mr. LAMPSON, and Mr. GUTIERREZ.
H.R. 2760: Mr. SMITH of Oregon and Mr. MARTINEZ.
H.R. 2761: Mr. WAXMAN.
H.R. 2774: Mr. ABERCROMBIE, Mr. BARRETT of Wisconsin, Mr. BOEHLERT, Mr. CLAY, Mr. CONYERS, Mr. ENGEL, Mr. LEWIS of Georgia, Mrs. MORELLA, Mr. RANGEL, and Mrs. ROUKEMA.
H.R. 2777: Mrs. LOWEY.
H.R. 2779: Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mr. THOMPSON, and Ms. WOOLSEY.
H.R. 2786: Mr. BOB SCHAFFER.
H.R. 2796: Mr. HOSTETTLER, Mr. CUNNINGHAM, Mr. TAYLOR of North Carolina, and Ms. CHRISTIAN-GREEN.
H.R. 2797: Mr. FROST.
H.R. 2807: Mr. GALLEGLY.
H.R. 2818: Mr. VENTO.
H.R. 2820: Mr. ACKERMAN, Mr. SCHUMER, Ms. FURSE, Mr. THOMPSON, Mr. GREEN, Ms. SLAUGHTER, Mr. FROST, Mr. WEXLER, and Mr. HOLDEN.
H.R. 2826: Mr. THOMPSON and Mr. FORD.
H.R. 2827: Mr. BOB SCHAFFER.
H.R. 2828: Mr. KILPATRICK and Ms. KAPTUR.
H.R. 2829: Mr. BARCIA of Michigan, Mr. BENTSEN, Mr. BLILEY, Mr. COBURN, Mr. CONYERS, Mr. DELAHUNT, Mr. DELLUMS, Mr. FRELINGHUYSEN, Mr. GOODE, Ms. GRANGER, Mr. HAYWORTH, Mr. HEFNER, Mr. HOBSON, Ms. HOOLEY of Oregon, Ms. KAPTUR, Mrs. KENNELLY of Connecticut, Mr. LEVIN, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MCDERMOTT, Ms. MILLENDER-MCDONALD, Mr. NADLER, Mr. OWENS, Mr. PASTOR, Mr. PRICE of North Carolina, Mr. RAHALL, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SPRATT, Mr. WELDON of Pennsylvania, Mr. WISE, Mr. WYNN, Mr. KANJORSKI, and Mr. LEWIS of Georgia.
H.R. 2846: Mr. ISTOOK, Mr. ENSIGN, Mr. DICKEY, Mr. BACHUS, Mrs. CUBIN, Mr. HUTCHINSON, Mr. BOEHNER, Mr. CANADY of Florida, Mr. RIGGS, Mr. TALENT, Mr. HOEKSTRA, Mr. PETERSON of Pennsylvania, Mr. WELDON of Florida, Mr. MCINTOSH, and Mr. OWENS.
H.R. 2850: Mrs. THURMAN, Mr. SCHUMER, Mrs. MINK of Hawaii, Ms. FURSE, Mr. DEUTSCH, Ms. WOOLSEY, and Mrs. MALONEY of New York.
H.R. 2854: Mr. STARK, Mr. CLEMENT, Mr. MASCARA, and Mr. BOEHLERT.
H.R. 2864: Mr. PETERSON of Pennsylvania.
H.R. 2869: Mr. PETERSON of Pennsylvania.
H.R. 2870: Mr. HASTERT and Mrs. MALONEY of New York.
H.R. 2871: Mr. PETERSON of Pennsylvania.
H.R. 2873: Mr. PETERSON of Pennsylvania.
H.R. 2875: Mr. PETERSON of Pennsylvania.
H.R. 2877: Mr. PETERSON of Pennsylvania.
H.R. 2879: Mr. PETERSON of Pennsylvania.
H.R. 2881: Mr. PETERSON of Pennsylvania.
H.R. 2892: Mr. WALSH, Mr. BISHOP, Mr. SOUDER, and Mr. WOLF.
H.R. 2900: Ms. DEGETTE, Mr. ACKERMAN, and Ms. KILPATRICK.
H.R. 2905: Mr. FROST and Mr. PASCRELL.
H.R. 2912: Mr. TANNER, Mr. VISCLOSKY, and Mr. NEY.
H.R. 2921: Mr. BOEHNER, Mr. BOSWELL, Mr. DEFAZIO, Mr. PETRI, Mr. NUSSLE, Mr. BALLENGER, Mr. LATHAM, Mr. JONES, Mr. THORNBERRY, Ms. DANNER, Mr. CRAPO, Mr. LARGENT, Mr. CLYBURN, Mr. LATOURETTE, Mr. BEREUTER, and Mr. DICKEY.
H.R. 2922: Mrs. THURMAN, Mr. HUNTER, and Mr. LATOURETTE.
H.R. 2930: Mr. SPRATT, Mr. DAVIS of Illinois, Mr. EVERETT, Mr. KILDEE, Mr. TANNER, Mr. WATT of North Carolina, Mr. PRICE of North Carolina, Ms. VELAZQUEZ, Mr. MICA, and Mrs. MEEK of Florida.
H.R. 2936: Mr. LAHOOD.
H.R. 2938: Mr. CANADY of Florida, Mr. WEXLER, and Mr. WELDON of Florida.
H.R. 2939: Mr. PEASE and Mr. CAMPBELL.
H.R. 2942: Mr. BACHUS, Mrs. EMERSON, Mr. LATOURETTE, and Mr. MORAN of Kansas.
H.R. 2943: Mr. CANADY of Florida.
H.R. 2953: Mr. THOMPSON.
H.R. 2955: Mr. LEVIN.
H.R. 2960: Mr. SANDLIN, Mr. HALL of Texas, and Mr. THOMPSON.
