United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, FRIDAY, OCTOBER 9, 1998 No. 141

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 9, 1998.

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

How can we see mountains when our eyes are so low, how can we do good deeds when our hands are so slow? How can we love when we are selfish or vain and how can we serve if we live with disdain? O gracious God from whom all blessings flow, cause us to lift our eyes to the heavens from which all of our gifts do come, teach us to use our hands to do the good works of charity and justice and enable us to love and show concern for the neediest among us. May the faith we believe in our hearts find expression in our words and may our words be translated into good deeds from our hands. Praise be to You, O God, Ruler of the universe! Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3332. An act to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the President's Information Technology Advisory Committee to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress on its activities, and for other purposes.

H.R. 4284. An act to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia.

H.R. 4293. An act to establish a cultural training program for disadvantaged individuals to assist the Irish peace process.

H.R. 4558. An act to make technical amendments to clarify the provision of benefits for noncitizens, and to improve the provision of unemployment insurance, child support, and supplemental security income benefits.

H.R. 4658. An act to extend the date by which an automated entry-exit control system must be developed.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2616. An act to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools.

H.R. 3809. An act to authorize appropriations for the United States Customs Service for drug interdiction, and for other purposes.

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. 1702) ''An Act to encourage the development of a commercial space industry in the United States, and for other purposes.''.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

NOTICE

Effective January 1, 1999, the subscription price of the Congressional Record will be $325 per year, or $165 for 6 months. Individual issues may be purchased for $2.75 per copy. The cost for the microfiche edition will remain $141 per year; single copies will remain $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

MICHAEL F. DiMARIO, *Public Printer.*

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

Printed on recycled paper.

S. 361. An act to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger, and to reauthorize the Rhinoceros and Tiger Conservation Act of 1994, and for other purposes.

S. 1970. An act to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 2217. An act to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 2238. An act to reform unfair and anticompetitive practices in the professional boxing industry.

S. 2358. An act to provide for the establishment of a presumption of service-connection for illnesses associated with service in the Persian Gulf War, to extend and enhance certain health care authorities relating to such service, and for other purposes.

S. 2427. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

S. 2524. An act to codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States Code.

S. Con. Res. 120. Concurrent resolution to redesignate the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., as the ''Eney, Chestnut, Gibson Memorial Building''.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2022) ''An Act to provide for the improvement of interstate criminal justice identification, information, communications, and forensics.''.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 1-minute speeches on each side.

EDWARDSVILLE AMERICAN LEGION POST WINS AMERICAN LEGION WORLD SERIES IN LAS VEGAS

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

Mr. SHIMKUS. Madam Speaker, on August 25 Edwardsville American Legion Post 199 not only went into the history books by winning the American Legion World Series in Las Vegas, but they beat the 5,300 to 1 odds which were against them. During their remarkable run to the first national championship, Post 199 finished with a season record of 41 and 7 and won their regional state championships as well.

After getting off to a solid start in the first inning, they briefly fell behind in the second inning. However, their character as a team pulled through. They rallied behind the pitching tandem of brothers James and Ben Hutton to begin a comeback in the fifth inning and to take the lead in the sixth inning.

A pair of convincing runs in the ninth inning sealed their 9 to 4 victory, giving their coach and Edwardsville their first national championship.

After the game, pitcher James Hutton said, ''The whole team responded tonight. This is a team win, and it will always be a team win. The pitcher gets more of the glory, but I don't deserve more than anyone else on the team.''

Congratulations to Edwardsville.

AMERICAN TAXPAYERS SUBSIDIZING FOREIGN ECONOMIES WHILE THEY DENY AMERICAN PRODUCTS

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

Mr. TRAFICANT. Madam Speaker, let us see if this makes some sense:

Foreign banks all over the world make bad loans knowingly to prop up their falling economies hoping against hope to salvage their systems. Then their businesses go belly up. They default on their loans, the banks fail, and then the foreign banks dial 911 to Uncle Sam for more money. The International Monetary Fund then calls Uncle Sam and says:

''If you don't make these countries and these foreign banks any more loans, they won't buy your products.''

Beam me up, Mr. Speaker. When American taxpayers are subsidizing foreign economies and they are denying American products, we need a proctologist to give us some counseling.

PORKER OF THE WEEK AWARD

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

Mr. HEFLEY. Madam Speaker, 12 years and nearly $6 billion after passage of the Safe and Drug Free Schools and Communities Act, many schools are neither drug-free nor safe.

Using this drug prevention money, one Michigan school district gained $81,000 worth of giant plastic teeth and toothbrushes. Police in Hammond, Louisiana, have a squad car. It is a 3-foot, remote-control replica that cost $6,500. And Virginia Beach, Virginia, has extra lifeguards with this drug money.

Students in Richmond, Virginia, are enjoying the social benefits of a $16,000 drug-free party guide. It includes tips on Jello wrestling and holding pageants where guys dress up in women's wear. Los Angeles schools have a new van for transporting sports equipment and have given away $16,000 in tickets to Disneyland and Dodger Stadium to students who have pledged to listen to their parents.

These examples are only the tip of the iceberg. I guess it should not surprise us that the White House wants $605 million more for this program.

Good idea, bad implementation. The Department of Education gets my porker of the week award.

REPUBLICANS WANT TO AVOID A GOVERNMENT SHUTDOWN

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

Mr. BALLENGER. Madam Speaker, already rumors are running wild in Washington that the President wants a government shutdown, a shutdown that he can then blame on the Republicans. This is considered a terrible breach of faith among Republicans because Republican leaders in Congress have been working since the spring to avoid a government shutdown. There is no need for a shutdown, for even if an agreement cannot be reached before the current spending bills run out, Republicans are ready to sign on to another temporary spending bill to allow the government to continue without interruption while we work out the remaining differences.

Republicans have been bending over backwards to avoid what we know some here in the administration are recommending. The disruption, the heartache, the uncertainty that government shutdown has introduced into peoples' lives are not necessary, and the Republicans have no desire to provoke a confrontation with the President.

Let us continue to work together to pass the remaining spending bills and avoid a government shutdown.

HAVE THEY NO SHAME?

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

Mr. PITTS. Madam Speaker, it is fascinating to watch the spin, the sheer audacity of those who defend the wrongdoing of liberals, whatever the cost. It has gone from ''it didn't happen'' to ''it doesn't matter'' to ''everyone does it'' to ''I'm so sorry.''

The reputations which have been trashed I guess we should just forget. The thousands and thousands of dollars in lawyers fees that innocent bystanders had to fork out, well, I guess that is their problem. The millions of dollars in court costs that the legal system has had to needlessly endure I suppose is no longer relevant.

Should we pretend that the rule of law is not important? Should we pretend that defendants in a sexual harassment case are not entitled to a fair trial? After all, lying about related misconduct is a private affair. Should we pretend that honor and integrity are not important?

Madam Speaker, the astonishing thing is that not one Cabinet member or one White House staffer has resigned because of this whole sordid mess. Have they no shame?

FORSTMANN-WALTON TEAM CREATING THE FUTURE OF AMERICAN EDUCATION

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

Mr. SHAW. Madam Speaker, two businessmen, Ted Forstmann and John Walton, are, in my opinion, American heroes, and here is why.

American public schools are in crisis. The crisis is starkly illustrated by the results of the Third International Mathematics and Science Study which found that only Cyprus and South Africa have 12th graders who knew significantly less about math and science than United States students. The major cause of poor United States performance is that our public schools have a near monopoly on education and secondary education, stifling student's academic development. To counter this dilemma, Americans across this Nation are seeking much greater freedom of school choice.

And here is where Forstmann and Walton come in. Last year, through the Washington Scholarship Fund, they awarded over 1,000 scholarships to poor children in Washington, D.C., but they had requests for 7,500. In response to this great demand, the amazing Forstmann/Walton team has pledged $100 million of their own money and plan to raise an additional $100 million to provide around 35,000 scholarships to help poor children attend schools of their choice all across this country.

Mr. Forstmann and Mr. Walton are creating the future of American education. When at last our public schools have to compete for students, they will be remembered as two of our greatest, and most generous, education reformers.

SETTING THE RECORD STRAIGHT

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

Mr. NADLER. Madam Speaker, I saw the news this morning that 400 and some odd Members of the House yesterday voted for an inquiry into impeachment of the President, including all of those of us who voted for the Democratic amendment to the Hyde resolution. That is simply not true. Many people who voted for the Hyde resolution voted for it, many people who voted for the Democratic amendment voted for it because they wanted an inquiry, but they thought the Republican Hyde resolution was a formula for an open-ended, politicized fishing expedition, and at least this would make it fairer. So they voted for the Democratic amendment, and then, when it failed, they voted against the Hyde resolution.

Some of us, however, thought and think there is no impeachable offense described in the Starr Report. Even if you assume the President did everything it alleges he did, there is no impeachable offense. He should be punished in some other way for things he did that are not good things to do, but there was no impeachable offense.

We voted for the Democratic amendment as an amendment to make a bad bill, a bad resolution, a better bill, but, had the amendment passed, we still would have voted against the bill because, although it would have mitigated the damages in the bill, it made it much damaging to the country, it was still calling for an unnecessary inquiry. So one has to ask each Member who voted for the Democratic amendment which position he took, but one cannot say they all voted for an inquiry.

I thought the record should be set straight.

SENIOR CITIZENS IN CARSON CITY LOSE A DEAR FRIEND, BRUCE COTTAM

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

Mr. GIBBONS. Madam Speaker, the State of Nevada and the Senior Citizens Center in Carson City lost a dear and loyal friend yesterday.

Before his death yesterday, Bruce Cottam served over 4,000 volunteer hours, doing everything from building maintenance to modification projects. As a 6-year member of the Advisory Counsel for the Senior Center, Bruce served on the Finance Committee and was Chairman of the Building Committee. Most recently, he played an instrumental role in developing the plans and construction model for an expansion project of the Senior Center which will be constructed this spring. His dedication to seniors of this community can serve as an example to each of us here in Congress.

Bruce worked diligently, knowing that his volunteer hours would help save the Senior Center from facing enormous cost with a limited budget. He did all this hard work day in and day out, without ever recounting his own efforts. Each and every day Bruce would show up with a smile and friendly greeting, searching for the next project to be done.

Although Bruce lost his life yesterday, his legacy in the State of Nevada will live on, as will his commitment to the seniors and staff of the Carson City Senior Center.

THE PRESIDENT IS MISLEADING US

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

Mr. SAM JOHNSON of Texas. Madam Speaker, do you remember the quote? The President said,

> I am not against tax cuts, but I am against using the surplus for tax cuts or spending programs until we save Social Security.

That is the President's quote.

Well, the President cannot have it both ways. How do my colleagues think he plans to pay for the $25 billion in new spending that he is demanding from us? He is holding this Congress hostage for $25 billion of our hard-earned dollars. Right out of the surplus and Social Security, of course. This is the same surplus he claims he wants to protect and save for Social Security.

Do not be fooled, America. The President is misleading us. He is spending the surplus. He is not saving every penny for Social Security. He is using it to grow the government instead of growing our family's bank account where the surplus ought to be.

PATIENTS BEFORE PROFITS

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

Ms. DELAURO. Madam Speaker, for 10 months the American public has been very clear in asking for one particular piece of legislation from this Congress, managed care reform. It has been very clear in defining what it wants from a Patients Bill of Rights, it is just common sense: the ability to choose your own doctor, guaranteed access to emergency rooms, guaranteed access to specialty care, a ban on all gag rules that limit doctors from offering treatment options and the right to hold HMOs accountable for their decisions.

□ 0915

Yet during this Congress the Republican leadership stalled, dallied, and in the end, passed a sham bill that did not do any of the things that the public wanted.

We have 4 days left in this session to pass meaningful managed care reform. The cost of delay is serious. In the past week, 200,000 Medicare recipients have been dropped by their HMOs. This is wrong. It must be addressed before more people are put in jeopardy.

Madam Speaker, we need to put patients before profits. The doctor's office must be a place for medical decisions, not business decisions. We owe it to the American people to pass meaningful HMO reform and do it now.

MANAGED HEALTH CARE REFORM

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

Mr. DOGGETT. Madam Speaker, the focus of this House has been almost entirely on what the President did wrong and next to none on how Americans across this country have themselves been wronged in a variety of ways.

One of those that I hear the most from Texas concerns the whole problem of health care and access to health care, the fact that too many people find themselves subject to health care

providers who are gagged, they do not have a choice with regard to their health plan, that they are being harmed in some cases by the decisions that a clerk someplace, not a health care professional, not themselves, but a clerk somewhere who might get a bonus by denying them health care makes.

I would say that, in the waning days of this Congress, which has done so little to right the wrongs of the American people, that the President ought to say to the Congress, you cannot go home until you right the wrongs that have been done to the American people with reference to health care.

Let us see some meaningful reform of the way these managed care organizations work, the way they interfere in the doctor-patient relationship. Let us see something done to help the problems that the ordinary American family faces. Let us not go home until the job is completed. I hope the President will speak out on this issue.

CONFERENCE REPORT ON H.R. 3150, BANKRUPTCY REFORM ACT of 1998

Mr. LINDER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 586 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 586

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3150) to amend title 11 of the United States Code, 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.

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

Madam Speaker, House Resolution 586 is a typical rule for conference reports and will permit House consideration of H.R. 3150, the Bankruptcy Reform Act of 1998, a bill that is designed to improve bankruptcy practices and restore personal responsibility and integrity to the bankruptcy process.

H. Res. 56 waives all points of order against the conference report and against its consideration. The resolution also provides that the conference report will be considered as read.

The rules of the House provide for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on the Judiciary. In addition, House rules provide for one motion to recommit with or without instructions, as is the right of the minority.

Madam Speaker, the statistics of U.S. bankruptcy filings are frightening. Bankruptcies have increased more than 400 percent since 1980, and we expect over 1.4 million bankruptcies in 1998. In the past, it was possible to blame many bankruptcies on a recession or a poor economic situation. Today, however, we face record numbers of bankruptcy filings at a time of economic growth and low unemployment.

If we take these factors into account, we can realistically come to only one conclusion, bankruptcy of convenience has provided a loophole for those who are financially able to pay their debts, but simply have found a way to avoid personal responsibility and escape their financial responsibilities.

Since the beginning of the 104th Congress in January of 1995, we have worked to advance the values of personal responsibility. In the welfare bill, we thought that helping the poor escape the welfare trap, restoring the dignity of work, and reviving the individual responsibility would help people rise from generation after generation of despair. We were, of course, attacked as heartless and cruel.

Today we know that people are relishing personal responsibility and are moving from welfare to work in record numbers. In fact, in early 1996, simply the prospect of the passage of a welfare reform bill resulted in people moving from welfare to work.

This bankruptcy bill is the Congress' next step in cultivating personal responsibility on accountability. I expect we will hear more hollow charges that we are being heartless and cruel. Nonetheless, the abusers of bankruptcy laws need to receive a message that Federal bankruptcy laws are not a haven of personal fiscal irresponsibility.

If a debtor has the ability to pay the debts that have been accumulated, then they must be held accountable. We believe strongly that individual responsibility is a fundamental norm that Americans should accept.

For the average American who believes that these bankruptcies of convenience do not affect them, we should note that the abusers of the bankruptcy laws are punishing responsible consumers through increased prices and higher credit card fees.

We have to ask ourselves whether the American laborer who works 9:00 to 5:00, or longer, and pays his or her bills on time should have to pay the penalty for those who abuse our current bankruptcy laws. The answer is no.

We know that many people reach the point where they cannot dig themselves out of the financial hole they are in. We know layoffs can hit families at any time. We know that an unexpected medical emergency can undermine the best laid plans. Under this bill, effective and compassionate bankruptcy relief will continue to be available for Americans who need it.

What we cannot condone, however, are those who file for bankruptcy relief under Chapter 7 and have the capacity to pay at least some of their debts. In order to ensure that those who can pay actually do pay, this legislation set in motion a needs-based mechanism.

If the debtor has the ability to pay, the case would be dismissed by the bankruptcy court or guided toward the more appropriate Chapter 13 where they can repay all or some of the debt.

The gentleman from Pennsylvania (Mr. GEKAS), the bill's author, informed us in the Committee on Rules last evening that the conference report adopts the Senate's provisions for a post bankruptcy petition judicial review and includes the House standard for determining the debtor's ability to repay debts.

It is important to note that this bill is not simply about stopping the abuses in the system. It is also about protecting consumers and providing help for those who have found themselves in financial straits.

H.R. 3150 guarantees consumer credit counseling and personal financial management education before being discharged from bankruptcy. It cracks down on misleading credit advertisements and contains consumer disclosure requirements.

H.R. 3150 also recognizes that American farmers face unique challenges, and the conference report ensures that bankruptcy laws protect farmers from the cyclical risks encountered in the agriculture sector.

I am also pleased that H.R. 3150 ensures the priority treatment accorded to child support claims, and in fact improves current law by raising child support and alimony payments to first priority. These are important protections that are supported by the National Association of Attorneys General and by child support agencies across the Nation. This bill also gives priority to the payment of judgments against drunk drivers and drug users.

Madam Speaker, in conclusion, I admit that I am disappointed that, in the face of a bankruptcy crisis that threatens to undermine our economy, I have heard that the President has vowed to veto this common sense legislation. Congress has done its legislative duty in crafting a bill that ensures the debtor's right to a fresh start and protects the system from flagrant abuses from those who can pay their bills.

We have an opportunity to equalize the needs of the debtor and the rights of the creditor, and I hope the President will not follow through on his veto threat.

Madam Speaker, I urge my colleagues to support this rule so we can pass this important legislation and send it to the President for his signature as soon as possible.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I thank the gentleman for Georgia (Mr. LINDER) for yielding me the customary 30 minutes.

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

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

Ms. SLAUGHTER. Madam Speaker, I rise in strong opposition to this rule. I oppose the hasty process the rule embraces. I oppose the damage to America's children that the rule does not allow us to challenge. I oppose the fact that the minority party was shut out of the process.

Last year, more than a million American families went through bankruptcy, leaving millions of creditors without full payment for their goods and services. Is the record number of bankruptcies a serious problem? Absolutely. Is this conference report a real answer to that problem? Absolutely not.

This rule waives clause 2(d)(6) of rule XXVIII that requires the availability of conference reports 3 days before their consideration. The House rule allows Members time to read and study the report before they cast their votes. Since this conference report has been available to most Members for less than 24 hours, I have grave doubts that most Members have any real knowledge of what it includes.

The rule also waives House rules that will ensure that the conferees stayed within the framework of the bills passed by each chamber, an obviously important rule. But under this rule, the conferees had carte blanche and rewrote a new bill. Unfortunately, they used the freedom to craft a creditor-slanted bill and gut consumer protections against predatory practices.

Despite a more than 200-year-old tradition of carefully weighing creditors' rights against a new start for the debtor, this rewrite of the bankruptcy code has been rushed and partisan. The Committee on the Judiciary's markup was so rushed that germane amendments offered by committee members were not even considered. In June, the House considered the bill under the rule that allowed fewer than one-third of the amendments that Members wanted to offer.

Now we learn that the conference committee, the minority, and some Members of the majority were left out of the process. In the one public meeting of the conference, no substantive discussion or proposals were even allowed.

So today, after this closed process, what do we know about the provisions of the conference report, legislation that will affect the lives of millions of families filing for bankruptcy and millions of creditors, many of them small businesses needing relief? We know that this legislation does nothing to address a major cause of bankruptcy, the profligate lending of irresponsible creditors.

Madam Speaker, I submit that every American gets three or four applications for credit cards a week regardless of their credit standing. But we did not address that.

We know that the conference report ignores the votes of a majority of both the House and the Senate that credit card companies should not be able to charge extra fees to those customers who use their credit cards responsibly. Indeed, if we pay all of our credit card bill, they will drop us as a customer.

We know the conference report does virtually nothing to address the problems of the enormous variations in State laws regarding the treatments of personal residences. We know that the conference report has not remedied a major fault to the House-passed bill; the devastating impact on the legislation will have on 125,000 children owed child support from a parent who declared bankruptcy.

Just 4 years ago, I introduced the Spousal Equity in Bankruptcy Amendments. So, Madam Speaker, that provision was my own. I feel pretty seriously about that. But it gave priority to child and spousal support payments and bankruptcy proceedings. That legislation became law as part of the Bankruptcy Reform Act of 1994. Thanks to those amendments and other enforcement reforms, child support collections have increased by 68 percent since 1992. This conference report will reverse that progress.

By making large amounts of unsecured consumer dealt non-dischargeable in bankruptcy, this legislation would place money owed on credit card at the same level as alimony and child support obligations. Under this bill, after a debtor goes through bankruptcy proceedings, he or she will still have credit card and other types of consumer debt left to pay. Those debts will compete with child support and alimony for the limited resources of the post bankruptcy debtor.

While proponents of this legislation claim that they have repaired the damage the bill does to child support and alimony, those repairs are only cosmetic.

□ 0930

They ignore the reality that when aggressive credit card collection agencies are calling, it will be easier for the debtor to pay them rather than the former spouse or the powerless child.

For these and other reasons, the legislation continues to be opposed by consumer groups. One of the original Senate sponsors has promised a filibuster in the Senate and the administration will veto the bill if it is sent to the President in its current form.

While I support efforts to truly reform our bankruptcy laws, this conference report is severely lacking, and we can and should do better.

Madam Speaker, I urge my colleagues to oppose this rule and this unfair bill.

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

Ms. SLAUGHTER. Madam Speaker, I yield 7 minutes to the gentleman from New York (Mr. NADLER).

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

Mr. NADLER. Madam Speaker, I thank the gentlewoman for yielding me this time.

Madam Speaker, this special interest legislation should not even be considered by the House today. It is being brought forward at the eleventh hour from a secret, closed-door conference for which the House minority was virtually excluded.

This secret, rushed and closed conference report was written by and for the special interests, perhaps best symbolizing everything that has gone wrong in this 105th Congress. The majority has ignored the needs of the American people in favor of the special interests, acting with recklessness and haste. That is what has happened for the last 2 years, and perhaps it is fitting that the majority chooses to finish this Congress with this bill true to form.

There was exactly one meeting of the staff of all of the conferees of the House and the Senate. There was only one pro forma meeting of the conferees. Members were not given the opportunity to deal or even to make any motions dealing with any of the substantive issues at that meeting. And then there was never another meeting of the conferees and there was never another meeting of the conferees' staff.

The House minority was resolutely excluded from whatever meetings did occur. In the final stages of the conference, it was strictly a majority event.

The extent to which this conference has failed even to pay lip service to including the minority in the discussions is staggering and reflects an unprecedented arrogance and contempt for the views of the minority and of the Americans whom we represent.

This legislation has been written by and for the big banks, the credit card industry, and other special interest groups. Its sole purpose, everything else being window-dressing, is to take large amounts of money from middle income and low-income people in a time of distress of personal bankruptcy and give it to the big banks and the credit card companies. Everything else is window-dressing.

All provisions which protected consumers from predatory practices have been either dropped or gutted. Any provisions which held wealthy debtors of big corporations accountable for their actions have been either dropped or gutted.

For example, the conference report includes a provision which would make judgments from the drunken operation of a watercraft nondischargeable in bankruptcy. Legislation of this type has already passed the House and I was proud to support it.

Curiously, however, an amendment accepted by the House Committee on the Judiciary on a voice vote which would hold tobacco companies accountable for the debt and injury they have caused with their product and for the death and injury they have caused by misleading the American people about the dangers of smoking, that was dropped early in the conference.

Thanks to that change, the big tobacco companies, if sued successfully, will be able to evade responsibility for their wrongdoing, if that is proven in court, but they will still evade responsibility by filing for bankruptcy protection.

Another provision which was gutted in conference was one which the majority in this House, including 100 members of the majority party and the distinguished Chairman of the Committee on the Judiciary, supported on a motion to instruct conferees. Section 405 of the Senate bill which would prohibit a credit card company from discriminating against the most responsible borrowers, those who pay their bills in full every month.

Now, we have heard, and I am sure there will be more rhetoric from the Republican side of the aisle, talking about how people have to be responsible, how debtors have to be responsible, how they are escaping in bankruptcy, how we are going to curb the abuses of the dead-beat debtors. But here we are permitting the banks to punish debtors for being responsible. If one pays their bills on time, that is terrible. We are going to punish you by discriminatory fees or by cancelling your credit card. The conferees would allow credit card companies to cancel these cards in a discriminatory manner at the end of the term and entirely delete the prohibition against discriminatory fees for those who have the nerve to pay their bills in full and on time since the credit card companies do not get the interest fees, they only get the activity fees.

This bill still threatens parents attempting to collect child support, and crime victims seeking compensation from their victimizers, favoring banks and big government in collection of limited assets. This problem has not been fixed, despite the careful placement of several transparent fig leaves.

While the majority fiddles, out there American communities are suffering from inaction in those aspects of the bankruptcy legislative agenda which would offer real relief. Chapter 12, which protects family farmers in crisis, lapsed on September 30. Although we have been urging for more than a year that this noncontroversial legislation be moved through this House independently, that has not happened. Now we are in the middle of a farm crisis, there is no chapter 12 protection, the farm belt is in crisis, and still the Majority has not acted. America's family farmers are being held hostage to the agenda of the big banks and the special interests. If chapter 12 is going to be renewed, it will be done only in this bill to try to get the agenda of the big banks. And we know that the President has threatened, has promised us he will veto this bill, so chapter 12 is being made veto bait in the hope that maybe it could help save the profits of the big banks.

Similarly, our bankruptcy courts have needed additional judges for years. We moved a freestanding bill in the House last year, but nothing has happened. Congress could well leave town with that job undone for yet another Congress, causing more delays in cases at great cost to all parties in these cases. We could enact the UNCITRAL Model Law on Cross Border Insolvencies on which there is general agreement and which might just come in handy now that there is a global economic crisis, but that has not happened. We could have taken these noncontroversial steps to modernize the code and stabilize the financial markets, but that entire agenda is being held hostage because we must serve the interests of the big banks.

Madam Speaker, this is a flawed bill that will destroy families and small businesses and make it harder for small creditors, including custodial parents seeking child support payments from debtors, to collect what is their due. It still retains the unworkable, one-size-fits-all means test which bankruptcy judges, trustees, practitioners, academics and the nation's leading experts have told us time and again will not work. It fails to balance the responsibilities of debtors with basic requirements that creditors conduct their businesses in an honest and fair manner. It also lets wealthy debtors avoid their responsibilities by preserving loopholes, like unlimited homestead exemptions, for the very rich.

Now we are going to vote on this special interest legislation handed out in secret and behind closed doors. This rule even waives the 3-day layover rule, even though we only received a hard copy of this 300 page bill Wednesday night and the electronic version was not available to Members and the public until yesterday. The legislative language runs 301 pages dealing with some of the most controversial and complex issues of bankruptcy law. I realize we are late in the session, but that is no reason to act with this kind of haste and ignorance. I urge my colleagues to vote ''no'' on this rule and maybe we will redo this bill and get a less obnoxious product.

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

Ms. SLAUGHTER. Madam Speaker, I yield 7 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentlewoman from New York for her work, and I thank very much the ranking member for his work.

I had hoped that we would have had a better result today. I voted initially against this bankruptcy resolution or this bankruptcy legislation when it came to the floor. However, I had good faith and good hope that even as the bill was not as I would have wanted it as it left the House, that we would have an opportunity in a collaborative and working manner of good men and women working together for what is a positive idea of balancing the needs of creditors and debtors, that we would have the opportunity to put before this body a reasonable, a reasonable bankruptcy reform legislation.

In our Committee on the Judiciary meetings and subcommittee, I worked extremely hard, and I really appreciate the leadership of the ranking member, the gentleman from New York (Mr. NADLER), for working equally hard and for his leadership on issues dealing with balancing the needs and the burdens of creditors and debtors. Unfortunately, our voices were not heard, our constituencies were not heard, and this legislation is simply bad.

This legislation is not bankruptcy reform, it is bankruptcy recession. Webster's dictionary defines recession as ''the act of withdrawing and going back.'' That is what this conference report does. It takes several steps back.

First of all, in order for there to be a conference report, a conference should first be convened. This conference committee meeting was a sham. After meeting for a couple of minutes, maybe an hour or so, listening to our respective opening statements, there was no discussion about how we could bring about compromise. I thought our constituents sent us to this body to deliberate, to collaborate, to compromise, to give exchange and interchange. None of that occurred in the conference committee. I was appalled as a second-year Member to find out that this is what represents or is represented to the American people as work.

There was no consideration of any of our concerns, no considerations of 2 motions that I intended to offer, and I was gaveled down in the conference committee. What a sham and an outrage.

As we met for opening statements, we did not attempt at that time to reconcile our opening or our concerns about the bill. The conferees were never afforded the opportunity to deal with the substantive issues. This again is not bankruptcy reform, it is bankruptcy recession.

I was pleased that the homestead exemption capital, $100,000 that was in the Senate version of the bill, is not in the conference report. However, I was not pleased to learn that a residency requirement was added into the conference report that require people in my home State of Texas to live in Texas for at least 2 years or own a home for at least 2 years before getting a homestead exemption. This is contrary to our Texas State Constitution, and it would not serve our State well. Any suggestions that people rove into the State of Texas and buy big expensive homes just in order to avoid the process of listing them or having them counted in bankruptcy is an outrage on the citizens of Texas, and we should be left to our own ways under our own Constitution on this issue.

The conference report does not contain certain provisions for the rights of families and children, as well as the right to a fresh start for honest debtors. Any bankruptcy legislation that is

enacted should ensure that the obligations to pay child support and to compensate victims of wrongdoing are protected, and that eliminates abuse of the bankruptcy system by both debtors and creditors, and does not tilt what is ultimately a fair and well run system to an unfair advantage of particular interest groups. I heard from so many mothers who receive child support and also heard from those who have to pay child support. These debts need to be protected.

I truly believe that without these basic protections, the conference report would merit a presidential veto and that the veto would be sustained. I am very concerned with the House version passed with child support and alimony. I offered an amendment that would put child support and alimony not only as a priority, but would have them paid first before any secured creditors. One cannot put a mother seeking child support in competition with those credit card companies who are trying to get paid. It is an unequal, unequal fight.

This conference report does not do that. It does not list or make sure that those who need to receive their child support do not have to fight the other nondechargeable debts like credit card debt. I oppose creating new nondechargeable debt that could pit post-bankruptcy credit card debt against child support, alimony, education loans and taxes. The conference report has not fixed that problem.

This conference report has the language that child support and alimony would have first priority, but yet still, this debt must still compete with the nondechargeable debt of secured creditors. The fact that this provision is in the conference report is outrageous and still makes the bill nonviable. Again, this is not bankruptcy reform, this is bankruptcy recession.

I had hoped that we could agree on a conference report that would avoid taking indiscriminate aim at debtors and fails to address some troubling practices of creditors. The only indisputable evidence in this debate is that Americans have significantly more debt than they have ever had before. The average bankruptcy filer last year had a debt-to-income ratio of 1.25 to 1, as opposed to .74 to 1, 74 percent of their income, a few short years ago.

According to bankruptcy law professor Elizabeth Warren of the Harvard Law School, the debtors that enter bankruptcy are usually experiencing turbulent times. Sixty percent of bankruptcy filers have been unemployed within a 2-year span prior to their filing.

□ 0945

Twenty percent of filers have had to cope with an uninsurable medical expense. Over one out of three filers, both male and female, are recently divorced.

The premise of this bankruptcy conference report is that bankrupt people are deadbeats, that they are trying to avoid the system, that they are going in and abusing the system. Madam Speaker, this is not true. If we had had a conference committee working relationship, we would have been able to present to this body one deeming or deserving of their consideration.

I think the idea of forcing bankruptcy filers into Chapter 7 versus Chapter 11 is too harsh and too extreme. The damage of trying to accomplish this goal through a means test might be irreparable. The National Bankruptcy Review Commission rejected the means test formula. This is the main reason why there can be no fair bright line to divide the irresponsible and fraudulent from the needy and the disadvantaged.

Again, this is not reform, this is bankruptcy recession. The means test is rigid and arbitrary for determining whether a debtor can use Chapter 7. In addition, it is very difficult for me to see why those small businesses who may want to be in a Chapter 11 are forced into a Chapter 7, all their goods taken.

Madam Speaker, this is not a good conference committee report. It is not deserving of the House. It should be vetoed. We should vote it down.

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

Mr. LINDER. Madam Speaker, I urge passage of the rule, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GEKAS. Madam Speaker, pursuant to House Resolution 586, I call up the conference report the bill (H.R. 3150) to amend title 11 of the United States Code, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 586, the conference report is considered as having been read.

(For conference report and statement, see Proceedings of the House of October 7, 1998, at page H9954).

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

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

Madam Speaker, this is an important time in the 3-year saga that has preceded the moment at hand. That is, for 3 years we have been attempting, in one way or another, to fine-tune the bankruptcy system, and, moreover, in the latter stages of that 3-year process, to directly confront the escalating number of filings that have brought our economic system to the edge of complete chaos in the bankruptcy system, over 1.5 million bankruptcies just in one year, 1997.

That alone prompted action on the part of the various communities involved in the bankruptcy system, and particularly did it cause the Committee on the Judiciary to entertain hearings and to review the Bankruptcy Commission report, and to consult on a daily basis with our Senate colleagues and with everyone concerned in this vast problem.

The final product that the House produced matched the Senate in many different ways, but in those ways in which there was room for negotiation and compromise, that, too, was accomplished.

I want to give one example to the gentleman from New York (Mr. NADLER), if he will give me his attention. The House bill went out of its way, pursuant to the testimony we received at hearings, primarily out of the State of New York about the tax provisions that finally ended up in the House version.

It was largely because of these special interests to which the gentleman refers, like the taxing authorities in New York, that we were able to put into place language that reflected their concerns over the years in a weak bankruptcy code that did not give them the opportunity to recoup monies from bankrupts.

Here is another example, the same thing.

Mr. NADLER. Madam Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from New York.

Mr. NADLER. Madam Speaker, I just want to observe that I was elected to represent 600,000 citizens or residents of the city of New York, not to represent the city government of New York, which is interested in squeezing money out of people it should not be able to squeeze money out of.

Mr. GEKAS. Reclaiming my time, Madam Speaker, no one accused the gentleman of anything. I am pointing out how we compromised on this matter.

The gentleman forgets, in his apology to his constituents, not his apology but his standing up for his constituents, that when the taxing authorities in New York or in any other State have a difficult time in recouping what is due the taxing authorities, every other one of the gentleman's constituents has to make up the difference in what is lost in tax revenue. That is the important point there.

I am simply outlining that we in the House were able to adopt these tax provisions because of the hearings that we held, the testimony we received, and the concerns that were uttered across the Nation.

Then, in the spirit of compromise, the Senate, which also had taken up that particular provision, even had stronger language which we were able to adopt in the compromise. That is the important feature of what I am discussing here today about how we compromised on a great number of issues.

Especially did that occur in the means testing. We heard right from the

beginning that our means test entry formula was too rigid. This was the cry from the opposition, that it forced too many people to go from Chapter 7 to Chapter 13, meaning it was too much to take to force people who could pay some of their debt back over a period of 5 years, it was too much for them to take that they would have to do it over a period of 5 years, even though it only rose to a small percentage of that debt.

So what did we do? We worked with the Senate and we came up with a compromise, which is now in this conference report, whereby the 707(b), that is, that portion of the Senate bill that dealt with abuse, being the vehicle for the final compromise in the conference report.

This, I want to say to the Chair, was a bipartisan effort, notwithstanding the rhetoric that we are being pummeled with. The results in both the Senate and the House of those separate bills indicate that.

I want the RECORD to show that in the House, the vote was 306 to 118. That is pretty bipartisan. On the Senate side it was 97 to 1, even a greater proportion of bipartisanship that approved their version of the bankruptcy reform.

Madam Speaker, here we are in a conference report that includes some of the best ideas in a generation for bankruptcy, including a Bill of Rights for debtors, a whole panoply of avenues of betterment of the plight of the debtor who has to go into bankruptcy and to seek a fresh start.

There is not one poor person or unemployed person in this country, who by reason of their plight are overburdened with their financial situation, who cannot seek and cannot gain a fresh start. We guarantee a fresh start to the poor person, to the person overwhelmed with debt. We are not even talking about them in the reforms and fine-tuning that we did.

What we are addressing is the situation of those people over the median income of our Nation who have a steady income and assets beyond the poor person or the unemployed person who have an ability to repay.

This conference report, this entire system that we have created here, would accommodate the repayment of some of that debt over a period of years. That is the strength of this report and that is the target of the report, not the person who requires and needs a fresh start. That will always be the backbone and the heart of bankruptcy. What we are trying to do is to make sure that that portion is not abused.

In addition to the consumer rights we build into this, I want to say to the Chair that we also have absolute ironclad guarantees, both from the Senate version and our version and in the conference report, for child support on both ends of the spectrum.

That is, we make sure that the person who owes child support will not be able to discharge that debt. That no matter what straits he finds himself in, he must pay that child support. Moreover, we even go as far as making sure that the arrearages that might have piled up are also protected for the purpose of the family that needs that support, and we prioritize child support in such a way that it cannot be misread in any way that the family is being destroyed, which is the rhetoric that we hear; but rather, we have extraordinary ironclad guarantees of the priority of support payments. That is in our bill.

On the homestead exemption, to which reference has been made primarily by our colleagues from Texas and Florida, which have a unique situation, we believe that the conference report meets the needs, and we will be able to discuss that as the gentlemen seek time.

When they are recognized, I would be glad to engage in colloquies with them so that we can firm up the record with respect to the homestead exemption, so we are satisfied that we work diligently to provide a solution, and, I might say to my colleagues from Texas, to ward off those kinds of provisions that would have harmed, I believe, the autonomy of the Texas positions on homestead exemption.

There were many other points that were of contention, and as I think of them, I will regain some of my time. I will consult with my staff as we go along. In the meantime, I want to say one other thing. I think the gentleman from New York, and by the way, I want to personally thank the gentleman from New York for staying in the Chamber last night, as he dutifully did, to shepherd through the Potomac compact.

We were misinformed somehow. We were here. The gentleman from Maryland, Mr. BARTLETT, and I remained on the floor, expecting that the bill would come up, and then by some miscommunication we were advised that it would not come up last night and that it would come up today.

The gentleman from New York (Mr. NADLER) stayed on the floor, and I commend him for that. I am grateful that he was able to help put the final touches on that important piece of legislation.

By the way, upon the adoption of the conference report, and we also have advised the minority, I will bring up a concurrent resolution on unanimous consent that directs the Clerk to make a purely technical revision to the conference reports' effective date provision.

Today marks a major epoch in the history of bankruptcy legislation reform. The Conference Committee Report on H.R. 3150, the Bankruptcy Reform Act of 1998, makes substantial and long-needed reforms to bankruptcy law and practice. The scope and extent of these reforms, it should be noted, have not been undertaken by Congress since the enactment of the Bankruptcy Code in 1978, twenty years ago.

The Conference Report reflects the guiding principles of both the House and Senate's legislative reforms: to restore personal responsibility and integrity in the bankruptcy system and to ensure that it is fair for both debtors and creditors.

We adhered to these principles for one simple reason: the overwhelming mandate that accompanied each bill. In the House, there was a thoroughly bipartisan vote of 306 to 118 for H.R. 3150. In the Senate, again, there was a resounding 97 to 1 vote in favor of S. 1301, the Senate counterpart to our bill. In recognition of these mandates, the Conference Report retains many of the best provisions from each bill and, when necessary, appropriate compromises.

We must also not forget that this Conference Report marks the culmination of more than three years of careful analysis and review of our nation's current bankruptcy system. Both the House and the Senate held numerous hearings and heard from many witnesses, representing a broad cross-section of interests and constituencies in the bankruptcy community. Every major organization having an interest in bankruptcy reform participated in these hearings.

With regard to consumer bankruptcy, the Conference Report contains comprehensive reform measures. Why do we need these reforms? The answers are not only easy, but obvious. Last year, bankruptcy filings topped 1.4 million and even exceeded the number of people who graduated college in that same year. Nevertheless, literally thousands of people who have the ability to repay their debts are simply filing for bankruptcy relief and walking away from those debts without paying their creditors a single penny under the current system.

The Conference Report combines some of the best aspects of both the House and Senate approaches to ensure debtors who have the ability to repay their debts are steered into Chapter 13, a form of bankruptcy relief whereby debtors repay all or a portion of their debts. It accomplishes this objective by adopting the Senate's provisions for post bankruptcy petition judicial review and incorporates the House's standards for determining repayment capacity to provide greater guidance and predictability.

The Conference Report offers a balanced approach to reform with regard to consumer debtors. It creates a debtor's ''bill of rights'' with regard to the services and notice that a consumer should receive from those that render assistance in connection with the filing of bankruptcy cases. Through misleading advertising and deceptive practices, ''Petition mills'' deceive consumers about the benefits and detriments of bankruptcy. The Conference Report responds to this problem by instituting mandatory disclosure and advertising requirements as well as enforcement mechanisms.

Most importantly, the Conference bill contains a panoply of heightened protections especially with regard to the treatment of domestic support obligations. These claims are accorded the highest priority to these obligations. This ensures that they will be paid before all other unsecured creditors, including claims of attorneys and other professionals. It also requires a Chapter 13 debtor, as a condition of obtaining a discharge, to pay outstanding arrearages on these obligations.

The Conference Report also incorporates provisions from both the House and Senate bills to stem abuse in the consumer bankruptcy system. These include provisions

broadening the category of debts that a consumer debtor must repay notwithstanding his or her bankruptcy filing. It addresses the problem of abusive use of credit on the eve of filing and protects secured creditors from having their claims rendered unsecured by Chapter 13 debtors for purchases of personal property made within five years prior to bankruptcy.

In addition, the Conference bill clarifies the grounds for dismissing Chapter 7 cases for abuse. While protecting a debtor's homestead exemption and preserving states' rights, the Conference bill prevents manipulation of the system by those who seek to take advantage of this provision to the detriment of their creditors.

Besides consumer bankruptcy reform, the Conference Report creates a new bankruptcy chapter designed to deal with the special concerns presented by international insolvencies, a timely and very much needed reform. It contains sorely needed provisions requiring the collection of statistics about bankruptcy cases and the implementation of various studies.

In sum, this Conference Report is a comprehensive restatement of bankruptcy law that will re-introduce personal responsibility and integrity into the bankruptcy system while protecting the right of debtors to a financial ''fresh start.''

I commend my fellow Conferees and the dedicated staff members who have worked so tirelessly to perfect this legislation. And, I urge my fellow Colleagues to vote in support of this Conference Report.

Upon its adoption, I will offer a concurrent resolution on unanimous consent that directs the clerk to make a purely technical revision to the Conference Report's effective date provision.

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

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

Mr. Speaker, that the process of the conference report was not open we addressed during a debate in the Committee on Rules. I am not going to go back through that.

Let me start by making several general observations about this bill. This bill deals with a phony crisis, concocted with a $40 million lobbying and propaganda campaign of the big banks and credit card companies. It does so by seeking in 30 or 40 different ways to take large sums of money, in toto, from middle-income and low-income American families in times of personal crisis, personally bankruptcy, to enrich the big banks and credit card companies. This bill has no other purpose, all the window dressing and fig leaves to the contrary notwithstanding.

Mr. Speaker, we are told that the need for this bill is that the number of personal bankruptcy filings has increased greatly over the last 15 years, and that it has gone up to 1.4 million filings last year. We are told that the reason for this is that Americans are basically deadbeats. Americans are basically deadbeats. That is a slander on the American people.

We are told that a couple of generations ago we had moral people in this country, and they would not go bankrupt and seek a discharge of their debts unless they were really in an extreme position, unless they had no other choice, and there was a moral stigma attached to bankruptcy.

Now, in this era today, nobody cares about morality anymore. There is no more moral stigma. Therefore, people go bankrupt, they declare bankruptcy as a financial planning option, or at the first sign of difficulty, instead of in the last resort. They are deadbeats.

Mr. Speaker, as I said, this is a slander on the American people. It is total nonsense. In fact, if we look at the statistics we see what nonsense it is. In 1983, 15 years ago, the average Chapter 7 filer seeking a discharge of debts in bankruptcy had debts equal to 74 percent of his annual income.

□ 1000

Today, the average Chapter 7 filer has debts equal to 125 percent of his annual income. In other words, people are much more reluctant today to file for bankruptcy than they were 15 years ago. They do not file for bankruptcy when they have their debts equal to 74 or 75 percent of their income. They wait, they struggle, they work to resolve their financial situation until they get to 125 percent debt, 125 percent of their income, and only then do they file for bankruptcy. They are a lot more queasy about bankruptcy than they were 15 years ago. They are a lot more reluctant to enter into bankruptcy than they were 15 years ago, to the contrary of the arguments of the proponents of this bill.

We are told those who file for bankruptcies, who can pay their debts but are not because they are given discharges, that this costs every American family $400; and if we pass this bill, Americans will get $400 more money, or will save $400 a year in lower interest rates on their credit cards. This is self-evident nonsense.

We all know what has happened since credit cards were deregulated, since interest rates were deregulated in the early 1980s. They shot up to an average of 17, 18, 19 percent, which in an era of 17 percent inflation in 1980 may have been okay; the banks had to charge at least the inflation rate. We were told when the inflation rate and the cost of money went down that the interest rates would come down. Well, the cost of money has come way down, mortgage interest rates have come down, bank loan rates have come down, the prime rate has come down, everything has come down, but not interest rates on credit cards. They are still averaging 17.7 percent.

Yes, we can find some small-town banks that will give us much better interest rates, but 90 percent of the credit cards, 90–95 percent of the credit cards' credit comes from the big banks, which can do the marketing and the advertising on television, and those rates are way up. If this bill passes, they are not going to lower those rates. They will just have bigger profits.

The fact is that the profit rates of banks, which vary between 1 and 2 percent of assets, the profit rates of the credit card departments are between 4 and 5 percent of assets. In 1983, before credit card interest rates were deregulated, and before the ''bankruptcy crisis'' started, the profitability of the credit card departments was slightly higher than the profitability of the banks as a whole. Now, it is four times higher.

In fact, if we want to know the cause of the ''bankruptcy crisis'', of the increase in filings, we do not have far to look. The increase in bankruptcy filings tracks directly year-to-year with the increase in the ratio of debt-to-income in society as a whole. In other words, people are getting more in debt. They are being lulled by the credit card companies to take more and more credit cards, get more in debt, more in over their heads, and the result is not a surprise.

Mr. Speaker, let me outline just some of the problems with this bill, very briefly. We are told there is a means test. Before we can get a Chapter 7 bankruptcy, which now is allowed on request, unless it is abusive, we will have to pass this means test. A means test means that we should look at the ability of the borrower to repay his debts. What is his income; what are his real expenses.

But we are not going to look at real expenses in this bill. We are going to let that wonderful agency the Internal Revenue Agency say what the average rent expense is in the northeast United States. Who cares? The question is what is his or her rent expenses. We are going to look at the average costs for everything else. It does not matter, the real cost is what are his or her expenses. If an individual has a major medical problem on an ongoing basis, it does not matter what the average family spends on medical expenses, it matters what that individual spends on medical expenses.

Mr. Speaker, this bill expands the nondischargeability of credit card debts so that they will compete with child support obligations. It gives creditors powerful new leverage to coerce reaffirmation agreements, which will compete with child support after bankruptcy. It requires diversion of family income in chapter 13 to defend meritless claims of fraud. It adopts a restrictive definition of household goods so that more household goods will be repossessed, household goods of little value to the creditors but which are needed by debtors. It eviscerates all the Senate's consumer protection provisions. It adds new provisions eliminating punitive damages and class actions for intentional violations of the bankruptcy stay. It allows wealthy debtors to plan bankruptcy cases in advance so none of the bill's provisions will affect them.

In other words, for the rich, they can still use bankruptcy abusively, but for the low-income and middle-income people, this bill says we are going to take a lot of their money, we are going to

evade their chance to get it, we are going to eliminate or restrict their chance to get a new start, which is the purpose of the bankruptcy laws, because the big banks must be served.

Mr. Speaker, this bill is one of the worst bills I have ever seen. It serves only the big banks against the interests of middle- and low-income Americans. The President, thankfully, has pledged to veto the bill, and so, ultimately, this bill will do no harm except to our reputations.

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

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume to repeat that the vote on the House was 300-something to 118, an overwhelming bipartisan approval of the language of the bill.

Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. BRYANT), a member of our committee.

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

Mr. BRYANT. Mr. Speaker, I do rise in strong support of this conference report on the Bankruptcy Reform Act of 1998. I come to this floor as someone who has practiced in the bankruptcy court for a number of years and I realize that bankruptcy is good for America. We have always been a country that is willing to give people a second chance, and certainly that is what the bankruptcy code is about, to help people who are financially distressed in a genuine situation to have a second chance.

However, over the years, this process, like so many other processes and so many other laws, gets out of focus, perhaps gets a little out of balance, and at this time I think the bankruptcy reform that we have worked so hard on in this Congress is very appropriate to try to bring the process back into balance; allow the courthouse doors to remain open to those people who genuinely and sincerely need bankruptcy relief, but yet give that balance to the creditors out there who, along with the American citizens, bear the cost of bankruptcy abuse.

There are many reasons for this, and I will not begin to get into a great discussion about those, but it seems to me what will be heard today on the floor and what has already been said is probably, in large part, true. There is enough blame to go around for everyone in terms of why there are so many bankruptcies. But what I wanted to see done in this bill was to find this proper balance, to work it through the process of the House bill, the Senate bill, which were very different, and then go into conference and work together and come out with a bill that was more uniform and one that was more consistent, that could be applied across this country, and perhaps taking out some of the discretion, some of the discretion, not all of the discretion, that exists in the current bankruptcy code.

Mr. Speaker, after countless hours of debate and disagreements in this conference between the Senators and the Members of the House, we conferees have emerged from our negotiation with a good and a serious compromise, a bill which, on all sides, has found a workable agreement in helping solve the endless complications associated with our bankruptcy system.

What this compromise bill creates is a needs-based bankruptcy system which will determine the type of relief. Not that an individual cannot file, but determines the type of relief that a debtor needs. It talks about the type of relief that a debtor needs and will require people to fairly repay what they can.

This legislation also removes loopholes that have allowed some debtors to abuse the system over the years. Our reform puts a greater priority on child support and alimony payments that are made through bankruptcy proceedings. But one of the main strengths and one of the main concerns I have in my district is how the legislation affects Chapter 12 bankruptcies.

Chapter 12 bankruptcy will expire this year, and this bill extends that particular provision of the code permanently. This is the provision that allows our farmers to reorganize when they are in a disastrous situation; to be able to reorganize and pay back their debtors and keep those family farms in operation.

We have seen a number of terrible disasters this year, especially in the south, in my home State of Tennessee, and we expect something in the nature of some 50 farmers that may have to face the possibility of some sort of reorganization this year. But given the willingness of our compromise as a whole within this legislation, this particular provision will help our family farms have more say in their reorganization plans.

I do urge my colleagues on both sides of the aisle to pass this legislation as it is and to give the President the opportunity to sign it into law. This is not a time to turn our back on the farmers and a reasonable and an appropriate revamping of the bankruptcy code. This bill shifts responsibility to the debtors for the first time in a long while, in a reasonable fashion, while making adequate protections for those who really need it.

Mr. Speaker, I urge the bill's passage.

Mr. NADLER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member of the Committee on the Judiciary.

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

Mr. CONYERS. Mr. Speaker, were it not for the gentleman from New York (Mr. JERRY NADLER), this bill, one of the worst anti-people bills I have ever seen in the Judiciary, would be quietly going through this body. The President of the United States, I say to the gentleman from Pennsylvania (Mr. GEKAS), has pledged he will reward the majority with a veto for not listening to the senior ranking member and going off on the deep end. He will veto this bill. And even if it is put in an omnibus bill, he will veto it. So we are talking serious defects.

I want to address the distinguished chairman, the gentleman from Pennsylvania. He and I have toiled in the Judiciary vineyards together for so long. How could the gentleman put a provision in, first of all, that takes out the few good provisions that we had? The bill was bad enough on its own, but then he gutted the provision, which passed with over 100 of his Republican colleagues, that would have ended the practice of credit card companies cutting off accounts. Why?

Why would the gentleman drop the provisions that would prevent the horrible tobacco companies, the bad guys of American industry, from using bankruptcy to get out of their judgments? Why would he endanger youth? I know he is a pro-family man, like me, pro-family values. Why would he endanger child support, alimony payments, in a bill coming out of the committee with his name on it?

Why would the gentleman harm small businesses? We represent the little guys. And now he is putting them in very precarious positions. And then the gentleman dropped the consumer protection and fair credit amendments that were in the Senate bill.

Now, these were the things the gentleman took out of the bill. But before he did that, the bill was a nightmare anyway.

This was the most partisan of anything the Republicans have ever done in the Committee on Judiciary. And without consulting me, the gentleman has been hurried and partisan and, really, the whole process was not the kind that we want.

By the way, the gentleman mentioned how many people voted for the bill. How many people voted for the open-ended, no-scope inquiry yesterday? The American people do not want that, and they do not want a bill like this. The House makes mistakes all the time. Our job is to correct them. And so I wanted to just outline some of these things, and I refer the gentleman to the report that we filed of dissenting views that is in this matter.

I thank the ranking member of the subcommittee, the gentleman from New York (Mr. JERRY NADLER) for according me so much time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume to say that I like the gentleman from Michigan (Mr. JOHN CONYERS), and sometimes, even when he makes sense, he goes to the point of the issue at hand. Here, though, he has overlooked the fact that the final conference report, which may or may not have had some of the provisions which are near and dear to his heart, was the subject of the compromise that always occurs between the two bodies when each have passed a similar bill and which then

converge to a compromise level at the conference level.

□ 1015

So his disappointment, which heartfelt, should not be visited at the chairman who has gone to great lengths to try to amalgamate the best interests of our body, as the gentleman from Michigan knows. But I will take his words and consult with him later in a private manner in which we will dispose of our differences.

Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. KNOLLENBERG) who from the very start has had a special interest in the best sense of the word in bankruptcy reform.

Mr. KNOLLENBERG. Mr. Speaker, I rise in strong support of this bill and I thank the gentleman from Pennsylvania (Mr. GEKAS) for including this provision in this bill. This injustice stems from a last-minute decision back in the 103rd Congress which placed an arbitrary $4 million ceiling on the single asset provisions of the bankruptcy reform bill. The effect has been to render investors helpless in foreclosures on single assets valued at over $4 million.

While in Chapter 11, and I want to talk just briefly, H.R. 3150 provides relief to victims by eliminating this arbitrary ceiling. Under this law, Chapter 11 of the Bankruptcy Code serves as a legal shield for the debtor. Upon the investor's filing to foreclose, the debtor preemptively files for Chapter 11 protection which postpones foreclosure indefinitely.

While in Chapter 11, the debtor will continue to collect the rents on the commercial asset. However, the commercial property will typically be left to deteriorate and the property taxes go unpaid. When the investor finally recovers the property through the delayed foreclosure, they owe an enormous amount in back taxes, they receive a commercial property left in deterioration which has a lower rent value and resale value, and meanwhile the rent for all the months or years they were trying to retain the property went to an uncollectible debtor.

H.R. 3150 does not leave the debtor without protection. First, the investor brings a foreclosure against a debtor only as a last resort. It should be noted, however, that single asset reorganizations are typically a false hope since the owner of a single asset does not have other properties from which he can recapitalize his business.

Mr. Speaker, H.R. 3150 is a good bill. I urge my colleagues to support it.

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

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would actually like to speak to my colleagues who with their best judgment made the determination to vote for what was initially presented to us as an attempt to rid ourselves of those people who would abuse the bankruptcy system. Many of my colleagues came to the floor of the House with good intentions and seeking to respond to the accusations made by the credit card industry. I speak to them today because I think they have been sorely disappointed and their good intentions have been misused. In fact, the distinguished gentleman from Pennsylvania (Mr. GEKAS) notes that the Senate voted for this bill 97–1. The reason was that Democrats joined with Republicans in a bipartisan vote. Why? Because there had been the inclusion of a sizable portion of consumer protections in this bill, providing for consumer education and counseling. Yet in the dark of night, these good provisions that would protect you have been deleted. Frankly it is interesting that this bill uses IRS standards to determine whether a hardworking American who has fallen upon hard times with catastrophic illnesses and other tragedies in their family now can go into the bankruptcy court. It ignores that most bankrupt persons may have been recently divorced, or they may have been elderly persons with catastrophic illnesses falling again upon hard times. It ignores frankly the idea that the credit card industry themselves admitted that really only 4 percent of the debt in America paid by Americans for credit cards is defaulted. So where is the problem? Ninety-six percent of the debt that you owe to credit card companies is paid and paid and paid and paid. In fact, you all realize that you pay three times more, or more, for the item by the time you get through paying. Yet the credit card companies have said to us, ''We need relief.''

Frankly I am concerned about this means test because important items like child care payments, health care costs, the costs of taking care of ill parents, educational expenses, are those kind of expenses that may keep you out of the bankruptcy court or you may have to prove that they were in fact necessary. Would you imagine that this legislation also takes good, hardworking businesses, small businesses who likewise may have come upon hard times but want to keep their doors open by filing Chapter 11 in order to pay off their debts, it forces them into Chapter 7 which takes away everything that they own.

Mr. Speaker, this is a bill that needs to be voted down. There are so many problems with the bill.

Mr. Speaker, I support Bankruptcy Reform legislation, but not this bankruptcy conference report. This is not bankruptcy reform—this is bankruptcy recession. Webster's Dictionary defines recession as ''the act of withdrawing and going back.'' That's what this conference report does. It takes several steps back. First of all in order for there to be a Conference Report, a conference should first be convened. This conference committee was a sham. We met one time to read opening statements and the democrats were not able to offer any input to reconcile the differences between the House and the Senate versions of the bill. The conferees were never afforded the opportunity to deal with the substantive issues.

This is not bankruptcy reform—this is bankruptcy recession.

I was pleased that the Homestead Exemption cap of $100,000 that was in the Senate version of the bill is not in the conference report. However, I was not pleased to learn that a residency requirement was added into the conference report that would require people in my home state of Texas to live in Texas for at least two years or own a home for at least two years before getting a homestead exemption. This is contrary to our Texas state Constitution and would not serve my state well.

The conference report does not contain certain provisions for the rights of families, children, as well as the right to a fresh start for honest debtors. Any bankruptcy legislation that is enacted should ensure that obligations to pay child support and to compensate victims of wrongdoing are protected, eliminates abuse of the bankruptcy system by both debtors and creditors, and does not tilt what is ultimately a fair and well run system to the unfair advantage of particular interest groups. I truly believe that without these basic protections, the conference report would merit a Presidential veto and that veto would be sustained.

I am very concerned with what the House version passed with child support and alimony. I offered an amendment that would put child support and alimony not only as a priority, but would have them paid first before any secured creditors. This conference report does not do that. I oppose creating new, nondischargeable debts that could pit post-bankruptcy, credit card debt against child support, alimony, educational loans, and taxes. The conference report has not fixed that problem.

This conference report has the language that child support and alimony would have first priority, but yet still this debt must still compete with the non-dischargeable debt of secured creditors. The fact that this provision is in the conference report is outrageous and still makes the bill non-viable. This is not bankruptcy reform—this is bankruptcy recession.

I hoped that we can agree on a conference report that would avoid taking indiscriminate aim at debtors and fails to address some troubling practices of creditors. The only indisputable evidence in this debate is that Americans have significantly more debt today, than they have ever had before. The average bankruptcy filer last year had a debt to income ratio of 1.25 to 1 (125% of their income) as opposed to just .74 to 1 (74% of their income) a few short years ago.

According to Bankruptcy Law Professor Elizabeth Warren of the Harvard Law School, the debtors that enter bankruptcy are usually experiencing turbulent times. Sixty percent of bankruptcy filers have been unemployed within a two year span prior to their filing. Twenty percent of filers have had to cope within an uninsurable medical expense. Over 1 out of 3 filers, both male and female are recently divorced.

The version of the bill that passed the House was unacceptable to me, and I voted against it. I think the idea of forcing bankruptcy filers into Chapter 13 versus Chapter 7 is too harsh and two extreme. The damage of trying to accomplish this goal through a means test might be irreparable. The National Bankruptcy Review Commission rejected the

means test formula, and this is the main reason why: there can be no fair brightline to divide the irresponsible and fraudulent from the needy and disadvantaged.

This is not bankruptcy reform, this is bankruptcy recession.

I strongly oppose a ''means test'' that includes a rigid and arbitrary approach to determining whether a debtor can use Chapter 7 only to those who genuinely have the capacity to repay a portion of their debts successfully under a Chapter 13 plan. Bankruptcy courts must have discretion to consider the specific circumstances of a debtor in bankruptcy, and the thresholds they consider should be high enough to ensure that only those with a strong likelihood of success are affected. If we deny access to Chapter 7 to the wrong debtors, and those debtors fail to complete required repayment plans, they will return to Chapter 7 with a diminished capacity to repay their nondischarged debt—including child support and alimony.

I am also very concerned that some Americans who have small businesses will be forced into Chapter 7 instead of having a chance to repay their debts under Chapter 11. Small business owners should not be allowed to escape their debts unnecessarily, but they should be given an opportunity for a fresh start.

In our House Judiciary Committee Mark-up, I supported an amendment that passed by voice vote which would hold tobacco companies liable for the death and injury that resulted from the use of their deadly products. The conference report changed this ''reform,'' and now the tobacco conglomerates will be able to shield themselves from liability by filing for bankruptcy protection.

This is not bankruptcy reform, this is bankruptcy recession.

There should also be language in the Final Report that addresses consumer and debt education. It should be the responsibility of the credit card companies to give more and better information so that they can understand and better manage their debts. Debtors need to be protected against predatory creditor tactics to coerce inappropriate and unwise reaffirmations of unsecured debt and secured debts. The Consumer education provisions are conspicuous by their absence in this conference report.

Mr. Speaker, this is not Bankruptcy reform, this is Bankruptcy recession. This bill pits creditors over families, conglomerates over women and children, offers no provisions for the farmers of our nation, and provides loopholes for the wealthy. This so-called Bankruptcy reform is D.O.A. (dead on arrival) at the White House. This is not bankruptcy reform, this is bankruptcy recession. I urge you to vote no on this conference report.

Mr. GEKAS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, it is common sense in my areas of Michigan, that if you make it too easy to file bankruptcy and discharge your debts, a lot of those lenders are going to have to jack up their interest rates on everybody else to compensate for the money they lose when that debt is discharged. This legislation provides a better balance, a golden mean. I would hope both sides could work together to find compromize so that we don't end up with harder to get loans and higher interest rates as a result of existing law that makes it easy to declare bankruptcy and discharging those debts.

I have two bills that are now incorporated in this bankruptcy bill. One is H.R. 4672, the extension of the Section 12 provision for farmers and agriculture; the other is a provision suggested to me by an Eaton County Michigan probate Court official, Tom Robinson. That section does not allow the discharge of debt for child care that would be owed to a local court or municipality.

I thank Chairman GEKAS for yielding me time and for his perseverance in developing needed reform to our bankruptcy law.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. BOUCHER).

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

Mr. BOUCHER. Mr. Speaker, I want to thank the gentleman from New York (Mr. NADLER) for yielding this time to me. It is a very generous amount of time, particularly in view of the fact that my perspective on this issue differs from his. I want to thank him for recognizing me this morning.

Mr. Speaker, I am pleased to rise in support of the conference report on the bankruptcy reform measure and urge its approval by the House of Representatives. In recent years, the bankruptcy laws have been subjected to growing misuse by debtors who can repay a substantial part of what they owe but elect instead to file for the complete discharge and complete liquidation provisions of Chapter 7 of the bankruptcy laws.

In the past year, more than 1.4 million bankruptcy petitions were filed, and that was a 25 percent increase over the prior year's level. That dramatic increase occurred at a time when we had the strongest national economy and the lowest unemployment that our Nation has experienced in decades. Each year, more than $40 billion in consumer debt is wiped out through bankruptcy discharges, a cost that is passed along to borrowers and passed along to the purchasers of all goods and services. That cost amounts to a hidden tax of approximately $400 per year on the typical American family.

The reform legislation that we consider this morning is a positive step toward ensuring that individuals with high incomes who need bankruptcy protection but who can repay a substantial part of their debts use the debt repayment plan of Chapter 13, rather than the complete liquidation provisions of Chapter 7. That will ensure that more of the debt is paid. That will ensure that the $400 tax that is imposed on the typical family because of increased charges for credit and the increased prices for goods and services is, to some extent, reduced and lowered.

By combining the best elements of the House and Senate bankruptcy reform measures, the conference agreement encourages personal responsibility in the use of credit in a manner that is fair to debtors and creditors alike and promotes the interests of all consumers.

It makes a number of other useful changes. Child support and alimony payments that today have the seventh priority in the distribution of a bankrupt's estate will be moved to the very first priority. That is a very significant change. I would note that for people whose concerns have been expressed with regard to the condition of the single parent. In Chapter 13 cases, a court under this legislation can require that all child support and alimony be paid before any other obligations, and a debtor will not receive discharge of his debts in bankruptcy until child support and alimony payments have been made.

The legislation also protects consumers. All credit card users will benefit from mandatory provisions requiring credit card companies to disclose on customer statements the effect that only making the minimum monthly payment will have on the length of time it will take to pay the balance that is due and also on the overall finance charges that must be paid. Credit card companies will also be prohibited from terminating a customer's account because that individual elects to pay his bills on time and, therefore, is not incurring finance charges.

The measure also enhances debtor protections. The conference report addresses the unscrupulous practices of some debt relief agencies by requiring full disclosure to consumers about the bankruptcy process and about related fees. Reaffirmations by debtors of wholly unsecured debt must comply with strict new disclosure requirements that are imposed on creditors, and reaffirmations will also be subjected to review by a bankruptcy judge.

I urge support for the conference agreement.

Mr. Speaker, I rise in support of the conference report on the bankruptcy reform measure and urge its approval by the House.

In recent years, the bankruptcy laws have been subjected to growing misuse by debtors who can repay a substantial part of what they owe, but elect to file for a complete discharge of all of the debts under Chapter 7.

In the past year more than 1.4 million bankruptcy petitions were filed, an increase of more than 25% over the prior year's level. And this dramatic increase has occurred during the strongest economy, with the lowest unemployment the nation has experienced in decades.

Each year, more than $40 billion in consumer debt is wiped out through bankruptcy discharges, a cost which is passed along to borrowers and to the purchasers of all goods and services. This cost amounts to a hidden tax of $400 per year on the typical American family.

The reform legislation is a positive step toward ensuring that individuals with high incomes who need bankruptcy protection but who can repay a substantial portion of their debts use the debt repayment plan of Chapter

13 rather than the complete liquidation provisions of Chapter 7.

By combining the best elements of the House and Senate bankruptcy reform measures, the Conference Agreement encourages personal responsibility in the use of credit in a way which is fair to debtor and creditors alike and promotes the interests of all consumers.

It makes other useful changes: Child support and alimony payments will become the first priority in bankruptcy proceedings, a major change from the seventh priority in current law. In Chapter 13 cases, a court can require that all child support and alimony be paid before any other obligations. And, a debtor will not receive a discharge of debts in bankruptcy until child support and alimony payments are made current.

The legislation protects consumers: All credit card users will benefit from mandatory provision requiring credit card companies to disclose on customer statements the effect of only making the minimum monthly payments on the overall finance charges paid and on the length of time required to repay the balance. Credit card companies will also be prohibited from terminating a customer's account solely because the customer has not incurred finance charges on the account.

The measure enhances debtor protections: The conference report addresses unscrupulous practices of some debt relief agencies by requiring full disclosures to consumers about the bankruptcy process and related fees. Reaffirmations by debtors of wholly unsecured debt must comply with strict new disclosure requirements imposed on creditors and reaffirmations will be subject to review by a bankruptcy judge.

The House passage of this legislation was supported by ¾ of the membership and by approximately ½ of the Democrats. I encourage colleagues on both sides to approve this conference report, and to my Democratic colleagues I would point out that the conference agreement is somewhat less favorable to the credit industry and somewhat more favorable to financially hard-pressed debtors than was the House bill. Therefore, it is my hope that an even larger number of my Democratic colleagues will support the conference agreement than supported the original legislation.

In summary, the conference report on H.R. 3150 protects consumers, reduces abuses of the bankruptcy system by creditors and debtors, and ensures that an effective "fresh start" is available to those who truly need it. Mr. Speaker, H.R. 3150 is a balanced and responsible reform of the bankruptcy law.

Mr. GEKAS. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. SHAW) who has been very helpful in the consultations along the road to this moment.

Mr. SHAW. I thank the gentleman for yielding me this time. Mr. Speaker, I would like to congratulate the chairman and all on the Judiciary Committee who took on a most neglected portion of the law which has been racked by abuse in the last years and has really brought us a very, very good bill. I intend to support this bill, but I must express my disappointment as to a provision that was dropped in the conference which I feel is very, very important. As the gentleman from Virginia (Mr. BOUCHER) has just stated, bringing up child support from down at a lower level on priorities right up to the top was a very, very good thing. In order to further implement this, I offered an amendment which was accepted by the House during the passage of this legislation which put a mechanism for enforcement of this very important provision in place. I felt it was very reasonable and I felt also it was very necessary because so many times a mother receiving child support does not know the ins and outs and legalities of being able to enforce her particular priority. I would hope should this bill come back to the House for any reason whatsoever either because of action of the Senate or action of the President that they will reconsider the Shaw amendment and place it back in the bill as a very reasonable enforcement tool for those millions of American women who are struggling to raise their children and are in desperate need of the funds they receive each month in the form of child support.

□ 1030

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

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

Mr. BENTSEN. Mr. Speaker, if I could, I would like to engage the chairman of the subcommittee in a colloquy with respect to sections 126 and 127 of the conference report.

First, if I might, in understanding, does the 2-year residency requirement mean that once residency is met the debtor enjoys the benefit of the State's homestead law for so long as he or she is a resident of that State even if they move from one homestead to another within that State? And, furthermore, does this same residency apply to military personnel and expatriates who maintain their residency within that State but may well be domiciled in another State or another country?

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

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

Mr. GEKAS. It is a yes-yes to the gentleman's inquiries. It allows Texas to set and to keep its homestead exemption theories and laws in place subject to the 2-year limitation that we place in the bill.

Mr. BENTSEN. So once I have established the 2-year residency, I can claim homestead on the house I am in now. The house, if I sell that house and buy another house, that house and each house thereafter, so long as I maintain the initial 2-year residence.

Mr. GEKAS. That is my interpretation.

Mr. BENTSEN. Would a gain on the sale of a residence once residency is obtained which is then rolled over into a new residence be considered an exempt asset or a nonexempt asset?

Mr. GEKAS. I have not thought that through, but it is my impression that that would be protected because, by then, the exemption has already been created.

Mr. BENTSEN. And under Section 127, would a routine prepayment within the 730-day period; as my colleague knows, with one's mortgage statement they can have a routine prepayment on top of their annual mortgage payment or a home equity payment, for that matter, which is carried out within the 730 day period. Would that be considered routine, or would that be something where the debtor would have to fight in court to determine that that is not a fraudulent transfer?

Mr. GEKAS. My impression would be that it would be routine.

Mr. GEKAS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding me this time and for his strong leadership on this issue.

Mr. Speaker, I rise today in support of the conference report. This important legislation is an honest compromise between the House and Senate passed bills, and while I have serious concerns about the retention of certain provisions of the Senate passed bill, the overall conference report is a strong agreement that is pro personal responsibility and anti bankruptcy abuse. With a record high 1.4 million bankruptcies filings last year, every American must pay more for credit, goods and services when others go bankrupt. I cosponsored and voted for House passage of H.R. 3150 because it is high time that we relieve consumers from the burden of paying for the debts of others. The Bankruptcy Reform Act restores personal responsibility, fairness and accountability to our bankruptcy laws and will be of great benefit to consumers.

For too long our bankruptcy laws have allowed individuals to walk away from their debts even though many are able to repay them. That is not fair to millions of hard-working families who pay their bills, mortgages, car loans, student loans and credit card bills every month. The loopholes in our bankruptcy laws have led to a 400 percent increase in personal bankruptcy filings since 1980 at a cost of $40 billion per year. These losses have been passed directly to consumers, costing every household that pays its bills an average $400 per year in a hidden tax in the form of increased costs of goods that are passed on by those who are defaulted upon with credit. In real terms that is a year's supply of diapers or 20 tanks of gas.

The conference agreement retains the strong needs-based formula included in the House passed version of the bill but would preserve the right of a debtor in bankruptcy to have a judge review his or her case. This judicial review would preserve the means test

that is so necessary for successful bankruptcy reform while allowing a debtor's unique circumstances to be taken into account.

Under the current system, some irresponsible people filing for bankruptcy run up their credit card debt immediately prior to filing knowing that their debts will soon be wiped away. These debts, however, do not just disappear. They are passed along to hard-working folks who play by the rules and pay their own bills on time. The Bankruptcy Reform Act ends this practice by requiring bankruptcy filers to pay back nondischargeable debts made in the 90 days preceding their filing. In addition, new debts incurred within 90 days of bankruptcy for luxury goods over $250 in value would be presumed nondischargeable.

While ending the abuses of our bankruptcy laws, the Bankruptcy Reform Act is strongly pro consumer in other ways as well. This legislation, for example, helps children by strengthening protections in the law that prioritize child support and alimony payments.

Thank you, Mr. Speaker. I rise today in support of the conference report on H.R. 3150, the Bankruptcy Reform Act of 1998. This important legislation is an honest compromise between the House- and Senate-passed bills, and while I have serious concerns about the retention of certain provisions of the Senate-passed bill, the overall conference report is a strong agreement that is pro-personal responsibility and anti-bankruptcy abuse.

With a record-high 1.4 million bankruptcy filings last year, every American must pay more for credit, goods, and services when others go bankrupt. I cosponsored and voted for House passage of H.R. 3150 because it is high time that we relieve consumers from the burden of paying for the debts of others. The Bankruptcy Reform Act restores personal responsibility, fairness, and accountability to our bankruptcy laws, and will be of great benefit to consumers.

For too long, our bankruptcy laws have allowed individuals to walk away from their debts, even though many are able to repay them. That's not fair to millions of hard-working families who pay their bills—mortgages, car loans, student loans, and credit card bills—every month. The loopholes in our bankruptcy laws have led to a 400 percent increase in personal bankruptcy filings since 1980, at a cost of $40 billion per year. These losses have been passed directly to consumers, costing every household that pays its bills $400 per year in a hidden tax in the form of increased costs goods each year. In real terms, that's a year's supply of diapers, or twenty tanks of gas.

The conference agreement retains the strong needs-based formula included in the House-passed version of the bill, but would preserve the right of a debtor in bankruptcy to have a judge review his or her case. This judicial review would preserve the means test that is so necessary for successful bankruptcy reform while allowing a debtor's unique circumstances to be taken into account.

Under the current system, some irresponsible people filing for bankruptcy run up their credit card debt immediately prior to filing, knowing that their debts will soon be wiped away. These debts, however, do not just disappear—they are passed along to hard-working folks who play by the rules and pay their own bills on time. The Bankruptcy Reform Act ends this practice by requiring bankruptcy filers to pay back nondischargeable debts made in the 90 days preceding their filing. In addition, new debts incurred within 90 days of bankruptcy for luxury goods over $250 in value would be presumed non-dischargeable.

While ending the abuses of our bankruptcy laws, the Bankruptcy Reform Act is strongly pro-consumer in other ways as well. This legislation, for example, helps children by strengthening protections in the law that prioritize child support and alimony payments. Additionally, H.R. 3150 protects consumers from ''bankruptcy mills'' that encourage folks to file for bankruptcy without fully informing them of their rights and the potential harms that bankruptcy can cause.

I think that my friends on the other side of the aisle would agree with me that none of the parties involved in this debate got everything that they wanted in this bill, nor would any of us claim to support all of the provisions included in this bill. I know I certainly do not. But that is the essence of compromise. On the whole, however, this bill is a giant step in the right direction and means real reform for our nation's bankruptcy laws.

Bankruptcy should remain available to folks who truly need it, but those who can afford to repay their debts should not be able to stick other folks with the tab. Enactment of this conference report will send a big signal toward those who would abuse our bankruptcy system that the free ride is over. I urge my colleagues to support this fair and reasonable compromise. Thank you.

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

Mr. EDWARDS. Beware, senior citizens; beware, middle class working families; beware, hard-working farmers and ranchers. This bill, if enacted into law, could put them into debt for the rest of their life.

Mr. Speaker, this is a perfect example of a good idea, the idea of personal responsibility, being turned into a horrible bill in the last hours of this Congress behind closed doors by special interests who simply went too far.

Three points:

First of all, these were the words my Republican colleagues used about the Internal Revenue Service this year: dictatorial, unfair, arbitrary. And yet, incredibly, in this bill our Republican friends turn over the definition of necessary expenses, they turn over to the IRS the ability to put people in debt for the rest of their lives. They turn over to that IRS that they have been berating all year long. Incredibly, under this bill, the Internal Revenue Service could deny hard-working families the right to use their hard-earned money to pay for child care for their children, to pay for health care or other living expenses for their parents that live in their home. Our Republicans would allow the IRS under circumstances to exclude major health care expenses.

So, a hard-working family, a responsible family that has a $100,000 health care bill, could be determined by the IRS, be forced into bankruptcy, actually forced into debt rather, for the rest of their lives.

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

Mr. EDWARDS. I yield to the gentleman from Michigan.

Mr. CONYERS. The gentleman from Texas is absolutely correct, and our hearing supported that. The gentleman from New York (Mr. NADLER), our ranking member, brought in witnesses to point this out without any shadow of a doubt. Anybody that tries to claim that child support payments are enhanced by the provisions in this bill really do not understand it.

Mr. EDWARDS. Absolutely.

This is a bad bill, Members. Vote no.

Mr. GEKAS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA).

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

Mrs. ROUKEMA. Mr. Speaker, I rise in opposition to the provision on the child support concerns in this bill.

Mr. Speaker, I rise in opposition to this legislation and to associate my position with the position of Representative CLAY SHAW and the admirable work he has done on child support enforcement.

I want to register my opposition to the dropping in conference, which would have provided additional protection for a parent trying to recover child support monies by giving proper notification to the claimant parent.

While this conference agreement does state that ''nothing shall prevent the payments of priority child support obligations,'' an additional provision, offered by Representative CLAY SHAW of Florida, would have required the bankruptcy ''Master'' to notify a claimant parent. I am sorry to see that this provision has been dropped.

I have a long history of standing up for child support enforcement, having been a pioneer on child support reforms and having served on the U.S. commission for Inter-State Child Support Enforcement.

It's a national disgrace that our child support enforcement system continues to allow so many parents who can afford to pay for their children's support to shirk these obligations. The so-called ''enforcement gap''—the difference between how much child support could be collected and how much child support is collected—has been estimated at $34 billion!

If this bill passes, I will continue to press for reforms legislation to ensure that claimant parents are not left out of the loop when it comes to being able to recover in child support cases. Mr. SHAWS reforms should be pursued. This bill seriously erodes that effott.

Mr. Speaker, I will cast my protest vote against this bill.

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation here under consideration.

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

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding this time to me, and I want to compliment the gentleman from Pennsylvania (Mr. GEKAS) for all hard work in bringing about this conference report.

Much of what was in the original McCollum-Boucher bill and then later the McCollum-Gekas-Boucher-whatever bill, 3150, is in this report. The most important portion of it is the needs-based test. Granted, we have adopted a certain compromise to the Senate that allows for the judge to have a say over this, but there is a presumption that if somebody can repay their debt after following the formula that was in the House bill, to see if they can afford to repay their debt and have enough money left over to do it after deducting their expenses for secured credit items and for real living expenses and for child support and so forth, if once they have done that, then there is a presumption that they are not eligible for Chapter 7 if they have greater than the median family income, which is about $52,000 a year for a family of four, and they will have to file in Chapter 13 where they have to work out a repayment plan. I think that is an enormous reform of very great monument in this.

Also, the bill contains reforms to reduce repeat filings to prevent the gaming of the bankruptcy system such as running credit bills right before the filing for bankruptcy or filing and dismissing bankruptcies cases as a stalling tactic.

A crucial part of the conference report addresses the recent crisis in the financial markets. Title 10 accepts the Senate provision that deals with the so-called cross product netting provisions that is based on H.R. 4393 as it passed the House Committee on Banking and Financial Services. The bankruptcy code and the banking laws contain provisions that allow market participants to close out net and set off certain types of contracts when a counter party becomes insolvent. This feature allows us to reduce the opportunity for the failure of one entity to infect others. It also encourages market participants to engage in transactions that add market liquidity which leads to lower cost of capital.

I have a letter, Mr. Speaker, that is from the Secretary of the Treasury endorsing this provision. I would like to have it inserted in the RECORD at this time.

DEPARTMENT OF THE TREASURY,
Washington, DC, September 30, 1998.

Hon. GEORGE W. GEKAS,
Chairman, Subcommittee on Commercial and Administrative Law, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. GEKAS: I am writing to share the Administration's views on certain bankruptcy provisions in S. 1301, the bankruptcy reform bill before the conference committee, and related provisions in H.R. 4393, the ''Financial Contract Netting Improvement Act of 1998.''

The Administration supports the financial contract netting provisions in S. 1301. These provisions are based on a proposal from the President's Working Group on Financial Markets, which was the result of an intensive, multi-year interagency effort to improve the regime governing the recognition of netting of certain financial contracts in insolvency situations. As I noted when we transmitted our recommendations to Congress, the proposed legislation would reduce systemic risk in our financial markets, reducing the risk that a failure of a single firm would cause significant disruption and danger to our financial markets. In particular, this proposal will help to reduce systemic risk arising out of activities in the derivatives market.

The Administration also encourages the conferees to include similar provisions amending the bank insolvency laws, which are contained in H.R. 4393 as approved by the House Banking Committee. One of the goals of the Working Group effort was to harmonize, where appropriate, provisions under the Bankruptcy Code and the bank insolvency laws. The bank insolvency provisions in H.R. 4393 would accomplish that harmonization and would also clarify the power of the Federal Deposit Insurance Corporation to transfer qualified financial contracts to another financial institution. This clarification will help ensure that the resolution of a failed depository institution can be accomplished at the lowest possible cost to the deposit insurance funds administered by the FDIC.

We look forward to working with the conferees to enact these desirable reforms, in conjunction with moderate and balanced consumer bankruptcy reform legislation.

Sincerely,

ROBERT E. RUBIN,
Secretary of the Treasury.

The conferees struck a good balance between the House and Senate bills, I think, and I would like to also comment particularly on homestead exemption.

This conference report doubles the protections that were in the House bill. The new protection against abusive use of the exemption includes the requirement of a debtor to reside in a State for 2 years before they can take advantage of the State's exemptions, but there is no cap on the exemption, which is very important to States like Florida and Texas.

In addition, the conference report prohibits the conversion of nonexempt assets into exempt homestead property with the intent to defraud, which I think is also important to note, within 2 years of filing for bankruptcy. The bankruptcy exemptions should not be used as a means of hiding assets, and this provision would prevent such an abuse.

It has become clear that reform of the existing bankruptcy system is sorely in need. We know we have doubled the number of bankruptcies in the United States in the 10 years preceding this, and actually last year we had a 25 percent increase, or thereabouts, in the number of personal bankruptcies. Most people believe that is because people were taking advantage of Chapter 7 and filing pure bankruptcies in greater numbers than ever, and this conference report will solve that with a needs based test. I encourage the adoption of it, again commend the chairman again for his hard work.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. GREEN).

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

Mr. GREEN. Mr. Speaker, I thank my colleague from New York for yielding this time for me and allowing me to speak in opposition to this ill-advised bill.

I want to support bankruptcy reform, but not this conference committee report. There are several provisions in this bill that prevent it from meeting its intended goal, and we have heard that from lots of Members, particularly Members from Texas, the homestead protection concerns we have, how it is affecting military personnel. But, worst of all, however, is that it is doing nothing to slow the growing trend of young people who have to file for bankruptcy each year. We are stopping or hindering the filing of bankruptcy on the inside, but we are not helping the front end. They change the law on bad business practices that allow the loose availabilty of credit to young people.

Let me give some examples. Big banks and credit card companies target teenagers and college students with little or no income, they get maxed out on their credit cards, and then they only pay the minimum balance. And so, with 15 or 18 percent interest, they are getting ready to graduate from college with that huge amount, and when we add in their student loans that they owe, and that is bad business practices.

And I know that personally because I have two college students that have very little income, but they get blank checks in the mail from their credit card companies. Just sign up. Most of their friends in college are maxed out on their credit cards because they are having to do it. They have credit availability easy.

Let us make sure we have a bankruptcy farm bill, but let us also make the people who are making it available and making these young people graduate from college with such a debt load, they owe a responsibility to this bill, too, and it is not in this conference committee report.

We should not put that burden on the people who are the next generation of people who are going to be leading our country.

□ 1045

Mr. GEKAS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. LEACH) who is the chairman of the Committee on Banking and Financial Services, but also he is the savior of this particular chairman. Last night, he saved us on the floor and, together with the gentleman from New York (Mr. NADLER), was able to pass the responsibility to

the Committee on the Judiciary, which, by miscommunication, I was not able to handle.

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

Mr. LEACH. Mr. Speaker, I would like to just comment briefly on several provisions of this conference report that relate to items under the jurisdiction of the Committee on Banking and Financial Services.

The conference report contains an amendment to the Truth In Lending Act designed to protect consumers from having their credit lines revoked because they fully pay their outstanding debt in a timely manner. I support this change in law. It is individually counterintuitive and socially counterproductive that lenders establish incentives to pull credit from individuals who pay their debt on time.

The Senate, however, originally coupled this provision with a prohibition against creditors charging any type of fee with regard to an extension of credit in which no finance charge has been incurred.

While perhaps well-intended, this latter provision amounted to a public sector dictate and how the private sector should charge to goods and services. This price fixing provision would have frustrated responsible free market precepts and would have, if it had been enacted, resulted in reduction of credit provided to consumers.

Because of concern for this prohibition, many of us voted last week against a construction of conferees. It also included the earlier described issue. Now that the conferees have appropriately agreed to accept the first part of that instruction but not the second, I and many others who voted against this instruction enthusiastically support this provision.

In summary, let me just express again my appreciation to the gentleman from Pennsylvania (Chairman GEKAS) as well as the gentleman from Illinois (Chairman HYDE) and the rest of the conferees for their willingness to take the Committee on Banking and Financial Services' perspectives into consideration on the parts of the bill that rested within the jurisdiction of the Committee on Banking and Financial Services which, frankly, is not a major part of the bill.

Let me just stress that financial netting section which we worked out with the administration is of signal significance in this time of economic turmoil. This is a provision of the bill that is bipartisanly supported and strongly endorsed by the administration, and it is a signal reason that this bill should be considered at this particular very dicy period of time.

Mr. NADLER. Mr. Speaker, how much time do we have remaining on both sides?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from New York (Mr. NADLER) has 5½ minutes remaining. The gentleman from Pennsylvania (Mr. GEKAS) has 3 minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LEACH).

Mr. Speaker, will the gentleman yield?

Mr. LEACH. I am delighted to yield to the gentleman from New York.

Mr. NADLER. Mr. Speaker, on the provision that this House voted on the instructions to conferees, we said that the bank should not be able to cancel the credit card for the sin of the cardholder having paid on time, and they should not be able to charge an extra fee for that reason.

The gentleman stated correctly that the conference report eliminated the second provision, they can still charge an extra fee. But my understanding is that the conference report says that they can also cancel the card, albeit only at the end of the term, which is generally a year or two.

So what is left of this provision to not to penalize responsible borrowers?

Mr. LEACH. Mr. Speaker, reclaiming my time, the only basis for canceling the card is if the card would not be in use for better than a 3-month period. That is a fairly common sense circumstance. So a financial institution does not have to carry the cost of dealing with people who do not use their card.

Mr. NADLER. Mr. Speaker, if the gentleman will yield further, if the card was used but the bill is paid on time and with no interest, they could not cancel it?

Mr. LEACH. Mr. Speaker, reclaiming my time, that is correct. If the card is in actual use. It is only if the individual did not use the card could an institution pull it.

Mr. GEKAS. Mr. Speaker, I do not know where we stand parliamentarily.

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) had the time. The gentleman from New York yielded to the gentleman from Iowa (Mr. LEACH).

Mr. GEKAS. Mr. Speaker, are we to close?

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) has the right to close.

Mr. GEKAS. Mr. Speaker, has the minority time expired?

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) has 4½ minutes remaining.

Mr. GEKAS. Mr. Speaker, I yield 2½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong support of bankruptcy reform. I am a lead sponsor of this measure because the system is broken, and it is up to us to fix it.

What was once the option of last resort is becoming the preferred option of choice. A legislative fix is vital to distinguish between those who truly need a fresh start and those who want to game the system for personal advantage, those capable of assuming greater responsibility and making good on at least some of what they owe.

Mr. Speaker, unless we take the steps now to reform the bankruptcy system, while the economic times are good, we will not have the political resolve to fix it when they are not so good.

Trapped in a broken bankruptcy system where they lack the confidence that individual borrowers will be able to honor their payment commitments, lenders and creditors will have no choice but to restrict credit. We cannot let that happen.