H.R. 2973: Mrs. THURMAN and Mr. STENHOLM.
H.R. 2985: Mr. SENSENBRENNER and Mrs. THURMAN.
H.R. 2990: Mrs. MINK of Hawaii, Ms. SLAUGHTER, Mr. BURR of North Carolina, Mrs. LOWEY, Mr. PRICE of North Carolina, Mr. PASTOR, Mr. CLAY, and Mr. ENGEL.
H.R. 2992: Mr. HAYWORTH.
H.R. 3000: Mr. LIVINGSTON, Ms. DANNER, Mr. MANZULLO, and Mr. TANNER.
H.R. 3005: Mr. FILNER, Mr. FROST, Mr. SHAYS, and Mr. THOMPSON.
H.R. 3010: Mr. PORTER.
H.R. 3026: Mr. LOBIONDO.
H.R. 3027: Mr. PALLONE, Mrs. LOWEY, Mr. STARK, Mr. ACKERMAN, Ms. PELOSI, Ms. DEGETTE, Mr. MILLER of California, Mr. MCGOVERN, Mr. MEEHAN, Mr. OLVER, Mr. SERRANO, Mr. STOKES, Ms. NORTON, Mr. RUSH, Mr. DELAHUNT, Mr. MATSUI, Mr. YATES, Ms. WATERS, Mr. WEYGAND, Mr. KENNEDY of Massachusetts, and Mrs. MALONEY of New York.
H.R. 3028: Mr. KENNEDY of Massachusetts and Mrs. MALONEY of New York.
H.J. Res. 66: Mr. TORRES.
H.J. Res. 71: Mr. NEAL of Massachusetts and Mr. CALVERT.
H.J. Res. 78: Mr. PETERSON of Minnesota.
H.J. Res. 89: Ms. HOOLEY of Oregon.
H.J. 100: Mr. OLVER.
H.J. Res. 102: Mr. WAXMAN and Mr. DEUTSCH.
H. Con. Res. 19: Mr. CALVERT and Mr. YATES.
H. Con. Res. 27: Ms. CARSON, Mr. HILLIARD, and Mr. LANTOS.
H. Con. Res. 65: Mr. WHITE.
H. Con. Res. 106: Ms. NORTON.
H. Con. Res. 135: Mr. ENGEL.
H. Con. Res. 148: Mr. CALVERT.
H. Con. Res. 150: Mr. HILL.
H. Con. Res. 152: Mr. POSHARD
H. Con. Res. 160: Mr. BLUMENAUER.
H. Con. Res. 174: Ms. SLAUGHTER
H. Con. Res. 176: Mr. PORTER.
H. Con. Res. 181: Mr. ROTHMAN, Mr. DEUTSCH, Ms. HOOLEY of Oregon, Mr. HINCHEY, Mr. SCHUMER, and Ms. SLAUGHTER.
H. Con. Res. 182: Ms. SLAUGHTER.
H. Con. Res. 185: Mr. LEWIS of Georgia, Mr. GILMAN, Mr. FRANKS of New Jersey, Mr. SERRANO, Ms. SLAUGHTER, Mr. KING of New York, Mr. MINGE, Mr. HINCHEY, Mrs. MORELLA, Mr. OBERSTAR, Mr. MCGOVERN, and Mr. TIERNEY.
H. Con. Res. 187: Ms. STABENOW, Ms. LOFGREN, Mrs. MINK of Hawaii, Ms. SLAUGHTER, and Mr. DELAY.
H. Con. Res. 188: Mr. LEVIN.
H. Res. 37: Mrs. THURMAN, Mr. EVERETT, Mr. CANNON, and Ms. KAPTUR.
H. Res. 45: Mr. MALONEY of Connecticut.
H. Res. 83: Mr. KENNEDY of Massachusetts.
H. Res. 144: Mr. POMEROY, Mr. PAPPAS, and Ms. HOOLEY of Oregon.
H. Res. 211: Mr. HILLEARY and Mr. KLECZKA.
H. Res. 212: Mr. BURR of North Carolina, Mr. BAESLER, and Mr. GILCHREST.
H. Res. 224: Ms. STABENOW and Mr. STUPAK.
H. Res. 231: Mr. KENNEDY of Massachusetts.
H. Res. 246: Mr. DOYLE, Mr. TALENT, Mr. MARKEY, and Mr. LAZIO of New York.
H. Res. 251: Ms. NORTON, Mr. BONIOR, and Mrs. MALONEY of New York.
H. Res. 267: Mr. TAUZIN, Mr. KIM, Mr. LAZIO of New York, Mr. LAFALCE, Mr. BEREUTER, Mr. FOSSELLA, Mr. HOBSON, Mr. MCINNIS, Mr. HERGER, Mr. ISTOOK, Mr. ROHRABACHER, Mr. GINGRICH, Mr. LOBIONDO, and Mr. NEY.
H. Res. 279: Ms. DANNER, Mr. BARRETT of Wisconsin, Mr. DIAZ-BALART, Mr. FOLEY, and Mr. PASCRELL.
H. Res. 322: Mr. HAMILTON, Mr. FALEOMAVAEGA, Mr. MENENDEZ, Mr. FOLEY, and Mr. WAXMAN.

## 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. 2497: Mrs. JOHNSON of Connecticut.
H.R. 2697: Mr. DOGGETT.
H.R. 3000: Mr. RUSH.
H. Con. Res. 187: Mr. DOGGETT.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

28. The SPEAKER presented a petition of the Essex County Board of Supervisors, Elizabethtown, New York, relative to Resolution No. 235 expressing strong opposition to Federal law requiring Canadian citizens to fill out visa forms before entering the United States; to the Committee on the Judiciary.