Restricting credit during a downturn in the economy is exactly the opposite of what should happen. It is exactly the opposite in the national interest. It only deepens the severity of any recession and delays the eventual recovery.

Despite this country's strong economy, the rate of personal bankruptcy filings has increased dramatically. Last year, personal bankruptcy filings rose nearly 20 percent. They reached a record high of 1,400,000 filings. Think about it. More people filed for personal bankruptcy than graduated from college last year. What does that say about our country in a time of such prosperity?

We can vilify creditors and lenders and mortgage companies and credit card industry. I am glad to see the Truth in Lending Act was modified to include an important pro-consumer provision that I tried to offer here in the House. That provision will disclose the full consequences of paying only the minimum monthly balance.

But while many of us would like to blame the credit cards industry for the sharp increase of bankruptcy filings, it is important to note that the credit card industry is not the impetus of the bankruptcy crisis.

The vast majority of individuals recognize their personal responsibility they take in using the credit card. More than 96 percent of credit card holders pay their bills as agreed to and only 1 percent ever end up in bankruptcy.

This is not an issue about credit cards trying to rip off people. Sure there is some unfairness, but that is not what we are having to deal with. Regardless about how one feels about yesterday's or today's creditors, the key issue before us is that many borrowers capable of repaying some or all of their obligations are not acting responsibly. That is what this is about. It is the principle of moral responsibility and personal obligation. That is why this legislation should pass.

Mr. NADLER. Mr. Speaker, I yield 15 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, in my continuing education program for the gentleman from Virginia, who is a dear friend of mine, the fact that more are going into bankruptcy is no proof that the bankruptcy laws are being abused. It is really evidence that the credit card industry is enticing millions into debt that the should not be, I say to

the gentleman from Virginia (Mr. MORAN).

Mr. NADLER. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have many good friends in this chamber, and I would simply like to say, if the credit card companies would stop sending unsolicited questionnaires and applications to people who are now deceased and otherwise, we would not have this problem.

On the issue of child support, let me make it perfectly clear, the credit card debt now becomes nondischargeable. It survives after bankruptcy. It competes with that poor working parent who needs that child support for that child. Tell me, Mr. Speaker, who can survive the beating and repossession abilities of the credit card company over the child support. This is a bad bill.

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) has 3¼ minutes remaining. The gentleman from Pennsylvania (Mr. GEKAS) has 30 seconds remaining. The gentleman from Pennsylvania has the right to close.

Mr. NADLER. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, a couple of comments. First, the gentleman from Virginia said that, if this bill does not pass, if we continue to have a bankruptcy crisis, the credit card companies, the banks are going to restrict credit to people who need it.

I suppose the fact that they will feel the need to restrict credit is evidenced by the fact that they are inundating people, inundating college students with credit card solicitations. I suppose the grave crisis is illustrated by the fact that the credit card departments or the banks are between two and three times more profitable than the banks as a whole. It is the profit center of the banks that shows what a terrible problem we have.

I will reiterate that the real cause of the problem of increased bankruptcy filings is simply that people are going more and more into debt. The average chapter 7 filer today is has debt equal to 125 percent of his income, 15 years ago, it was 74 percent, because he is trapped in paying high interest rates and has taken out too much credit.

This, to a large extent, is the fault of the companies that are inundating people with credit cards. That is the real problem. Simply saying that people who are in over their heads, that we should crack donor bankruptcy is the wrong solution to the wrong problem, to a misstated problem.

I heard the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA) from the other side of the aisle take exception to this bill because of the provisions on child support. I think the gentlewoman from New Jersey (Mrs. ROUKEMA), I think most of the Members of this House know that the gentlewoman from New Jersey (Mrs. ROUKEMA) knows the issues of support, of collection of child support probably better than most other Members of the House. She has been working in this area for years.

When the gentlewoman says that this bill will wreck, will increase the problem of child support collections, we should pay attention.

Mr. Speaker, I am going to introduce a motion to recommit. I have that motion at the desk, and I would like to simply explain it for a moment now.

The conference report would allow credit card companies and other consumer creditors to have their debts survive bankruptcy. That would mean that those debts would compete with child support, with spousal support, with debts to drunk driving victims, and other high priority debts after the bankruptcy case is over.

The motion to recommit will change that. The conferees stripped out important protections contained in the Senate bill which would have prevented creditors from using coercion and other illegal and unethical practices to obtain reaffirmation agreements in which debtors agree to repay debts which would otherwise be discharged in bankruptcy. We will deal with that in the motion to recommit.

Reaffirmed debts, because they survive bankruptcy, compete with child support and spousal support and other high priority debts, which already survive bankruptcy, for the scarce resources of the debtor after the case is over. As I mentioned a moment ago, we will deal with that problem.

The conferees also adopted broad exceptions to the discharge for credit card companies so that the high risk lending practices would have the same privilege status as support obligations and tax arrears, and we will deal with that in a motion to recommit.

The motion to recommit would restore important protections for families and small creditors that were dumped or gutted in the conference report. As I mentioned before, that based primarily on these disastrous changes to the Senate bill, the administration has indicated that the President will veto this bill, and well he should veto this bill.

We should sustain this veto unless the motion to recommit is granted and the provisions of that motion survive subsequent proceedings.

So I urge the Members to vote for the motion to recommit if they care about child support, if they care about spousal support, if they care about debts to drunk driving victims, if they care about payments to victims of crimes, all of which would be endangered by this.

So I urge my colleagues to vote for the motion to recommit and, if it does not pass, against this very unfortunate bill.

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

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

Mr. Speaker, it should be made clear that the support priorities that we have built into this conference report are endorsed by the National Association of Attorneys General who supervise all of these matters and by every major support organization in the country.

□ 1100

In fact, they tracked along with us as we moved towards this moment, and approved every set of provisions that we adopted along the way. So I am confident that support payments and family income are well protected in this legislation, as are the consumers in a whole litany of provisions that we have.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for the conference report for H.R. 3150, the Bankruptcy Reform Act. In particular, this Member is supportive of the provision which permanently extends Chapter 12 bankruptcy for family farmers which would be retroactively applied to October 1, 1998.

First, this Member would thank the distinguished gentleman [Mr. GEKAS], Chairman of the Judiciary Subcommittee on Commercial and Administrative Law from Pennsylvania, for introducing this bill and for his efforts in bringing the conference report for H.R. 3150 to the House Floor. This Member would also like to express his appreciation to the distinguished gentleman from Illinois [Mr. HYDE], the Chairman of the Judiciary Committee, for his efforts on this measure.

Unfortunately, Chapter 12 bankruptcy provisions for family farmers expired on September 30, 1998. Chapter 12 bankruptcy has been a viable option for family farmers nationwide. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmer. If Chapter 12 bankruptcy provisions are not extended for family farmers, this will have a drastic impact on an agricultural sector already reeling from low commodity prices. Not only will many family farmers have to end their operations, but also land values will likely plunge downward. Such a decrease in land values will affect both the ability of family farmers to earn a living and the manner in which banks, making agricultural loans, conduct their lending activities. This Member has received many contacts from his constituents regarding the extension of Chapter 12 bankruptcy because of the situation now being faced by our nation's farm families—although the U.S. economy is generally healthy, it is clear that agricultural sector is hurting.

The gravity of this situation for family farmers nationwide makes it imperative that Chapter 12 bankruptcy is permanently extended. Moreover, this extension must also be retroactively applied since the Chapter 12 bankruptcy option for family farms has already expired on September 30, 1998. The provisions in the conference report of H.R. 3150 regarding Chapter 12 are essential.

If the President vetoes this conference report, as he has threatened to do, then this Member would ask the Judiciary Committee to advance legislation, through amendment or in stand-alone legislation, to provide for the immediate extension of Chapter 12 bankruptcy and to make such an extension retroactive to October 1, 1998.

In closing, this Member would encourage his support for H.R. 3150, the Conference Report on the Bankruptcy Reform Act.

Mr. LEACH. Mr. Speaker, I would like to comment briefly on those provisions of this conference report which amend laws under the jurisdiction of the Banking Committee.

The conference report contains an amendment to the Truth in Lending Act designed to protect consumers from having their credit line revoked because they fully pay their outstanding debt in a timely manner. I support this change in law. It is individually counter-intuitive and socially counter-productive that lenders establish incentives to pull credit away from individuals who pay their bills on time.

The Senate, however, originally coupled this provision with a prohibition against a creditor charging any type of fee with regard to an extension of credit on which no finance charge has been incurred. While perhaps well intended, this latter provision amounted to a public sector dictate on how the private sector should charge for goods and services.

This price fixing provision would have frustrated responsible free market precepts and would have, if it had been enacted, resulted in a reduction in credit provided consumers. Because of concern for this prohibition, many of us voted last week against an instruction of conferees that also included the earlier described issue. The conferees approximately agreed to accept the first part of the instruction but not the second. Hence, I and many others who voted against the instruction can now enthusiastically support the provision.

The conference report does include a number of other amendments designed to provide consumers more protections, including enhanced disclosures for credit card debt, which I also support.

In summary, Mr. Speaker, I want to express my appreciation to Chairman HYDE, Chairman GEKA'S and the rest of the conferees for their willingness to take the Banking Committee's views into consideration on those relatively small parts of the bill that fall under the jurisdiction of the committee. While there are parts of this bill such as those related to child support, which I believe are imperfect, as a whole it represents reasonable reform.

If the President vetoes this bill, he will also veto an approach it supports to better stabilize the shaky international economy and other Banking Committee provisions designed to protect consumers.

In this regard, Mr. Speaker, let me stress that the conference report incorporates the provisions of H.R. 4394, the ''Financial Contract Netting Improvement Act of 1998'', which the Committee on Banking and Financial Services reported to the full House on August 21, 1998.

These netting provisions were approved unanimously by the Banking Committee and are supported by Federal financial regulators and the Administration. They are designed to minimize the risk of a disruption within or between financial markets upon the insolvency of an entity with large holdings of qualified financial contracts. The near failure of Long-Term Capital Management LP highlights the need for the U.S. to further refine its bankruptcy and insolvency laws in order to avoid systemic risk to the nation's financial system in the event of a failure of a large bank, hedge fund, or securities firm with huge exposures to interest rate and currency swaps and other complex financial instruments.

Ms. LEE. Mr. Speaker, I rise to strongly oppose H.R. 3150, the Bankruptcy Reform Conference Report. I opposed the bill as a member of the House Committee on Banking and Financial Services when we voted on this measure in the House because it allows unscrupulous creditors to continue to exploit uninformed and naive borrowers.

There is a problem with increasing rates of bankruptcy, but this Conference report places the burden of a bad loan not on those who knowingly loan to people who are credit risks, but on those who are least able to recover should a personal disaster strike, like illness or job loss. Household debt has risen sharply and defaulting on payment is a serious problem but this bill does not reasonably address these problems. Instead, the bill allows the lender to effectively entrap a poor person who needs money to borrow beyond the safety point. The lending institutions are knowledgeable and sophisticated about the credit market and they do know to whom they are lending money. If this bill passes, the government and taxpayers will be forced to protect, by law, the lending institution, which has deliberately pushed a risky loan, at the expense of low-income American consumers.

Specifically, this bill will allow credit card companies and other consumer creditors to compete for repayment with child support, spousal support, debts to drunk driving victims, and other high-priority debts. The Conference Report strips important Senate bill consumer protections which limited undue coercion and the use of other strong-arm practices to force a debtor to repay.

This bill is blatantly unfair. It protects and even rewards businesses that use marginally safe lending guidelines and elevates their collection rights to the same privileged level as child support and tax arrears.

The President has correctly announced that he will veto this bill. It is also strongly opposed by the AFL–CIO, the Consumer Federation of America, Consumers Union, Public Citizen, the National Organization of Women, the Leadership Conference on Civil Rights, the Association of Trial Lawyers of America, the National Bankruptcy Conference, the Commercial Law League, the National Conference of Bankruptcy Judges, Mothers Against Drunk Driving, and the National Organization for Victim Assistance.

I believe that our function as legislators is to enact laws that are fair and that are reasonable, and I believe that we have an obligation to be aware of vast imbalances of power and to protect those who need protection from more powerful entities. I urge my colleagues to support the motion to recommit and to vote against the Conference Report on H.R. 3150.

Mr. CHABOT. Mr. Speaker, I rise in support of this Conference Report.

I would first like to thank Mr. HYDE, Mr. GEKAS, Mr. HATCH and the other members of the Conference Committee.

The current bankruptcy system, which this legislation seeks to reform, clearly discourages personal responsibility. Our bankruptcy laws often allow those who can afford to pay their bills to declare bankruptcy and walk away debt free instead. As a result, personal bankruptcies are skyrocketing. In fact, despite economic growth, low unemployment and rising incomes personal bankruptcies reached a record 1.4 million last year, and are projected to rise even further this year.

This places a terrible financial burden on consumers who are forced to pay higher prices for goods and services. In fact, the average family pays a $400 bad debt tax every year.

The Conference proposal is, I believe, substantial improvement over current law. This legislation will strengthen the bankruptcy code, reducing the number of ''bankruptcies of convenience.'' I believe that the needs-based test that is implemented in this Conference Report will take substantial steps in reforming this system by reestablishing the link between one's ability to pay and ability to discharge debt.

The needs-based test is a balance between the House and Senate bills on this issue. It adopts the bright-line standards for measuring repayment capacity from the House bill, while at the same time preserving the right of a debtor in bankruptcy to have a judge review his or her individual case so that their unique circumstances could be taken into account.

This legislation also cracks down on a number of ways in which debtors abuse the system bankruptcy. For example, it makes debts that are incurred to pay nondischargeable debts, such as taxes, would become nondischargeable, as well. In other words if a person uses a credit card to pay their income taxes, this legislation prohibits them from turning around and declaring bankruptcy, making the credit card company in effect pay their income taxes.

At the same time, however, it recognizes that there is some real need for the protections that bankruptcy offers, and it strengthens that protection. For example, it strengthens child support and alimony payments, making alimony and child support payments the first priority, not the 7th, as under current law.

Finally, while I believe that some sections of the House passed bill would have better addressed some of the problems with the bankruptcy laws, this strong, pro-consumer bill makes vital reforms to the bankruptcy system.

I urge my colleagues to support this legislation, Mr. Speaker, because it takes some significant steps in the right direction in restoring some personal responsibility to our bankruptcy laws, while protecting those who need the protections of bankruptcy.

I urge my colleagues to support this Conference Report, and I hope that the President will sign this important legislation, giving hardworking American families protection from those who abuse the bankruptcy system.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. NADLER. 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. NADLER moves to recommit the Conference Report on the bill H.R. 3150 to the Conference Committee with instructions that the Managers on the part of the House

disagree to section 110 of the Conference Report and agree to section 210 and section 211 of the Senate Amendment; and disagree to section 149 of the Conference Report and agree to section 315 of the Senate Amendment.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Sergeant at Arms will notify absent Members.

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

Without objection, each of the 4 possible votes on postponed suspensions will be 5-minute votes.

There was no objection.

The vote was taken by electronic device, and there were—yeas 157, nays 266, not voting 11, as follows:

[Roll No. 505]

YEAS—157

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fox
Furse
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Thompson
Thurman
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Woolsey
Wynn
Yates

NAYS—266

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Berman
Burton
Cook
Goodling
John
Kennelly
McDade
Poshard
Pryce (OH)
Tierney
Torres

□ 1122

Mrs. KELLY, Mrs. WILSON, and Messrs. BATEMAN, ROTHMAN, KNOLLENBERG, GILLMOR, WALSH, WICKER, WHITE and HYDE changed their vote from ''yea'' to ''nay.''

Messrs. HOLDEN, MCNULTY, BORSKI, LIPINSKI, HASTINGS of Florida, ETHERIDGE, MCHALE, and SPRATT 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. SHIMKUS). The question is on the conference report.

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

RECORDED VOTE

Mr. NADLER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a five-minute vote.

The vote was taken by electronic device, and there were—ayes 300, noes 125, not voting 9, as follows:

[Roll No. 506]

AYES—300

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kim
Kind (WI)

King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Maloney (CT)
Maloney (NY)
Manzullo
Matsui
McCarthy (NY)
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Upton
Velazquez
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—125

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Becerra
Bonior
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Filner
Ford
Furse
Gejdenson
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kildee
Kilpatrick
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (CA)
Mink
Moakley
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Payne
Pelosi
Rahall
Rangel
Reyes
Rodriguez
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Schumer
Scott
Serrano
Skaggs
Slaughter
Stabenow
Stark
Stokes
Stupak
Thompson
Thurman
Towns
Traficant
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Woolsey
Yates

NOT VOTING—9

Berman
Fattah
John
Kennelly
McDade
Poshard
Pryce (OH)
Tierney
Torres

□ 1130

The Clerk announced the following pairs:

Mr. DICKS and Ms. RIVERS changed their vote from ''no'' to ''aye.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CUMMINGS. Mr. Speaker, on rollcall vote No. 506, my vote on agreeing to the conference report on H.R. 3150, the Bankruptcy Reform Act, I inadvertently voted ''no,'' when I should have voted ''aye.''

An ''aye'' vote would have been consistent with my prior vote on June 10, 1990 when the bill passed the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier in the order in which the motion was entertained.

Votes will be taken in the following order:

House Resolution 565, by the yeas and nays;

H. Con. Res. 331, de novo;

House Resolution 557; by the yeas and nays; and

H.R. 3874, conference report, by the yeas and nays.

Under the previous order of today, the Chair will reduce to 5 minutes the time for any electronic vote in this series.

SENSE OF THE HOUSE REGARDING IMPORTANCE OF MAMMOGRAPHY AND BIOPSIES IN FIGHTING BREAST CANCER

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 565.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and agree to the resolution, H.Res. 565, on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 10, as follows:

[Roll No. 507]

YEAS—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
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
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver

Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
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 (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—10

Berman
Delahunt
Fowler
John
Kennelly
McDade
Poshard
Pryce (OH)
Tierney
Torres

□ 1140

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. FOWLER. Mr. Speaker, on rollcall No. 507, I was inadvertently detained. Had I been present, I would have voted "yea."

SENSE OF CONGRESS REGARDING SEWAGE INFRASTRUCTURE FACILITIES IN TIJUANA, MEXICO

The SPEAKER pro tempore. The unfinished business is the question de novo of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 331.

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. 331.

The question was taken.

RECORDED VOTE

Mr. FILNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 250, noes 174, not voting 10, as follows:

[Roll No. 508]

AYES—250

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
Martinez
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Young (AK)
Young (FL)

NOES—174

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gonzalez
Gordon
Green
Gutierrez
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wynn
Yates

NOT VOTING—10

Berman
Fowler
Gephardt
John
Kennelly
McDade
Poshard
Pryce (OH)
Roemer
Tierney

□ 1149

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. FOWLER. Mr. Speaker, on rollcall No. 508, I was unavoidably detained. Had I been present, I would have voted "yea."

EXPRESSING SUPPORT FOR U.S. GOVERNMENT EFFORTS TO IDENTIFY HOLOCAUST-ERA ASSETS, URGING THE RESTITUTION OF INDIVIDUAL AND COMMUNAL PROPERTY

The SPEAKER pro tempore (Mr. SHIMKUS). The unfinished business is the question of suspending the rules and agreeing to the resolution, House Resolution 557.

The Clerk read the title of the 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 resolution,

House Resolution 557, on which the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—ayes 427, noes 0, not voting 7, as follows:

[Roll No. 509]

YEAS—427

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

NOT VOTING—7

Berman
Fowler
John
Kennelly
Poshard
Pryce (OH)
Tierney

□ 1157

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. FOWLER. Mr. Speaker, on rollcall No. 509, I was inadvertently detained. Had I been present, I would have voted "yea."

CONFERENCE REPORT ON H.R. 3874, WILLIAM F. GOODLING CHILD NUTRITION REAUTHORIZATION ACT OF 1998

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the conference report on the bill, H.R. 3874.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and agree to the conference report on the bill, H.R. 3874, on which the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 1, not voting 11, as follows:

[Roll No. 510]

YEAS—422

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica

Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
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
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—11

Berman
DeFazio
Doggett
John
Johnson (WI)
Kennelly
Lampson
Poshard
Pryce (OH)
Sherman
Tierney

□ 1205

So (two-thirds having voted in favor thereof) the rules were suspended and 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.

CORRECTING ENROLLMENT OF H.R. 3150, BANKRUPTCY REFORM ACT OF 1998

Mr. GEKAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H.Con.Res. 346) to correct the enrollment of the bill H.R. 3150, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 346

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H. R. 3150), to amend title 11 of the United States Code, and for other purposes, the Clerk of the House of Representatives shall make the following correction:

In section 1014 of the bill, strike ''Act'' each place it appears and insert ''title''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken later in the day.

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

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 575, I announce the following suspensions to be considered today:

H.R. 4353; H.Res. 212; S. 1298; H.R. 4516; S. 191; S. 2235; and S. 2193.

S. 191—A bill to throttle criminal use of guns

S. 2235—A bill to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers

S. 2193—Trademark Law Treaty Implementation Act

H.R. 4353—International Anti-Bribery and Fair Competition Act of 1998

H. Res. 212—recognizing suicide as a national problem

S. 1298—A bill to designate a Federal building located in Florence, Alabama, as the ''Justice John McKinley Federal Building''

H.R. 4516—A bill to designate the United States Postal Service building located at 11550 Livingston Road, in Oxon Hill, Maryland, as the ''Jacob Joseph Chestnut Post Office Building''

MEDICARE HOME HEALTH AND VETERANS HEALTH CARE IMPROVEMENT ACT OF 1998

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4567) to amend title XVIII of the Social Security Act to make revisions in the per beneficiary and per visit payment limits on payment for health services under the Medicare Program, as amended.

The Clerk read as follows:

H.R. 4567

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Medicare Home Health and Veterans Health Care Improvement Act of 1998''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MEDICARE HOME HEALTH CARE INTERIM PAYMENT SYSTEM REFINEMENT

Sec. 101. Increase in per beneficiary limits and per visit payment limits for payment for home health services.

TITLE II—VETERANS MEDICARE ACCESS IMPROVEMENT

Sec. 201. Improvement in veterans' access to services.

TITLE III—AUTHORIZATION OF ADDITIONAL EXCEPTIONS TO IMPOSITION OF PENALTIES FOR CERTAIN INDUCEMENTS

Sec. 301. Authorization of additional exceptions to imposition of penalties for providing inducements to beneficiaries.

TITLE IV—EXPANSION OF MEMBERSHIP OF THE MEDICARE PAYMENT ADVISORY COMMISSION

Sec. 401. Expansion of membership of MedPAC to 17.

TITLE V—REVENUE OFFSET

Sec. 501. Revenue offset.

TITLE I—MEDICARE HOME HEALTH CARE INTERIM PAYMENT SYSTEM REFINEMENT

SEC. 101. INCREASE IN PER BENEFICIARY LIMITS AND PER VISIT PAYMENT LIMITS FOR PAYMENT FOR HOME HEALTH SERVICES.

(a) INCREASE IN PER BENEFICIARY LIMITS.—Section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)) is amended—

(1) in the first sentence of clause (v), by inserting ''subject to clause (viii)(I),'' before ''the Secretary'';

(2) in clause (vi)(I), by inserting ''subject to clauses (viii)(II) and (viii)(III)'' after ''fiscal year 1994''; and

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

''(viii)(I) In the case of a provider with a 12-month cost reporting period ending in fiscal year 1994, if the limit imposed under clause (v) (determined without regard to this subclause) for a cost reporting period beginning during or after fiscal year 1999 is less than the median described in clause (vi)(I) (but determined as if any reference in clause (v) to '98 percent' were a reference to '100 percent'), the limit otherwise imposed under clause (v) for such provider and period shall be increased by ½ of such difference.

''(II) Subject to subclause (IV), for new providers and those providers without a 12-month cost reporting period ending in fiscal year 1994, but for which the first cost reporting period begins before fiscal year 1999, for cost reporting periods beginning during or after fiscal year 1999, the per beneficiary limitation described in clause (vi)(I) shall be equal to 50 percent of the median described in such clause plus 50 percent of the sum of 75 percent of such median and 25 percent of 98 percent of the standardized regional average of such costs for the agency's census division, described in clause (v)(I). However, in no case shall the limitation under this subclause be less than the median described in clause (vi)(I) (determined as if any reference in clause (v) to '98 percent' were a reference to '100 percent').

''(III) Subject to subclause (IV), in the case of a new home health agency for which the first cost reporting period begins during or after fiscal year 1999, the limitation applied under clause (vi)(I) (but only with respect to such provider) shall be equal to 75 percent of the median described in clause (vi)(I).

''(IV) In the case of a new provider or a provider without a 12-month cost reporting period ending in fiscal year 1994, subclause (II) shall apply, instead of subclause (III), to a home health agency which filed an application for home health agency provider status under this title before September 15, 1998, or which was approved as a branch of its parent agency before such date and becomes a subunit of the parent agency or a separate agency on or after such date.

''(V) Each of the amounts specified in subclauses (I) through (III) are such amounts as adjusted under clause (iii) to reflect variations in wages among different areas.''.

(b) REVISION OF PER VISIT LIMITS.—Section 1861(v)(1)(L)(i) of such Act (42 U.S.C. 1395x(v)(1)(L)(i)) is amended—

(1) in subclause (III), by striking ''or'';

(2) in subclause (IV)—

(A) by inserting ''and before October 1, 1998,'' after ''October 1, 1997,''; and

(B) by striking the period at the end and inserting '', or''; and

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

''(V) October 1, 1998, 108 percent of such median.''.

(c) EXCLUSION OF ADDITIONAL PART B COSTS FROM DETERMINATION OF PART B MONTHLY PREMIUM.—Section 1839 of such Act (42 U.S.C. 1395r) is amended—

(1) in subsection (a)(3), by inserting ''(except as provided in subsection (g))'' after ''year that''; and

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

''(g) In estimating the benefits and administrative costs which will be payable from the Federal Supplementary Medical Insurance Trust Fund for a year for purposes of determining the monthly premium rate under subsection (a)(3), the Secretary shall exclude an estimate of any benefits and administrative costs attributable to the application of section 1861(v)(1)(L)(viii) or to the establishment under section 1861(v)(1)(L)(i)(V) of a per visit limit at 108 percent of the median (instead of 105 percent of the median), but only to the extent payment for home health services under this title is not being made under section 1895 (relating to prospective payment for home health services).''.

(d) REPORTS ON SUMMARY OF RESEARCH CONDUCTED BY THE SECRETARY ON THE PROSPECTIVE PAYMENT SYSTEM.—By not later than January 1, 1999, the Secretary of Health and Human Services shall submit to Congress a report on the following matters:

(1) RESEARCH.—A description of any research paid for by the Secretary on the development of a prospective payment system for home health services furnished under the medicare care program under title XVIII of the Social Security Act, and a summary of the results of such research.

(2) SCHEDULE FOR IMPLEMENTATION OF SYSTEM.—The Secretary's schedule for the implementation of the prospective payment system for home health services under section 1895 of the Social Security Act (42 U.S.C. 1395fff).

(3) ALTERNATIVE TO 15 PERCENT REDUCTION IN LIMITS.—The Secretary's recommendations for one or more alternative means to provide for savings equivalent to the savings estimated to be made by the mandatory 15 percent reduction in payment limits for such home health services for fiscal year 2000 under section 1895(b)(3)(A) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(A)), or, in the case the Secretary does not establish and implement such prospective payment system, under section 4603(e) of the Balanced Budget Act of 1997.

(e) MEDPAC REPORTS.—

(1) REVIEW OF SECRETARY'S REPORT.—Not later than 60 days after the date the Secretary of Health and Human Services submits to Congress the report under subsection (d), the Medicare Payment Advisory Commission (established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6)) shall submit to Congress a report describing the Commission's analysis of the Secretary's report, and shall include the Commission's recommendations with respect to the matters contained in such report.

(2) ANNUAL REPORT.—The Commission shall include in its annual report to Congress for June 1999 an analysis of whether changes in law made by the Balanced Budget Act of 1997, as modified by the amendments made by this section, with respect to payments for home health services furnished under the medicare program under title XVIII of the Social Security Act impede access to such services by individuals entitled to benefits under such program.

(f) GAO AUDIT OF RESEARCH EXPENDITURES.—The Comptroller General of the United States shall conduct an audit of sums obligated or expended by the Health Care Financing Administration for the research described in subsection (d)(1), and of the data, reports, proposals, or other information provided by such research.

(g) PROMPT IMPLEMENTATION.—The Secretary of Health and Human Services shall promptly issue (without regard to chapter 8 of title 5, United States Code) such regulations or program memoranda as may be necessary to effect the amendments made by this section for cost reporting periods beginning on or after October 1, 1998. In effecting the amendments made by subsection (a) for cost reporting periods beginning in fiscal year 1999, the ''median'' referred to in section 1861(v)(1)(L)(vi)(I) of the Social Security Act for such periods shall be the national standardized per beneficiary limitation specified in Table 3C published in the Federal Register on August 11, 1998, (63 FR 42926) and the ''standardized regional average of such costs'' referred to in section 1861(v)(1)(L)(v)(I) of such Act for a census division shall be the sum of the labor and nonlabor components of the standardized per-beneficiary limitation for that census division specified in Table 3B published in the Federal Register on that date (63 FR 42926) (or in Table 3D as so published with respect to Puerto Rico and Guam).

TITLE II—VETERANS MEDICARE ACCESS IMPROVEMENT

SEC. 201. IMPROVEMENT IN VETERANS' ACCESS TO SERVICES.

(a) IN GENERAL.—Title XVIII of the Social Security Act, as amended by sections 4603, 4801, and 4015(a) of the Balanced Budget Act of 1997, is amended by adding at the end the following:

''IMPROVING VETERANS' ACCESS TO SERVICES

''SEC. 1897. (a) DEFINITIONS.—In this section:

''(1) ADMINISTERING SECRETARIES.—The term 'administering Secretaries' means the Secretary of Health and Human Services and the Secretary of Veterans Affairs acting jointly.

''(2) PROGRAM.—The term 'program' means the program established under this section with respect to category A medicare-eligible veterans.

''(3) DEMONSTRATION PROJECT; PROJECT.—The terms 'demonstration project' and 'project' mean the demonstration project carried out under this section with respect to category C medicare-eligible veterans.

''(4) MEDICARE-ELIGIBLE VETERANS.—

''(A) CATEGORY A MEDICARE-ELIGIBLE VETERAN.—The term 'category A medicare-eligible veteran' means an individual—

''(i) who is a veteran (as defined in section 101(2) of title 38, United States Code) and is described in paragraph (1) or (2) of section 1710(a) of title 38, United States Code;

''(ii) who is entitled to hospital insurance benefits under part A of the medicare program and is enrolled in the supplementary medical insurance program under part B of the medicare program; and

''(iii) for whom the medical center of the Department of Veterans Affairs that is closest to the individual's place of residence is geographically remote or inaccessible from such place.

''(B) CATEGORY C MEDICARE-ELIGIBLE VETERAN.—The term 'category C medicare-eligible veteran' means an individual who—

''(i) is a veteran (as defined in section 101(2) of title 38, United States Code) and is described in section 1710(a)(3) of title 38, United States Code; and

''(ii) is entitled to hospital insurance benefits under part A of the medicare program and is enrolled in the supplementary medical insurance program under part B of the medicare program.

''(5) MEDICARE HEALTH CARE SERVICES.—The term 'medicare health care services' means items or services covered under part A or B of this title.

''(6) TRUST FUNDS.—The term 'trust funds' means the Federal Hospital Insurance Trust Fund established in section 1817 and the Federal Supplementary Medical Insurance Trust Fund established in section 1841.

''(b) PROGRAM AND DEMONSTRATION PROJECT.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT.—The administering Secretaries are authorized to establish—

''(i) a program (under an agreement entered into by the administering Secretaries) under which the Secretary of Health and Human Services shall reimburse the Secretary of Veterans Affairs, from the trust funds, for medicare health care services furnished to category A medicare-eligible veterans; and

''(ii) a demonstration project (under such an agreement) under which the Secretary of Health and Human Services shall reimburse the Secretary of Veterans Affairs, from the trust funds, for medicare health care services furnished to category C medicare-eligible veterans.

''(B) AGREEMENT.—The agreement entered into under subparagraph (A) shall include at a minimum—

''(i) a description of the benefits to be provided to the participants of the program and the demonstration project established under this section;

''(ii) a description of the eligibility rules for participation in the program and demonstration project, including any cost sharing requirements;

''(iii) a description of the process for enrolling veterans for participation in the program, which process may, to the extent practicable, be administered in the same or similar manner to the registration process established to implement section 1705 of title 38, United States Code;

''(iv) a description of how the program and the demonstration project will satisfy the requirements under this title;

''(v) a description of the sites selected under paragraph (2);

''(vi) a description of how reimbursement requirements under subsection (g) and maintenance of effort requirements under subsection (h) will be implemented in the program and in the demonstration project;

''(vii) a statement that all data of the Department of Veterans Affairs and of the Department of Health and Human Services that the administering Secretaries determine is necessary to conduct independent estimates

and audits of the maintenance of effort requirement, the annual reconciliation, and related matters required under the program and the demonstration project shall be available to the administering Secretaries;

''(viii) a description of any requirement that the Secretary of Health and Human Services waives pursuant to subsection (d);

''(ix) a requirement that the Secretary of Veterans Affairs undertake and maintain outreach and marketing activities, consistent with capacity limits under the program, for category A medicare-eligible veterans;

''(x) a description of how the administering Secretaries shall conduct the data matching program under subparagraph (F), including the frequency of updates to the comparisons performed under subparagraph (F)(ii); and

''(xi) a statement by the Secretary of Veterans Affairs that the type or amount of health care services furnished under chapter 17 of title 38, United States Code, to veterans who are entitled to benefits under part A or enrolled under part B, or both, shall not be reduced by reason of the program or project.

''(C) COST-SHARING UNDER DEMONSTRATION PROJECT.—Notwithstanding any provision of title 38, United States Code, in order—

''(i) to maintain and broaden access to services,

''(ii) to encourage appropriate use of services, and

''(iii) to control costs,

the Secretary of Veterans Affairs may establish enrollment fees and copayment requirements under the demonstration project under this section consistent with subsection (d)(1). Such fees and requirements may vary based on income.

''(D) HEALTH CARE BENEFITS.—The administering Secretaries shall prescribe the minimum health care benefits to be provided under the program and demonstration project to medicare-eligible veterans enrolled in the program or project. Those benefits shall include at least all medicare health care services covered under this title.

''(E) ESTABLISHMENT OF SERVICE NETWORKS.—

''(i) USE OF VA OUTPATIENT CLINICS.—The Secretary of Veterans Affairs, to the extent practicable, shall use outpatient clinics of the Department of Veterans Affairs in providing services under the program.

''(ii) AUTHORITY TO CONTRACT FOR SERVICES.—The Secretary of Veterans Affairs may enter into contracts and arrangements with entities (such as private practitioners, providers of services, preferred provider organizations, and health care plans) for the provision of services for which the Secretary of Health and Human Services is responsible under the program or project under this section and shall take into account the existence of qualified practitioners and providers in the areas in which the program or project is being conducted. Under such contracts and arrangements, such Secretary of Health and Human Services may require the entities to furnish such information as such Secretary may require to carry out this section.

''(F) DATA MATCH.—

''(i) ESTABLISHMENT OF DATA MATCHING PROGRAM.—The administering Secretaries shall establish a data matching program under which there is an exchange of information of the Department of Veterans Affairs and of the Department of Health and Human Services as is necessary to identify veterans who are entitled to benefits under part A or enrolled under part B, or both, in order to carry out this section. The provisions of section 552a of title 5, United States Code, shall apply with respect to such matching program only to the extent the administering Secretaries find it feasible and appropriate in carrying out this section in a timely and efficient manner.

''(ii) PERFORMANCE OF DATA MATCH.—The administering Secretaries, using the data matching program established under clause (i), shall perform a comparison in order to identify veterans who are entitled to benefits under part A or enrolled under part B, or both. To the extent such Secretaries deem appropriate to carry out this section, the comparison and identification may distinguish among such veterans by category of veterans, by entitlement to benefits under this title, or by other characteristics.

''(iii) DEADLINE FOR FIRST DATA MATCH.—The administering Secretaries shall first perform a comparison under clause (ii) by not later than October 31, 1998.

''(iv) CERTIFICATION BY INSPECTOR GENERAL.—

''(I) IN GENERAL.—The administering Secretaries may not conduct the program unless the Inspector General of the Department of Health and Human Services certifies to Congress that the administering Secretaries have established the data matching program under clause (i) and have performed a comparison under clause (ii).

''(II) DEADLINE FOR CERTIFICATION.—Not later than December 15, 1998, the Inspector General of the Department of Health and Human Services shall submit a report to Congress containing the certification under subclause (I) or the denial of such certification.

''(2) NUMBER OF SITES.—The program and demonstration project shall be conducted in geographic service areas of the Department of Veterans Affairs, designated jointly by the administering Secretaries after review of all such areas, as follows:

''(A) PROGRAM SITES.—

''(i) IN GENERAL.—Except as provided in clause (ii), the program shall be conducted in not more than 3 such areas with respect to category A medicare-eligible veterans.

''(ii) ADDITIONAL PROGRAM SITES.—Subject to the certification required under subsection (h)(1)(B)(iii), for a year beginning on or after January 1, 2003, the program shall be conducted in such areas as are designated jointly by the administering Secretaries after review of all such areas.

''(B) PROJECT SITES.—

''(i) IN GENERAL.—The demonstration project shall be conducted in not more than 3 such areas with respect to category C medicare-eligible veterans.

''(ii) MANDATORY SITE.—At least one of the areas designated under clause (i) shall encompass the catchment area of a military medical facility which was closed pursuant to either the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) or title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

''(3) RESTRICTION.—Funds from the program or demonstration project shall not be used for—

''(A) the construction of any treatment facility of the Department of Veterans Affairs; or

''(B) the renovation, expansion, or other construction at such a facility.

''(4) DURATION.—The administering Secretaries shall conduct and implement the program and the demonstration project as follows:

''(A) PROGRAM.—

''(i) IN GENERAL.—The program shall begin on January 1, 2000, in the sites designated under paragraph (2)(A)(i) and, subject to subsection (h)(1)(B)(iii)(II), for a year beginning on or after January 1, 2003, the program may be conducted in such additional sites designated under paragraph (2)(A)(ii).

''(ii) LIMITATION ON NUMBER OF VETERANS COVERED UNDER CERTAIN CIRCUMSTANCES.—If for a year beginning on or after January 1, 2003, the program is conducted only in the sites designated under paragraph (2)(A)(i), medicare health care services may not be provided under the program to a number of category-A medicare-eligible veterans that exceeds the aggregate number of such veterans covered under the program as of December 31, 2002.

''(B) PROJECT.—The demonstration project shall begin on January 1, 1999, and end on December 31, 2001.

''(C) IMPLEMENTATION.—The administering Secretaries may implement the program and demonstration project through the publication of regulations that take effect on an interim basis, after notice and pending opportunity for public comment.

''(5) REPORTS.—

''(A) PROGRAM.—By not later than September 1, 1999, the administering Secretaries shall submit a copy of the agreement entered into under paragraph (1) with respect to the program to Congress.

''(B) PROJECT.—By not later than November 1, 1998, the administering Secretaries shall submit a copy of the agreement entered into under paragraph (1) with respect to the project to Congress.

''(6) REPORT ON MAINTENANCE OF LEVEL OF HEALTH CARE SERVICES.—

''(A) IN GENERAL.—The Secretary of Veterans Affairs may not implement the program at a site designated under paragraph (2)(A) unless, by not later than 90 days before the date of the implementation, the Secretary of Veterans Affairs submits to Congress and to the Comptroller General of the United States a report that contains the information described in subparagraph (B). The Secretary of Veterans Affairs shall periodically update the report under this paragraph as appropriate.

''(B) INFORMATION DESCRIBED.—For purposes of subparagraph (A), the information described in this subparagraph is a description of the operation of the program at the site and of the steps to be taken by the Secretary of Veterans Affairs to prevent the reduction of the type or amount of health care services furnished under chapter 17 of title 38, United States Code, to veterans who are entitled to benefits under part A or enrolled under part B, or both, within the geographic service area of the Department of Veterans Affairs in which the site is located by reason of the program or project.

''(c) CREDITING OF PAYMENTS.—A payment received by the Secretary of Veterans Affairs under the program or demonstration project shall be credited to the applicable Department of Veterans Affairs medical care appropriation (and within that appropriation). Any such payment received during a fiscal year for services provided during a prior fiscal year may be obligated by the Secretary of Veterans Affairs during the fiscal year during which the payment is received.

''(d) APPLICATION OF CERTAIN MEDICARE REQUIREMENTS.—

''(1) AUTHORITY.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), the program and the demonstration project shall meet all requirements of Medicare+Choice plans under part C and regulations pertaining thereto, and other requirements for receiving medicare payments, except that the prohibition of payments to Federal providers of services under sections 1814(c) and 1835(d), and paragraphs (2) and (3) of section 1862(a) shall not apply.

''(B) WAIVER.—Except as provided in paragraph (2), the Secretary of Health and Human Services is authorized to waive any requirement described under subparagraph (A), or approve equivalent or alternative

ways of meeting such a requirement, but only if such waiver or approval—

''(i) reflects the unique status of the Department of Veterans Affairs as an agency of the Federal Government; and

''(ii) is necessary to carry out the program or demonstration project.

''(2) BENEFICIARY PROTECTIONS AND OTHER MATTERS.—The program and the demonstration project shall comply with the requirements of part C of this title that relate to beneficiary protections and other matters, including such requirements relating to the following areas, to the extent not inconsistent with subsection (b)(1)(B)(iii):

''(A) Enrollment and disenrollment.

''(B) Nondiscrimination.

''(C) Information provided to beneficiaries.

''(D) Cost-sharing limitations.

''(E) Appeal and grievance procedures.

''(F) Provider participation.

''(G) Access to services.

''(H) Quality assurance and external review.

''(I) Advance directives.

''(J) Other areas of beneficiary protections that the administering Secretaries determine are applicable to such program or project.

''(e) INSPECTOR GENERAL.—Nothing in the agreement entered into under subsection (b) shall limit the Inspector General of the Department of Health and Human Services from investigating any matters regarding the expenditure of funds under this title for the program and demonstration project, including compliance with the provisions of this title and all other relevant laws.

''(f) VOLUNTARY PARTICIPATION.—Participation of a category A medicare-eligible veteran in the program or category C medicare-eligible veteran in the demonstration project shall be voluntary.

''(g) PAYMENTS BASED ON REGULAR MEDICARE PAYMENT RATES.—

''(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, the Secretary of Health and Human Services shall reimburse the Secretary of Veterans Affairs for services provided under the program or demonstration project at a rate equal to 95 percent of the amount paid to a Medicare+Choice organization under part C of this title with respect to such an enrollee. In cases in which a payment amount may not otherwise be readily computed, the Secretary of Health and Human Services shall establish rules for computing equivalent or comparable payment amounts.

''(2) EXCLUSION OF CERTAIN AMOUNTS.—In computing the amount of payment under paragraph (1), the following shall be excluded:

''(A) SPECIAL PAYMENTS.—Any amount attributable to an adjustment under subparagraphs (B) and (F) of section 1886(d)(5) and subsection (h) of such section.

''(B) PERCENTAGE OF CAPITAL PAYMENTS.—An amount determined by the administering Secretaries for amounts attributable to payments for capital-related costs under subsection (g) of such section.

''(3) PERIODIC PAYMENTS FROM MEDICARE TRUST FUNDS.—Payments under this subsection shall be made—

''(A) on a periodic basis consistent with the periodicity of payments under this title; and

''(B) in appropriate part, as determined by the Secretary of Health and Human Services, from the trust funds.

''(4) CAP ON REIMBURSEMENT AMOUNTS.—The aggregate amount to be reimbursed under this subsection pursuant to the agreement entered into between the administering Secretaries under subsection (b) is as follows:

''(A) PROGRAM.—With respect to category A medicare-eligible veterans, such aggregate amount shall not exceed—

''(i) for 2000, a total of $50,000,000;

''(ii) for 2001, a total of $75,000,000; and

''(iii) subject to subparagraph (B), for 2002 and each succeeding year, a total of $100,000,000.

''(B) EXPANSION OF PROGRAM.—If for a year beginning on or after January 1, 2003, the program is conducted in sites designated under subsection (b)(2)(A)(ii), the limitation under subparagraph (A)(iii) shall not apply to the program for such a year.

''(C) PROJECT.—With respect to category C medicare-eligible veterans, such aggregate amount shall not exceed a total of $50,000,000 for each of calendar years 1999 through 2001.

''(h) MAINTENANCE OF EFFORT.—

''(1) MONITORING EFFECT OF PROGRAM AND DEMONSTRATION PROJECT ON COSTS TO MEDICARE PROGRAM.—

''(A) IN GENERAL.—The administering Secretaries, in consultation with the Comptroller General of the United States, shall closely monitor the expenditures made under this title for category A and C medicare-eligible veterans compared to the expenditures that would have been made for such veterans if the program and demonstration project had not been conducted. The agreement entered into by the administering Secretaries under subsection (b) shall require the Department of Veterans Affairs to maintain overall the level of effort for services covered under this title to such categories of veterans by reference to a base year as determined by the administering Secretaries.

''(B) DETERMINATION OF MEASURE OF COSTS OF MEDICARE HEALTH CARE SERVICES.—

''(i) IMPROVEMENT OF INFORMATION MANAGEMENT SYSTEM.—Not later than October 1, 2001, the Secretary of Veterans Affairs shall improve its information management system such that, for a year beginning on or after January 1, 2002, the Secretary of Veterans Affairs is able to identify costs incurred by the Department of Veterans Affairs in providing medicare health care services to medicare-eligible veterans for purposes of meeting the requirements with respect to maintenance of effort under an agreement under subsection (b)(1)(A).

''(ii) IDENTIFICATION OF MEDICARE HEALTH CARE SERVICES.—The Secretary of Health and Human Services shall provide such assistance as is necessary for the Secretary of Veterans Affairs to determine which health care services furnished by the Secretary of Veterans Affairs qualify as medicare health care services.

''(iii) CERTIFICATION BY HHS INSPECTOR GENERAL.—

''(I) REQUEST FOR CERTIFICATION.—The Secretary of Veterans Affairs may request the Inspector General of the Department of Health and Human Services to make a certification to Congress that the Secretary of Veterans Affairs has improved its management system under clause (i) such that the Secretary of Veterans Affairs is able to identify the costs described in such clause in a reasonably reliable and accurate manner.

''(II) REQUIREMENT FOR EXPANSION OF PROGRAM.—The program may be conducted in the additional sites under paragraph (2)(A)(ii) and cover such additional category A medicare eligible veterans in such additional sites only if the Inspector General of the Department of Health and Human Services has made the certification described in subclause (I).

''(III) DEADLINE FOR CERTIFICATION.—Not later than the date that is the earlier of the date that is 60 days after the Secretary of Veterans Affairs requests a certification under subclause (I) or June 1, 2002, the Inspector General of the Department of Health and Human Services shall submit a report to Congress containing the certification under subclause (I) or the denial of such certification.

''(C) MAINTENANCE OF LEVEL OF EFFORT.—

''(i) REPORT BY SECRETARY OF VETERANS AFFAIRS ON BASIS FOR CALCULATION.—Not later than the date that is 60 days after the date on which the administering Secretaries enter into an agreement under subsection (b)(1)(A), the Secretary of Veterans Affairs shall submit a report to Congress and the Comptroller General of the United States explaining the methodology used and basis for calculating the level of effort of the Department of Veterans Affairs under the program and project.

''(ii) REPORT BY COMPTROLLER GENERAL.—Not later than the date that is 180 days after the date described in clause (i), the Comptroller General of the United States shall submit to Congress and the administering Secretaries a report setting forth the Comptroller General's findings, conclusion, and recommendations with respect to the report submitted by the Secretary of Veterans Affairs under clause (i).

''(iii) RESPONSE BY SECRETARY OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall submit to Congress not later than 60 days after the date described in clause (ii) a report setting forth such Secretary's response to the report submitted by the Comptroller General under clause (ii).

''(D) ANNUAL REPORT BY THE COMPTROLLER GENERAL.—Not later than December 31 of each year during which the program and demonstration project is conducted, the Comptroller General of the United States shall submit to the administering Secretaries and to Congress a report on the extent, if any, to which the costs of the Secretary of Health and Human Services under the medicare program under this title increased during the preceding fiscal year as a result of the program or demonstration project.

''(2) REQUIRED RESPONSE IN CASE OF INCREASE IN COSTS.—

''(A) IN GENERAL.—If the administering Secretaries find, based on paragraph (1), that the expenditures under the medicare program under this title increased (or are expected to increase) during a fiscal year because of the program or demonstration project, the administering Secretaries shall take such steps as may be needed—

''(i) to recoup for the medicare program the amount of such increase in expenditures; and

''(ii) to prevent any such increase in the future.

''(B) STEPS.—Such steps—

''(i) under subparagraph (A)(i) shall include payment of the amount of such increased expenditures by the Secretary of Veterans Affairs from the current medical care appropriation for the Department of Veterans Affairs to the trust funds; and

''(ii) under subparagraph (A)(ii) shall include lowering the amount of payment under the program or project under subsection (g)(1), and may include, in the case of the demonstration project, suspending or terminating the project (in whole or in part).

''(i) EVALUATION AND REPORTS.—

''(1) INDEPENDENT EVALUATION BY GAO.—

''(A) IN GENERAL.—The Comptroller General of the United States shall conduct an evaluation of the program and an evaluation of the demonstration project, and shall submit annual reports on the program and demonstration project to the administering Secretaries and to Congress.

''(B) FIRST REPORT.—The first report for the program or demonstration project under subparagraph (A) shall be submitted not later than 12 months after the date on which the Secretary of Veterans Affairs first provides services under the program or project, respectively.

''(C) FINAL REPORT ON DEMONSTRATION PROJECT.—A final report shall be submitted with respect to the demonstration project not later than 3½ years after the date of the first report on the project under subparagraph (B).

''(D) CONTENTS.—The evaluation and reports under this paragraph for the program or demonstration project shall include an assessment, based on the agreement entered into under subsection (b), of the following:

''(i) Any savings or costs to the medicare program under this title resulting from the program or project.

''(ii) The cost to the Department of Veterans Affairs of providing care to category A medicare-eligible veterans under the program or to category C medicare-eligible veterans under the demonstration project, respectively.

''(iii) An analysis of how such program or project affects the overall accessibility of medical care through the Department of Veterans Affairs, and a description of the unintended effects (if any) upon the patient enrollment system under section 1705 of title 38, United States Code.

''(iv) Compliance by the Department of Veterans Affairs with the requirements under this title.

''(v) The number of category A medicare-eligible veterans or category C medicare-eligible veterans, respectively, opting to participate in the program or project instead of receiving health benefits through another health insurance plan (including benefits under this title).

''(vi) A list of the health insurance plans and programs that were the primary payers for medicare-eligible veterans during the year prior to their participation in the program or project, respectively, and the distribution of their previous enrollment in such plans and programs.

''(vii) Any impact of the program or project, respectively, on private health care providers and beneficiaries under this title that are not enrolled in the program or project.

''(viii) An assessment of the access to care and quality of care for medicare-eligible veterans under the program or project, respectively.

''(ix) An analysis of whether, and in what manner, easier access to medical centers of the Department of Veterans Affairs affects the number of category A medicare-eligible veterans or C medicare-eligible veterans, respectively, receiving medicare health care services.

''(x) Any impact of the program or project, respectively, on the access to care for category A medicare-eligible veterans or C medicare-eligible veterans, respectively, who did not enroll in the program or project and for other individuals entitled to benefits under this title.

''(xi) A description of the difficulties (if any) experienced by the Department of Veterans Affairs in managing the program or project, respectively.

''(xii) Any additional elements specified in the agreement entered into under subsection (b).

''(xiii) Any additional elements that the Comptroller General of the United States determines is appropriate to assess regarding the program or project, respectively.

''(2) REPORTS BY SECRETARIES ON PROGRAM AND DEMONSTRATION PROJECT WITH RESPECT TO MEDICARE-ELIGIBLE VETERANS.—

''(A) DEMONSTRATION PROJECT.—Not later than 6 months after the date of the submission of the final report by the Comptroller General of the United States on the demonstration project under paragraph (1)(C), the administering Secretaries shall submit to Congress a report containing their recommendation as to—

''(i) whether there is a cost to the health care program under this title in conducting the demonstration project;

''(ii) whether to extend the demonstration project or make the project permanent; and

''(iii) whether the terms and conditions of the project should otherwise be continued (or modified) with respect to medicare-eligible veterans.

''(B) PROGRAM.—Not later than 6 months after the date of the submission of the report by the Comptroller General of the United States on the third year of the operation of the program, the administering Secretaries shall submit to Congress a report containing their recommendation as to—

''(i) whether there is a cost to the health care program under this title in conducting the program under this section;

''(ii) whether to discontinue the program with respect to category A medicare-eligible veterans; and

''(iii) whether the terms and conditions of the program should otherwise be continued (or modified) with respect to medicare-eligible veterans.

''(j) APPLICATION OF MEDIGAP PROTECTIONS TO DEMONSTRATION PROJECT ENROLLEES.—(1) Subject to paragraph (2), the provisions of section 1882(s)(3) (other than clauses (i) through (iv) of subparagraph (B)) and 1882(s)(4) shall apply to enrollment (and termination of enrollment) in the demonstration project, in the same manner as they apply to enrollment (and termination of enrollment) with a Medicare+Choice organization in a Medicare+Choice plan.

''(2) In applying paragraph (1)—

''(A) any reference in clause (v) or (vi) of section 1882(s)(3)(B) to 12 months is deemed a reference to 36 months; and

''(B) the notification required under section 1882(s)(3)(D) shall be provided in a manner specified by the Secretary of Veterans Affairs.''.

(b) REPEAL OF PLAN REQUIREMENT.—Subsection (b) of section 4015 of the Balanced Budget Act of 1997 (relating to an implementation plan for Veterans subvention) is repealed.

(c) REPORT TO CONGRESS ON A METHOD TO INCLUDE THE COSTS OF VETERANS AFFAIRS AND MILITARY FACILITY SERVICES TO MEDICARE-ELIGIBLE BENEFICIARIES IN THE CALCULATION OF MEDICARE+CHOICE PAYMENT RATES.—The Secretary of Health and Human Services shall report to the Congress by not later than January 1, 2001, on a method to phase-in the costs of military facility services furnished by the Department of Veterans Affairs or the Department of Defense to medicare-eligible beneficiaries in the calculation of an area's Medicare+Choice capitation payment. Such report shall include on a county-by- county basis—

(1) the actual or estimated cost of such services to medicare-eligible beneficiaries;

(2) the change in Medicare+Choice capitation payment rates if such costs are included in the calculation of payment rates;

(3) one or more proposals for the implementation of payment adjustments to Medicare+Choice plans in counties where the payment rate has been affected due to the failure to calculate the cost of such services to medicare-eligible beneficiaries; and

(4) a system to ensure that when a Medicare+Choice enrollee receives covered services through a facility of the Department of Veterans Affairs or the Department of Defense there is an appropriate payment recovery to the medicare program.

TITLE III—AUTHORIZATION OF ADDITIONAL EXCEPTIONS TO IMPOSITION OF PENALTIES FOR CERTAIN INDUCEMENTS

SEC. 301. AUTHORIZATION OF ADDITIONAL EXCEPTIONS TO IMPOSITION OF PENALTIES FOR PROVIDING INDUCEMENTS TO BENEFICIARIES.

(a) IN GENERAL.—Subparagraph (B) of section 1128A(i)(6) of the Social Security Act (42 U.S.C. 1320a–7a(i)(6)) is amended to read as follows:

''(B) any permissible practice described in any subparagraph of section 1128B(b)(3) or in regulations issued by the Secretary;''.

(b) EXTENSION OF ADVISORY OPINION AUTHORITY.—Section 1128D(b)(2)(A) of such Act (42 U.S.C. 1320a–7d(b)(2)(A)) is amended by inserting ''or section 1128A(i)(6)'' after ''1128B(b)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) INTERIM FINAL RULEMAKING AUTHORITY.—The Secretary of Health and Human Services may promulgate regulations that take effect on an interim basis, after notice and pending opportunity for public comment, in order to implement the amendments made by this section in a timely manner.

TITLE IV—EXPANSION OF MEMBERSHIP OF THE MEDICARE PAYMENT ADVISORY COMMISSION

SEC. 401. EXPANSION OF MEMBERSHIP OF MEDPAC TO 17.

(a) IN GENERAL.—Section 1805(c)(1) of the Social Security Act (42 U.S.C. 1395b–6(c)(1)), as added by section 4022 of the Balanced Budget Act of 1997, is amended by striking ''15'' and inserting ''17''.

(b) INITIAL TERMS OF ADDITIONAL MEMBERS.—

(1) IN GENERAL.—For purposes of staggering the initial terms of members of the Medicare Payment Advisory Commission (under section 1805(c)(3) of such Act (42 U.S.C. 1395b–6(c)(3)), the initial terms of the two additional members of the Commission provided for by the amendment under subsection (a) are as follows:

(A) One member shall be appointed for one year.

(B) One member shall be appointed for two years.

(2) COMMENCEMENT OF TERMS.—Such terms shall begin on May 1, 1999.

TITLE V—REVENUE OFFSET

SEC. 501. REVENUE OFFSET.

(a) IN GENERAL.—Subparagraph (B) of section 408A(c)(3) of the Internal Revenue Code of 1986 is amended by striking ''relates'' and all that follows and inserting ''relates, the taxpayer's adjusted gross income exceeds $145,000 ($290,000 in the case of a joint return).''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to distributions after December 31, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from California (Mr. STARK) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that 8 of those 20 minutes in the affirmative be controlled by the gentleman from Florida (Mr. BILIRAKIS), chairman of the Subcommittee on Health of the Committee on Commerce.

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

There was no objection.

GENERAL LEAVE

Mr. THOMAS. 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. 4567.

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

There was no objection.

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

Mr. Speaker, this bill, H.R. 4567, is one that is needed for a number of reasons. Most people will probably focus on what they consider to be the major provision, and that is a modification in the home health care payment structure.

In the Balanced Budget Act of 1997, after extensive negotiations with the administration, we were able to get the administration to change their 100 percent structure to a blended arrangement which we thought would at least modify the perniciousness of the administration's approach. We could not get them to go farther. That position became the interim payment structure that we are operating under now. Once we were able to examine what the administration really wanted, we discovered that it was lacking in a number of provisions in assisting on a broad base home health care agencies previously established, newly established and between States.

Not only was it not adequate in its interim payment structure form, but we were told in August by the Health Care Financing Administration that, because of their computers' difficulties with the year 2000 problem, they would not be able to honor the date that they said the prospective payment system replacing the interim payment system would go into effect. What ensued was a series of negotiations among all of those parties affected, and a bill was passed through the Committee on Ways and Means, modified by the Committee on Commerce's concerns and with the administration as a full partner to make sure that anything that we proposed could actually be carried out by the administration because of the year 2000 computer problems.

We have in front of us, I believe, a solution in which there are no losers. One of the difficulties is that many of the proposals basically robbed Peter to pay Paul, revenue neutral. Even if they added money to the pot, it was clear that it was only perpetuating an unfair system. Although we perhaps add more money than I would have liked to have added to the overall pot to solve the problem, the most important provision is that it treats those who are most in need fairly, and that is essential, I think, if in these latter days we are able to move this legislation.

A second provision of this bill is a veterans' subvention program. The Department of Defense has a Medicare subvention demonstration program. We were anxious to involve the veterans. This is a perfected veterans' subvention program.

There are basically two categories of veterans. The category C are those who are relatively well off, vis-a-vis the category A veterans, and who do not have service-related disabilities. The primary focus is on the category A veterans. There is a real problem in this area. We believe that this provision is a worthwhile one. It is a demonstration for both of us, and the chairman of the Committee on Veterans' Affairs will speak to that very shortly.

There are two other minor provisions. One is to allow for the reinstitution of a long-standing practice in which those patients who are end-stage renal disease patients and unable to provide for insurance coverage are assisted in that insurance coverage. Through a technical failure in our fraud and abuse program, that technically would not be allowed. This creates an opportunity for the Inspector General at HHS to make sure there is a safe harbor to protect those individuals.

The last item is an expansion of the MedPAC board, which would provide for a broadening of the representational interests on that board, be they professional, general public or geographic, based upon who those additional members would be.

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

Mr. STARK. Mr. Speaker, I ask unanimous consent that 6 minutes of debate time be allocated to the gentleman from Pennsylvania (Mr. KLINK).

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

There was no objection.

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

Mr. Speaker, the bill that the gentleman from California (Mr. THOMAS) and the Republican leadership have crafted does some good things: The subvention. There are some issues dealing with Medicare payments to people with end-stage renal disease that are helpful. There is an attempt to fix or assist the problems that are being caused in the home health delivery system by the administration's inability to get their act together.

Having said that, they have snatched victory from the jaws of defeat and pounded it to death. The bill is now a tax loophole and a stealth pay raise for Members of Congress and it has combined a series of measures and almost assured its defeat in the Senate because it violates the Senate rules and costs $10 billion over the next 10 years. Admittedly we only work in a 5-year time frame. They would raise a point of order in the Senate and need 60 votes and it is unlikely that it would pass there.

□ 1215

It extends a tax break to the very wealthy and now includes Members of Congress. Previously we were unable, as Members of Congress, to take advantage of Roth IRAs, and we now will be able to so that we have, and I am sure people will soon discover, we are about to vote ourselves a pay raise. I vote for pay raises, but I like to do it up front so that my constituents know that. I think it is too bad that we are doing it. It violates the budget, the IRA tax breaks have been dropped in conference or must be dropped or the bill is doomed.

We had suggested in the Committee on Ways and Means the postponement and reduction of medical savings accounts for seniors, and, interestingly enough, there are not any. There is no company offering medical savings accounts to seniors, and we could have saved a billion dollars and postponed the 15 percent tax cut which the home health industry is staring in the face next year. That was defeated by the Republicans in the Committee on Ways and Means, and I hope that if this bill goes to conference we could reestablish that. It hurts no one, there is no insurance company selling it, no seniors can buy it, we have already lost 300 million in savings which has evaporated. Through the inactivity or ignorance of the Republican bill we are going to let more of that savings disappear which could be used to help home health agencies who need it.

Again, this bill gives up, loses, $10.7 billion, does precious little except for the most egregious home health providers and mostly in southern States who have taken most advantage of this payment, and we could have done a better job, Mr. Speaker, we could have not dipped into the surplus so egregiously, and I hope that when this bill comes to conference, if in fact it ever does, that we can correct it at that point.

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

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds.

Notwithstanding the gentleman's description of the bill, the paid-for provision which increases the individual retirement accounts on ROTH IRAs from 100,000 to 145,000 does comport with the budget rules on the House side, and in looking for areas to pay for a change in Medicare and related medical costs, we thought it most prudent not to dip into Medicare or other health care provisions to rob Peter to pay Paul, and it seems to me that this is a particularly appropriate way within the House budget rules.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. STUMP), the distinguished Chairman of the Committee on Veterans' Affairs.

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

I rise in strong support of this measure and am pleased to be an original cosponsor. This legislation would realize one of the top priorities of our national veterans organizations, enabling

Medicare-eligible veterans for the first time to get Medicare coverage through the VA. This legislation would expand veterans' options and their access to care while still offering the promise of reducing Medicare costs.

While the Committee on Veterans' Affairs took the lead in reporting out this legislation, I am indeed indebted to my friend, the gentleman from California (Mr. THOMAS), the primary architect of the broader VA Medicare provisions being taken up today. BILL THOMAS' highly acclaimed expertise on the Medicare program and his willingness to become knowledgeable on VA health care with key to moving this legislation, and I would also like to thank the gentleman from Florida (Mr. BILIRAKIS) who is an original cosponsor and has been a tireless champion for veterans.

Veterans' legislation is truly nonpartisan, and I want to salute our colleagues on the other side of the aisle on the Committee on Ways and Means, the Committee on Commerce and the Committee on Veterans Affairs who helped advance this legislation.

Mr. Speaker, this is a good bill for veterans, and I urge the Members to adopt it.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, our bill is the result of hard work between the Committee on Commerce and Committee on Ways and Means. Many of us have heard from constituents, principally veterans and senior citizens who are or may be effected by current health policy which we address and improve in the bill before us today.

H.R. 4567 proves, I think, that Members of Congress do listen to the concerns of their constituents and, when appropriate, work to find viable solutions. Several issues are addressed in this legislation.

Long ago our Nation made a commitment to care for the brave men and women who fought the battles to keep America free, and these are our Nation's veterans. As a veteran myself and a representative of a congressional district with a large veterans population, I am pleased that we have incorporated a Veterans Medicare Access Improvement Act into H.R. 4567. The Veterans Medicare Access Improvement Act will permit the Medicare program to reimburse the VA for care given to Medicare eligible veterans. The bill provides new health care options to veterans who have previously been shut out of the VA health care system, and it allows the VA to reach out to thousands of underserved veterans.

The home health issue is also addressed. Currently one out of every ten Medicare beneficiaries receives close to 80 home health visits per year. BBA 97 sought to address the over utilization of home health services by directing HCFA to create a prospective payment system for the home health industry by October of 1999. Initially HCVA was told to implement an interim payment system which would allow home health agencies to make the transition to the new prospective payment system. HCFA recently informed Congress, unfortunately, that it could not make the October 1, 1999, deadline, thus forcing home health agencies to live with the reimbursement policy which many believe is unfair and will cause numerous facilities to shut down. Through this bill we make the payments to both old and new home health facilities more equitable, thus creating a more even playing field for home health agencies across the country, and most important, we restore assurance to Medicare beneficiaries that they will continue to have home health care services.

Our home health reforms build on three simple and yet crucial principles: equity, resolving the arbitrary differences inadvertently created by BBA 97; transitional sensitivity helping home health agencies not only survive the interim payment system, but also place them squarely on the track for the impending prospective payment system and implementability guaranteeing that HCFA can immediately put into effect the reforms we authorize.

In closing, Mr. Speaker, I urge my colleagues to support the Medicare and Veterans Health Improvement Act.

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

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank my friend for yielding me this time, and let me thank also the Chairman of our Subcommittee on Health for bringing forward this legislation. This is important legislation to deal with the home health care services in our community.

Mr. Speaker, last year we made a mistake, and now we need to correct it. We are moving towards implementing a prospective payment system for home health care providers, and that will reward efficiency and cost effective programs. We had anticipated that that new system would be in effect on October 1, 1999. We are not going to make that date. HCFA has made that clear. In the interim we have developed an interim payment system, and we tried to hold each provider somewhat harmless. But what we did was penalize cost-efficient programs by tying the interim payment system to historical costs. A program that already has a low number of per-patient visits and has got its cost down is discriminated against. We need to take steps to correct it. The legislation before us will correct that circumstance by allowing those programs that are below the national average cost to get a bonus payment by mixing the costs with their historical cost and what the average cost is in the Nation.

That makes sense. That will help many health care providers in our Nation.

In my own State of Maryland, where our costs are well below the national average because our number of patient visits on home health care services is below the national average we would be adversely impacted unless this legislation is enacted. We have far fewer number of providers per our population than most States, and yet if we do not enact legislation, Maryland, a cost effective state that is doing the right thing, we are in jeopardy, we are told, of losing 13 of our providers in our State that will not be able to make it unless we provide some relief.

So this legislation makes sense. We should take steps in order to deal with the interim situation until we can implement the perspective payment system, and I thank the gentleman for yielding me this time.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON) a member of the Committee on Ways and Means without whose full participation, ideas and creative approaches to solutions we would not be here with this bill.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for those kind remarks and thank the gentleman from California (Mr. THOMAS), the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Texas (Mr. ARCHER) and the gentleman from Florida (Mr. BLILEY) for their hard work to bring this bill to the floor. Indeed the need is urgent.

I would remind Members that when we passed the Balanced Budget Amendment we anticipated slowing growth in the cost of home health services by $16 billion because of the law we wrote. But equally important, because of the administrative changes HCFA made on its own or failed to make to comply with the budget document and because the work of the work of the Inspector General's office, there has been an interaction on this critical service sector that CBO estimates now will take 26 billion out of these services. That is 10 billion more than we anticipated. Believe me, this is a critical industry under terrible distress, and it is our job to fix it.

So I strongly support this bill that does bring much needed relief to specifically low cost, high quality home health providers nationwide, and I want to state for the record that some home health agencies in my State of Connecticut are not only low cost, but according to a government conducted audit they are also virtually free of fraud and abuse. We have legitimate concerns about fraud and abuse in the home health industry. But the Yankee spirit that has kept home health costs low in Connecticut has also kept home health spending honest and home health services high quality.

Ultimately the interim payment system we passed last year penalizes efficient home health providers that have served the Medicare program by keeping their costs down. These are the very providers that we need to preserve in the system if we expect to keep

Medicare spending affordable and Medicare operating well in the next century. This legislation will preserve our low cost providers, correct the problems of the past and enable us to establish a strong Medicare system that serves our seniors in the future.

Mr. Speaker, I want to thank Chairmen THOMAS, BILIRAKIS, ARCHER and BLILEY and their staff for their hard work on bringing this important bill to the floor today.

I support this bill because it brings much-needed relief to low-cost, high-quality home health providers nationwide. And I want to state for the record, that home health agencies in my home state of Connecticut are not only low-cost, but—according to a government-conducted audit—they are also virtually free of fraud and abuse. We have heard legitimate concerns about fraud and abuse nationwide in the home health industry, but the Yankee spirit that has kept home health costs low in Connecticut has also kept home health spending honest and home health services high quality.

Unfortunately, the interim payment system we passed last year penalizes efficient home health providers who have served the Medicare program by keeping their costs down. These are the very providers that we need to preserve in the system if we expect to keep Medicare operating in the next century. This legislation will preserve low-cost providers by increasing their rates during the transition to the new payment system.

The best solution for the long-term is to move home health care into a prospective payment system (PPS), where payments will based on the health needs of the patient and recognize those who need more intense services. The real tragedy of the current system is that we don't have the data necessary to build a system based on patient need. And the agency administering Medicare cannot accomplish this goal by the statutory date of October 1, 1999.

To prevent IPS, which is not adjusted for the severity of illness, from compromising the ability of important community providers to care for seniors and to ensure that the PPS will go into effect in a timely and accurate manner, this bill will reform IPS and require reports to Congress that will demonstrate progress on PPS development and account for all the resources used.

This bill also includes an important provision that will enable our veterans to seek Medicare-reimbursed services in veterans hospitals. This will strengthen our VA hospitals and open up accessible care for low income veterans.

I urge my colleagues to support this important bill and work to ensure that it passes before we adjourn.

Mr. KLINK. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we are here today to fix some of the problems caused by the deep cuts in the Balanced Budget Amendment made in the Medicare home health care benefits. This is not a perfect bill. It is, first of all, not retroactive, it does not address the 15 percent cut scheduled for next year like the Democrat bill would have, and I really do not like the way it is paid for, but I support this bill today because I have heard from too many people in my district who are worried about the drastic impacts the interim payment system is having on the home health care providers and on the patients they serve.

I am going to support this bill because somewhere in this debate over how we should pay for home health care we are losing the focus on the seniors who need that home health care and who without it are going to end up back in the hospital or back in nursing homes. But for the life of me I do not understand why the costs of Medicare home health benefits vary so much from State to State and region to region; why, for example in my district, people who are treated by Nancy Dlusky in Greensburg, Pennsylvania, or Carol Rimer in Delmont, Pennsylvania, get on average only $2,300 a year while in other parts of the country for the same services people are being reimbursed 8, 10, 12 thousand dollars a year.

This is not a perfect bill, but it is a step in the right direction, and I hope that in conference we can perfect it even further.

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

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

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

□ 1230

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

The IPS, Interim Payment System, has been grossly unfair, grossly unfair to low-cost, cost-effective providers in States, especially States like Michigan. This is a step in the right direction.

But I want to express two hopes. Number one, this is not retroactive. A lot of very good, healthy, once healthy, home health agencies have been terribly hurt. I think our system should protect the cost effective and not assist those that are cost ineffective. So I hope if this bill gets to conference that we can look at that issue.

Also, the chairman of the subcommittee and I have talked about the entire bill. I hope we can take another look in the way we pay for this. I do not think we should mortgage the future to correct the past or the present. So I rise in support of this bill. It is urgently needed.

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

Mr. COBURN. Mr. Speaker, first of all, let me thank the gentleman from California (Mr. THOMAS) and the gentleman from Florida (Mr. BILIRAKIS) for addressing this issue.

There is no question, many things needed to be done to straighten out the problems in home health care. There are still problems with this bill. I am going to support this bill, and it is my hope that this will come through.

With the interim payment system, there is no recognition of the need for the chronically ill, dependent senior for home health. We need outlier protection for those firms who really take care of our seniors, who have proven that they will not dump a senior just because the money wears out.

Unfortunately, with HCFA and their administration of the Balanced Budget Act, not the amendment, but the act, the administration of that act has, in my State, penalized the best and helped the worst. This will go a long way towards changing that.

It, however, does not do anything with the 15 percent cut that is to go into effect October 1 of 1999, which has to be addressed if we are going to keep these firms viable and care for our seniors.

In closing, I have two people in my district that I would like to thank who have worked tirelessly, without ceasing, to try to solve some of these problems with great new ideas. Their names are Mark Lemmons and Steve Money. One is a former bank examiner, and the other is a former businessman. They are not home health care people, but they know costs, and they care for seniors. We have to make sure something happens on this before we leave this town.

Mr. KLINK. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I am pleased to see that we are at least moving forward in an attempt to do something to correct the home health crisis.

New Jersey's home health providers are among the most efficient in the Nation; and, in my view, it is unfair to penalize those agencies for their efficiency.

I also want to address this 15 percent cut. As we know, the Balanced Budget Act, as everyone who has been affected by this problem knows, mandates a 15 percent across-the-board reduction to the per beneficiary caps in fiscal year 2000 if the prospective payment system is not ready by that time. We already know that it will not be. I would like to have a provision postponing that cut included in this legislation.

Mr. Speaker, 2 days ago, the gentleman from Michigan (Mr. DINGELL) and a number of my Democratic colleagues in the House introduced a bill that would reach the goal by reducing the enrollment cap on Medical Savings Accounts demonstration projects in the short term.

Reducing the enrollment cap on MSAs, moreover, makes even more sense when we consider that nobody has signed up for an MSA yet. It is my understanding the other body was working on a proposal that would include this reduction, and I hope we are successful on getting that postponement included. I think that is very important.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH),

a member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the Speaker and my colleague from California for the time and having the privilege to serve on two of the three committees with jurisdiction, both the Committee on Ways and Means and the Committee on Veterans' Affairs.

I am pleased to rise with the dean of our Arizona delegation and the chairman of the Committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP), in strong support of this legislation.

As has been chronicled by people from both sides of the aisle with disparate views of the role of government in health care, we all agree today, Mr. Speaker, that this is an idea whose time has come, not only for the challenges confronting home health care, challenges that in and of themselves tend to make HCFA truly a four-letter word, if not an acronym, in terms of the administration and practical applicability of ideas, but also for those Americans who have worn the uniform of our Armed Services and served with distinction both in wartime or in peacetime, especially in a place like the Sixth Congressional District of Arizona, a district in square mileage almost the size of the Commonwealth of Pennsylvania.

This is historic legislation because it would permit the VA to establish service networks to provide Medicare-reimbursed care to service-connected or financially needy Medicare-eligible veterans for whom VA medical centers are geographically remote or inaccessible. While we are working to establish these service centers for these veterans, this is another tool that can be utilized to give these veterans flexibility and access to health care in their senior years.

For these reasons and many more too numerous to mention, Mr. Speaker, I would ask all of my colleagues on both sides of the aisle to join in strong support of this legislation.

Mr. STARK. Mr. Speaker, I am honored to yield 1 minute to the gentleman from South Carolina (Mr. SPRATT), the distinguished ranking member of the Committee on the Budget.

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

Mr. SPRATT. Mr. Speaker, I have long supported VA subvention, and I want to fix the home health care payment formula as much as anybody on the floor, although I am not sure this bill does much for home health care in my State.

I am sure of this, it deals a body blow to the deficit. This bill adds $6.9 billion in new spending over the next 10 years, $6.9 billion. It cuts revenues, reduces tax revenues by $4.9 billion. So it takes a whack of nearly $12 billion out of the budget, out of the surplus over the next 12 years.

Ironically, that is because the Roth IRA provision put in here as a ''pay for'' does save money over the first 5 years, $2.4 billion. But over the second 5 years, over the 10-year course of this bill, it loses nearly $5 billion, $4.9 billion. This is a shortsighted way to pay for the bill.

We would be better off to drop the Roth provisions altogether. It would save us a $5 billion hit on the surplus, and we would only have a $7 billion reduction. It is not the way to go if we want to save the surplus for Social Security or protect the fiscal situation that we have worked so hard to get ourselves into.

Mr. BILIRAKIS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. LAZIO), another member of the subcommittee.

Mr. LAZIO of New York. Mr. Speaker, I want to begin by thanking the three chairmen of the subcommittees, the gentleman from Florida (Mr. BILIRAKIS), the gentleman from California (Mr. THOMPSON), and the full panel chairman, the gentleman from Arizona (Mr. STUMP), for their work on this and both sides on the aisle, quite frankly, for this critical piece of health care that helps Americans stay in their own home, protects families, keeps them together, builds stronger communities, gives seniors and those who are disabled, who are facing critical life choices the peace of mind of knowing that, if they are afflicted with a life-threatening disease, that the system will back them up.

This current reimbursement system clearly undermines, I think, the best of what home health care has provided. The current system reduces payments to New York home health agencies by nearly $130 million, including some of the most efficient and cost-effective home health care agencies.

The ultimate result is that New York seniors are threatened with losing their home health care. At a time when moms and dads are trying to live their retirement years in comfort, the current system undermines their peace of mind. With hard work and leadership from the Committee on Commerce, the Committee on Ways and Means and the Committee on Veterans' Affairs, I am pleased that this bill provides the peace of mind that our seniors need.

During the past year, I have worked with home health care providers in New York to save them and the care that they provide to our seniors. The new reimbursement system for home health care agencies which was developed in the Balanced Budget Act of 1997, the interim payment system, has unintentionally and negatively affected New York residents.

For example, in my district, Southside Hospital's Home Care Agency is expecting a loss of 31 percent this year. That means Southside will lose $1.2 million! The personal security of hundreds of seniors, my friends and neighbors, is threatened.

The New York home health care system is one of the most efficient home care industries in the nation. We are one of the best. Nevertheless, the current reimbursement system reduces payments to New York home health agencies by nearly $130 million in 1998!

The unintended result of this new system is that New York seniors are theatened with losing their health care. At a time when moms and dads are trying to live their retirement years in comfort, the current IPS system pulls the rug out from them. This is the reason why I have worked so hard to address this system and make changes to it to ensure that our seniors—our family, friends, and neighbors—can receive the care they deserve.

With hard work and leadership from both sides of the aisle, I am pleased that the legislation offered on the floor today provides about 1.5 billion dollars to home health care throughout the nation. Only with this money can seniors recover the quality health care they have earned.

The home health provisions before us are supported by the Health Care Association of New York State, the Home Care Association of New York State, and the esteemed Governor from New York.

The bill raises the per beneficiary cap for agencies that have maintained low costs. We should reward the efficient New York providers, not punish them. The bill does not pit agencies against one another. It does not pit one region of the country against another.

Now, Long Island providers will not have to shut down and force our seniors into institutionalized care.

This bill meets two of the loftiest standards of a civilized society—maintaining a senior's dignity—and keeping them active in their communitry during their golden years. The alternative is to penalize the most vulnerable in our society simply for growing old.

I urge my colleagues to vote for the Medicare and Veterans Health Improvement Act of 1998.

Mr. KLINK. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) who is a nurse, is well respected on matters not only on health care but a great many issues.

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of this bill and want to thank the leadership on both sides of the aisle for bringing it. I cannot support it wholeheartedly, however, without bringing a few things to my colleague's attention.

I am from a big State with lots of miles, and the new agencies that cover many of those remote-located patients will not be helped by this bill.

We also need to do something about the 15 percent slash that is due next year before that time. I want to associate myself with the remarks of the ranking member of the Committee on Banking and Financial Services, because that is the concern that I have.

While we are creating a tax loophole for the highest earners, which raises money in the short run, it will cost us billions and billions of dollars in the long run.

I do have some concerns. I know that we have an emergency and we do need this coverage, but we cannot let it go

without making sure that there is time for correction.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, for over a year now, there has been a small group of us who have been fighting to change the home health care provisions in the Balanced Budget Act; and I want to thank my colleague, the gentleman from Rhode Island (Mr. WEYGAND), the gentlewoman from Michigan (Ms. STABENOW), the gentleman from New Jersey (Mr. PAPPAS), and the gentleman from Oklahoma (Mr. COBURN) for their diligence and their determination to try to help fix this problem.

What we have today on the floor amounts, in my opinion, to a very important achievement. I want to publicly thank the gentleman from California (Chairman THOMAS) for bringing this bill to the floor.

This bill could most certainly be improved, but I commend my colleagues for bringing us this far in the process. I hope that we can work quickly with the Senate in these last few days and pass this bill out of Congress in a form that the President can sign.

I urge all my colleagues to support this legislation.

While there are many people that I would like to thank and recognize, I want to thank the people of Massachusetts who have educated me on this issue, the nurses, the doctors, the home health care agency owners and, most important, our Nation's seniors and the critically ill. I was invited into their homes and their workplaces and shown how important this Medicare benefit is in the lives of everyday people.

This Congress made a grave mistake in the Balanced Budget Act with regard to home health care, and this bill will help correct that mistake. I urge my colleagues to support it.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from New Jersey (Mr. SAXTON).

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

Mr. SAXTON. Mr. Speaker, I rise in strong support of the Medicare Home Health Care and Veterans Health Care Improvement Act.

Mr. Speaker, I am pleased to come here today to vote for the Medicare Home Health Care and Veterans Health Care Improvement Act.

This bill takes a step in assisting efficient home health agencies around the country that were hit so hard by the Medicare Interim Payment System. The home health agencies of New Jersey have provided exemplary care to the seniors of our State while keeping their costs very low and should not have been unfairly penalized by IPS.

As always, I continue to support efforts to rid the Medicare system of waste, fraud, and abuse. IPS did not fairly address these problems. I do hope that at some time in the very near future, we can revisit this issue and identify and rid Medicare of such fraudulent practices which only hurt our seniors and the quality of care they receive.

Also, Mr. Speaker, while H.R. 4567 does offer much needed relief to the home health providers in my State, the effects of the IPS during FY98 have been extremely detrimental to them. I must request that retroactivity be implemented for low cost agencies as we continue this process.

Mr. Speaker, the 60,000 seniors who live in my district in New Jersey are united behind us and our efforts to fix the IPS.

Thank you Mr. THOMAS and Mr. BILIRAKIS for realizing the needs of cost-effective agencies.

Mr. KLINK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. GREEN) of the Committee on Commerce.

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

Mr. GREEN. Mr. Speaker, I rise in reluctant support of this legislation, although the veterans' benefit is the definite plus in the bill and makes it worthy in its own right. It is a shame that, after literally months of discussions and hours of meetings, this is the best we could do on home health care.

The best part of the bill is it will not hurt any home health care agency. Every agency that is affected by this bill will be helped; but in my State of Texas, very few of them will.

However, this bill does not address the looming 15 percent cut in payments to agencies that is right around the corner. It does not address the problems most agencies will face when they receive their demand letters from HCFA. So, despite our efforts today, many home health care agencies could be forced to close, only because HCFA did not notify of them of their IPS rate until as late as July.

Mr. Speaker, H.R. 4567 is not the home health care fix most of us had hoped for. But it is a start in the right direction, and I look forward to properly addressing all of the other problems the IPS has caused at the start of the next session of Congress.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Vermont (Mr. SANDERS).

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

Mr. Speaker, home health care agencies that do a terrific job in serving some of the most vulnerable and frail people in the State of Vermont have lost substantial funding because of an absurd formula that was put in place last year.

This bill begins to address the inequities of that unfair formula and would increase funding for home care, home health care agencies in Vermont and throughout this country that are cost effective and efficient.

Unfortunately, the funding approach for improving this formula is not adequate; and my hope is that, in conference committee, it can be changed. But, most importantly, this is a step forward to addressing a real crisis in home health care funding that exists in Vermont and other States where agencies have been cost effective and efficient. I urge support for this legislation.

Mr. KLINK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts (Mr. MARKEY), a member of the Committee on Commerce.

□ 1245

Mr. MARKEY. Mr. Speaker, this is a good bill; not perfect, but it is good.

My mother passed away in July afflicted by Alzheimer's for 10 years. We kept her in our home. My father, who is 87, tended to her every single day all day long for 10 years.

The only way that that was possible was for the home health care aide to give him some help in the course of each day. It is very difficult for people who want to tend to this population, which will number in the millions as each year goes by, as the baby boomers get old, for us to allow people who want to avoid the indignities of nursing homes, which my father wanted to do for my mother, because he wanted to honor her by keeping her in the house, in our house that she never left, except when she was hospitalized for diseases unrelated to Alzheimer's.

This bill is critically important for millions of families who want to offer the same kind of protections for their loved ones. I hope that it passes unanimously.

Mr. BILIRAKIS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. STEARNS), a member of the subcommittee.

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

Mr. STEARNS. Mr. Speaker, this is very important legislation. We just have to hope and pray that it actually gets through the Congress this year.

Medicare-eligible veterans are too often shut out of the VA health care system, particularly if they are low-income and services-connected in the rural parts of this country.

This bill would, for the first time, enable Medicare-eligible veterans to bring their Medicare benefits to the VA. It is an important step to provide improved access and equity. Importantly, this bill can also reduce Medicare costs for the care of these beneficiaries.

Dealing with the home health care side of it, I share with the gentleman from Massachusetts (Mr. MARKEY) the same sentiments, because we cared for my mother in our home for over 10 years, too.

I support implementing the new IPS blend that is more equitable than the present system. Furthermore, new agencies must not be penalized and should receive treatment similar to other existing agencies. I note, of course, for my colleagues from Florida, it increases the home health care payment by at least 5 percent.

Medicare is a vast complicated program to begin with and the changes that will occur

over the next few years are bound to compound the frustration and fear seniors already feel about this program.

I think we all recognize that home health care is vital to many of our Medicare recipients and nobody wants to see our seniors suffer needlessly. We all remember the many witnesses who testified about home health care organizations that had bilked the Medicare program out of billions of dollars. Our intention was to reduce unnecessary and fraudulent spending in home health. I believe we were right in setting out to rid the medicare program of fly-by-night organizations that cost the program money that could have been spent on taking care of the needs of seniors.

However, the Interim Payment System now in place is a disaster for rural areas and must be corrected. I support implementing a new IPS blend that is more equitable than the present system. Furthermore, new agencies must not be penalized and should receive treatment similar to that of existing agencies.

This bill addresses these problems by requiring the Secretary to report back to Congress by January 1, 1999 with a time line for implementation of the new system so that Congress will have an opportunity to weigh in and closely monitor its progression. Furthermore, the Administration is charged with making an alternative to the 15-percent reductions that will occur on October 1, 1999. Hopefully, we can alleviate some of the difficulties Medicare home health care beneficiaries have been experiencing for the past few months.

Finally, I would like to indicate my support for the portion of this legislation that was initially introduced as H.R. 3511. The bill will give HHS the discretion to determine, for example, whether allowing physicians to waive the Medicare copayment and deductible requirements for Medicare recipients who participate in particular health care program would open the door to fraud or abuse in the Medicare program. If not, HHS is authorized to issue an advisory opinion permitting the waiver of these requirements with regard to those services.

These provisions of the legislation are critically important to programs such as the National Eye Care Project (NECP), which provide critical health care services to American senior citizens. The National Eye Care Program is the largest and most sustained public service project in American medicine, and is currently sponsored by the Foundation of the American Academy of Ophthalmology and the Knights Templar Eye Foundation, Inc. The program currently has 7,500 participating volunteer ophthalmologists, who examined over 110,000 seniors since 1986. Of those examined, over 70% were diagnosed with an eye disease requiring follow-up care. The program has been recognized by the White House, multiple U.S. Senators and Congressman, the American Medical Association, and the American College of Surgeons.

The program works by matching callers to a toll-free Help line with one of the 7,500 volunteer ophthalmologists nationwide. The physician then provides a comprehensive medical eye examination and treatment for conditions diagnosed at the initial visit. Any financially disadvantaged senior who is a U.S. citizen or legal resident and has no access to an ophthalmologist is eligible to participate.

From the program's inception in 1986 until the passage of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), participating doctors could waive copayment charges and accept insurance reimbursement as payment in full. However, unfortunate technical language found in HIPAA restricted the NECP's participating doctors to waiving fees only for those in financial need. This has forced the NECP to add a means test to their Help line. This test asks questions that financially needy seniors may find embarrassing, such as 'does your financial situation prevent you from seeking eye care?' This means test has unfortunately led to a decrease in the number of seniors seeking care, and has turned away seniors that otherwise would have received treatment.

That's why the pending legislation is so important—it does nothing to dilute the tough anti-fraud and abuse provisions found in HIPAA, while giving the Secretary of Health and Human Services the authority to provide a common sense exemption from payment requirements for the NECP, or for other programs that benefit the public welfare.

Congress needs to allow doctors participating in the NECP to continue their work unhindered and to encourage seniors to utilize the program. More than 50% of all new cases of blindness each year occur in the elderly, at least half of which are preventable. Eye diseases are among the most debilitating and prevalent problems facing the elderly, many of which display no outward symptoms until irreparable damage to their eye sight is imminent.

Mr. Speaker, I urge my colleagues to support this important legislation.

This is important legislation for America's veterans. Medicare-eligible veterans are too often shut out of the VA health care system.

This bill for the first time would enable Medicare-eligible veterans to bring their Medicare benefits to VA. It is an important step to provide improved access and equity.

Importantly, this bill can also reduce Medicare costs for the care of these beneficiaries.–

Mr. KLINK. Mr. Speaker, I yield the remainder of the time 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 want to express my strong support for this home health care bill.

In April I introduced the Medicare Home Health Agency Efficiency Act, and I am pleased that H.R. 4567 addresses many of my concerns and, in the end, creates greater equity for all home health care agencies. I hope that we can in the next Congress and in conference continue to work on the problems that still face home health care agencies and my constituents. The current reimbursement system in New York penalizes the most efficient home care agencies and without this legislation, home care agencies in New York would have to close and deprive people of vitally-needed services.

I strongly support the concept of home health care. I have a story also. My father, before he passed away, we kept him in our home, and without home health care services, we could not have done this.

So I think this is a good first step, it is a good step in the right direction, and we need to keep on working on this problem. I commend my colleagues for doing this.

Mr. Speaker, I yield the remainder of my time to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is a good bill, too, and I think we need to work on the IPS, and I would hope that we would be able to continue to work on the interim payments and work with the gentleman as well on his legislation.

Mr. STARK. Mr. Speaker, I am happy to yield 1 minute to the distinguished gentleman from Rhode Island (Mr. WEYGAND).

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

Mr. WEYGAND. Mr. Speaker, I want to thank the gentleman from California (Mr. STARK) for yielding me this time.

I also would like to take a moment to thank some of my colleagues who have been very helpful in putting this bill together and working together, and that is particularly the gentleman from Massachusetts (Mr. MCGOVERN), the gentleman from Oklahoma (Mr. COBURN), and, in particular, the gentleman from Maryland (Mr. CARDIN), and the gentlewoman from Michigan (Ms. STABENOW). We have all worked over the last year and a half to try to bring this bill to fruition.

Last year we made a horrible mistake in passing a budget that included an interim payment system that was intended to take away fraud and abuse from wasteful agencies, but it also did a terrible thing. It took the most efficient and effective agencies and cut them as well.

In my State I have seen VNAs go out of business. A VNA that was in business for 87 years serving the needy had to close its doors, others have laid off people, because of this interim payment system.

This past spring we were lucky to get an amendment through in the budget that put us in this direction. This is a good first step, and I compliment the gentleman from California (Mr. THOMAS) for bringing it before us today. But there are other parts of this that have not been addressed that we must address in the near future.

Retroactivity. The 1999 interim payment assistance was supposed to go into a PPS. I hope that we will address those; I hope that we will have a future for our needy people in the home health care system, and I ask my colleagues to support this.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. STABENOW).

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

Ms. STABENOW. Mr. Speaker, I would join with my friend from Rhode Island in thanking everyone who has been involved in this issue. But I also would join today with those who express great concern about the bill that is in front of us.

It has been said that there are no losers as it relates to home health care in this bill. The difficulty is, for me in representing my constituency in Michigan, there are also no winners in this bill.

It has been estimated that in Michigan almost half of our home health care agencies will no longer be able to serve Medicare patients by the end of this year, almost half of those who provide home health care now.

In Michigan, unfortunately, on average, this bill provides only $58.00 in additional home health care services, $58.00 to agencies that are already tremendously efficient providing quality home health care. This is not enough of a fix. This does not, in fact, stop the 15 percent cut for next year.

I urge the conference committee create a better solution so we can provide quality home health care into the future.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, I am not opposed to the improved payment system for kidney disease patients contained in this bill. Nor am I opposed to the commendable veteran benefits contained herein. I am, however, deeply concerned about the bill's home health provisions as many of my other colleagues have already expressed.

This bill that is masquerading as an appropriate remedy for the devastating effects of last year's BBA, which imposed an interim payment system on our Nation's home health care agencies, the only specialists we have who serve homebound disabled seniors, and the effect has been to drive thousands out of business and deprive seniors of adequate access to care to which they are entitled.

The home health care provisions of the BBA call for paying home health care agencies in 1994 dollars, and since January this year more than 1,100 have gone out of business or have been forced to stop serving Medicare patients because they cannot afford it.

The problem, Mr. Speaker, is pure and simple, that the Thomas bill, however well intended, is not the proper response to the Nation's home health care problem. It does no harm and it does no good, as has already been stated. It is paying mere lip service to the problem of the interim payment system, and I do hope we can address this in the next session of Congress.

Mr. BILIRAKIS. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. PAPPAS), who has been a stalwart on this issue.

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

Mr. PAPPAS. Mr. Speaker, Judy Stanley and Steve Snyder approached me last December about an issue which prompted my introducing of H.R. 3567, gained 106 cosponsors and I have worked hard to find a solution to the problems the home health IPSs cause New Jersey and other states.

Let me thank the gentleman from Arizona (Mr. STUMP), the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from California (Mr. THOMAS) and their staffs for all their hard work. I will support the compromise as a needed step to move forward but I am disappointed that the bill does not do more to improve the viability of low cost agencies.

This bill does not curb the spending patterns of older agencies that have had high costs. Addressing that issue is an important part of preparing the home health industry for perspective payment. It also does not address the automatic 15 percent reduction in reimbursement.

Finally, I am hopeful that the final product will contain retroactivity, which CBO has already scored as costing $200 million. Narrowly tailoring retroactive relief to low cost States or regions would reduce this cost even more. I encourage my colleagues to see if these remaining issues can be addressed in the final package and I urge my colleagues to support it.

Mr. STARK. Mr. Speaker, I yield myself the remainder of the time.

Mr. Speaker, I again join with many of my colleagues who support the tenor of the bill but have serious reservations about its budget implications. I would hope that if there is a chance to revisit this bill we can find a more sensible way to pay for it.

Further, I would like to, in the spirit of bipartisan suggestion, urge the distinguished chairman of the subcommittee, the gentleman from California (Mr. THOMAS), to hark back to the eighties when we tried in the Pepper Commission to develop a long-term care proposal.

Let no one make any mistakes. This growth in home health care has been generated by the lack of any ability to pay for long-term care in the Medicare system.

Rather than see the industry sneak a long-term care policy into the back door of acute care Medicare, we should honestly propose and debate a long-term care social insurance program. If it were fairly presented, with the problems in long-term care discussed, I think we could find a way to include it in the Medicare system rather than tinkering with ways to squeeze down the cost of home health.

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

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

Mr. Speaker, I include at this point in the RECORD a detailed explanation of the bill.

EXPLANATION OF H.R. 4567—MEDICARE HOME HEALTH AND VETERANS HEALTH CARE IMPROVEMENT ACT OF 1998

TITLE I. MEDICARE HOME HEALTH CARE INTERIM PAYMENT SYSTEM REFINEMENT

Current Law

Section 4602 of the Balanced Budget Act established interim payments for Medicare home health care agencies until implementation of the Prospective Payment System on October 1, 1999. Agencies are currently paid their costs up to two limits. The limits are applied when an agency settles its cost report with Medicare. The first limit—the per visit limit—is based on the mix of visits the agency provided to Medicare patients during the year. The per visit limits are based on 105 percent of the median costs by category of services. The second limit—the per beneficiary limit—is based 75 percent on an agency's historical cost per beneficiary and 25 percent on the average per beneficiary historical costs for the region in which the agency is located (both are reduced by 2 percent and are adjusted by the home health market basket). Agencies whose first full year cost report began after October 1, 1993 receive the national median of the per beneficiary limits.

Explanation of Provision

The bill contains a modified version of H.R. 4567. The amendment would increase the per visit limits to 108 percent of the national median costs. In addition, the amendment would increase the per beneficiary limit for many agencies. For those agencies whose per beneficiary limit is below the input price adjusted national median limit, the beneficiary limit would be increased by one half of the difference between the agency's per beneficiary limit and the input price adjusted national median limit (without the two percent reduction). Home health agencies whose first full cost report began on or after October 1, 1993 and before October 1, 1998 would receive a new beneficiary cap. The cap would be equal the greater of (1) the national median limit, without the 2 percent adjustment, and (2) a new blended payment equal to 50 percent of the payment established under the Balanced Budget Act and 50 percent based on a new blend. The new blend would be equal to 75 percent of the national median and 25 percent of the regional mean—both decreased by two percent.

Home health agencies which began treating Medicare patients on or after October 1, 1998 would have per beneficiary limits equaling 75 percent of the input price adjusted national median limit, minus two percent. In the case of a home health care agency or home health care branch which existed as of September 15, 1998, the 75 percent of the national median rule would not apply if that branch subsequently becomes a subunit of its parent or a separate agency. Rather, the parent agency's limit at the time the branch becomes a subunit or a separate agency would be used. These changes would have no impact on the Medicare part B monthly premium.

The bill also would require the Secretary of Health and Human Services to submit to Congress a report describing (1) all of the research to date on the development of a prospective payment system for Medicare home health services, (2) a schedule for implementation of the BBA mandated prospective payment system, and (3) the Secretary's recommendations for one or more alternatives to provide savings equal to the estimated savings from the 15 percent reduction in payment limits scheduled for fiscal year 2000. The Medicare Payment Advisory Commission (MedPAC) would be required to submit a report to Congress no later than 60 days after the date that the Secretary submits her report. In addition, MedPAC would have to include in its June 1999 report an analysis of whether changes in law made by the Balanced Budget Act and amended by this section, impede access to home health services. The General Accounting Office would be required to conduct an audit of the Health Care Financing Administration's expenditures for research related to the development

of a prospective payment system for Medicare home health care services.

Reason for Change

The Medicare home health care interim payment system per beneficiary limits are based on one year of historical cost data (from cost reporting period ending in fiscal year 1994). The rates are based on a blend of agency-specific data and regional data. While this blending reduces some of the variation among agencies, there still exists a more than ten-fold difference between the per beneficiary limits across agencies. Some agencies with very lost historical costs have difficulty responding to changes in the mix of patients. This bill would assist the lowest cost agencies by increasing the per beneficiary limits for the agencies below the national median limit. In addition, the amendment would help decrease some of the differences between old and new agencies within a region.

Because of the Administration's recent announcement of a delay in implementing the prospective payment system on October 1, 1999, as required in the Balanced Budget Act, there is considerable concern about the impact of this delay on agencies and beneficiaries receiving home health care services. In order to ensure accountability, the Secretary would be required to report back to Congress by January 1, 1999 with a detailed time line for implementation of the new system so that the progress may be carefully monitored by the Congress. The Administration would also be required to propose recommended alternatives to the 15 percent across-the-board reduction in rates that will occur on October 1, 1999 because of the PPS implementation delay.

Effective Date

Medicare home health agency cost reporting periods beginning on or after October 1, 1998.

TITLE II. VETERANS MEDICARE ACCESS IMPROVEMENT MEDICARE HOME HEALTH CARE INTERIM PAYMENT SYSTEM REFINEMENT

Current Law

Current law generally prohibits other government agencies from receiving reimbursements for providing Medicare-covered services to Medicare-eligible veterans. In general, Medicare does not pay for services furnished by a federal provider of services or other federal agency. The law has thus generally barred payments for services provided to military retirees at Department of Defense (DoD) facilities and for services provided at VA hospitals and clinics. Subvention is the term given to proposals which would permit the U.S. Department of Veterans Affairs to receive reimbursement from the Medicare trust funds for care provided to Medicare-eligible beneficiaries at VA medical facilities.

The Balanced Budget Act of 1997 (BBA 97, P.L. 105–33) authorized a 3-year demonstration project at six sites under which the Secretary of HHS will reimburse the Secretary of DoD from the Medicare trust funds for services furnished to certain Medicare-eligible military retirees and dependents. The demonstration project is to be established through an agreement entered into by the Secretaries. The Balanced Budget Act of 1997 required the Secretary of HHS and VA to jointly submit to Congress a detailed implementation plan for a subvention demonstration project for veterans.

Explanation of Provision

The bill contains the text of H.R. 3828. The amendment would amend Medicare law by adding a new Section 1897 to the Social Security Act—''Improving Veterans' Access to Services.'' The bill would establish a subvention program for low-income veterans and a demonstration project for other veterans so that the Department of Veterans Affairs may offer certain veterans comprehensive Medicare health care services. Section 1897 would authorize VA subvention in certain circumstances. Subvention is the term given to proposals which would permit the Department of Veterans Affairs to receive reimbursement from the Medicare trust funds for care provided to Medicare-eligible beneficiaries at VA medical facilities. The bill specifically aims at helping vulnerable veterans—known in veterans parlance as ''Category A'' veterans—who have either low income or a service-connected disability. The bill also creates a three-year demonstration project to test subvention for other veterans—known as ''Category C'' veterans—who are not low-income or service-disabled.

The bill would create a Medicare subvention program for Category A veterans but limits Category A subvention to three sites for the three years. If the Category A subvention meets certain criteria, then the subvention program may be offered on a national basis. The amendment provides that Medicare payments for the Category A be capped at $50 million in the first year, $75 million in the second year and $100 million in the third. The amendment would also create a Medicare subvention program for Category C veterans (all other veterans) but limits Category C subvention to three sites for three years. The amendment provides that Medicare payments for Category C will be capped at $50 million per year for three years.

The bill would require the VA to maintain its current level of services to Medicare-eligible veterans and provides that the Secretary of Health & Human Services and the Secretary of Veterans Affairs must monitor expenditure levels during the project in relation to expenditures that would have been made but for subvention.

The bill has provisions which are designed to hold harmless the Medicare Trust Fund, including: (1.) The VA would be paid a discounted rate from the customary Medicare managed care payments (to make up for VA's lower administrative costs); (2.) The VA would be required to institute modern data systems to track the costs and services provided to Medicare-eligible veterans; (3.) The VA would be required to maintain the same level-of-effort that it now provides to Medicare-eligible veterans; (4.) The VA's subvention services would be audited by the Comptroller General and the Inspector General.

Effective Date

The Category C demonstration project could begin as early as January 1, 1999 and end on three years after the commencement. The Category A program would begin on January 1, 2000 at the designated sites.

TITLE III. AUTHORIZATION OF ADDITIONAL EXCEPTIONS TO IMPOSITION OF PENALTIES FOR CERTAIN INDUCEMENTS

Current Law

Current law prohibits medical facilities from making improper inducements in order to attract patients. Because of this, medical facilities have scaled back financial assistance programs which help patients, (e.g., programs to pay patient Medicare Part B and Medigap premiums) lest these programs be construed as improper inducements.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) contained a number of provisions designed to toughen fraud and abuse enforcement. One provision—Section 231(h)(1)(C)(5) of HIPAA—prohibited medical facilities from offering patients any kind of inducement to receive services from any particular medical provider. This provision was designed to prevent kickbacks which the Inspector General reported was occurring in some circumstances.

Explanation of Provision

The bill contains the text of H.R. 3511. The amendment would affect the HIPAA provision in several ways: First, the Inspector General of the Health and Human Services Department could create exceptions—known as ''safe harbors''—to the fraud and abuse rules so as to exclude specific practices from the HIPAA provisions. Second, the bill would allow medical facilities to obtain advisory opinions from the Inspector General. These opinions would provide legal and regulatory guidance to medical facilities as to whether payment of coinsurance or other premiums violates HIPAA's fraud and abuse provisions. Finally, the bill would also give the Secretary of HHS interim final rulemaking authority which would speed up the process whereby these safe harbors and advisory opinions become effective.

Reason for Change

Prior to the enactment of HIPAA, specialized medical facilities, such as dialysis centers, operated programs to help their patients afford medical treatment. Examples of these programs included paying patients' Medicare Part B premiums; giving patients free eye-glasses and other services designed to assist patients. The effect of the HIPAA fraud and abuse provision was to discourage medical facilities from offering programs to help patients lest these programs be seen as inducements for patients to receive services from the particular medical facility. This bill gives the Inspector General the authority to make exceptions and to establish safeguards which would permit an exception to the HIPAA provision.

Effective Date

Upon enactment.

TITLE IV. EXPANSION OF MEMBERSHIP OF THE MEDICARE PAYMENT ADVISORY COMMISSION

Current Law

The Balanced Budget Act of 1997, Public Law 105–33, established the Medicare Payment Advisory Commission (MedPAC) as a result of merging two commissions, the Prospective Payment Advisory Commission and the Physician Payment Review Commission. MedPAC, like its predecessors, is a nonpartisan commission which advises Congress and makes recommendations regarding Medicare payment policies.

Section 4022 of the Balanced Budget Act detailed the criteria for membership on the Commission: The membership of the Commission shall include individuals with national recognition for their expertise in health finance and economics, actuarial science, health facility management, health plans and integrated delivery systems, reimbursement of health facilities, allopathic and osteopathic physicians, and other providers of health services, and other related fields, who provide a mix of different professionals, broad geographic representation, and a balance between urban and rural representatives.

MedPAC commissioners are appointed by the Comptroller General and serve terms of three years. The Balanced Budget Act authorizes the Commission to have fifteen commissioners.

Explanation of Provision

The bill contains the text of H.R. 4377. The amendment would add two commissioners to MedPAC.

Reason for Change

The addition of two commissioners would enable the commission to reflect more fully

the diversity of backgrounds and interests in the health policy community. Expanding the number of commissioners would not only allow for a greater range of professional expertise but also a more diverse representation from various parts of the country.

Effective Date

May 1999.

TITLE V. REVENUE OFFSET

Current Law

Taxpayers (single or married) may roll their ''traditional IRA'' over into a ''Roth-IRA'' if their adjusted-gross-income (AGI) does not exceed $100,000. Married taxpayers, filing separately, cannot roll their traditional IRA into a Roth-IRA.

Explanation of Provision

The bill would allow single taxpayers with adjusted gross income of $145,000 and married taxpayers with AGI of $290,000 to roll their traditional IRA into a Roth-IRA. Married tax payers, filing separately with adjusted gross income of $145,000 could also do a Roth rollover.

Reason for Change

The current rules impose unwarranted restrictions on taxpayers based merely on their marital status and thus prevent certain taxpayers from adequately providing for their retirement years.

Effective Date

Distributions after December 31, 1998.

Mr. Speaker, I can assure the Members no one is more aware of the modest scope of this bill than I am. It is a very modest correction to the interim payment system. Included in the bill is a request that the secretary provide us with some offset proposals for the 15 percent reduction that I know concerns a number of individuals. It is clear it does not take care of the home health care problems. It does not address long-term care concerns.

The Medicare Commission is currently examining those chronic concerns that face seniors today and all Americans tomorrow. Ongoing oversight of the Health Care Financing Administration is absolutely critical.

This is a modest proposal on the interim payment system. We will continue to examine the changes that are occurring in the home health care industry, but for the veteran subvention, for the modest protection for the end-stage renal disease individuals, for the expansion of the MedPAC Advisory Board, I would ask for an aye vote.

Mr. GUTIERREZ. Mr. Speaker, I rise today in support of the Veterans Programs Enhancement Act of 1998. I commend Chairman STUMP and Ranking Member EVANS for their tireless effort in producing this important legislation.

I also compliment the staff of both the House and Senate Veterans' Affairs Committees. Their hard work and dedication to our veterans has made this legislation possible.

People outside of this building are often unaware of the vital role staff play in the legislative process. They should not be. Our veterans should know how hard the veterans committee staff works for them each day. I hold this bill up as testament to their efforts.

Mr. Speaker, for much of this year I was not sure what this Congress would be able to accomplish on behalf of our nation's veterans.

I would venture to say that this Congress's record on veterans issues has been mediocre at best. Funding for veterans health care was cut again, medicare subvention was not achieved and veterans benefits were slashed to fund highway construction.

But in the end, with the passage of this legislation, we will be able to point to some notable achievements on veterans issues this year.

With this bill, we establish a precedent for the presumptive treatment and compensation of Persian Gulf War veterans.

I have long felt that we must give our Gulf War veterans the benefit of the doubt when it comes to health care and service connection. This bill helps us reach this goal that I have long called for.

In addition, this legislation helps prepare us to provide quality treatment for the veterans of future conflicts.

We were unprepared for the aftermath of the Gulf War.

However, by establishing a National Center for the Study of War-Related Illnesses, this bill helps prepare our veterans health system for the aftermath of future conflicts.

This bill also extends the VA's authority to treat the medical problems afflicting Gulf War veterans until 2001. We know we are not through dealing with the health problems confronting Gulf War veterans and I am pleased to see this fact recognized in this legislation.

The VA's sexual trauma treatment program, a program that I have advocated for throughout this session, is also reauthorized by this bill. During the past two years, the reality of sexual abuse and harassment of women in the military has come to light. It is only right that we maintain the VA's capacity to offer the victims of these crimes the treatment they need and deserve.

In addition, I am also pleased by this bill's provisions regarding educational opportunities, housing and medical construction at veterans hospitals. The reforms contained here are necessary and well-intentioned and should contribute to the welfare of veterans throughout America.

I am proud to support this bipartisan bill. And I urge my colleagues in the House to support this legislation as well.

Mr. ADAM SMITH of Washington. Mr. Speaker, I would like to take this opportunity to express my strong support for making changes to the home health care interim payment system (IPS). As part of the $16.2 billion in savings from home health over five years, the Balanced Budget Act of 1997 created an interim payment system to serve as a bridge until the prospective payment system could be implemented. While the interim payment system was designed to cut costs and reduce fraud, it has unfairly punished the efficient home health agencies throughout the country, including those of Washington state.

In the 1980s, the federal government promoted home care as a way to improve the health care situation in the United States. Using home care services reduces hospitalization, cuts the demand for expensive nursing homes, eases the burden on family caregivers and is proven to help sick people get better faster. Increased use of these services has helped make the health care system more efficient and better for consumers. While home health services have improved health care for many individuals, Congress could not ignore the increased costs and fraud in the home health system in recent years, and we acknowledged changes need to be made. Unfortunately, Congress did not make the correct changes in the process.

My primary concern with the changes in the Balanced Budget Act of 1997 relating to home health care payments is that in interim payment system disproportionately punishes areas of the country where home health patients are served efficiently. Washington state has been especially effective in their use of home health care. The state's home health care systems is one of the most efficient in the country. The typical home health patient in Washington state uses only about 34 visits per year, which is less than half of the national average. Efficient agencies should be rewarded, not punished, under the new system and I believe Congress must fix the changes they made as part of the BBA to assure we do not unfairly punish those who have done their job well.

I strongly support this bill because I believe it is a good step in the right direction for addressing the problems in the home health interim payment system. I feet we must continue to address this issue in the future to assure we are not punishing the home health agencies that provide services efficiently.

Mr. MORAN of Kansas. Mr. Speaker, I rise today in support of H.R. 4567, the Medicare Home Health Care Improvement Act. Last year's changes to Medicare made across the board cuts to home health funding that have been devastating to many agencies and their patients, particularly in states with the lowest historical costs.

Mr. Speaker, this legislation would provide critically needed relief for our seniors needing home health care. In my home state of Kansas, a number of agencies have already closed their doors. For the seniors that I represent in rural areas and smaller communities, the loss of their home health agency, too often means the loss of critical services.

While this legislation is not a perfect solution, it represents an important step. We simply cannot afford to close this session of Congress without addressing the dire circumstances facing our seniors. I urge my colleagues to support this legislation.

Mr. DUNCAN. Mr. Speaker, I feel that there are segments of the healthcare community that are under-represented on the Medicare Payment Advisory Commission (MedPAC).

Specifically, there is a notable lack of input and expertise from the medical supply industry. These manufacturers must overcome technological and clinical challenges during the development, production, and distribution of medical supplies. I believe that the insight derived from this market experience supports the appointment of someone from the medical supply industry to the MedPAC.

I am told that 25 to 30 percent of the current cost of Medicare involves medical supplies. Since MedPAC will review and make recommendations to the Congress concerning Medicare payment policies, I think it is clearly prudent to have this segment of the healthcare industry represented in any future appointments.

Also, if MedPAC is to make recommendations on procurement issues, including the impact and cost of competitive-bidding for effective medical products, it is appropriate to ensure that someone from the medical supply industry serve as a MedPAC commissioner. Although I do not wish to amend the bill to require representation of any specific industry, I

do want to recommend that consideration be given to the appointment to MedPAC of a recognized professional from the medical supply industry.

Mr. MENENDEZ. Mr. Speaker, the Balanced Budget Act of 1997 put the home health care industry on a prospective payment system, and set up an interim payment system for agencies until the prospective payment system could be fully implemented.

Unfortunately, those home health agencies which have historically been fiscally responsible in their administration of federal dollars have been penalized for good program management.

In my state of New Jersey, the home health industry has been aggressive in its management of resources. New Jersey's annual average for visits per beneficiary served is only 39.7. The national average is 66 visits per year, and some states have numbers as high as 125 visits per beneficiary! So the message has been that it doesn't pay to be prudent with federal dollars.

HCFA's regulations have not so much penalized those states which have had excessive costs as they have mandated that all states—including those states with the lowest number of beneficiary visits—bear the financial costs in an across-the-board distribution of the effort to rein in the costs for this industry.

The bill we are adopting today, H.R. 4567, is a step in the right direction. However, there is a basic sense of fairness which is missed in the ''hold harmless'' provisions. It is my sincere hope that as this bill is conferenced some measure of equity is brought into the negotiations which will recognize the efforts of those states which have been in the lowest 20 percentile of costs in the home health care industry. If they are not rewarded for their prudent handling of this program, they should at the very least not be penalized.

Mr. BLILEY. Mr. Speaker, I rise in support of the Medicare Home Health Care and Veterans Health Care Improvement Act, H.R. 4567. This measure is a monumental step forward in expanding quality health care coverage to millions of Americans.

This legislation is the result of a true cooperative spirit between the Commerce and Ways and Means Committee, and would like to personally thank Chairman ARCHER and Congressmen BILIRAKIS and THOMAS for all their hard work on this effort.

While there are a number of important provisions in this bill, I would like to focus solely on two—home health care and VA subvention.

First, nearly one out of every ten Medicare recipients receives home care, with an average of 80 home health visits each. In the Balanced Budget Agreement of 1997, Congress and the Administration sought to restrain the growth in these costs by going to a prospective payment system.

However, before this plan could be implemented, HCFA had to implement a supposed ''short term'', or interim, payment system that would help the agency and the industry move to this new billing system. Unfortunately, HHS and HCFA have failed to implement a policy that is equitable to all home health agencies.

Our bill recognizes the importance of this benefit to our nation's elderly, while reaffirming our commitment to the Balanced Budget Agreement.

Our home health reforms build on three simple, yet crucial principles:

(1) equity, resolving the arbitrary differences inadvertently created by the Balanced Budget Act of 1997;

(2) transitional sensitivity, helping home health agencies not only survive the interim payment system but also place them squarely on the track for the impending prospective payment system; and

(3) implementability, guaranteeing that HCFA can immediately put into effect the reforms we authorize.

Secondly, all of us understand and appreciate the importance of maintaining our nation's commitments to our nation's servicemen and women, and there is no stronger commitment made to our veterans than the guarantee of quality health care.

By allowing Medicare-eligible veterans to use their Medicare benefits in VA facilities, we are not only helping veterans get their care when and where they feel most comfortable, but we are also helping the VA reach out to those veterans who have fallen through the cracks or are under-served.

In closing, the Medicare and Veterans Health Improvement Act is a major step forward for our nation's seniors and they deserve no less than the fullest measure of our support.

Mr. Speaker, I ask my colleagues for their strong support of this legislation.

Mrs. ROUKEMA. Mr. Speaker, I rise in support of this legislation which moves us in the right direction for saving home health care in New Jersey. Yet, I do wish we could do more.

The proposed Medicare interim payment system would have the effect of punishing the efficient, low cost home health providers. This proposal before us today will help soften that blow by adjusting the per beneficiary limit.

THE PER-BENEFICIARY LIMIT

One of the flaws with the proposed interim payment system policy was in the formula to calculate the per beneficiary limit. Because reductions are made based on agency specific data and regional average costs, expensive agencies who are driving the increase in growth and costs in this industry continue to function at a much higher rate than that of more efficient and less costly ones.

In New Jersey this would mean that New Jersey would receive a reimbursement less than that of the national median.

This bill before us today would bring up those states that are below the national median limit, closer to that national median.

RETROACTIVITY

But I do wish that we could make this legislation retroactive. By not making this legislation retroactive we have left agencies to work under the great financial burdens caused by the interim payment system.

I do hope that we can move this bill forward, but we do still have some work to do.

Mr. BEREUTER. Mr. Speaker, this Member rises today as a co-sponsor and strong supporter or H.R. 4567. When Congress passed the Balanced Budget Act last year, we made some very important changes to Medicare that will insure its availability for seniors well into the next century. However, Congress went a little too far in the area of home health. In an attempt to eliminate the waste, fraud and abuse that did exist in the home health care industry, the Medicare interim payment system, which was created last year, instead hurt some of the most cost-conscious agencies that have worked hard over the years to keep costs low.

For example, one of the home health agencies in this Member's district in Beatrice, NE, was told earlier this year by their intermediary that under IPS they would receive a Medicare reimbursement limit of about $1,600 per beneficiary. That's over $700 less than the regional average of $2,341 per beneficiary, and $2,200 less than the national average reimbursement per beneficiary of $3,862. A reimbursement limit of $1,600 a year is simply not enough money in many cases where a home health agency needs to treat a disabled, elderly individual. To make matters worse, the only other home health agency in the town of Beatrice went out of business this summer, mostly due to its low Medicare home health reimbursement rate.

Even worse, HCFA has announced that they cannot implement a permanent, perspective payment system by their October 1, 1999, deadline because of their Y2K problems. Therefore, under current law, home health agencies will not face an additional reduction of 15 percent in their per-beneficiary reimbursement. Under this system, home health agencies, especially those in rural areas, will go out of business—this unfortunate situation will occur in areas of many States, including Nebraska, with the end result being that these areas will have no home health services available. Under this system, Medicare beneficiaries will suffer.

H.R. 4567 begins to correct the problem with the interim payment system and will allow these agencies to stay in business until a prospective payment system is implemented. It increases the per beneficiary reimbursement to those agencies whose limit is below the national median limit—which will help almost every agency in this Member's district. It also directs HCFA to send Congress a report on its progress, if any, on implementing a prospective payment system. Finally, H.R. 4567 asks the Secretary of Health and Human Services to help Congress find a way to prevent the 15 percent reduction in payment limits scheduled for October 1, 1999.

Mr. Speaker, this Member cannot emphasize enough the importance of passing legislation that will correct the flaws of the IPS. Congress must pass legislation before the end of this session in order to save the hundreds of home health agencies all over the country that will no longer be able to provide care next year if the current payment system is allowed to remain in place. This Member asks all of his colleagues to support this critical measure for all of the elderly constituents receiving home health in their district.

Mr. RODRIGUEZ. Mr. Speaker, I would like to support H.R. 4567 with enthusiasm. This bill on its surface aims to improve veterans heatlh and correct serious deficiencies in our home health reimbursement system. Unfortunately, at least in the home health area, the bill falls woefully short of its stated goal.

For veterans this is the first effort to implement VA-Medicare subvention, which has been sought by veteran's service organizations for years. This legislation would allow veterans who are covered by Medicare to receive treatment at VA facilities. I support subvention and am a co-sponsor of legislation to bring this overdue option to veterans. We own our veterans quality health—for this reason I will vote for this bill today.

However, this bill falls FAR short of addressing the real need of our communities that

rely so heavily on the home health care industry. Home health fills a much needed void for my for my community where very few hospitals exist and nursing home have been closed. How can we expect our elderly Medicare beneficiaries in rural communities to survive when a handful of home health agencies are closing everyday? I have no idea how my constituents are expected to survive. Many of the Medicare beneficiaries that utilize home health have already been told they will not longer receive care and have been left to the hands to fate.

This bill fails to address the pressing problems created by the faulty interim payment system (IPS) and further address the failure of the Health Care Financing Administration to recognize the need in rural communities for such care. HR 4567 fails to recognize two key provisions: the need for retroactivity, and the automatic 15 percent reduction scheduled for this year.

It is a shame that we are not able to bring a bill to the floor that addresses the heart of the home health crisis—access to health care for our elderly. The Republican leadership has failed our elderly by not recognizing that more needs to be done and that it needs to be done now. Our only hope is that REAL changes will be made in the conference version of this bill. If not, we will all surely go home from this session hanging our heads low, knowing that we have not really solved the matter. Instead we have pretended to acknowledge it and then walked away.

Mr. ROTHMAN. Mr. Speaker, I rise today in support of H.R. 4567. I am pleased that this bill includes the text of H.R. 3511, and urge my colleagues to vote in favor of this important legislation. H.R. 3511 is one of those bills that, though technical in nature, can be critically important for those that it may affect.

In fact, for some older Americans, this legislation will mean the difference between spending the remaining years of their lives struggling to overcome the handicap of blindness and having the benefits and opportunities of sight.

H.R. 3511 can make a difference in the lives of our senior citizens because it grants to the Secretary of Health and Human Service (HHS) the discretion needed to allow programs such as the National Eye Care Project (NECP) to provide eye care to all elderly Americans at no out-of-pocket cost to those that it serves. Under current law, ophthalmologists who participate in the National Eye Care Project are required to charge each patient all of the copayments and deductible specified by Medicare—unless, of course, that patient is determined to be finally disadvantaged and lacking the means to pay for medical eye care.

The problem is that many senior citizens will decide not to see an eye doctor if they must answer such intrusive questions as whether making the Medicare copayment would mean they are ''unable to afford food'' or ''be forced to put off paying for such expenses as food, housing, transportation and prescription medication.'' Others who are not ''financially disabled,'' as defined by Medicare, do not believe they can afford the copayments and deductibles, and therefore decide to defer a visit to the eye doctor for another day. Unfortunately, with some eye diseases, a delay of even a few weeks can lead to irreparable damage, and even blindness, which could have been avoided with timely care.

The National Eye Care Project was established by the Foundation of the American Academy of Ophthalmology in 1986 to address this problem. Through a toll-free Helpline, seniors can receive information about common eye diseases and, if eligible, get a referral to one of the approximately 7,500 volunteer ophthalmologists across the country who provides eye care to those in need.

Prior to enactment of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and the NECP could advertise that it would provide this care ''at no out-of-pocket cost'' to those who need it, and seniors seeking care were not required to answer intrusive questions about whethr they could afford to make Medicare copayments. However, HIPAA made this approach illegal by prohibiting the waiver of Medicare copayments without a case-by-case determination of financial need. H.R. 3511 will remedy this situation by giving the Secretry of Health and Human Services the discretion to allow a program such as the NECP to waive Medicare co-payments for all participants. HHS would not, of course, make such a determination for the NECP of other programs if it could not establish that granting a waiver would not create a loophole for fraud and abuse in the Medicare program. Combating fraud and abuse was the original objective behind HIPAA restrictions.

In conclusion, Mr. Speaker, H.R. 3511 is important legislation that can lead to significant benefits for our senior citizens. I urge my colleagues to vote for this legislation.

Mr. PORTMAN. Mr. Speaker, I rise in support of H.R. 4567, the Medicare Home Health Care and Veterans Health Care Improvement Act. Home health care is a vital service for Medicare beneficiaries that provides patients with peace of mind by allowing them to stay in their homes during their golden years. Without this service, many individuals would be forced into more expensive assisted living facilities or nursing homes.

The bill is necessary because HCFA has told us that, as a result of the Y2K computer problem, it cannot implement the prospective payment system for home healthcare by October 1, 1999 as required by the Balanced Budget Act. This means home health agencies, through no fault of their own, will be hurt by the interim payment system and will continue to be paid under it longer than Congress intended. This unfortunate situation threatens the very existence of many agencies, including some from my Congressional district that have been responsible and have operated efficiently to keep their costs down.

H.R. 4567 is designed to provide needed relief to such agencies under the interim payment system while HCFA sorts out its computer problems. I agree with those agencies that feel additional measures are needed, but that just isn't possible under our current budget constraints. The real solution is for HCFA to redouble its efforts to implement the PPS without further delay. In the meantime, H.R. 4567 will help agencies get through this difficult period.

I urge passage of this bill to ensure that agencies can continue to offer essential health care services to seniors in southwest Ohio and around the nation, and I call on HCFA to do whatever it takes to see that agencies can get out of the interim payment system as soon as possible.

Mr. STARK. Mr. Speaker, this bill is nothing more than a tax break for the wealthy disguised as a Medicare bill. It's a perk for Members of Congress who, along with their spouses, will not be eligible for new tax shelter—Roth IRAs.

We have had no chance to study the home health proposal. Relative to the bill reported out of Ways and Means, it moves money toward new, for-profit agencies, who have been the cause of the home health funding crisis. Many of these agencies have been the very definition of fraud, waste, and abuse.

The health policy in this bill is not as good as the policy in the bill reported from Ways and Means—but it is not bad.

What is horrendous, what is totally unacceptable is the pay for and the budget implications! This bill loses $10.7 billion over 10 years. It is absurd, but true that the Treasury would be better off if the Majority did not try to pay for the bill! With this bill, you are spending the surplus. You are creating a tax loophole for the very upper income, that will cost billions and billions in the out-years—just when we will need the money to save Medicare and extend its life. This proposal is poor tax policy and poor budget policy. We should be saving the surplus for Medicare—not spending it to please some for-profit home health agencies that have been abusing the program. Between now and 2008 when the Medicare Trust Fund will be exhausted, we will need about $325 billion—yet this bill gives away billions and adds to that pending crisis.

Over the next 5 years, Medicare will spend about $1.1 trillion. You would think that we could find zero-point-two (0.2) percent out of current Medicare spending. There is a National Bipartisan Commission on the Future of Medicare that is trying to save Medicare for future generations, but if we can't find 0.2%, and give away billions of dollars that could be saved for Medicare, what does that say about the worth of that Commission? The Majority's pay for will undoubtedly run into budget rules in the Senate, and will be opposed by the Administration. To offer such a pay for smells like a poison pill.

Mr. BONILLA. Mr. Speaker, I rise today in support of H.R. 4567, the Medicare Home Health Care and Veterans Health Care Improvement Act of 1998. This bill provides additional resources for health care for the heroic men and women who are our nation's veterans. However, this bill falls far short of improving the situation that home health care agencies are facing.

The Balanced Budget Act of 1997 directed the Health Care Financing Administration (HCFA) to develop a prospective payment system of reimbursement for home health care agencies by 1999. In the meantime, HCFA developed an interim payment system designed to help health care agencies' transition to a prospective payment system. Unfortunately, this system has jeopardized the health care for many of our most vulnerable citizens and has put many hard-working agencies out of business. In August, the HCFA told Congress that it will not follow the law and develop the prospective payment system. Due to HCFA's inaction, Congress was forced to quickly develop an interim payment system to keep home health care afloat until HCFA can get its act together.

While the bill we are voting on today takes one step forward in that fix, we still have a

long way to go. As we face the last days of this congressional session, I am disappointed that we are faced with a ''take it or leave it'' situation. However, I am supporting today's measure because a little help is better than no help. I am confident that this Congress will continue to have home health reform as its top priority when it returns next year.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to express my support for H.R. 4567, the Medicare Home Health Care and Veterans Health Care Improvement Act of 1998 and to congratulate the bill's sponsors for moving this important legislation forward before Congress adjourns this year.

While the bill is not perfect, it does promise to help the historically low-cost agencies that have been penalized by the interim payment system (IMPS) implemented in the Balanced Budget Act of 1997 for their past efficiencies in delivering high quality home care. I also applaud the sponsors of the bill for increasing the per visit reimbursement limit.

While I support the bill, I have some reservations. Texas is a big State with large rural areas. I am concerned that reimbursement to new health agencies in rural areas that must travel long distances to serve their patients is too low under the Interim Payment System. H.R. 4567 does little to help these new agencies.

Furthermore, the bill does nothing to postpone the 15% cut scheduled for next fall when HCFA fails to implement the Prospective Payment System by the October 1, 1999 deadline.

I hope to see these issues addressed during conference with the Senate. In addition, I can only hope that a more appropriate funding mechanism can be found in conference that does not create a tax loophole for the highest earners which raises money in the short run and costs us billions in the long run.

Mr. HILLEARY. Mr. Speaker, I would like to give my support, though reluctantly, to H.R. 4567, the Medicare Home Health Care and Veteran Health Care Improvement Act.

First, I would like to extend thanks to Chairman THOMAS, BLILEY, STUMP, ARCHER and BILIRAKIS for their hard work and countless hours spent crafting this legislation. I would also like to thank members from both sides of the aisle who have worked tirelessly on this subject, especially Congressmen RAHALL, ADERHOLT, COBURN, PAPPAS, STABENOW, and WEYGAND. If not for their hard work and perseverance, we would not even have this bill before us today.

This bill does wonderful things for both our veterans and those in need of kidney dialysis treatment. However, it is woefully inadequate in terms of its aid to home health.

For our veterans, it gives those who have served our country so proudly the right to receive Medicare benefits at VA facilities. This bill will open up access and help ease the financial burden that many of our veterans would otherwise face and create more flexibility on their medical care through a process known as ''subvention.'' Under subvention VA facilities would be able to provide efficient and affordable ''one-stop'' shopping for veteran medical services. I am proud to support this initiative.

This bill also does a tremendous job for those kidney patients who need better access to dialysis machines. Under this bill ''safe harbors'' would be created to allow those in need to have a specialized dialysis help subsidize their payments. This would give greater access and make more affordable dialysis machines to the many people who suffer from kidney failure.

However, I must stress my emphatic displeasure with the home health portions of this bill. I do not believe that the home health sections of this bill are bad ideas as written in the bill. Instead, I oppose the glaring omission of several essential elements that must be addressed in order to save this industry that provides health service to so many of our elderly. Among the major deficiencies in the bill are failures to address the agency retroactivity, regional equity, and the impending industry wide 15% cut set to occur next October 1.

I especially find it disheartening that this bill does not even attempt to help every region. In my state of Tennessee, most agencies will not even see a drop of this increase, yet we have already seen 24 closures this year. A regional solution is an incomplete solution.

I do not want to see us simply put a Band-Aid on the problem and pretend that we have done adequate work. By only going halfway on this issue, we have done the home health industry a disservice. For I fear that if we do not address these issues in the next few days, then we will be unable to solve the problems that these issues will create next year.

In particular, I feel that if the 15% cut goes into effect, the entire industry, and the seniors they serve, will be severely impacted. By putting off the problem until next year, the bill merely gives a wink and a nod without offering a solution. I know that if this problem is not addressed, either by establishing a permanent case-mix adjuster or a delay of the 15%, the industry will fail, and we will have this wasted opportunity to blame.

I am completely dumbfounded to why we give a halfhearted solution when we have the opportunity to do so much more. I hope that the issues in this bill are not closed. I hope that we still can address important issues like the impending 15% cut set for next year. If we do not come back next Congress and act quickly, I fear that the sick and elderly will never forgive us for our inaction.

I reluctantly urge my colleagues to support this bill and strongly urge my colleagues and the chairmen overseeing home health care to continue working and address the remaining critical problems facing this industry.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 4567, as amended.

The question was taken.

Mr. THOMAS. 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.

□ 1300

PLANT PATENT AMENDMENTS ACT OF 1997

Mr. SOLOMON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1197) to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes.

The Clerk read as follows:

H.R. 1197

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 ''Plant Patent Amendments Act of 1997''.

SEC. 2. FINDINGS AND PURPOSES.

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

(1) The protection provided by plant patents under title 35, United States Code, dating back to 1930, has historically benefited American agriculture and horticulture and the public by providing an incentive for breeders to develop new plant varieties.

(2) Domestic and foreign agricultural trade is rapidly expanding and is very different from the trade of the past. An unforeseen ambiguity in the provisions of title 35, United States Code, is undermining the orderly collection of royalties due breeders holding United States plant patents.

(3) Plant parts produced from plants protected by United States plant patents are being taken from illegally reproduced plants and traded in United States markets to the detriment of plant patent holders.

(4) Resulting lost royalty income inhibits investment in domestic research and breeding activities associated with a wide variety of crops—an area where the United States has historically enjoyed a strong international position. Such research is the foundation of a strong horticultural industry.

(5) Infringers producing such plant parts from unauthorized plants enjoy an unfair competitive advantage over producers who pay royalties on varieties protected by United States plant patents.

(b) PURPOSES.—The purposes of this Act are—

(1) to clearly and explicitly provide that title 35, United States Code, protects the owner of a plant patent against the unauthorized sale of plant parts taken from plants illegally reproduced;

(2) to make the protections provided under such title more consistent with those provided breeders of sexually reproduced plants under the Plant Variety Protection Act (7 U.S.C. 2321 and following), as amended by the Plant Variety Protection Act Amendments of 1994 (Public Law 103–349); and

(3) to strengthen the ability of United States plant patent holders to enforce their patent rights with regard to importation of plant parts produced from plants protected by United States plant patents, which are propagated without the authorization of the patent holder.

SEC. 3. AMENDMENT TO TITLE 35, UNITED STATES CODE.

(a) RIGHTS IN PLANT PATENTS.—Section 163 of title 35, United States Code, is amended to read as follows:

''§ 163. Grant

''In the case of a plant patent, the grant shall include the right to exclude others from asexually reproducing the plant, and from using, offering for sale, or selling the plant so reproduced, or any of its parts, throughout the United States, or from importing the plant so reproduced, or any parts thereof, into the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any plant patent issued on or after the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the

gentleman from North Carolina (Mr. COBLE) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, this is a noncontroversial measure which, incidentally, has already passed this House as a portion of H.R. 400, the Plant Patent Amendments Act of 1997. It will serve as a needed complement to current plant patent law.

Briefly, since 1930, the Patent Act has permitted inventors to obtain plant patents. Individuals wishing to skirt protections available under the law have discovered a loophole, however, by trading in plant parts taken from illegally-produced plants. H.R. 1197 closes this loophole by explicitly protecting plant parts to the same extent as plants under the Patent Act.

This bill, Mr. Speaker, is identical to language that was contained in an omnibus patent legislation passed earlier in the term that has since died in the Senate. There is no opposition to the bill, and I urge its adoption, as it will benefit American patent holders and the plant producers who honor their work by paying the necessary royalties.

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

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

Mr. Speaker, I agree with the gentleman from North Carolina, Mr. COBLE.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FARR), one of the cosponsors of the bill.

Mr. FARR of California. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. FRANK) for yielding time to me.

Mr. Speaker, I rise in strong support of the Plant Patent Amendments Act of 1998.

Before I get started, I just want to say a few words about the cosponsor of this legislation, the gentleman from Oregon (Mr. SMITH), my chairman, friend, and a Willamette Bearcat. He is chairman of the Committee on Agriculture. He is leaving us at the end of Congress.

He has served the Second District of Oregon and this Nation with honor and an acute sense of propriety. For that he is to be commended. I think that he does not want any accolades, but to all of us who have served on the Committee on Agriculture and watched his style, his humor, his ability to bring a consensus, he is certainly one of the most tenacious agriculture traders. He has taken the committee to other countries, and every time he has gone he has been able to sell an awful lot of American agricultural products.

This country is going to miss him, this Congress is going to miss him. I wanted to take this moment to mention that.

I also wanted to say that this bill is noncontroversial. There is no opposition to it.

Mr. Speaker, I rise in strong support of H.R. 1197, the Plant Patent Amendments Act of 1998 and I thank you for allowing us the time to debate this legislation today. I would also like to thank Mr. COBLE and Mr. FRANK for managing this legislation that will make a simple technical clarification to the Plant Patent Act of 1930.

Before I get started, I want to say a few words about the sponsor of this legislation my chairman and friend, the gentleman a Willamette Bearcat from Oregon, Mr. SMITH who will be leaving us at the end of this Congress, again. The gentleman has served the 2nd District of Oregon and this nation with honor and an acute sense of propriety and for that he is to be commended.

His authoritative voice will certainly be missed on the Agriculture Committee in the 106th Congress. I also know that the entire agriculture community from apple producers in Oregon or to flower growers in California, wheat farmers in the Midwest, citrus growers in Florida will miss our standard bearer for open, fair, and free agriculture trade. I know of few people that have traveled the globe more promoting U.S. agriculture products.

Chairman SMITH, you will certainly be missed as a legislator and a friend.

I want to start my statement on H.R. 1197 by informing my colleagues that this should be a simple vote because this legislation has already been voted on and passed in this chamber as part of the Omnibus Patent Act of 1997 in April of last year. Unfortunately, the larger patent reform package, H.R. 400, is not expected to be completed before Congress adjourns. That is why we need to pass this legislation today so we can get this legislation through the other body and signed into law before the end of this Congress.

Mr. Speaker, California leads the nation, holding a 22 percent share for the production of flowers, foliage, and nursery products in the United States. For California, this two billion dollars plus industry ranks in the top ten of all agriculture commodities in the golden state.

Yet despite these positive statistics the number of American chrysanthemum growers has fallen by 25 percent, the number of carnation growers has fallen as by much as one-third and the remaining major commercial types of flowers have fallen in the double-figure range as well.

There are two primary reasons for this spiraling loss of American agriculture production relating to flower, foliage and nursery products. The first, can be addressed today by passing H.R. 1197 and the second is a failed drug policy established in the Andean Trade Preference Act.

Mr. Speaker, H.R. 1197 is a simple technical clarification to a loophole in the Plant Patent Act of 1930. This legislation will fulfill the original intent of Congress by specifically providing that plant patents are extended to include parts of plants, thus halting the current abuse of U.S. patent holders and growers' rights of cut flowers, fruit crops, timber crops, and other propagated plants.

Currently, plant breeders, patent holders and growers are being harmed by a loophole in the Plant Patent Act of 1930 which allows foreign competitors to asexually reproduce and propagate plants that hold U.S. patents.

Without passage of H.R. 1197 during this Congress, the U.S. position as a world leader in plant research and development will continue to erode. U.S. and foreign growers of protected varieties, who are now paying royalties and growing U.S. patented varieties legally, are at an unfair competitive disadvantage to such infringing imports.

It was Congress' original intent in the Plant Patent Act of 1930 that it should be illegal to sell the fruit, flowers, and other products derived from a patented plant reproduced without authorization. H.R. 1197 reaffirms this intent.

This legislation has broad support from the American Nursery and Landscape Association, the American Bar Association, the International Rose Breeders Association, the Society of American Florists, the American Intellectual Property Lawyers Association, the American Seed Trade Association, the National Association of Plant Patent Owners, and the Wholesale Nursery Growers Association.

As I mentioned there are two primary reasons that we are losing this sector of American agriculture. The first, we will begin to take care of today with passage of H.R. 1197. The second, I will continue to push for in the next Congress. We need fairness for our farmers by ending a failed drug policy.

Since enactment in 1991, the Andean Trade Preference Act (ATPA) has provided duty-free access to the U.S. market for flower exporters in four Latin American countries: Colombia, Bolivia, Ecuador, and Peru. For seven years it has allowed flower growers in these four countries to avoid tariffs normally imposed on their product, tariffs ranging from 3.6 percent to 7.4 percent.

The ATPA simply provides Colombian flower growers an unnecessary edge in a market they already dominate—to the detriment of domestic flower growers. The International Trade Commission acknowledged in 1995 and 1996 that the ATPA has had a greater impact on the U.S. fresh cut flower industry than any other market examined.

The purpose of this preferential treatment was intended to encourage Andean countries to develop legal alternatives to drug crop cultivation and production. However, coca eradication efforts to date in Colombia have been much less than anticipated. This policy has failed. For the third consecutive year Colombia has failed in its efforts to be fully certified or reduce the production of illegal drugs. In order to maintain an open dialogue the Administration recently made the determination to put forward a national interest waiver with respect to Colombia. The results in Colombia are particularly disheartening, given that eradication is generally a bilateral effort in which the United States supplies the funding, fuel, and herbicides with the host government providing the personnel.

Mr. Speaker, In closing, I urge my colleagues to support H.R. 1197 and the American flower, foliage and nursery growers that

are in a unique situation. They are the economic poster children for a failed trade policy and the sacrificial lamb in a failed foreign policy war to end drug trafficking.

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

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

Mr. Speaker, the gentleman from California just referred to my friend from Oregon as a Bearcat. I never heard that before, but it is probably applicable. I agree with the gentleman from California, the gentleman from Oregon (Mr. SMITH) will indeed be missed.

Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. SMITH).

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I only wanted to rise to thank my friend, the gentleman from California, for his kind words, and my dear friend, the gentleman from North Carolina (Mr. COBLE), for bringing this issue to us, as well as the chairman of the full committee. I appreciate it very much. It is an important piece of legislation for us. I urge its passage.

Mr. Speaker, I rise today in support of H.R. 1197, the Plant Patent Amendments Act of 1997. I would like to take a moment to thank Chairman COBLE of the Judiciary Subcommittee on Courts and Intellectual Property and Chairman HYDE of the Full Judiciary Committee for allowing me to bring this important bill to the floor today. I would also like to take a moment and thank my colleague from California, Representative SAM FARR, for his hard work in bringing this important matter to the floor today.

We are here today to reaffirm the protection of patents by U.S. growers that has already been passed overwhelmingly by the House in April of last year as part of the Omnibus Patent Act of 1997, H.R. 400. Unfortunately, that bill is not expected to be approved by the other body. My legislation, H.R. 1197, is simply the stand-alone version of that section of the bill already passed by the House. It addresses an issue that has long needed clarification. Agricultural producers can not afford to wait another year for the protection from bootleggers of plant parts this bill provides.

H.R. 1197 is a simple technical clarification to a loophole in the Plant Patent Act of 1930. When Congress drafted the Plant Patent Act of 1930, it had no way of knowing the technological advances that science, and the agricultural industry, would make in the growing of plants. Plant breeders and growers in the U.S. are being denied the protection intended by Congress when it enacted the Plant Patent Act of 1930 because of an ambiguity in the law. H.R. 1197 clarifies this ambiguity by specifically including the coverage of plant parts in the Plant Patent Act of 1930. U.S. breeders and growers of patented plants are incurring substantial losses from unauthorized propagation of their plant inventions in foreign countries, and the subsequent export to the U.S. of plant parts such as flowers and fruit harvested from these bootlegged plants.

Currently, foreign growers can come to the U.S., acquire a plant, grow the plant, and then sell its fruits or flowers in U.S. markets without paying any royalty. This practice undercuts U.S. businesses that own the patents and penalizes growers who honor the U.S. patent. U.S. plant breeders lose a substantial amount of income annually from uncollected royalty payments due to this practice.

The loss of royalty income, and U.S. market share, adversely affects U.S. domestic research and breeding. This lost income inhibits investment in the plant research and development programs which are the foundation of a strong horticultural industry. Additionally, those who sell plant parts from unauthorized plants, and do not pay royalties for varieties illegally grown, enjoy an unfair competitive advantage over both producers who pay royalties and the patent holder who also markets the product.

It is time to clarify the Plant Patent Act of 1930 and protect U.S. businesses who develop and produce the plants that we all use and enjoy. Please join me and my fellow colleagues here today and pass H.R. 1197.

Mr. COBLE. 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 North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 1197.

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.

TAIWAN'S PARTICIPATION IN THE WORLD HEALTH ORGANIZATION

Mr. SOLOMON. Mr. Speaker, on behalf of the chairman of the Committee on International Relations, who is momentarily delayed, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 334) relating to Taiwan's participation in the World Health Organization.

The Clerk read as follows:

H. CON. RES. 334

Whereas good health is a basic right for every citizen of the world and access to the highest standards of health information and services is necessary to help guarantee this right;

Whereas direct and unobstructed participation in international health cooperation forums and programs is therefore crucial, especially with today's greater potential for the cross-border spread of various infectious diseases such as AIDS and Hong Kong bird flu through increased trade and travel;

Whereas the World Health Organization (WHO) set forth in the first chapter of its charter the objective of attaining the highest possible level of health for all people;

Whereas in 1977 the World Health Organization established ''Health for all by the year 2000'' as its overriding priority and reaffirmed that central vision with the initiation of its ''Health For All'' renewal process in 1995;

Whereas Taiwan's population of 21,000,000 people is larger than that of ¾ of the member states already in the World Health Organization and shares the noble goals of the organization;

Whereas Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, the first Asian nation to be rid of polio, and the first country in the world to provide children with free hepatitis B vaccinations;

Whereas prior to 1972 and its loss of membership in the World Health Organization, Taiwan sent specialists to serve in other member countries on countless health projects and its health experts held key positions in the organization, all to the benefit of the entire Pacific region;

Whereas Taiwan is not allowed to participate in any WHO-organized forums and workshops concerning the latest technologies in the diagnosis, monitoring, and control of diseases;

Whereas in recent years both the Taiwanese Government and individual Taiwanese experts have expressed a willingness to assist financially or technically in WHO-supported international aid and health activities, but have ultimately been unable to render such assistance;

Whereas according to the constitution of the World Health Organization, Taiwan does not fulfill the criteria for membership;

Whereas the World Health Organization does allow observers to participate in the activities of the organization; and

Whereas in light of all of the benefits that such participation could bring to the state of health not only in Taiwan, but also regionally and globally: Now, therefore, be it

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

(1) Taiwan and its 21,000,000 people should have appropriate and meaningful participation in the World Health Organization; and

(2) it should be United States policy to pursue some initiative in the World Health Organization which will give Taiwan meaningful participation in a manner that is consistent with such organization's requirements.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. SOLOMON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) will each 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. SOLOMON asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

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

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

There was no objection.

Mr. SOLOMON. Mr. Speaker, I could not share the time with a more distinguished gentleman than my good friend.

Again, Mr. Speaker, on behalf of our very, very distinguished and great chairman of the Committee on International Relations, the committee which I had the privilege of serving on for many, many years until someone we know named Robert Michel drug me kicking and screaming off of that committee and gave me a chance to serve

on the Committee on Rules, I thank the gentleman from New York (Chairman GILMAN) for the support of this legislation. He is one of the major sponsors. He is a friend of our great friend and ally, the Republic of China on Taiwan.

I cannot help but think how things have a way of coming about full circle. As a freshman Member of this body 20 years ago, the first bill I worked on was the Taiwan Relations Act. I still believe that the legislation is one of the most significant achievements of my career and certainly of the whole period in which I have served in this Congress. Again, the gentleman from New York (Mr. GILMAN) was an integral part of that whole legislation.

Mr. Speaker, Members who have come to the House more recently may wonder why it is that so many of us more senior Members from both sides of the aisle are so concerned about Taiwan. Let me tell the Members why.

When President Carter broke off diplomatic relations with Taiwan in favor of recognizing Communist mainland China, that marked the only time in 210 years of constitutional history that our government has broken relations with a treaty ally without provocation and during a time of peace.

Whatever Members may have thought about the merits or the demerits of recognizing mainland Communist China, Members from both sides of the aisle at all points on the philosophical spectrum realized that a profoundly important and potentially dangerous precedent was being established by doing just that. Members reasoned that if America is seen as being unfaithful to its allies, America will soon have no allies at all.

So the Taiwan Relations Act was enacted as a way of assuring the people of Taiwan that America was not abandoning them and that the representatives of the American people, we Members of Congress, overwhelmingly stood solidly with them, regardless of the fact that the President, having the constitutional authority to conduct foreign policy, saw fit to derecognize them at that time. The entire world, and especially our other allies in Asia, needed that same reassurance.

In the years since then, many Members, myself included, have served as watchdogs to make sure that the Taiwan Relations Act, and that is the law of the land right today, Mr. Speaker, is adhered to in both the letter and the spirit of law.

The most important thing to be concerned about is that nothing be done, nothing ever be done, by omission or by commission, that can be construed as undercutting Taiwan or pressuring Taiwan to yield to coercion from mainland China. Mainland China is very good about doing that. They are great intimidators.

Mr. Speaker, the Taiwan Relations Act was a creative response to the unprecedented diplomatic challenge posed by the desire, in fact, the need, to maintain and protect close ties with a historic friend that found itself laboring under the burden of an ambiguous national identity, and still does.

One would have hoped that similarly creative thinking would have been done in various international institutions around the world, but that has not been especially forthcoming, and again, the reason is through the direct intimidation by the Communist Peoples' Republic of China.

Nevertheless, we have an opportunity today to do something positive. The resolution before us expresses the sense of Congress that Taiwan and its 21 million people, 21 million people, should have an appropriate and meaningful representation in the World Health Organization, and that the Clinton administration is urged to pursue an initiative to that end. That is what this resolution is all about.

Mr. Speaker, if there ever was a good place to start this, it is the World Health Organization. Let me tell the Members why. The World Health Organization is a humanitarian organization, as we all know. It is one of the few important international organizations that is not infected with what I call a political agenda. It is not prone to the bureaucratic growth, as most of these international organizations are.

Taiwan, and Members all should listen to this, Taiwan was a charter member of the World Health Organization and, as the resolution notes, made important contributions to the global fight against disease before being deprived of membership in 1972.

Taiwan has continued progress since then in eradicating disease and in establishing high standards of public health at home. That in fact means that it can contribute even more to the world today if the programs and cooperative forums of the World Health Organization were open to Taiwan's participation, again, with 21 million people.

Let me tell the Members how significant 21 million people is. We cannot pretend that a free and prosperous and advanced society of that many people does not exist. Indeed, Taiwan, and this is a point that I wanted to make, Taiwan has a larger population than three-fourths of the Members of the World Health Organization. Can Members imagine that?

Mr. Speaker, the resolution calls for those 21 million people to have an appropriate and meaningful participation in the World Health Organization. That is what it does. Surely the imagination exists to find a way to do that. If there ever is a problem, it would seem to be a matter of will.

But let this House make its voice heard, that Taiwan deserves to participate in the important work of the World Health Organization, and their 21 million need and deserve to be the beneficiaries of that organization. Taiwan has an awful lot to contribute.

Mr. Speaker, for this resolution I would just hope it would pass unanimously. I would like to give great credit for the wording of this resolution to my good friend, the gentleman from Nebraska (Mr. DOUGLAS BEREUTER), a classmate of mine 20 years ago. We helped also to write the Taiwan Relations Act. I would like to pay tribute to him and to the gentleman from New York (Chairman GILMAN) as I have spoken of before for his consideration.

This probably is the last time that he and I will collaborate here on this floor on a matter of common concern, and I thank him for all of his help through the years, both the gentleman from Nebraska (Mr. BEREUTER) and him.

Also, I think I saw the gentleman from Ohio (Mr. BROWN) come in. I would just like to also thank him for his interest on this issue. He and I were in Taiwan not too long ago, and he feels as strongly as I do about this measure.

Once again, I urge support of it, Mr. Speaker, and I ask unanimous consent that the gentleman from New York (Mr. GILMAN) may control the remainder of my time.

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

There was no objection.

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I also would like to commend the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, for his support and leadership, as well as the management of this legislation now pending before our colleagues.

□ 1315

I also want to commend the gentleman from New York (Mr. SOLOMON) for his eloquent remarks. Over the years, I have always respected his tremendous knowledge about Taiwan, and the rest of Southeast Asia for that matter, and his strong feelings about our security interests in this part of the world.

I want to commend also the gentleman from Nebraska (Mr. BEREUTER), Chairman of the Subcommittee on Asia and the Pacific, for his participation and also working and providing this resolution that is now before us. Of course, my good friend the gentleman from Ohio (Mr. BROWN) for his important role in initially bringing this issue to our attention.

Mr. Speaker, this resolution is a simple one. It States the sense of the Congress that Taiwan should have appropriate and meaningful participation in the World Health Organization, and it endorses an American policy that seeks to find a role for Taiwan, or the Republic of China, in the World Health Organization in a manner that is consistent with the World Health Organization's Constitution.

Mr. Speaker, I will note for my colleagues in the House that even the nonself-governing territories of the United States also participate actively with several programs offered by the World Health Organization. In fact, over the years the World Health Organization has provided scholarships for students from these insular areas, particularly in the areas of medicine, dentistry and nursing school. This scholarship program has been of tremendous assistance to these nonself-governing territories.

Mr. Speaker, Taiwan currently is conducting discussions and dialogue with the leadership of the People's Republic of China and we think this is a positive step to lessen the tensions between Taiwan, or the Republic of China, and the People's Republic of China.

Mr. Speaker, with a population of some 21 million people, Taiwan has achieved over the years one of the economic miracles of Asia. Taiwan currently has one of the most stable economies throughout Southeast Asia with foreign exchange reserves well over $100 billion. Taiwan was the first Asian Nation to eradicate the dreaded disease polio. Taiwan also was the first country in the world to provide its children vaccinations to combat hepatitis B.

Mr. Speaker, with its tremendous resources and expertise available to the fields of health care services, I honestly believe, Mr. Speaker, that the Republic of China, or Taiwan, should become a member of the World Health Organization. I urge my colleagues to vote in support of this resolution.

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

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

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in strong support of House Concurrent Resolution 334 regarding Taiwan's participation in the World Health Organization. I am proud to be a cosponsor of this resolution.

First, I want to commend the gentleman from New York (Mr. SOLOMON), the distinguished chairman of our Committee on Rules and my good friend, for introducing and advocating this measure. This body will certainly miss his outstanding leadership as chairman of our Committee on Rules and his continued interest in our Nation's security and in our foreign policy. We thank the gentleman for his continued advocacy, not only on behalf of Taiwan, but so many other nations around the world.

Mr. Speaker, I also want to thank the distinguished gentleman from Nebraska (Mr. BEREUTER), chairman of the Subcommittee on Asia and the Pacific, for helping to craft appropriate language for this resolution, as well as the gentleman from Ohio (Mr. BROWN) for his perseverance on this issue.

Mr. Speaker, I believe we all agree that good health is a basic human right of people everywhere. That right, though, can only be guaranteed if all people have unfettered access to all available resources regarding health care.

The World Health Organization, a United Nations body which has 191 participating entities, is one of those important resources. But today, regrettably, Taiwan, a Nation of 21 million people, has been denied a share in that basic human right. That is wrong, and it is time for the House to go on record correcting that.

Denying Taiwan participation in the World Health Organization is not justifiable in this day and age. Good health is a fundamental right of all people and the people of Taiwan are no exception.

United States support for Taiwan's participation in the World Health Organization is appropriate. In today's modern global environment, Taiwan's meaningful involvement in World Health Organization activities will benefit the people of Taiwan and the world as well.

So, it is time for the Clinton administration to do the right thing, to take affirmative action, and to seek appropriate participation for Taiwan in the World Health Organization.

There are opportunities for Taiwan to pursue observer status which would allow the people of Taiwan to participate in a substantive manner in the scientific and health activities of the WHO.

Consequently, I call upon the administration to pursue all initiatives in the WHO which will allow these 21 million people to share in the health benefits that the WHO can provide. That is the right thing to do and, accordingly, I urge my colleagues to fully support this resolution.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BROWN), my friend.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for yielding me this time.

Mr. Speaker, I rise in support of House Concurrent Resolution 334, a bill to support Taiwan's efforts to participate in the World Health Organization. I especially want to thank the gentleman from New York (Mr. SOLOMON) for his leadership and perseverance on this issue. Also the good work of the gentleman from American Samoa (Mr. FALEOMAVAEGA), as well as the gentleman from California (Mr. COX) for his work on this, and the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from New York (Mr. GILMAN) as chairs of the subcommittee and committee, respectively, for their assistance and good work on this issue.

Mr. Speaker, every individual, regardless of political or economic background, should have access to first-rate medical care. I am pleased that this Congress is finally considering this important legislation before we adjourn this year.

Since 1972, the 21 million people of Taiwan have been blocked from participating in the World Health Organization. As a consequence, especially the children of Taiwan have needlessly suffered because their doctors are denied access to the latest WHO protocols.

Unfortunately, with each passing year, administration after administration in this country have contributed to Taiwan's plight by supporting China's assertion that its neighbor is not a nation and, therefore, should not be represented in the international community.

The fact of the matter is that participation for Taiwan in the World Health Organization poses no threat to Beijing's security but will actually enhance the quality of life for China 1.2 billion inhabitants in addition to Taiwan's 21 million citizens.

The WHO is not a political organization, as the gentleman from New York (Mr. SOLOMON) pointed out. Disregarding political parties, political philosophies, or political boundaries, the WHO works to eradicate and control disease and improve the health of people around the world. It has instituted highly effective immunization programs allowing hundreds of millions of children to live longer and better lives.

The WHO has already helped protect eight out of ten children worldwide from major childhood diseases, including tuberculosis and measles and has worked to reduce the infant mortality rate 40 percent since 1970. Mr. Speaker, we should all be deeply upset by our country's refusal to help Taiwan conquer diseases which we ourselves have already exterminated.

Taiwan's exclusion from the WHO has been tragic. While the President was visiting China this past July, scores of Taiwanese children were fighting for their lives against a new deadly flu-like virus which attacks the muscle sacs around the surrounding heart, brain, and upper spine. Over 70 infants died, and possibly 100,000 other children have become infected and face an uncertain future.

This tragedy further illustrates the importance of Taiwan's membership in the WHO and the need to access the valuable expertise of this respected body. Young children and older citizens are particularly vulnerable to a host of emerging infectious diseases are without the knowledge and expertise shared among the member nations of the World Health Organization.

With increased travel and trade among the members of our global village, disease obviously does not stop at national borders and national boundaries. When we learn of outbreaks of an enterovirus in Taiwan, Ebola in Central Africa, or the Asian Bird Flu in Hong Kong, it is vital that the WHO be

allowed to combat our nation's vulnerability to spreading infectious diseases before it reaches our shores.

Erecting boundaries to shared information which would help improve the health of every American is a foolish and a deadly policy. Twenty years ago, a mysterious and fatal virus from Africa first appeared in New York and San Francisco. Our national health care system, which is the finest in the world, was ill-prepared for the spread of what we now know to be the AIDS virus. Two decades later, AIDS has spread to all 50 States and killed over 100,000 Americans. It is not in our interest to limit membership in an organization which is dedicated to combating infectious disease.

Denying Taiwan the knowledge and the expertise of the WHO is a fundamental violation of human rights. With just under 22 million people, Taiwan's population is larger than 70 percent of the 191 members of the WHO, whose charter clearly states that membership shall be open to all states.

Good health is a basic right for every citizen of the world, and Taiwan's participation in the WHO would greatly help foster that right for its people. The people of Taiwan and their democratically elected government face many serious threats to their sovereignty. Chinese aggression and their continuing threat of force to settle their claim to Taiwan is a serious problem. Equally threatening is their efforts to continue to thwart Taiwan's efforts to help improve the health of its citizens.

Mr. Speaker, we are the only country in the world which can stand up to China and the international community. We have an obligation, Mr. Speaker, to support the Taiwanese people in their efforts to determine their own future. I call on all my colleagues to support House Concurrent Resolution 334, and to help Taiwan participate in the World Health Organization.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for his supportive remarks.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER), the chairman of Subcommittee on Asia and the Pacific.

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

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New York (Chairman GILMAN) for yielding me this time.

Mr. Speaker, I rise in strong support of H. Con. Res. 334 relating to the appropriate participation of Taiwan in the World Health Organization. I commend my colleague and classmate, the distinguished gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules, for his initiative on crafting this resolution.

Mr. Speaker, there is strong support for the people of Taiwan being able to take advantage of the information and services offered by the World Health Organization, the WHO. Given that fact, and given the fact that international travel makes the transmission of communicable diseases much more prevalent, it is illogical to deny WHO services to Taiwan's population of 21 or 22 million.

Moreover, there is much that Taiwan could offer in terms of medical and pharmaceutical expertise. This Member very strongly, therefore, is supportive of Taiwan having a meaningful role in the WHO. The difficulty has been the fact that the WHO only allows membership for states, and Taiwan does not fit within the definition of a state.

Mr. Speaker, this is a technical issue, but it is nonetheless an important issue. It relates directly to the fact that Taiwan and the People's Republic of China, the mainland, both claim the same territory. By and large, the international community supports the PRC's claim. As a result, Taiwan is denied full membership in organizations where statehood is a prerequisite.

There are some in Taiwan, and perhaps some in this country, who would push for membership in international organizations as an indirect method of altering Taiwan's sovereign status. While such motives are understandable, it is not the purpose of H. Con. Res. 334, and this body does not, therefore, become enmeshed in such a debate. It would otherwise, I think, unfortunately have been enmeshed in such a debate in the previous resolution. This resolution deals with legitimate humanitarian issues, while consciously avoiding the political dispute.

Mr. Speaker, the point of the resolution before us today is the important contribution to global health that would result from meaningful Taiwanese participation. The Taiwan Relations Act, which everyone in this body seems to support, certainly I do, expresses the expectation that the future of Taiwan will be determined by peaceful means. There is an expectation, and indeed I would say a requirement, that Beijing and Taipei talk to one another about substantive issues.

Mr. Speaker, such discussions are indeed about to take place again. Next week, on October 14, the mainland and the Taiwanese negotiators will meet to resume high-level discussions that have been in a 3-year hiatus. In recent weeks, the head of the association for relations across the Taiwan Strait, the PRC's chief negotiator, has indicated that Beijing may be willing to make significant concessions. Incredibly, there even has been talk about concepts of shared sovereignty. This Member would hope this negotiation does, in fact, happen, goes forward positively, and there will be a clear substantive negotiation.

If these negotiations are ultimately successful, or at least moved towards a successful conclusion, then both sides achieve a better situation. And then it may well be that one day resolutions such as this one before this body may not be necessary. But it is necessary at this point. I, of course, look forward to the day when we have a peaceful resolution of those difficulties.

Mr. Speaker, this Member would congratulate the author of this resolution again, the distinguished gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules. The gentleman's support for Taiwan has been legendary and it has never wavered.

□ 1300

This Member is genuinely pleased that we were able to reach an accommodation on a measure so close to the gentleman's heart through the resolution which he crafted and introduced.

Mr. Speaker, as a cosponsor of House Concurrent Resolution 334, recently introduced, I urge its speedy adoption.

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

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER), a member of our committee.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of H. Con. Res. 334, and I rise thus in support of making it the official policy of the United States government that we favor the participation of the Republic of China and Taiwan in the World Health Organization.

Mr. Speaker, I would like to thank the gentleman from New York (Mr. GILMAN), the chairman of the committee, for the leadership he has provided on this. And, of course, the gentleman always provides the leadership and strength on pro-freedom initiatives and initiatives that deal with fundamental fairness.

I also want to thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his cooperation and leadership on that side of the aisle.

And, finally, I would like to thank the gentleman from New York (Mr. SOLOMON), who has been a fierce fighter for freedom and justice in this world and in this body. The gentleman will be missed. And on issues just like this, he has always been there for the people struggling for freedom in various parts of the world.

Taiwan is, first and foremost, a free and democratic country. In the last few years we have seen an evolution in Taiwan that should serve as a shining example to the rest of Asia. In fact, as the rest of Asia sinks further towards tyranny and repression, Taiwan is reaching new heights, even in the face of threats against it, towards achieving its goal of a freer, more democratic, and more prosperous country.

In Taiwan, there are free elections, freedom of the press, freedom of religion, freedom of assembly and freedom of enterprise. This resolution tells the world that freedom counts to the American people. We should not be on the side of a communist regime's attempt, wherever it is, to in some way intimidate a group of free people.

That is the situation we have now in Asia, where one tyrannical government is trying to frighten the people of Taiwan. And we are saying by this that where people have had these reforms, we should be siding with those people, who have at least, or would like to participate in the rest of the free world. And that is what is going on in the Republic of China.

This, on the other hand, sends a message that we respect an elected government; the elected government in the Republic of China and Taiwan. And as I say, not only has it a good record in terms of their political record and their economic record, but the Republic of China and Taiwan has an admirable record of public health, which is consistent with any government's commitment to democracy. The foundation of democracy is the respect that all individuals have a right to live in dignity and with a decent and healthy life. So it is consistent, then, that that is what we find in Taiwan.

I wish to also take this moment to express something that perhaps some people in this body do not know about. And that is, Taiwan, with its 21 million people, through private foundations and also through government action, have been deeply involved with helping other people who face health crises and humanitarian crises throughout the world. Through the TzuChi Foundation, tons and tons of medicines have been sent to crisis areas throughout Asia.

And, in fact, the Republic of Taiwan and the TzuChi Foundation, they even have a free clinic in Southern California for everyone. There is a free clinic that is run by the TzuChi Foundation. These people care about humanity, and we should salute them today by this resolution and say they should be part of the World Health Organization. So I salute the Republic of China and Taiwan and the TzuChi Foundation and those good and decent values those people represent.

This resolution is the best way that I can think of for this Congress to salute that type of commitment to the ideals that we share as Americans. I rise in support of the resolution.

The SPEAKER pro tempore. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. COX).

Mr. COX of California. Mr. Speaker, I thank the chairman for yielding me this time, and I wish to thank not only the gentleman from Nebraska (Mr. BEREUTER) but also the gentleman from Ohio (Mr. BROWN) for the very solid work they did in bringing this legislation to the floor.

The concerns about sovereignty by the People's Republic of China ought not to take precedence over public health, certainly not over the health of children in Taiwan. Taiwan's access to the resources of the World Health Organization is a matter of morality.

I am thrilled that we are making this common sense step forward, putting good judgment and public policy ahead of politics. This is a very, very welcome resolution to support, it is sound foreign policy for the United States, and it reflects the best in bipartisanship in this Congress as we close our session. The solid work of the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Ohio (Mr. BROWN), in particular, working across the aisle, is very much to be commended, and I strongly support this resolution.

Mr. LANTOS. Mr. Speaker, I rise in strong support of House Concurrent Resolution 334, advocating the participation of Taiwan in the World Health Organization. I want to pay tribute, first of all, to my distinguished colleague, Mr. BROWN of Ohio, who has fought for this necessary legislation with the courage and passion that he brings to so many important policy matters in this body. He is truly a champion for human rights, and I am proud to serve with him. I also want to pay tribute to our colleague GERALD SOLOMON, who has been a leading supporter of Taiwan for many decades.

House Concurrent Resolution 334 addresses a matter that, in my strongly held opinion, should transcend the political divides that characterize the complex China-Taiwan issue. This bill is about the health of children and adults, and about not letting the political anachronism of Taiwan's exclusion from the international community limit the ability of its children to receive medical treatments, vaccines, and support services that would allow them to fight disease with greater effectiveness and efficiency.

As we debate this issue this afternoon, Taiwan is attempting to cope with a fatal outbreak of a new, virulent strain of enterovirus type 71. This disease is highly contagious, and it strikes children and infants with devastating consequences, causing sever inflammation of muscles surrounding the brain, spinal cord, and heart. In the month of June alone, more than 50 children died from this horrible affliction.

Mr. Speaker, we have a moral responsibility to do everything in our power to ease the suffering of the Taiwanese people, and to achieve this end we must endorse Taiwan's participation in the WHO. The WHO has the capacity to the provide medical research and supplies to assuage the impact of the enterovirus epidemic, and we must not allow diplomatic technicalities to impede this worthy goal.

It is most appropriate that we encourage involvement by Taiwan in the WHO. Taiwan is a country of some 22 million people, with an advanced medical and research infrastructure and a highly trained cadre of medical personnel—many of whom have been educated at the finest universities in the United States.

Taiwan has much to contribute as a member of the WHO—it should be a member, it should be working with other nations to improve world health. The exclusion of Taiwan from the WHO has everything to do with petty politics and misguided pride in Beijing, but it is a great loss to the world community to exclude Taiwan.

Mr. Speaker, I emphatically urge my colleagues to join me in standing up for the human rights of the children of Taiwan by voting for House Concurrent Resolution 334.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of House Concurrent Resolution 334. This resolution expresses the sense of the Congress that Taiwan and its 21 million people should have appropriate and meaningful participation in the World Health Organization (WHO).

The WHO Constitution states that the ''enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.'' Yet today, Taiwan is excluded from participation in the WHO because of political pressure from the People's Republic of China.

This means that the people of Taiwan cannot share in the WHO's vital resources and expertise. Taiwanese physicians and health experts are not allowed to take part in WHO-organized forums and workshops regarding the latest techniques in the diagnosis, monitoring and control of diseases. Taiwanese doctors do not have access to WHO medical protocols and health standards.

This is simply not right. Diseases do not stop at national boundaries, and with today's high frequency of international travel, the possibility of transmitting infectious diseases is greater than ever. Good health is a basic right for every citizen of the world, and Taiwan should be granted membership in the WHO.

Despite its exclusion from the WHO, Taiwan has made some remarkable achievements in the field of health, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, and the eradication of infectious diseases such as smallpox and the plague. Taiwan is the first Asian nation to be rid of polio and the first country in the world to provide children with free hepatitis B vaccinations.

Prior to 1972 and its loss of membership in the WHO, Taiwan sent specialists to serve on health projects in other members countries, and its experts held key positions in the WHO. In recent years, the Taiwanese government has expressed a willingness to assist financially or technically in WHO-supported international aid and health activities, but it has been unable to render such assistance because it is unable to participate in the international health organization.

Taiwan's population of 21 million people is larger than three-quarters of the member states already in the WHO. Clearly, Taiwan and the world community could benefit by its participation in the WHO. I believe the United States should actively support Taiwan's membership in the World Health Organization.

I urge my colleagues to support this important resolution.

Mr. BROWN of Ohio. Mr. Speaker, I insert the following for the RECORD.

[From the Washington Post, July 8, 1998]

DON'T TAIWANESE CHILDREN COUNT?

(By Sherrod Brown)

While President Clinton was visiting China, scores of Taiwanese children just across the straits were continuing to fight for their lives against a new, deadly virus. Unfortunately, the doctors treating this illness do not have access to the medical resources of the World Health Organization (WHO) because the regime in China will not permit Taiwan to gain membership. The fact that Taiwan is severely crippled in its effort to save children is a tragedy, with deadly implications for children the world over if this virus is not halted.

Taiwan is in the grip of a fatal epidemic that's showing no sign of slowing down. Over the past month, more than 50 children have reportedly died due to the outbreak of a virulent strain of enterovirus type 71, which causes severe inflammation of muscles surrounding the brain, spinal cord and heart. Infants and children are most vulnerable to this highly contagious virus.

Physicians treating the children unfortunately do not have access to the best medical information available because Taiwan is not allowed membership in the WHO, and cannot share in the organization's vital resources and expertise. This issue should not be about geopolitics; it should be about helping humanity.

Over the past half-century, the WHO has become the foremost international organization working to control and eradicate disease and to improve health for people the world over. Through the WHO's highly effective immunization programs, millions of children live better, longer and healthier lives. The WHO has already helped protect some eight out of 10 children worldwide from major childhood diseases, including measles and tuberculosis, and has worked to reduce the global infant morality rate by 37 percent since 1970. The WHO was also instrumental in eradicating the smallpox epidemic, which spread to 31 countries in the late 1960s and claimed nearly two million lives.

Children suffer from the effects of inadequate health care, whether they live in Los Angeles, Milan, Hong Kong, or Taipei. With the high frequency of international travel, the risk of transmitting infectious diseases such as AIDS, the Hong Kong bird flu and the enteovirus is greater than ever. In addition, increased international trade leads to a greater potential for the cross-border spread of such deadly viruses.

I believe the denial of WHO membership to Taiwan is an unjustifiable violation of its people's fundamental human rights. Good health is a basic right for every citizen of the world, and Taiwan's admission to the WHO would greatly help foster that right for its people.

China, of course, is not the only obstacle to Taiwan's admission to the WHO. The Clinton administration, as with the two previous administrations, does not support Taiwan's participation in international organizations. However, the U.S. State Department's 1994 Taiwan Policy Review clearly stated it would more actively support Taiwan's membership in international organizations when the U.S. government determines that ''it is clearly appropriate.''

I and more than 50 of my colleagues in the House believe U.S. support for Taiwan's admission to the WHO is and has long been ''clearly appropriate.'' Last February, I introduced a resolution expressing the sense of Congress that Taiwan and its people should be represented in the WHO and that it should be U.S. policy to support Taiwan's membership.

As the WHO celebrates its 50th anniversary this year, the organization can proudly claim 191 nations as members. But for the past 25 years, Taiwan has been shut out of the WHO because of China's continued intransigence toward its small island neighbor. Every day, children and the elderly in Taiwan suffer needlessly because their doctors aren't able to have access to WHO medical protocols that save lives. The longer we wait, the more desperate the situation in Taiwan grows. We must act immediately to right a very serious wrong.

Mr. BERMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 334, Relating to Taiwan's Participation in the World Health Organization.

I congratulate Mr. SHERROD BROWN for the intense efforts he has made to bring this resolution before the House. House Concurrent Resolution 334 is a substitute resolution to House Joint Resolution 126, which Mr. BROWN had introduced earlier and which I was a cosponsor.

This resolution calls attention to what I think we would all consider a basic human right, that is the right of every citizen to good health and access to the highest standards of health information and services. Denying a country of 21 million people to such international institutions as the World Health Organization should embarrass the member states of the United Nations who insist on keeping those doors shut to the Taiwanese people.

But I think this resolution points up an even more egregious mistake by the international community. The fundamental issue is not whether or not Taiwan should be a member of the World Health Organization. The issue is whether or not the international community should exclude a country like Taiwan from membership in any international organizations. We have a situation today in which pariah nations such as North Korea, Iraq, and Burma are members of the United Nations and actively participate—mostly in a negative fashion in terms of American interests—in all the activities of the United Nations and its specialized agencies. Whereas Taiwan which is democratic, with a free market economy, and with the third largest foreign exchange reserves in the world is unable to participate in almost every international organization.

There is something out of balance here that needs to be rectified. The Clinton administration in 1994 Taiwan Policy Review vowed to seek Taiwanese membership in ''appropriate'' international organizations. So far, no ''appropriate'' organizations have been found. I would urge the administration to intensify its search.

I think there are such organizations readily at hand in this city: the International Monetary Fund and the World Bank.

We are in the midst of a world economic crisis. Some respected economists even paint the dismal picture of an imminent world depression. The devastating effects of economic collapse are already apparent in the developing country and they are spreading to other states. The world's economy is sick. With foreign exchange reserves totaling $88 billion, Taiwan has some of the medicine which can help the rest of the world recover. We should be seeking for ways to help Taiwan contribute to the well-being of the international community, not finding ways to exclude Taiwan.

I am proud to be a cosponsor of the original resolution and, as ranking member of the Asia and Pacific Subcommittee of the International Relations Committee, I urge my colleagues to support the one before us today.

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to express my strong support for House Concurrent Resolution 334 calling for Taiwan's participation in World Health Organization (WHO) activities because it is good policy. It is my hope that the United States will support this bid.

It does not matter where people live. They may live in the Chinatown area of my district, the 7th Congressional District of Illinois, or on the West Coast in Seattle, Washington, or overseas in Taipei, Taiwan. Regardless, the humane thing to do is to care for ill children, the elderly, all people. Are we playing politics with the 21 million people that reside in Taiwan? I am a firm believer in that the people shall not suffer as a result of government policies. If women and children are ailing, we need to assist in whatever way possible that is within our means.

The bottom line is that the people of Taiwan can access better healthcare if the country is allowed representation in the World Health Organization.

Moreover, in recent years the people of Taiwan have successfully defended their participation in a number of multilateral groups, including, but not limited to the Asian Development Bank, the Pacific Basin Economic Council. Although the composition for their participation varies from group to group, their pragmatic importance is inevitable.

I urge my colleagues to recognize the importance of the country of Taiwan in the global arena and support their entry into the WHO.

The SPEAKER pro tempore (Mr. LAHOOD). 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, House Concurrent Resolution 334.

The question was taken.

Mr. SOLOMON. 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. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONFERENCE REPORT ON S. 1260, SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

Mr. BLILEY submitted the following conference report and statement on the Senate bill (S. 1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes;

CONFERENCE REPORT (H. REPT. 105–803)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1260), to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Securities Litigation Uniform Standards Act of 1998''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Private Securities Litigation Reform Act of 1995 sought to prevent abuses in private securities fraud lawsuits;

(2) since enactment of that legislation, considerable evidence has been presented to Congress

that a number of securities class action lawsuits have shifted from Federal to State courts;

(3) this shift has prevented that Act from fully achieving its objectives;

(4) State securities regulation is of continuing importance, together with Federal regulation of securities, to protect investors and promote strong financial markets; and

(5) in order to prevent certain State private securities class action lawsuits alleging fraud from being used to frustrate the objectives of the Private Securities Litigation Reform Act of 1995, it is appropriate to enact national standards for securities class action lawsuits involving nationally traded securities, while preserving the appropriate enforcement powers of State securities regulators and not changing the current treatment of individual lawsuits.

TITLE I—SECURITIES LITIGATION UNIFORM STANDARDS

SEC. 101. LIMITATION ON REMEDIES.

(a) AMENDMENTS TO THE SECURITIES ACT OF 1933.—

(1) AMENDMENT.—Section 16 of the Securities Act of 1933 (15 U.S.C. 77p) is amended to read as follows:

''SEC. 16. ADDITIONAL REMEDIES; LIMITATION ON REMEDIES.

''(a) REMEDIES ADDITIONAL.—Except as provided in subsection (b), the rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity.

''(b) CLASS ACTION LIMITATIONS.—No covered class action based upon the statutory or common law of any State or subdivision thereof may be maintained in any State or Federal court by any private party alleging—

''(1) an untrue statement or omission of a material fact in connection with the purchase or sale of a covered security; or

''(2) that the defendant used or employed any manipulative or deceptive device or contrivance in connection with the purchase or sale of a covered security.

''(c) REMOVAL OF COVERED CLASS ACTIONS.—Any covered class action brought in any State court involving a covered security, as set forth in subsection (b), shall be removable to the Federal district court for the district in which the action is pending, and shall be subject to subsection (b).

''(d) PRESERVATION OF CERTAIN ACTIONS.—

''(1) ACTIONS UNDER STATE LAW OF STATE OF INCORPORATION.—

''(A) ACTIONS PRESERVED.—Notwithstanding subsection (b) or (c), a covered class action described in subparagraph (B) of this paragraph that is based upon the statutory or common law of the State in which the issuer is incorporated (in the case of a corporation) or organized (in the case of any other entity) may be maintained in a State or Federal court by a private party.

''(B) PERMISSIBLE ACTIONS.—A covered class action is described in this subparagraph if it involves—

''(i) the purchase or sale of securities by the issuer or an affiliate of the issuer exclusively from or to holders of equity securities of the issuer; or

''(ii) any recommendation, position, or other communication with respect to the sale of securities of the issuer that—

''(I) is made by or on behalf of the issuer or an affiliate of the issuer to holders of equity securities of the issuer; and

''(II) concerns decisions of those equity holders with respect to voting their securities, acting in response to a tender or exchange offer, or exercising dissenters' or appraisal rights.

''(2) STATE ACTIONS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, nothing in this section may be construed to preclude a State or political subdivision thereof or a State pension plan from bringing an action involving a covered security on its own behalf, or as a member of a class comprised solely of other States, political subdivisions, or State pension plans that are named plaintiffs, and that have authorized participation, in such action.

''(B) STATE PENSION PLAN DEFINED.—For purposes of this paragraph, the term 'State pension plan' means a pension plan established and maintained for its employees by the government of the State or political subdivision thereof, or by any agency or instrumentality thereof.

''(3) ACTIONS UNDER CONTRACTUAL AGREEMENTS BETWEEN ISSUERS AND INDENTURE TRUSTEES.—Notwithstanding subsection (b) or (c), a covered class action that seeks to enforce a contractual agreement between an issuer and an indenture trustee may be maintained in a State or Federal court by a party to the agreement or a successor to such party.

''(4) REMAND OF REMOVED ACTIONS.—In an action that has been removed from a State court pursuant to subsection (c), if the Federal court determines that the action may be maintained in State court pursuant to this subsection, the Federal court shall remand such action to such State court.

''(e) PRESERVATION OF STATE JURISDICTION.—The securities commission (or any agency or office performing like functions) of any State shall retain jurisdiction under the laws of such State to investigate and bring enforcement actions.

''(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) AFFILIATE OF THE ISSUER.—The term 'affiliate of the issuer' means a person that directly or indirectly, through one or more intermediaries, controls or is controlled by or is under common control with, the issuer.

''(2) COVERED CLASS ACTION.—

''(A) IN GENERAL.—The term 'covered class action' means—

''(i) any single lawsuit in which—

''(I) damages are sought on behalf of more than 50 persons or prospective class members, and questions of law or fact common to those persons or members of the prospective class, without reference to issues of individualized reliance on an alleged misstatement or omission, predominate over any questions affecting only individual persons or members; or

''(II) one or more named parties seek to recover damages on a representative basis on behalf of themselves and other unnamed parties similarly situated, and questions of law or fact common to those persons or members of the prospective class predominate over any questions affecting only individual persons or members; or

''(ii) any group of lawsuits filed in or pending in the same court and involving common questions of law or fact, in which—

''(I) damages are sought on behalf of more than 50 persons; and

''(II) the lawsuits are joined, consolidated, or otherwise proceed as a single action for any purpose.

''(B) EXCEPTION FOR DERIVATIVE ACTIONS.—Notwithstanding subparagraph (A), the term 'covered class action' does not include an exclusively derivative action brought by one or more shareholders on behalf of a corporation.

''(C) COUNTING OF CERTAIN CLASS MEMBERS.—For purposes of this paragraph, a corporation, investment company, pension plan, partnership, or other entity, shall be treated as one person or prospective class member, but only if the entity is not established for the purpose of participating in the action.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to affect the discretion of a State court in determining whether actions filed in such court should be joined, consolidated, or otherwise allowed to proceed as a single action.

''(3) COVERED SECURITY.—The term 'covered security' means a security that satisfies the standards for a covered security specified in paragraph (1) or (2) of section 18(b) at the time during which it is alleged that the misrepresentation, omission, or manipulative or deceptive conduct occurred, except that such term shall not include any debt security that is exempt from registration under this title pursuant to rules issued by the Commission under section 4(2).''.

(2) CIRCUMVENTION OF STAY OF DISCOVERY.—Section 27(b) of the Securities Act of 1933 (15 U.S.C. 77z–1(b)) is amended by inserting after paragraph (3) the following new paragraph:

''(4) CIRCUMVENTION OF STAY OF DISCOVERY.—Upon a proper showing, a court may stay discovery proceedings in any private action in a State court as necessary in aid of its jurisdiction, or to protect or effectuate its judgments, in an action subject to a stay of discovery pursuant to this subsection.''.

(3) CONFORMING AMENDMENTS.—Section 22(a) of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended—

(A) by inserting ''except as provided in section 16 with respect to covered class actions,'' after ''Territorial courts,''; and

(B) by striking ''No case'' and inserting ''Except as provided in section 16(c), no case''.

(b) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—

(1) AMENDMENT.—Section 28 of the Securities Exchange Act of 1934 (15 U.S.C. 78bb) is amended—

(A) in subsection (a), by striking ''The rights and remedies'' and inserting ''Except as provided in subsection (f), the rights and remedies''; and

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

''(f) LIMITATIONS ON REMEDIES.—

''(1) CLASS ACTION LIMITATIONS.—No covered class action based upon the statutory or common law of any State or subdivision thereof may be maintained in any State or Federal court by any private party alleging—

''(A) a misrepresentation or omission of a material fact in connection with the purchase or sale of a covered security; or

''(B) that the defendant used or employed any manipulative or deceptive device or contrivance in connection with the purchase or sale of a covered security.

''(2) REMOVAL OF COVERED CLASS ACTIONS.—Any covered class action brought in any State court involving a covered security, as set forth in paragraph (1), shall be removable to the Federal district court for the district in which the action is pending, and shall be subject to paragraph (1).

''(3) PRESERVATION OF CERTAIN ACTIONS.—

''(A) ACTIONS UNDER STATE LAW OF STATE OF INCORPORATION.—

''(i) ACTIONS PRESERVED.—Notwithstanding paragraph (1) or (2), a covered class action described in clause (ii) of this subparagraph that is based upon the statutory or common law of the State in which the issuer is incorporated (in the case of a corporation) or organized (in the case of any other entity) may be maintained in a State or Federal court by a private party.

''(ii) PERMISSIBLE ACTIONS.—A covered class action is described in this clause if it involves—

''(I) the purchase or sale of securities by the issuer or an affiliate of the issuer exclusively from or to holders of equity securities of the issuer; or

''(II) any recommendation, position, or other communication with respect to the sale of securities of an issuer that—

''(aa) is made by or on behalf of the issuer or an affiliate of the issuer to holders of equity securities of the issuer; and

''(bb) concerns decisions of such equity holders with respect to voting their securities, acting in response to a tender or exchange offer, or exercising dissenters' or appraisal rights.

''(B) STATE ACTIONS.—

''(i) IN GENERAL.—Notwithstanding any other provision of this subsection, nothing in this subsection may be construed to preclude a State or political subdivision thereof or a State pension plan from bringing an action involving a covered security on its own behalf, or as a member

of a class comprised solely of other States, political subdivisions, or State pension plans that are named plaintiffs, and that have authorized participation, in such action.

''(ii) STATE PENSION PLAN DEFINED.—For purposes of this subparagraph, the term 'State pension plan' means a pension plan established and maintained for its employees by the government of a State or political subdivision thereof, or by any agency or instrumentality thereof.

''(C) ACTIONS UNDER CONTRACTUAL AGREEMENTS BETWEEN ISSUERS AND INDENTURE TRUSTEES.—Notwithstanding paragraph (1) or (2), a covered class action that seeks to enforce a contractual agreement between an issuer and an indenture trustee may be maintained in a State or Federal court by a party to the agreement or a successor to such party.

''(D) REMAND OF REMOVED ACTIONS.—In an action that has been removed from a State court pursuant to paragraph (2), if the Federal court determines that the action may be maintained in State court pursuant to this subsection, the Federal court shall remand such action to such State court.

''(4) PRESERVATION OF STATE JURISDICTION.—The securities commission (or any agency or office performing like functions) of any State shall retain jurisdiction under the laws of such State to investigate and bring enforcement actions.

''(5) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) AFFILIATE OF THE ISSUER.—The term 'affiliate of the issuer' means a person that directly or indirectly, through one or more intermediaries, controls or is controlled by or is under common control with, the issuer.

''(B) COVERED CLASS ACTION.—The term 'covered class action' means—

''(i) any single lawsuit in which—

''(I) damages are sought on behalf of more than 50 persons or prospective class members, and questions of law or fact common to those persons or members of the prospective class, without reference to issues of individualized reliance on an alleged misstatement or omission, predominate over any questions affecting only individual persons or members; or

''(II) one or more named parties seek to recover damages on a representative basis on behalf of themselves and other unnamed parties similarly situated, and questions of law or fact common to those persons or members of the prospective class predominate over any questions affecting only individual persons or members; or

''(ii) any group of lawsuits filed in or pending in the same court and involving common questions of law or fact, in which—

''(I) damages are sought on behalf of more than 50 persons; and

''(II) the lawsuits are joined, consolidated, or otherwise proceed as a single action for any purpose.

''(C) EXCEPTION FOR DERIVATIVE ACTIONS.—Notwithstanding subparagraph (B), the term 'covered class action' does not include an exclusively derivative action brought by one or more shareholders on behalf of a corporation.

''(D) COUNTING OF CERTAIN CLASS MEMBERS.—For purposes of this paragraph, a corporation, investment company, pension plan, partnership, or other entity, shall be treated as one person or prospective class member, but only if the entity is not established for the purpose of participating in the action.

''(E) COVERED SECURITY.—The term 'covered security' means a security that satisfies the standards for a covered security specified in paragraph (1) or (2) of section 18(b) of the Securities Act of 1933, at the time during which it is alleged that the misrepresentation, omission, or manipulative or deceptive conduct occurred, except that such term shall not include any debt security that is exempt from registration under the Securities Act of 1933 pursuant to rules issued by the Commission under section 4(2) of that Act.

''(F) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to affect the discretion of a State court in determining whether actions filed in such court should be joined, consolidated, or otherwise allowed to proceed as a single action.''.

(2) CIRCUMVENTION OF STAY OF DISCOVERY.—Section 21D(b)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–4(b)(3)) is amended by adding at the end the following new subparagraph:

''(D) CIRCUMVENTION OF STAY OF DISCOVERY.—Upon a proper showing, a court may stay discovery proceedings in any private action in a State court, as necessary in aid of its jurisdiction, or to protect or effectuate its judgments, in an action subject to a stay of discovery pursuant to this paragraph.''.

(c) APPLICABILITY.—The amendments made by this section shall not affect or apply to any action commenced before and pending on the date of enactment of this Act.

SEC. 102. PROMOTION OF RECIPROCAL SUBPOENA ENFORCEMENT.

(a) COMMISSION ACTION.—The Securities and Exchange Commission, in consultation with State securities commissions (or any agencies or offices performing like functions), shall seek to encourage the adoption of State laws providing for reciprocal enforcement by State securities commissions of subpoenas issued by another State securities commission seeking to compel persons to attend, testify in, or produce documents or records in connection with an action or investigation by a State securities commission of an alleged violation of State securities laws.

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Securities and Exchange Commission (hereafter in this section referred to as the ''Commission'') shall submit a report to the Congress—

(1) identifying the States that have adopted laws described in subsection (a);

(2) describing the actions undertaken by the Commission and State securities commissions to promote the adoption of such laws; and

(3) identifying any further actions that the Commission recommends for such purposes.

TITLE II—REAUTHORIZATION OF THE SECURITIES AND EXCHANGE COMMISSION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is amended to read as follows:

''SEC. 35. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—In addition to any other funds authorized to be appropriated to the Commission, there are authorized to be appropriated to carry out the functions, powers, and duties of the Commission, $351,280,000 for fiscal year 1999.

''(b) MISCELLANEOUS EXPENSES.—Funds appropriated pursuant to this section are authorized to be expended—

''(1) not to exceed $3,000 per fiscal year, for official reception and representation expenses;

''(2) not to exceed $10,000 per fiscal year, for funding a permanent secretariat for the International Organization of Securities Commissions; and

''(3) not to exceed $100,000 per fiscal year, for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives, and staff to exchange views concerning developments relating to securities matters, for development and implementation of cooperation agreements concerning securities matters, and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings, including—

''(A) such incidental expenses as meals taken in the course of such attendance;

''(B) any travel or transportation to or from such meetings; and

''(C) any other related lodging or subsistence.''.

SEC. 202. REQUIREMENTS FOR THE EDGAR SYSTEM.

Section 35A of the Securities Exchange Act of 1934 (15 U.S.C. 78ll) is amended—

(1) by striking subsections (a), (b), (c), and (e); and

(2) in subsection (d)—

(A) by striking ''(d)'';

(B) in paragraph (2), by striking ''; and'' at the end and inserting a period; and

(C) by striking paragraph (3).

SEC. 203. COMMISSION PROFESSIONAL ECONOMISTS.

Section 4(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78d(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

''(2) ECONOMISTS.—

''(A) COMMISSION AUTHORITY.—Notwithstanding the provisions of chapter 51 of title 5, United States Code, the Commission is authorized—

''(i) to establish its own criteria for the selection of such professional economists as the Commission deems necessary to carry out the work of the Commission;

''(ii) to appoint directly such professional economists as the Commission deems qualified; and

''(iii) to fix and adjust the compensation of any professional economist appointed under this paragraph, without regard to the provisions of chapter 54 of title 5, United States Code, or subchapters II, III, or VIII of chapter 53, of title 5, United States Code.

''(B) LIMITATION ON COMPENSATION.—No base compensation fixed for an economist under this paragraph may exceed the pay for Level IV of the Executive Schedule, and no payments to an economist appointed under this paragraph shall exceed the limitation on certain payments in section 5307 of title 5, United States Code.

''(C) OTHER BENEFITS.—All professional economists appointed under this paragraph shall remain within the existing civil service system with respect to employee benefits.''.

TITLE III—CLERICAL AND TECHNICAL AMENDMENTS

SEC. 301. CLERICAL AND TECHNICAL AMENDMENTS.

(a) SECURITIES ACT OF 1933.—The Securities Act of 1933 (15 U.S.C. 77 et seq.) is amended as follows:

(1) Section 2(a)(15)(i) (15 U.S.C. 77b(a)(15)(i)) is amended—

(A) by striking ''3(a)(2) of the Act'' and inserting ''3(a)(2)''; and

(B) by striking ''section 2(13) of the Act'' and inserting ''paragraph (13) of this subsection''.

(2) Section 11(f)(2)(A) (15 U.S.C. 77k(f)(2)(A)) is amended by striking ''section 38'' and inserting ''section 21D(f)''.

(3) Section 13 (15 U.S.C. 77m) is amended—

(A) by striking ''section 12(2)'' each place it appears and inserting ''section 12(a)(2)''; and

(B) by striking ''section 12(1)'' each place it appears and inserting ''section 12(a)(1)''.

(4) Section 18 (15 U.S.C. 77r) is amended—

(A) in subsection (b)(1)(A), by inserting '', or authorized for listing,'' after ''Exchange, or listed'';

(B) in subsection (c)(2)(B)(i), by striking ''Capital Markets Efficiency Act of 1996'' and inserting ''National Securities Markets Improvement Act of 1996'';

(C) in subsection (c)(2)(C)(i), by striking ''Market'' and inserting ''Markets'';

(D) in subsection (d)(1)(A)—

(i) by striking ''section 2(10)'' and inserting ''section 2(a)(10)''; and

(ii) by striking ''subparagraphs (A) and (B)'' and inserting ''subparagraphs (a) and (b)'';

(E) in subsection (d)(2), by striking ''Securities Amendments Act of 1996'' and inserting ''National Securities Markets Improvement Act of 1996''; and

(F) in subsection (d)(4), by striking ''For purposes of this paragraph, the'' and inserting ''The''.

(5) Sections 27, 27A, and 28 (15 U.S.C. 77z–1, 77z–2, 77z–3) are transferred to appear after section 26, in that order.

(6) Paragraph (28) of schedule A of such Act (15 U.S.C. 77aa(28)) is amended by striking ''identic'' and inserting ''identical''.

(b) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended as follows:

(1) Section 3(a)(10) (15 U.S.C. 78c(a)(10)) is amended by striking ''deposit, for'' and inserting ''deposit for''.

(2) Section 3(a)(12)(A)(vi) (15 U.S.C. 78c(a)(12)(A)(vi)) is amended by moving the margin 2 em spaces to the left.

(3) Section 3(a)(22)(A) (15 U.S.C. 78c(a)(22)(A)) is amended—

(A) by striking ''section 3(h)'' and inserting ''section 3''; and

(B) by striking ''section 3(t)'' and inserting ''section 3''.

(4) Section 3(a)(39)(B)(i) (15 U.S.C. 78c(a)(39)(B)(i)) is amended by striking ''an order to the Commission'' and inserting ''an order of the Commission''.

(5) The following sections are each amended by striking ''Federal Reserve Board'' and inserting ''Board of Governors of the Federal Reserve System'': subsections (a) and (b) of section 7 (15 U.S.C. 78g(a), (b)); section 17(g) (15 U.S.C. 78q(g)); and section 26 (15 U.S.C. 78z).

(6) The heading of subsection (d) of section 7 (15 U.S.C. 78g(d)) is amended by striking ''EXCEPTION'' and inserting ''EXCEPTIONS''.

(7) Section 14(g)(4) (15 U.S.C. 78n(g)(4)) is amended by striking ''consolidation sale,'' and inserting ''consolidation, sale,''.

(8) Section 15 (15 U.S.C. 78o) is amended—

(A) in subsection (c)(8), by moving the margin 2 em spaces to the left;

(B) in subsection (h)(2), by striking ''affecting'' and inserting ''effecting'';

(C) in subsection (h)(3)(A)(i)(II)(bb), by inserting ''or'' after the semicolon;

(D) in subsection (h)(3)(A)(ii)(I), by striking ''maintains'' and inserting ''maintained'';

(E) in subsection (h)(3)(B)(ii), by striking ''association'' and inserting ''associated''.

(9) Section 15B(c)(4) (15 U.S.C. 78o–4(c)(4)) is amended by striking ''convicted by any offense'' and inserting ''convicted of any offense''.

(10) Section 15C(f)(5) (15 U.S.C. 78o–5(f)(5)) is amended by striking ''any person or class or persons'' and inserting ''any person or class of persons''.

(11) Section 19(c)(5) (15 U.S.C. 78s(c)(5)) is amended by moving the margin 2 em spaces to the right.

(12) Section 20 (15 U.S.C. 78t) is amended by redesignating subsection (f) as subsection (e).

(13) Section 21D (15 U.S.C. 78u–4) is amended—

(A) in subsection (g)(2)(B)(i), by striking ''paragraph (1)'' and inserting ''subparagraph (A)''.

(B) by redesignating subsection (g) as subsection (f); and

(14) Section 31(a) (15 U.S.C. 78ee(a)) is amended by striking ''this subsection'' and inserting ''this section''.

(c) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) is amended as follows:

(1) Section 2(a)(8) (15 U.S.C. 80a–2(a)(8)) is amended by striking ''Unitde'' and inserting ''United''.

(2) Section 3(b) (15 U.S.C. 80a–3(b)) is amended by striking ''paragraph (3) of subsection (a)'' and inserting ''paragraph (1)(C) of subsection (a)''.

(3) Section 12(d)(1)(G)(i)(III)(bb) (15 U.S.C. 80a–12(d)(1)(G)(i)(III)(bb)) is amended by striking ''the acquired fund'' and inserting ''the acquired company''.

(4) Section 18(e)(2) (15 U.S.C. 80a–18(e)(2)) is amended by striking ''subsection (e)(2)'' and inserting ''paragraph (1) of this subsection''.

(5) Section 30 (15 U.S.C. 80a–29) is amended—

(A) by inserting ''and'' after the semicolon at the end of subsection (b)(1);

(B) in subsection (e), by striking ''semi-annually'' and inserting ''semiannually''; and

(C) by redesignating subsections (g) and (h), as added by section 508(g) of the National Securities Markets Improvement Act of 1996, as subsections (i) and (j), respectively.

(6) Section 31(f) (15 U.S.C. 80a–30(f)) is amended by striking ''subsection (c)'' and inserting ''subsection (e)''.

(d) INVESTMENT ADVISERS ACT OF 1940.—The Investment Advisers Act of 1940 (15 U.S.C. 80b et seq.) is amended as follows:

(1) Section 203(e)(8)(B) (15 U.S.C. 80b–3(e)(8)(B)) is amended by inserting ''or'' after the semicolon.

(2) Section 222(b)(2) (15 U.S.C. 80b–18a(b)(2)) is amended by striking ''principle'' and inserting ''principal''.

(e) TRUST INDENTURE ACT OF 1939.—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended as follows:

(1) Section 303 (15 U.S.C. 77ccc) is amended by striking ''section 2'' each place it appears in paragraphs (2) and (3) and inserting ''section 2(a)''.

(2) Section 304(a)(4)(A) (15 U.S.C. 77ddd(a)(4)(A)) is amended by striking ''(14) of subsection'' and inserting ''(13) of section''.

(3) Section 313(a) (15 U.S.C. 77mmm(a)) is amended—

(A) by inserting ''any change to'' after the paragraph designation at the beginning of paragraph (4); and

(B) by striking ''any change to'' in paragraph (6).

(4) Section 319(b) (15 U.S.C. 77sss(b)) is amended by striking ''the Federal Register Act'' and inserting ''chapter 15 of title 44, United States Code,''.

SEC. 302. EXEMPTION OF SECURITIES ISSUED IN CONNECTION WITH CERTAIN STATE HEARINGS.

Section 18(b)(4)(C) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)(C)) is amended by striking ''paragraph (4) or (11)'' and inserting ''paragraph (4), (10), or (11)''.

And the House agree to the same.

TOM BLILEY,
M.G. OXLEY,
BILLY TAUZIN,
CHRIS COX,
RICK WHITE,
ANNA G. ESHOO,
Managers on the Part of the House.

ALFONSE D'AMATO,
PHIL GRAMM,
CHRIS DODD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

THE SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

UNIFORM STANDARDS

Title 1 of S. 1260, the Securities Litigation Uniform Standards Act of 1998, makes Federal court the exclusive venue for most securities class action lawsuits. The purpose of this title is to prevent plaintiffs from seeking to evade the protections that Federal law provides against abusive litigation by filing suit in State, rather than in Federal, court. The legislation is designed to protect the interests of shareholders and employees of public companies that are the target of meritless ''strike'' suits. The purpose of these strike suits is to extract a sizeable settlement from companies that are forced to settle, regardless of the lack of merits of the suit, simply to avoid the potentially bankrupting expense of litigating.

Additionally, consistent with the determination that Congress made in the National Securities Markets Improvement Act[1] (NSMIA), this legislation establishes uniform national rules for securities class action litigation involving our national capital markets. Under the legislation, class actions relating to a ''covered security'' (as defined by section 18(b) of the Securities Act of 1933, which was added to that Act by NSMIA) alleging fraud or manipulation must be maintained pursuant to the provisions of Federal securities law, in Federal court (subject to certain exceptions).

''Class actions'' that the legislation bars from State court include actions brought on behalf of more than 50 persons, actions brought on behalf of one or more unnamed parties, and so-called ''mass actions,'' in which a group of lawsuits filed in the same court are joined or otherwise proceed as a single action.

The legislation provides for certain exceptions for specific types of actions. The legislation preserves State jurisdiction over: (1) certain actions that are based upon the law of the State in which the issuer of the security in question is incorporated,[2] (2) actions brought by States and political subdivisions, and State pension plans, so long as the plaintiffs are named and have authorized participation in the action; and (3) actions by a party to a contractual agreement (such as an indenture trustee) seeking to enforce provisions of the indenture.

Additionally, the legislation provides for an exception from the definition of ''class action'' for certain shareholder derivative actions.

Title II of the legislation reauthorizes the Securities and Exchange Commission (SEC or Commission) for Fiscal Year 1999. This title also includes authority for the SEC to pay economists above the general services scale.

Title III of the legislation provides for corrections to certain clerical and technical errors in the Federal securities laws arising from changes made by the Private Securities Litigation Reform Act of 1995[3] (the ''Reform Act'') and NSMIA.

The managers note that a report and statistical analysis of securities class actions lawsuits authored by Joseph A. Grundfest and Michael A. Perino reached the following conclusion:

The evidence presented in this report suggests that the level of class action securities fraud litigation has declined by about a third in federal courts, but that there has been an almost equal increase in the level of state court activity, largely as a result of a ''substition effect'' whereby plaintiffs resort to state court to avoid the new, more stringent requirements of federal cases. There has also been an increase in parallel litigation between state and federal courts in an apparent effort to avoid the federal discovery stay or other provisions of the Act. This increase in state activity has the potential not only

[1] Public law 104–290 (October 11, 1996).

[2] It is the intention of the managers that the suits under this exception be limited to the state in which issuer of the security is incorporated, in the case of a corporation, or state of organization, in the case of any other entity.

[3] Public Law 104–67 (December 22, 1995).

to undermine the intent of the Act, but to increase the overall cost of litigation to the extent that the Act encourages the filing of parallel claims.[4]

Prior to the passage of the Reform Act, there was essentially no significant securities class action litigation brought in State court.[5] In its Report to the President and the Congress on the First Year of Practice Under the Private Securities Litigation Reform Act of 1995, the SEC called the shift of securities fraud cases from Federal to State court ''potentially the most significant development in securities litigation'' since passage of the Reform Act.[6]

The managers also determined that, since passage of the Reform Act, plaintiffs' lawyers have sought to circumvent the Act's provisions by exploiting differences between Federal and State laws by filing frivolous and speculative lawsuits in State court, where essentially none of the Reform Act's procedural or substantive protections against abusive suits are available.[7] In California, State securities class action filings in the first six months of 1996 went up roughly five-fold compared to the first six months of 1995, prior to passage of the Reform Act.[8] Furthermore, as a state securities commissioner has observed:

It is important to note that companies can not control where their securities are traded after an initial public offering. * * * As a result, companies with publicly-traded securities can not choose to avoid jurisdictions which present unreasonable litigation costs. Thus, a single state can impose the risks and costs of its pecular litigation system on all national issuers.[9]

The solution to this problem is to make Federal court the exclusive venue for most securities fraud class action litigation involving nationally traded securities.

SCIENTER

It is the clear understanding of the managers that Congress did not, in adopting the Reform Act, intend to alter the standards of liability under the Exchange Act.

TOM BLILEY,
M.G. OXLEY,
BILLY TAUZIN,
CHRIS COX,
RICK WHITE,
ANNA G. ESHOO,
Managers on the Part of the House.

ALFONSE D'AMATO,
PHIL GRAMM,
CHRIS DODD,
Managers on the Part of the Senate.

[4] Grundfest, Joseph A. & Perino, Michael A., *Securities Litigation Reform: The First Year's Experience: A Statistical and Legal Analysis of Class Action Securities Fraud Litigation under the Private Securities Litigation Reform Act of 1995*, Stanford Law School (February 27, 1997).

[5] *Id.* n. 18.

[6] *Report to the President and the Congress on the First Year of Practice Under the Private Securities Litigation Reform Act of 1995*, U.S. Securities and Exchange Commission, Office of the General Counsel, April 1997 at 61.

[7] Testimony of Mr. Jack G. Levin before the Subcommittee on Finance and Hazardous Materials of the Committee on Commerce, House of Representatives, Serial No. 105–85, at 41–45 (May 19, 1998).

[8] *Id.* at 4.

[9] Written statement of Hon. Keith Paul Bishop, Commissioner, California Department of Corporations, submitted to the Senate Committee on Banking, Housing and Urban Affairs' Subcommittee on Securities'' ''Oversight Hearing on the Private Securities Litigation Reform Act of 1995,'' Serial No. 105–182, at 3 (July 27, 1998).

SUPPORTING THE BALTIC PEOPLE OF ESTONIA, LATVIA, AND LITHUANIA, AND CONDEMNING THE NAZI-SOVIET PACT OF NON-AGGRESSION

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 320) supporting the Baltic people of Estonia, Latvia, and Lithuania, and condemning the Nazi-Soviet Pact of Non-Aggression of August 23, 1939, as amended.

The Clerk read as follows:

H. CON. RES. 320

Whereas on February 16, 1918, February *24*, 1918, and November 18, 1918, Lithuania, Estonia, Latvia, declared, respectively, their independence and became democratic, peace-loving states with membership in the League of Nations and diplomatic representation in the United States;

Whereas on August 23, 1939, emissaries of Adolf Hitler and Joseph Stalin, Nazi German Foreign Minister Ribbentrop and Soviet Foreign Minister Molotov, signed an agreement known as the Nazi-Soviet Pact of Non-Aggression which contained secret protocols that illegally divided Eastern Europe into spheres of influence with Estonia, Latvia, and part of Poland going to the Soviet Union and Lithuania and Poland going to Nazi Germany;

Whereas the Soviet Army fulfilled the Nazi-Soviet Pact of Non-Aggression by illegally invading Lithuania on June 15, 1940, and invading both Latvia and Estonia on June 17, 1940;

Whereas this illegal and forcible occupation was never recognized by the United States and successive United States Administrations maintained continuous diplomatic relations with these countries throughout the Soviet period, never once considering them to be ''Soviet Republics'';

Whereas the Baltic peoples valiantly re-established their independence through peaceful means and the United States recognized their independent governments in 1991; and

Whereas Lithuania, Latvia, and Estonia have achieved commendable success in the eight years since they re-established independence, including full democracy, significant economic reforms, and civilian control of a new military based on Western standards: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, in observance of the 59th anniversary of the Nazi-Soviet Pact of Non-Aggression, the Congress—

(1) reaffirms the United States policy of the non-recognition of the occupation by the Soviet Union of Lithuania, Latvia, and Estonia subsequent to the Nazi-Soviet Pact of Non-Aggression, which for the 50 years after the signing of such Pact was a commendable bipartisan policy that refused to legally recognize the Soviet occupation of these countries;

(2) urges Russia, in the spirit of democracy, to renounce the Nazi-Soviet Pact of Non-Aggression and its secret supplemental protocols, as illegal;

(3) welcomes and supports the signing of the United States-Baltic Charter by the United States, Lithuania, Latvia, and Estonia that reiterates the strong historical kinship between the peoples of these countries; and

(4) calls on the President and Secretary of State to work to ensure that Russia understands that the Nazi-Soviet Pact of Non-Aggression should be considered illegal and null and void.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) 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 legislative days within which to revise and extend their remarks on House Concurrent Resolution 320, the measure under consideration.

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. Speaker, this resolution reiterates an important aspect of our policy towards the three Baltic states of Latvia, Lithuania and Estonia, namely, that our Nation has never recognized their invasion by the military forces of the former Soviet Union and the former Nazi Germany or their occupation and absorption by the former Soviet regime as legal acts. This is an extremely important measure to remember as we consider the actions of the Russian Federation in regards to the newly independent Baltic States.

As much as we should call for fair treatment of all citizens of the Baltic States, we should remember that the acts of Russia's predecessor State, the Soviet Union, towards Estonia, Latvia and Lithuania were illegal. We should also bear in mind that, due to the purposeful policies of the former Soviet regime, specifically its attempts to Russify the Baltic States through policies of deportation of Baltic residents of those states and settlement of ethnic Russians in those states, the Baltic countries are today faced with the presence of large numbers of ethnic Russian residents, many of whom appear to resent the renewed independence of those states.

The actions of the Russian government with regard to the small Baltic states has not been reassuring. Despite the fact that, at the urging of the United States and the European Union, the Baltic governments have adopted policies meant to fairly integrate ethnic Russians into their politics and society, the Russian government in Moscow seems determined to take advantage of any complaint voiced by ethnic Russians in the Baltic states to renew their harsh criticism of those countries and to claim violations of the human rights of ethnic Russians.

Recent actions threatened against the government of Latvia by the Russian government do not give us any assurance that Russia intends to undertake a fair and balanced approach towards the small Baltic countries and their renewed independence. I would suggest that if the Russian government wishes our Nation and the international community to take more seriously its allegations of violations of

human rights of ethnic Russians in the Baltics, it ought to first do as the resolution states:

> Officially acknowledge that the actions of its predecessor state towards the Baltic countries, as embodied in the Molotov-Ribbentrop Pact of 1939 and exemplified by Soviet occupation and Russification of the Baltic states, were illegal.

In concluding, I want to note that the resolution also states congressional support for the U.S.-Baltic Charter, signed by our President and the Presidents of the three Baltic states in January of this year. Although there is some concern in the Congress over the increasing use of charters that do not require ratification, the U.S.-Baltic Charter outlines the importance of U.S. interaction with the Baltic states and assistance to them as they seek to integrate into the pan-European and trans-Atlantic nations. I certainly support that approach in our bilateral policy towards those three States.

I want to commend the gentleman from New York (Mr. SOLOMON) for being a staunch advocate of this measure and for taking an active role in bringing this measure to the floor at this time. Accordingly, I support the approval of this resolution.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, again I want to commend the gentleman from New York (Mr. GILMAN), the chairman of our Committee on International Relations, for his leadership and for bringing this piece of legislation to the floor. My commendation also to the gentleman from New York (Mr. SOLOMON) for his participation and his support of this legislation; and certainly my good friend, the gentleman from Nebraska (Mr. BEREUTER), and the gentleman from California (Mr. ROHRABACHER) for their support.

Mr. Speaker, this resolution gives a sense of observation and recognition of this 59th anniversary of the Nazi-Soviet Pact of Non-Aggression. The resolution reaffirms the U.S. Policy of the nonrecognition of the occupation by the Soviet Union of the free Baltic states, mainly Latvia, Estonia and Lithuania, subsequent to this infamous non-agression pact which was done in 1939.

The resolution also urges Russia to renounce as illegal the Molotov-Ribbentrop NonAgression Pact and its secret protocols.

□ 1345

The resolution welcomes the signing of the U.S.-Baltic Charter in January 1998, and it calls also on the President and the Secretary of State to ensure that Russia understands that the Nazi-Soviet Non-Aggression Pact should be considered illegal, null and void.

The resolution will have no impact on U.S. foreign policy, Mr. Speaker. Rather, it is intended as an implicit warning to the Russians to keep their hands off the Baltic states and to emphasize that these states are no longer in the Russian sphere of influence. This resolution may cause minor problems with our Russian friends, but so it does call on the administration to push our Russian friends to formally renounce the nonaggression pact as illegal, null and void.

The administration does not oppose this resolution, Mr. Speaker. Privately it questions its need and utility, but we think it is important.

Mr. Speaker, it is important that we continue to condemn the Nazi-Soviet Non-Aggression Pact of 1939 which led directly to the illegal incorporation of Lithuania, Latvia and Estonia into the Soviet Union, an act which the United States for some 50 years refused to recognize.

Mr. Speaker, in 1918 under the League of Nations then, the countries of Lithuania, Estonia and Latvia were fully recognized as sovereign and independent nations and these nations were duly recognized even by our own country. But then in 1939 the nations of Germany under Adolf Hitler and Russia under Joseph Stalin signed an agreement known as the Nazi-Soviet Pact of Non-Aggression which basically divided these Baltic states. Estonia and Latvia went to Poland, Poland became part of the Soviet Union, and, of course, Lithuania became part of Germany. But in 1940 the Soviet Union invaded these three countries and occupied them ever since then.

Mr. Speaker, ironically our country never officially recognized the occupation of these three countries. In 1991 with the collapse of the former Soviet Union, the Cold War was over, these Baltic states are again duly recognized as sovereign and independent nations.

As the process of NATO enlargement unfolds next year, Mr. Speaker, it is important that we underscore our strong commitment to the continued independence, sovereignty, territorial integrity and security of these three Baltic states.

The bottom line, Mr. Speaker, I am reminded of an African proverb that states that when two elephants fight, the grass gets trodden. It seems that these countries, Lithuania, Latvia and Estonia, always get caught when larger and more powerful nations fight.

Mr. Speaker, I submit, let us not allow this to happen again to these three states. A couple of years ago it was my privilege to visit the newly recognized states of Estonia and Latvia. They are good people, no different from us here in America.

I submit, Mr. Speaker, that we have got to recognize the importance of this resolution. I urge my colleagues to support this resolution.

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

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York (Mr. SOLOMON) chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding time, and I rise in the strongest possible support for the resolution. I really do want to commend the gentleman from Illinois (Mr. SHIMKUS) for his initiative here and certainly the gentleman from American Samoa (Mr. FALEOMAVAEGA), the gentleman from New York (Mr. GILMAN) and my good friend the gentleman from Nebraska (Mr. BEREUTER) for their very strong support of this legislation.

The forcible incorporation of Lithuania, Latvia and Estonia into the Soviet Union in 1940 was one of the greatest tragedies of this 20th century. Invaded by Soviet troops pursuant to a secret pact between Hitler and Stalin, the three Baltic nations had their freedom and their sovereignty totally obliterated for a half century, 50 years. But Soviet jackboots could not stamp out the pride, the religious and cultural strength, and the national identities of the Lithuanian, Latvian and Estonian peoples. Ten American Presidents, five Democrats and five Republicans, refused to recognize the Baltic nations as part of the Soviet Union. Indeed our government, and I was so proud of both political parties, helped keep open the embassies these nations had right here in Washington, D.C. as a symbol of hope for those people. All Americans rejoiced in 1990 when Lithuania, Latvia and Estonia regained their independence as the Iron Curtain came tumbling down thanks to Ronald Reagan and this Congress and others.

But we must never allow ourselves to slip into a false sense of security. The forces of a vicious nationalism are on the rise again in Russia today, Mr. Speaker. Senior Russian officials, including Boris Yeltsin, insist on using ominous terms such as ''former Soviet republics'' when they mention Latvia, Lithuania and Estonia. And so this resolution is very timely here today. By passing this resolution, we will reaffirm the historic U.S. policy that condemned the forcible enslavement of the Baltic nations and refuse to give it any color of diplomatic recognition or legality. Mr. Speaker, moreover we will be calling upon the administration to reinforce that very policy with Russia so as to urge Moscow to renounce once and for all any claim on the Baltics.

Finally, Mr. Speaker, I would just make a personal note. It is my fervent hope that the next round of NATO expansion will include Latvia, Lithuania and Estonia. I am sure many Members here join me in that hope. I look forward to the day when the historic political orientation toward the West that these nations have always had is recognized by bringing them into NATO.

I want to commend—and this is not like JERRY SOLOMON—I want to commend President Clinton for his support of the Baltics at the meeting of NATO in Madrid that approved the acceptance of Poland, Hungary and the Czech

Republic. At that meeting President Clinton accepted my language that made it clear that regardless of size, regardless of geographic location, regardless of political consideration, the Baltics would be included in the open door policy of offering NATO membership to new democracies who otherwise meet the criteria that the NATO allies have set.

Mr. Speaker, I want to again thank all these Members, the gentleman from American Samoa (Mr. FALEOMAVAEGA), the gentleman from New York (Mr. GILMAN) and certainly the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Nebraska (Mr. BEREUTER) for bringing this legislation to the floor.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume. Again I want to compliment the statement and remarks of the gentleman from New York. This is not meant to be trite or repetitious, but again we are going to miss you, JERRY. I hope all the best for you in your future endeavors.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 320, a measure which signals our support for the Baltic people of Estonia, Latvia and Lithuania and condemning the Nazi-Soviet Pact of Non-Aggression of August 23, 1939.

In 1939, emissaries of Hitler and Stalin signed an agreement known as the Nazi-Soviet Pact of Non-Aggression. This pact illegally divided Eastern Europe into spheres of influence. One year later, the Soviet army invaded Lithuania, Latvia and Estonia in fulfillment of the Nazi-Soviet agreement. This occupation ruthlessly suppressed the ethnic identities of the three Baltic countries.

The illegal incorporation of Estonia, Latvia and Lithuania into the Soviet Union was a unilateral act of force with no legal basis in international law. Under Soviet occupation, there was seizing of property, rigging of elections and mass deportations.

Mr. Speaker, during this grim time, the United States never recognized the Baltics as part of the Soviet Union.

In 1990, the Baltics reestablished their independence and shed the yoke of Communist domination. Since that time, each country has been working diligently towards democratic reforms, including religious freedom, which we have talked about so many times on this floor, and movement toward effective free market economies, which we have talked about so many times on this floor.

That is why this measure is necessary. We need to demonstrate our support for the Baltic countries. They are embracing democratic values. Not surprisingly, Lithuania this year elected a Lithuanian-born American citizen, Valdas Adamkus, as their new President. In fact, Lithuania will most likely be the first Baltic country to be ready for NATO membership.

And why not? The Baltics would like to gain membership into NATO. Russian leaders have stated recently that any territory formerly part of the Soviet Union should still be considered under the Russian sphere of influence, unavailable for membership in NATO.

We cannot allow Russia to dictate what NATO is about. We cannot allow Russia to dictate what this country, the United States, is all about. We must continue to build bridges to freedom, international freedom throughout the world. These emerging democracies need full United States support.

That is exactly what this measure does, Mr. Speaker. It reaffirms the United States policy of not recognizing the illegal occupation of the Baltics, and it reiterates our support of the United States-Baltic Charter which was signed earlier this year.

We need to fan the fire of democracy and freedom in these countries. Let us help the Baltic people realize their dreams and secure a prosperous and democratic future. I urge my colleagues to vote ''yes'' on this important measure. And let us continue to build bridges. Let us continue to build bridges and not be afraid to risk the building of those bridges.

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. SHIMKUS), a former resident of my congressional district while he attended the U.S. Military Academy at West Point. The gentleman from Illinois was the original author of this measure, Mr. Speaker.

Mr. SHIMKUS. Mr. Speaker, I would like to thank the gentleman from New York (Mr. GILMAN), the gentleman from Ohio (Mr. KUCINICH), my cosponsor, cochairman of the Baltic Caucus, and also those Members who signed as cosponsors of this resolution.

The Baltic countries, Lithuania, Latvia, and Estonia, over the centuries have been occupied, terrorized and vilified. At the hands of the former Soviet Union and Nazi Germany, these countries were illegally annexed under the Molotov-Ribbentrop Pact of World War II. With this concurrent resolution, I hope that we may be able to provide some security to the region by once again denouncing the illegal annexation of the Baltics and to pledge the United States' continued support.

Most people do not realize what happened in Lithuania, Latvia and Estonia during World War II. During their occupation, there was the rigging of elections, seizing of bank accounts, censoring of the press, and suppression of religious worship. Additionally, many law-abiding citizens, including teachers and police officials, were imprisoned, sent to labor camps or executed. This was all part of a systematic campaign to transform the Baltic way of life into Russian.

However, this illegal annexation had no basis in international law. In fact, during the Soviet occupation of eastern and central Europe, the U.S. Congress continued to pass resolutions asking Americans across the country to join in recognizing the fundamental freedom and independence of Lithuania, Latvia and Estonia.

Even after all the hardships, the Baltic people valiantly reestablished their independence through peaceful means. In 1991, the United States recognized their independent governments. But the Molotov-Ribbentrop Pact continues to haunt these free countries. Recently, Russian leaders have stated on the record that all territory formerly designated part of the Soviet Union should be considered part of an exclusive Russian sphere of influence, untouchable by NATO or anyone else. The United States, and more specifically this body, must demonstrate that we support the Baltics and do not condone Russia's actions. We can do this by approving this concurrent resolution.

House Concurrent Resolution 320 simply supports the Baltics. Specifically, it reaffirms the United States policy of not recognizing the occupation of the Baltics; urges Russia to renounce the Molotov-Ribbentrop Pact in the spirit of democracy; welcomes the signing of the U.S.-Baltic Charter last winter; and calls on the President and the Secretary of State to work to ensure that Russia understands that the pact should be considered illegal, null and void.

I would encourage all my colleagues to vote in favor of this resolution so that we may continue to support the emerging democracies of Lithuania, Latvia and Estonia.

□ 1400

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH), who has a considerable number of his constituency from Latvia.

Mr. KUCINICH. Mr. Speaker, as the cochair of the Baltic Caucus, a position which I proudly serve with the gentleman from Illinois (Mr. SHIMKUS), I am here today to speak about Resolution 320. I had the privilege of being present with Mr. SHIMKUS and others at the signing of the U.S.-Baltic agreement which took place last winter at the White House, to meet with the Presidents of those countries and to share with them our concern that this fledgling freedom which all were feeling would have a chance to be able to grow and to prosper.

This resolution is an important part of it. The resolution's purpose is to express the sense of Congress that we support the Baltic people of Estonia, Latvia and Lithuania and that we condemn the Nazi-Soviet Pact of Non-Aggression of August 23, 1939. This pact of non-aggression, otherwise known as the Molotov-Ribbentrop Pact, was a pivotal time in Baltic history. Part of this treaty that was not published at this time stated, and I quote from it, Mr. Speaker:

In the event of a territorial and political rearrangement in the areas belonging to the Baltic States: Finland, Estonia, Latvia and Lithuania, the northern boundary of Lithuania shall represent the boundary of the spheres of influence of Germany and the USSR.

This pact, in effect, resulted in the annexation of the Baltic States by the USSR.

In 1940 the Soviet Army illegally invaded Lithuania, Latvia and Estonia. It is no wonder then that the Baltic Republics played a vital role in dismantling the Soviet Union. Opposition groups in all three Baltic States became popular movements calling for national independence. These popular movements culminated with the Baltic Way demonstration on August 23, 1989, exactly 50 years after the Molotov-Ribbentrop Pact was signed. Nearly 2 million people formed a human chain stretching from Tallinn through Riga to Vilnius to protest the illegal pact and to question the legitimacy of the Soviet role.

In August 1991, all three of the Baltic States declared their full independence following the official recognition of the independence of all three Baltic States by many Western countries. Moscow decided to acknowledge their sovereignty on September 4, 1991. Within 3 months the Soviet Union would no longer exist.

Recently, Russian leaders have stated that any territory formerly part of the Soviet sphere should still be considered under the Russian sphere of influence. This resolution, if passed by the United States Congress, would send a clear signal to Russian leaders that they should renounce the Molotov-Ribbentrop Pact and relinquish its grip on nations that never agreed to be part of the Soviet Union and certainly do not consider themselves to be part of the Russian sphere of influence.

I ask my colleagues to vote for this important Baltic resolution to support the people of Latvia, Lithuania and Estonia and to support their quest for the growth of freedom and to support the continuation of democracy all around the world.

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of our Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

I rise in strong support of this resolution, the resolution supporting the Baltic people of Estonia, Latvia and Lithuania in condemning the Nazi-Soviet Pact of Non-Aggression of August 23, 1939. This resolution was, of course, introduced by the distinguished gentleman from Illinois (Mr. SHIMKUS) and the distinguished gentleman from Ohio (Mr. KUCINICH) on August 5 of this year, referred to the Committee on International Relations.

The people of Estonia, Latvia and Lithuania have a new active leader and friend in the U.S. Congress in the gentleman from Illinois and the gentleman from Ohio, and I commend the gentleman from Illinois, for example, in his efforts to craft a strong bipartisan statement of support for these nations. I am pleased to join as a cosponsor.

Mr. Speaker, in 1991, after more than 50 years of Soviet occupation, the nations of Estonia, Latvia and Lithuania, acting peacefully, but with great courage, regained their freedom. In doing so they at last put an end to the illegal and forcible subjugation they had suffered as a result of the infamous Nazi-Soviet Pact of Non-Aggression of 1939.

It is highly appropriate that this body remember that shameful occasion of the 59th anniversary of the Molotov-Ribbentrop Pact by reaffirming our principle bipartisan rejection of that evil agreement and by calling on others to join in condemning it and all it represents.

During the bitter years of occupation, as the gentleman from New York mentioned, the United States' administrations and congressional leaders of both parties consistently rejected the incorporation of the Baltic States into the Soviet Union and maintained diplomatic relations with their legitimate representatives. When at long last their freedom was restored, the United States joyfully welcomed those three countries back into the community of independent nations and sought to assist them in overcoming the legacy of Soviet domination.

Playing a key role in this effort were the many citizens who traced their origins back to the Baltic countries. While enriching our Nation with their cultural heritage, they never lost hope that their mother countries would regain the freedom that is their birthright.

Finally, I join in expressing strong support for the landmark U.S.-Baltic Charter signed in January of this year. The charter both defines and describes our bonds of kinship and friendship with all three nations.

Mr. Speaker, I am confident that through their efforts, both individually and together, these three nations will continue to make progress in overcoming the lost years of occupation and returning to their rightful place among the free peoples of the world.

Lastly, I would like to note the very direct link between Latvia and Lincoln, Nebraska. Karlis Ulmanis, Father of Latvian independence and the long-serving Latvian President between World War I and World War II, was a graduate of the University of Nebraska School of Dairy Science. He returned to his homeland after World War I, led his country to independence, and was eventually brutally seized in prison by the occupying Soviets and disappeared in Siberian captivity. Next year his grandnephew, Guntis Ulmanis, the current and very popular President of Latvia, will receive an honorary degree from the University of Nebraska Lincoln. Thus, Mr. Speaker, we complete the circle.

The Latvian-American community in Lincoln are proud of the role of their adopted son, the first President of Latvia and his grandnephew, the current President of Latvia, who will be welcomed to Lincoln soon. The Lithuania-American and Estonian-American citizens of our State are also, of course, very supportive of this resolution supporting the Baltic people and recognizing their long-term suffering under the Soviets.

Mr. Speaker, I urge adoption of H. Con. Res. 320.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER), a member of our committee.

Mr. ROHRABACHER. Mr. Speaker, I join with my friends today from Illinois and Ohio in supporting the freedom of the Baltic peoples and in memorializing the infamous Molotov-Ribbentrop Pact.

The Molotov-Ribbentrop Pact is an historic reminder that the forces of evil and tyranny are inevitably attracted to one another. In a world of nazism and communism six decades ago, some unfortunate people in the West, unfortunate because of their wishful thinking, thought that they could play one evil off against another and thus did not just simply state to the world and join in solidarity with the other free people against evil itself. It did not work, and this compromise with evil, trying to play the Nazis off against the Communists and the Communists against the Nazis, led to a world conflagration that destroyed much of the planet and took up to 100 million lives, and, of course, what we saw ending that wishful thinking was an alliance between the Communists and the Nazis. Today we remember the Molotov-Ribbentrop Pact and declare there is no compromise with evil and tyranny. Consistent with that we focus on the Baltic nations.

I recently traveled through Estonia, Latvia and Lithuania. The people there for the most part are successful in their transition out of Communist tyranny. They are showing their Russian neighbors that democracy, free enterprise and the aspects of our Western society work, and the people of the Baltic States now enjoy prosperity, peace and freedom.

The passage of this resolution restates to the world America's commitment to peace, prosperity and democracy for all of the people of the world, especially those brave souls in the Baltics who have suffered so much during the 20th century from the twin evils of communism and nazism.

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

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

My apologies to the gentleman from Illinois (Mr. SHIMKUS) for not recognizing his tremendous contributions as the prime sponsor of this piece of legislation.

Mr. Speaker, I said earlier that according to an African proverb, when two elephants fight, the grass gets trodden. A little twist to this African proverb by a remark made years ago by the former Prime Minister of the Independent State of Samoa, the Honorable Tuiatua Tupua Tamasese, who also said that when two elephants make love, the grass still gets trodden.

Mr. Speaker, what is obviously meant by this is that let us not forget the economic and social needs of Estonia, Latvia and Lithuania when the United States intends to conduct major trade and business transactions with Europe and Asia.

Again, Mr. Speaker, I urge my colleagues to support this resolution.

Mr. LIPINSKI. Mr. Speaker, I rise today in support of H. Con. Res. 320. I would like to thank the esteemed Chairman of the House International Relations Committee, the gentleman from New York, Mr. GILMAN, and the Ranking Member, the gentleman from Indiana, Mr. HAMILTON, for their leadership on this issue. I would also like to salute the gentleman from Illinois, Mr. SHIMKUS, for all of the hard work he has put in in drafting this important resolution. His leadership along with his foresight and keen awareness of foreign policy has been instrumental in making this resolution become reality. As the co-chair of the Congressional Baltic Caucus, along with the other co-chair, the gentleman from Ohio, Mr. KUCINICH, his ability to work in a bipartisan fashion for important measures such as this are certainly appreciated by this Member.

Around sixty years ago, the three nations of Latvia, Lithuania and Estonia had their freedom stripped away by the Soviet army. Under a secret, illegal and immoral agreement between Hitler and Stalin, the Nazi-Soviet Pact of Non-Aggression tore Eastern Europe apart. After the Soviet Union invaded Latvia, Lithuania and Estonia in 1940, the cultural identities of those nations were ruthlessly suppressed. These invasions and occupations were not only illegal under international law, they were immoral and atrocious crimes against humanity.

Thanks to the heroic efforts of Ronald Reagan, the fall of communism during his watch eventually freed the Baltic States from communist tyranny. Since their independence in 1990, each nation has been working diligently towards democratic reforms including religious freedom and movement towards free market economies. The brave efforts of the Baltic States must be supported by the U.S.

H. Con. Res. 320 will do just that. It sends a message to the world that we support the Baltic States. Since their independence, Russia continues to refer to the Baltic States as former Soviet Republics despite the fact that they were illegally invaded by the former Soviet Union, and it appears that Russia continues to view the Baltic States as part of the Russian ''sphere of influence.'' We must demonstrate our support for the Baltics. These are fledgling democracies who peacefully overturned the tyrannical rule of communist aggression.

This important resolution will reaffirm the U.S. policy of not recognizing the illegal occupation of the Baltics, urge Russia to renounce the illegal Nazi-Soviet Pact, reiterate our support for the U.S.-Baltic Charter signed earlier this year, and call on the President of the United States and the Secretary of State to work to ensure that Russia understands the Pact should be considered illegal.

I ask my colleagues to support this important resolution. Let us support freedom, let us support peace, let us support democracy, and let us support the pursuit of justice.

Mr. RUSH. Mr. Speaker I rise today in support of H. Con. Res. 320, legislation supporting the Baltic People and condemning the Nazi-Soviet Non-Aggression Pact.

Prior to the cold war Lithuania, Estonia, and Latvia proudly declared their independence and became democratic states with membership in the League of Nations. But, during the cold war Germany and Russia decided to split the Baltic States into two parts by forcing Estonia, Latvia, and a portion of Poland to become part of the Soviet Union and by forcing Lithuania and the rest of Poland to become part of Nazi Germany. I have never recognized the legitimacy of such a decision and I am proud to say that the United States has taken the same point of view. Additionally, I must add that the illegal incorporation of Estonia, Latvia and Lithuania into the Soviet Union does not have and will never have a legal basis in international law.

In 1990, when the Baltic States re-established their independence, the United States along with many other countries boldly recognized their independence. Many of the Baltic States have successfully made the transition from an authoritarian political system to that of a democratic system. It is interesting to note that in light of all these political changes Russia continues to recognize the Nazi-Soviet Pact of Non-Aggression. This pact illegally divides the Baltic States into ''spheres of influence'', therefore, precluding the Baltic States from asserting their autonomy and joining NATO or entering into other such alliances.

As faith would have it, Russia itself has undergone tremendous democratic and free market reforms but has yet to recognize the independence of the Baltic States. It is only fitting and just that Russia denounce the Nazi-Soviet Pact of Non-Aggression and recognize the autonomy of the Baltic States and demonstrate to the world that it truly believes in the principles of democracy and individual freedom.

I strongly urge President Clinton and Secretary of State Albright to work with the Russian government to ensure that Russia understands the importance of denouncing the Nazi-Soviet Pact of Non-Aggression and endorsing the right to self determination by the Baltic States.

Mr. McGOVERN. Mr. Speaker, I rise in support of this bill to support the Baltic people and to condemn the Nazi-Soviet Non-Aggression Pact. I want to express my appreciation to the gentleman from Illinois [Mr. SHIMKUS] for his leadership on this issue and in organizing the Congressional Caucus on the Baltics.

In 1918, the nations of Lithuania, Estonia and Latvia declared their independence and became democratic states with membership in the League of Nations and diplomatic representation in the United States.

In 1939, emissaries of Adolf Hitler and Joseph Stalin signed an agreement, known as the Nazi-Soviet Pact of Non-Aggression, which contained secret protocols to divide Eastern Europe into spheres of influence. Estonia, Latvia and part of Poland were made subject to the Soviet Union, with Lithuania and most of Poland going to Nazi Germany.

In 1940, the Soviet Army invaded Lithuania, Latvia and Estonia. This occupation has never been recognized by the United States, and all successive U.S. administrations, whether Democratic or Republican, maintained continuous diplomatic relations with these countries as sovereign nations throughout the Soviet period, never considering them to be Soviet Republics.

The Baltic peoples re-established their independence through peaceful means following the dissolution of the former Soviet Union, and the United States recognized their independent governments in 1991. Lithuania, Latvia and Estonia have achieved significant success in the eight years since they gained their independence, including instituting democratic institutions, economic reforms, and civilian control over the military.

Mr. Speaker, H. Con. Res. 320, introduced by my distinguished colleague from Illinois [Mr. SHIMKUS], and to which I am a proud cosponsor, reaffirms the U.S. policy of not recognizing the occupation by the Soviet Union of these proud nations following the signing of the Nazi-Soviet Pact of Non-Aggression. Further, it urges the now independent nation of Russia, in the spirit of democracy, to renounce the Nazi-Soviet Pact and its secret protocols as illegal. Finally, the measure welcomes and supports the signing of the United States-Baltic Charter by the U.S., Lithuania, Latvia and Estonia—a charter that reiterates the strong historical kinship and support between the Baltic peoples and Americans.

Mr. Speaker, for all the progress, both democratic and economic, these three Baltic nations have made since regaining their independence in 1991, they continue to face many challenges and uncertain relationships with their powerful neighbors. Russia continues to be a threatening and intimidating force, which still views the Baltic nations as subject to its ''sphere of influence.''

H. Con. Res. 320 clearly signals U.S. support for these nations, for their independence, and for their democratic futures. I urge my colleagues to vote in support of this measure.

Mr. FALEOMAVAEGA. 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 concurrent resolution, H. Con. Res. 320, as amended.

The question was taken.

Mr. SOLOMON. 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.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2431. An act to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes.

H.R. 3903. An act to provide for an exchange of lands located near Gustavus, Alaska, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 417) ''An Act to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002.'' with an amendment.

ANNOUNCEMENT OF HOUSE CONCURRENT RESOLUTION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. GOODLING. Pursuant to H. Res. 575, I announce the following House Concurrent Resolution to be considered under suspension today:

H. Con. Res. 214, Recognizing Contributions of the Cities of Bristol, Tennessee, and Bristol, Virginia, to the Development of Country Music.

RECOGNIZING CONTRIBUTIONS OF THE CITIES OF BRISTOL, TENNESSEE, AND BRISTOL, VIRGINIA, TO THE DEVELOPMENT OF COUNTRY MUSIC

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 214) recognizing the contributions of the cities of Bristol, Tennessee, and Bristol, Virginia, and their people to the origins and development of Country Music, and for other purposes.

The Clerk read as follows:

H. CON. RES. 214

Whereas the cities of Bristol, Tennessee, and Bristol, Virginia, have long been a gathering place for musicians from the nearby mountainous countryside;

Whereas phonographic recordings made in Bristol in August of 1927 launched the careers of the Carter Family and Jimmie Rodgers, who are recognized as the first commercially successful modern Country Music artists;

Whereas these recordings have been called the ''Big Bang of Country Music'' by the Country Music Foundation in its publication ''Country, the Music and the Musicians'';

Whereas Jimmie Rodgers has been named the Father of Country Music and was the first artist to be inducted into the Country Music Hall of Fame;

Whereas the original members of the Carter Family have been recognized as Country Music's First Family in part because their works have had an unparalleled influence on succeeding generations of Country Music artists;

Whereas ''The Roots of Country Music'', a three-part television series which aired nationally on the Turner Broadcasting System in June of 1996, recognized the significant contribution of the cities of Bristol to the development and commercial acceptance of Country Music;

Whereas in 1984 the Tennessee Senate recognized Bristol as the ''Birthplace of Country Music''; and

Whereas in 1995, the Virginia General Assembly recognized Bristol as the ''Birthplace of Country Music'': Now, therefore, be it

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

(1) recognizes the critical contributions of the cities of Bristol, Tennessee, and Bristol, Virginia, and their residents to the origins and development of Country Music;

(2) congratulates the cities of Bristol, Tennessee, and Bristol, Virginia, for launching with the Bristol recordings of 1927 the careers of the Nation's first widely known Country Music artists; and

(3) acknowledges and commends the cities of Bristol, Tennessee, and Bristol, Virginia, as the birthplace of Country Music, a style of music which has enjoyed broad commercial success in the United States and throughout much of the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Con. Res. 214.

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

There was no objection.

Mr. GOODLING. Mr. Speaker, I yield myself 30 seconds.

Today I rise in support of H. Con. Res. 214, which designates the cities of Bristol, Tennessee, and Bristol, Virginia, as the birthplace of country music. General Assembly of Virginia and Tennessee State Senate have previously made this designation. The gentleman from Tennessee (Mr. JENKINS) and the gentleman from Virginia (Mr. BOUCHER) take their cue from their respective State legislative bodies and introduced an identical concurrent resolution in the House.

I must admit my age. My two country music stars just died: Gene Autry and Roy Rogers.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. JENKINS).

Mr. JENKINS. Mr. Speaker, let me say thanks to the committee for their consideration of this resolution and for allowing us to consider it here today.

Mr. Speaker, the city of Bristol is two cities: Bristol, Tennessee, and Bristol, Virginia; Bristol, Tennessee, being in the First Congressional District of Tennessee, and Bristol, Virginia, being in the Ninth Congressional District of Virginia, and represented very ably by the gentleman from Virginia (Mr. BOUCHER).

□ 1215

Mr. Speaker, in the 1920s, when country music was in its infancy, artists from throughout Tennessee and Virginia and the entire region gathered in Bristol to perform. Some of the most important developments in country music took place there.

In 1927, the Carter family, which later became the First Family of Country Music, and Jimmie Rogers, who became the Father of Country Music, had recording sessions there, very significant recording sessions there.

These recordings became known in time by the country music foundation as the ''Big Bang of Country Music.'' They are credited with propelling the Carter family and Jimmie Rogers and country music itself to a commercially successful venture.

Today, country music is enjoyed throughout this country and throughout the world. As the Chairman pointed out, in 1984, the Tennessee Senate recognized Bristol as the birthplace of country music. In 1995, the General Assembly of Virginia recognized Bristol as the birthplace of country music.

Today we have this resolution which recognizes the contributions of Bristol and its people to the origins and the development of country music. This, I think, significantly is cosponsored by the entire delegations from the States of Tennessee and Virginia. I ask support for this well-deserved recognition.

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

Mr. Speaker, I rise in strong support of the resolution. My colleagues may wonder why a city boy from Los Angeles would be so supportive of country music. But years ago when I worked in a factory, the gentleman next to me was from the south. In fact, he was from Tennessee, and he had a little recorder in there, and that is all he played was country music.

I remember one of the first songs that I was ever attracted to was a song by Johnny Cash, ''I Walked The Line.'' It was very apropos of the way I felt at that time.

I could understand the words. A lot of the other music I could not understand the words. It seemed to me like every piece of country music tells a story, a story of some kind. Sometimes they are too sad. But, regardless, they do tell a story, and they are very interesting to listen to. I like the rhythms in a lot of them.

Of course I remember Jimmie Rogers and I remember Gene Autry and all the people that the Chairman mentioned. But I am more into the kind of modern day country music stars like George Strait, Vince Gill, and a lot of the people that have really brought country music to the front.

But this legislation, as the gentleman from Pennsylvania (Mr. GOODLING) has said, honors the cities of Bristol, Virginia, and Bristol, Tennessee, giving it much credit for the origin and the development of the county music. I commend the gentleman from Tennessee (Mr. JENKINS) and the gentleman from Virginia (Mr. BOUCHER) for bringing this measure before the House.

As I said, I am a fan of country music, and I am pleased to speak in favor of this resolution. I urge my colleagues to join me in support of this resolution.

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

Mr. MARTINEZ. Mr. Speaker I yield such time as he may consume to the gentleman from Virginia (Mr. BOUCHER).

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

Mr. BOUCHER. Mr. Speaker, I want to thank the gentleman from California for his kind words and for yielding me this time.

I also want to express appreciation to the gentleman from Pennsylvania (Mr. GOODLING) for his very fine efforts and the efforts of his staff in bringing this measure to the floor. We very much appreciate his assistance.

I want to pay a special tribute to my friend and colleague from Tennessee (Mr. JENKINS), with whom I was pleased to draft this measure, offer it to the Committee on Education and the Workforce, and with whom I am pleased to present the matter to the House today.

I am pleased to rise in strong support of the passage of House Concurrent Resolution 214 which recognizes the contributions of the cities of Bristol, Virginia and Tennessee as the birthplace of country music.

This measure is an effort to recognize the many contributions of the two cities of Bristol to the origin of country music. From its beginnings in the mountains of the Southern Appalachians, country music has steadily grown to become the most popular form of music in our Nation today. The two cities of Bristol served as the early foundation for that growth.

Portable recording equipment developed in the late 1920s allowed talent scouts to travel the countryside to capture the performances of country musicians in their natural habitats. Bristol had long been a gathering place for musicians from the nearby mountains.

In August of 1997, a talent scout named Ralph Peer and two engineers from the Victor Records Corporation came to Bristol with the intent of capturing the musical sounds of the area. The phonographic recordings that were made during those historic Bristol sessions launched the careers of the Carter family and also of Jimmie Rogers, who are widely recognized as the first commercially successful country music artists.

The original members of the Carter family have been recognized as country music's first family in part because their works have had an unparalleled influence on succeeding generations of country music artists. Their vocal harmonies served as the basis for almost every vocal group that followed in the ensuing years.

Jimmie Rogers has been named the Father of Country Music. The first artist to be inducted in the Country Music Hall of Fame was Jimmie Rogers.

The recordings made in Bristol in August of 1927 have been called the Big Bang of Country Music by the Country Music Foundation in its publication ''Country, the Music and the Musicians.'' These recordings in Bristol transported country music from the mountains of our region into the national commercial marketplace.

In recent years, the States of Virginia and Tennessee, through their General Assemblies, have both adopted resolutions declaring the two cities of Bristol to be the birthplace of country music. Based upon that historical record today, I am pleased to urge our colleagues in the House of Representatives to append that well-earned designation to these two cities.

I thank my friend and colleague, the gentleman from Tennessee (Mr. JENKINS), for his co-authorship of this measure. I thank the entire delegations of Tennessee and Virginia who have co-authored this measure with us. I am very pleased to urge the passage of this resolution by the House.

Mr. MARTINEZ. Mr. Speaker, I have no more speakers, and I yield back the balance of my time.

Mr. GOODLING. 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 Pennsylvania (Mr. GOODLING) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 214.

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.

ASSISTIVE TECHNOLOGY ACT OF 1998

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2432) to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes, as amended.

The Clerk read as follows:

S. 2432

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Assistive Technology Act of 1998''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions and rule.

TITLE I—STATE GRANT PROGRAMS

Sec. 101. Continuity grants for States that received funding for a limited period for technology-related assistance.
Sec. 102. State grants for protection and advocacy related to assistive technology.
Sec. 103. Administrative provisions.
Sec. 104. Technical assistance program.
Sec. 105. Authorization of appropriations.

TITLE II—NATIONAL ACTIVITIES

Subtitle A—Rehabilitation Act of 1973

Sec. 201. Coordination of Federal research efforts.
Sec. 202. National Council on Disability.
Sec. 203. Architectural and Transportation Barriers Compliance Board.

Subtitle B—Other National Activities

Sec. 211. Small business incentives.
Sec. 212. Technology transfer and universal design.
Sec. 213. Universal design in products and the built environment.
Sec. 214. Outreach.
Sec. 215. Training pertaining to rehabilitation engineers and technicians.
Sec. 216. President's Committee on Employment of People With Disabilities.
Sec. 217. Authorization of appropriations.

TITLE III—ALTERNATIVE FINANCING MECHANISMS

Sec. 301. General authority.
Sec. 302. Amount of grants.
Sec. 303. Applications and procedures.
Sec. 304. Contracts with community-based organizations.
Sec. 305. Grant administration requirements.
Sec. 306. Information and technical assistance.
Sec. 307. Annual report.
Sec. 308. Authorization of appropriations.

TITLE IV—REPEAL AND CONFORMING AMENDMENTS

Sec. 401. Repeal.
Sec. 402. Conforming amendments.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to—

(A) live independently;

(B) enjoy self-determination and make choices;

(C) benefit from an education;

(D) pursue meaningful careers; and

(E) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of society in the United States.

(2) Technology has become 1 of the primary engines for economic activity, education, and innovation in the Nation, and throughout the world. The commitment of the United States to the development and utilization of technology is 1 of the main factors underlying the strength and vibrancy of the economy of the United States.

(3) As technology has come to play an increasingly important role in the lives of all persons in the United States, in the conduct of business, in the functioning of government, in the fostering of communication, in the conduct of commerce, and in the provision of education, its impact upon the lives of the more than 50,000,000 individuals with disabilities in the United States has been comparable to its impact upon the remainder of the citizens of the United States. Any development in mainstream technology would have profound implications for individuals with disabilities in the United States.

(4) Substantial progress has been made in the development of assistive technology devices, including adaptations to existing devices that facilitate activities of daily living, that significantly benefit individuals with disabilities of all ages. Such devices and adaptations increase the involvement of such individuals in, and reduce expenditures associated with, programs and activities such as early intervention, education, rehabilitation and training, employment, residential living, independent living, and recreation programs and activities, and other aspects of daily living.

(5) All States have comprehensive statewide programs of technology-related assistance. Federal support for such programs should continue, strengthening the capacity of each State to assist individuals with disabilities of all ages with their assistive technology needs.

(6) Notwithstanding the efforts of such State programs, there is still a lack of—

(A) resources to pay for assistive technology devices and assistive technology services;

(B) trained personnel to assist individuals with disabilities to use such devices and services;

(C) information among targeted individuals about the availability and potential benefit of technology for individuals with disabilities;

(D) outreach to underrepresented populations and rural populations;

(E) systems that ensure timely acquisition and delivery of assistive technology devices and assistive technology services;

(F) coordination among State human services programs, and between such programs and private entities, particularly with respect to transitions between such programs and entities; and

(G) capacity in such programs to provide the necessary technology-related assistance.

(7) In the current technological environment, the line of demarcation between assistive technology and mainstream technology is becoming ever more difficult to draw.

(8) Many individuals with disabilities cannot access existing telecommunications and information technologies and are at risk of not being able to access developing technologies. The failure of Federal and State governments, hardware manufacturers, software designers, information systems managers, and telecommunications service providers to account for the specific needs of individuals with disabilities in the design, manufacture, and procurement of telecommunications and information technologies results in the exclusion of such individuals from the use of telecommunications and information technologies and results in unnecessary costs associated with the retrofitting of devices and product systems.

(9) There are insufficient incentives for Federal contractors and other manufacturers of technology to address the application of technology advances to meet the needs of individuals with disabilities of all ages for assistive technology devices and assistive technology services.

(10) The use of universal design principles reduces the need for many specific kinds of assistive technology devices and assistive technology services by building in accommodations for individuals with disabilities before rather than after production. The use of universal design principles also increases the likelihood that products (including services) will be compatible with existing assistive technologies. These principles are increasingly important to enhance access to information technology, telecommunications, transportation, physical structures, and consumer products. There are insufficient incentives for commercial manufacturers to incorporate universal design principles into the design and manufacturing of technology products, including devices of daily living, that could expand their immediate use by individuals with disabilities of all ages.

(11) There are insufficient incentives for commercial pursuit of the application of technology devices to meet the needs of individuals with disabilities, because of the perception that such individuals constitute a limited market.

(12) At the Federal level, the Federal Laboratories, the National Aeronautics and Space Administration, and other similar entities do not recognize the value of, or commit resources on an ongoing basis to, technology transfer initiatives that would benefit, and especially increase the independence of, individuals with disabilities.

(13) At the Federal level, there is a lack of coordination among agencies that provide or pay for the provision of assistive technology devices and assistive technology services. In addition, the Federal Government does not provide adequate assistance and information with respect to the quality and use of assistive technology devices and assistive technology services to targeted individuals.

(14) There are changes in the delivery of assistive technology devices and assistive technology services, including—

(A) the impact of the increased prevalence of managed care entities as payors for assistive technology devices and assistive technology services;

(B) an increased focus on universal design;

(C) the increased importance of assistive technology in employment, as more individuals with disabilities move from public assistance to work through training and on-the-job accommodations;

(D) the role and impact that new technologies have on how individuals with disabilities will learn about, access, and participate in programs or services that will affect their lives; and

(E) the increased role that telecommunications play in education, employment, health care, and social activities.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide financial assistance to States to undertake activities that assist each State in maintaining and strengthening a permanent comprehensive statewide program of technology-related assistance, for individuals with disabilities of all ages, that is designed to—

(A) increase the availability of, funding for, access to, and provision of, assistive technology devices and assistive technology services;

(B) increase the active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, in the maintenance, improvement, and evaluation of such a program;

(C) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, and authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

(D) increase the provision of outreach to underrepresented populations and rural populations, to enable the 2 populations to enjoy the benefits of activities carried out under this Act to the same extent as other populations;

(E) increase and promote coordination among State agencies, between State and local agencies, among local agencies, and between State and local agencies and private entities (such as managed care providers), that are involved or are eligible to be involved in carrying out activities under this Act;

(F)(i) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and

(ii) facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, to obtain increased availability or provision of assistive technology devices and assistive technology services;

(G) increase the probability that individuals with disabilities of all ages will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living (for example, between home and work);

(H) enhance the skills and competencies of individuals involved in providing assistive technology devices and assistive technology services;

(I) increase awareness and knowledge of the benefits of assistive technology devices and assistive technology services among targeted individuals;

(J) increase the awareness of the needs of individuals with disabilities of all ages for assistive technology devices and for assistive technology services; and

(K) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages;

(2) to identify Federal policies that facilitate payment for assistive technology devices and assistive technology services, to identify those Federal policies that impede such payment, and to eliminate inappropriate barriers to such payment; and

(3) to enhance the ability of the Federal Government to—

(A) provide States with financial assistance that supports—

(i) information and public awareness programs relating to the provision of assistive technology devices and assistive technology services;

(ii) improved interagency and public-private coordination, especially through new and improved policies, that result in increased availability of assistive technology devices and assistive technology services; and

(iii) technical assistance and training in the provision or use of assistive technology devices and assistive technology services; and

(B) fund national, regional, State, and local targeted initiatives that promote understanding of and access to assistive technology devices and assistive technology services for targeted individuals.

SEC. 3. DEFINITIONS AND RULE.

(a) DEFINITIONS.—In this Act:

(1) ADVOCACY SERVICES.—The term ''advocacy services'', except as used as part of the term ''protection and advocacy services'', means services provided to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in accessing assistive technology devices and assistive technology services.

(2) ASSISTIVE TECHNOLOGY.—The term ''assistive technology'' means technology designed to be utilized in an assistive technology device or assistive technology service.

(3) ASSISTIVE TECHNOLOGY DEVICE.—The term ''assistive technology device'' means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(4) ASSISTIVE TECHNOLOGY SERVICE.—The term ''assistive technology service'' means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) the evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;

(B) services consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(C) services consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(D) coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

(E) training or technical assistance for an individual with disabilities, or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual; and

(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

(5) CAPACITY BUILDING AND ADVOCACY ACTIVITIES.—The term ''capacity building and advocacy activities'' means efforts that—

(A) result in laws, regulations, policies, practices, procedures, or organizational structures that promote consumer-responsive programs or entities; and

(B) facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services,

in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workforce.

(6) COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.—The term ''comprehensive statewide program of technology-related assistance'' means a consumer-responsive program of technology-related assistance for individuals with disabilities, implemented by a State, and equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the State, or the type of assistive technology device or assistive technology service required.

(7) CONSUMER-RESPONSIVE.—The term ''consumer-responsive''—

(A) with regard to policies, means that the policies are consistent with the principles of—

(i) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

(ii) respect for the privacy, rights, and equal access (including the use of accessible formats) of such individuals;

(iii) inclusion, integration, and full participation of such individuals in society;

(iv) support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such involvement; and

(v) support for individual and systems advocacy and community involvement; and

(B) with respect to an entity, program, or activity, means that the entity, program, or activity—

(i) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;

(ii) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

(iii) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in—

(I) decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and

(II) decisions related to the maintenance, improvement, and evaluation of the comprehensive statewide program of technology-related assistance, including decisions that affect advocacy, capacity building, and capacity building and advocacy activities.

(8) DISABILITY.—The term ''disability'' means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides.

(9) INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES.—

(A) INDIVIDUAL WITH A DISABILITY.—The term ''individual with a disability'' means any individual of any age, race, or ethnicity—

(i) who has a disability; and

(ii) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

(B) INDIVIDUALS WITH DISABILITIES.—The term ''individuals with disabilities'' means more than 1 individual with a disability.

(10) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), and includes a community college receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

(11) PROTECTION AND ADVOCACY SERVICES.—The term ''protection and advocacy services'' means services that—

(A) are described in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973; and

(B) assist individuals with disabilities with respect to assistive technology devices and assistive technology services.

(12) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(13) STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and section 302, the term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(B) OUTLYING AREAS.—In sections 101(c) and 102(b):

(i) OUTLYING AREA.—The term ''outlying area'' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(ii) STATE.—The term ''State'' does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(14) TARGETED INDIVIDUALS.—The term ''targeted individuals'' means—

(A) individuals with disabilities of all ages and their family members, guardians, advocates, and authorized representatives;

(B) individuals who work for public or private entities (including insurers or managed care providers), that have contact with individuals with disabilities;

(C) educators and related services personnel;

(D) technology experts (including engineers);

(E) health and allied health professionals;

(F) employers; and

(G) other appropriate individuals and entities.

(15) TECHNOLOGY-RELATED ASSISTANCE.—The term ''technology-related assistance'' means assistance provided through capacity building and advocacy activities that accomplish the purposes described in any of subparagraphs (A) through (K) of section 2(b)(1).

(16) UNDERREPRESENTED POPULATION.—The term ''underrepresented population'' means a population that is typically underrepresented in service provision, and includes populations such as persons who have low-incidence disabilities, persons who are minorities, poor persons, persons with limited-English proficiency, older individuals, or persons from rural areas.

(17) UNIVERSAL DESIGN.—The term ''universal design'' means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and services that are made usable with assistive technologies.

(b) REFERENCES.—References in this Act to a provision of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 shall be considered to be references to such provision as in effect on the day before the date of enactment of this Act.

TITLE I—STATE GRANT PROGRAMS

SEC. 101. CONTINUITY GRANTS FOR STATES THAT RECEIVED FUNDING FOR A LIMITED PERIOD FOR TECHNOLOGY-RELATED ASSISTANCE.

(a) GRANTS TO STATES.—

(1) IN GENERAL.—The Secretary shall award grants, in accordance with this section, to eligible States to support capacity building and advocacy activities, designed to assist the States in maintaining permanent comprehensive statewide programs of technology-related assistance that accomplish the purposes described in section 2(b)(1).

(2) ELIGIBLE STATES.—To be eligible to receive a grant under this section a State shall be a State that received grants for less than 10 years under title I of the Technology-Related Assistance for Individuals With Disabilities Act of 1988.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Any State that receives a grant under this section shall use the funds made available through the grant to carry out the activities described in paragraph (2) and may use the funds to carry out the activities described in paragraph (3).

(2) REQUIRED ACTIVITIES.—

(A) PUBLIC AWARENESS PROGRAM.—

(i) IN GENERAL.—The State shall support a public awareness program designed to provide information to targeted individuals relating to the availability and benefits of assistive technology devices and assistive technology services.

(ii) LINK.—Such a public awareness program shall have an electronic link to the National Public Internet Site authorized under section 104(c)(1).

(iii) CONTENTS.—The public awareness program may include—

(I) the development and dissemination of information relating to—

(aa) the nature of assistive technology devices and assistive technology services;

(bb) the appropriateness of, cost of, availability of, evaluation of, and access to, assistive technology devices and assistive technology services; and

(cc) the benefits of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities of all ages to perform activities of daily living;

(II) the development of procedures for providing direct communication between providers of assistive technology and targeted individuals; and

(III) the development and dissemination, to targeted individuals, of information about State efforts related to assistive technology.

(B) INTERAGENCY COORDINATION.—

(i) IN GENERAL.—The State shall develop and promote the adoption of policies that improve access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State and that result in improved coordination among public and private entities that are responsible or have the authority to be responsible, for policies, procedures, or funding for, or the provision of assistive technology devices and assistive technology services to, such individuals.

(ii) APPOINTMENT TO CERTAIN INFORMATION TECHNOLOGY PANELS.—The State shall appoint the director of the lead agency described in subsection (d) or the designee of the director, to any committee, council, or similar organization created by the State to assist the State in the development of the information technology policy of the State.

(iii) COORDINATION ACTIVITIES.—The development and promotion described in clause (i) may include support for—

(I) policies that result in improved coordination, including coordination between public and private entities—

(aa) in the application of Federal and State policies;

(bb) in the use of resources and services relating to the provision of assistive technology devices and assistive technology services, including the use of interagency agreements; and

(cc) in the improvement of access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State;

(II) convening interagency work groups, involving public and private entities, to identify, create, or expand funding options, and coordinate access to funding, for assistive technology devices and assistive technology services for individuals with disabilities of all ages; or

(III) documenting and disseminating information about interagency activities that promote coordination, including coordination between public and private entities, with respect to assistive technology devices and assistive technology services.

(C) TECHNICAL ASSISTANCE AND TRAINING.—The State shall carry out directly, or provide support to public or private entities to carry out, technical assistance and training activities for targeted individuals, including—

(i) the development and implementation of laws, regulations, policies, practices, procedures, or organizational structures that promote access to assistive technology devices and assistive technology services for individuals with disabilities in education, health care, employment, and community living contexts, and in other contexts such as the use of telecommunications;

(ii)(I) the development of training materials and the conduct of training in the use of assistive technology devices and assistive technology services; and

(II) the provision of technical assistance, including technical assistance concerning how—

(aa) to consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing any individualized plan or program authorized under Federal or State law;

(bb) the rights of targeted individuals to assistive technology devices and assistive technology services are addressed under laws other than this Act, to promote fuller independence, productivity, and inclusion in and integration into society of such individuals; or

(cc) to increase consumer participation in the identification, planning, use, delivery, and evaluation of assistive technology devices and assistive technology services; and

(iii) the enhancement of the assistive technology skills and competencies of—

(I) individuals who work for public or private entities (including insurers and managed care providers), who have contact with individuals with disabilities;

(II) educators and related services personnel;

(III) technology experts (including engineers);

(IV) health and allied health professionals;

(V) employers; and

(VI) other appropriate personnel.

(D) OUTREACH.—The State shall provide support to statewide and community-based organizations that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services, including a focus on organizations assisting individuals from underrepresented populations and rural populations. Such support may include outreach to consumer organizations and groups in the State to coordinate efforts to assist individuals with disabilities of all ages and their family members, guardians, advocates, or authorized representatives, to obtain funding for, access to, and information on evaluation of assistive technology devices and assistive technology services.

(3) DISCRETIONARY ACTIVITIES.—

(A) ALTERNATIVE STATE-FINANCED SYSTEMS.—The State may support activities to increase access to, and funding for, assistive technology devices and assistive technology services, including—

(i) the development of systems that provide assistive technology devices and assistive technology services to individuals with disabilities of all ages, and that pay for such devices and services, such as—

(I) the development of systems for the purchase, lease, other acquisition, or payment for the provision, of assistive technology devices and assistive technology services; or

(II) the establishment of alternative State or privately financed systems of subsidies for the provision of assistive technology devices and assistive technology services, such as—

(aa) a low-interest loan fund;

(bb) an interest buy-down program;

(cc) a revolving loan fund;

(dd) a loan guarantee or insurance program;

(ee) a program operated by a partnership among private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or

(ff) another mechanism that meets the requirements of title III and is approved by the Secretary;

(ii) the short-term loan of assistive technology devices to individuals, employers, public agencies, or public accommodations seeking strategies to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); or

(iii) the maintenance of information about, and recycling centers for, the redistribution of assistive technology devices and equipment, which may include redistribution through device and equipment loans, rentals, or gifts.

(B) DEMONSTRATIONS.—The State, in collaboration with other entities in established, recognized community settings (such as nonprofit organizations, libraries, schools, community-based employer organizations, churches, and entities operating senior citizen centers, shopping malls, and health clinics), may demonstrate assistive technology devices in settings where targeted individuals can see and try out assistive technology devices, and learn more about the devices from personnel who are familiar with such devices and their applications or can be referred to other entities who have information on the devices.

(C) OPTIONS FOR SECURING DEVICES AND SERVICES.—The State, through public agencies or nonprofit organizations, may support assistance to individuals with disabilities and their family members, guardians, advocates, and authorized representatives about options for securing assistive technology devices and assistive technology services that would meet individual needs for such assistive technology devices and assistive technology services. Such assistance shall not include direct payment for an assistive technology device.

(D) TECHNOLOGY-RELATED INFORMATION.—

(i) IN GENERAL.—The State may operate and expand a system for public access to information concerning an activity carried out under another paragraph of this subsection, including information about assistive technology devices and assistive technology services, funding sources and costs of such devices and services, and individuals, organizations, and agencies capable of carrying out such an activity for individuals with disabilities. The system shall be part of, and complement the information that is available through a link to, the National Public Internet Site described in section 104(c)(1).

(ii) ACCESS.—Access to the system may be provided through community-based locations, including public libraries, centers for independent living (as defined in section 702 of the Rehabilitation Act of 1973), locations of community rehabilitation programs (as defined in section 7 of such Act), schools, senior citizen centers, State vocational rehabilitation offices, other State workforce offices, and other locations frequented or used by the public.

(iii) INFORMATION COLLECTION AND PREPARATION.—In operating or expanding a system described in subparagraph (A), the State may—

(I) develop, compile, and categorize print, large print, braille, audio, and video materials, computer disks, compact discs (including compact discs formatted with read-only memory), information in alternative formats that can be used in telephone-based information systems, and materials using such other media as technological innovation may make appropriate;

(II) identify and classify funding sources for obtaining assistive technology devices and assistive technology services, and the conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the State;

(III) identify support groups and systems designed to help individuals with disabilities make effective use of an activity carried out under another paragraph of this subsection, including groups that provide evaluations of assistive technology devices and assistive technology services; and

(IV) maintain a record of the extent to which citizens of the State use or make inquiries of the system established in clause (i), and of the nature of such inquiries.

(E) INTERSTATE ACTIVITIES.—

(i) IN GENERAL.—The State may enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals with disabilities of all ages to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and

assistive technology services that such individuals need at home, at school, at work, or in other environments that are part of daily living.

(ii) ELECTRONIC COMMUNICATION.—The State may operate or participate in an electronic information exchange through which the State may communicate with other States to gain technical assistance in a timely fashion and to avoid the duplication of efforts already undertaken in other States.

(F) PARTNERSHIPS AND COOPERATIVE INITIATIVES.—The State may support partnerships and cooperative initiatives between the public sector and the private sector to promote greater participation by business and industry in—

(i) the development, demonstration, and dissemination of assistive technology devices; and

(ii) the ongoing provision of information about new products to assist individuals with disabilities.

(G) EXPENSES.—The State may pay for expenses, including travel expenses, and services, including services of qualified interpreters, readers, and personal care assistants, that may be necessary to ensure access to the comprehensive statewide program of technology-related assistance by individuals with disabilities who are determined by the State to be in financial need and not eligible for such payments or services through another public agency or private entity.

(H) ADVOCACY SERVICES.—The State may provide advocacy services.

(c) AMOUNT OF FINANCIAL ASSISTANCE.—

(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 105(a) and reserved under section 105(b)(1)(A) for any fiscal year for grants under this section, the Secretary shall make a grant in an amount of not more than $105,000 to each eligible outlying area.

(2) GRANTS TO STATES.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1), the Secretary shall make grants to States in accordance with the requirements described in paragraph (3).

(3) CALCULATION OF STATE GRANTS.—

(A) CALCULATIONS FOR GRANTS IN THE SECOND OR THIRD YEAR OF A SECOND EXTENSION GRANT.—For any fiscal year, the Secretary shall calculate the amount of a grant under paragraph (2) for each eligible State that would be in the second or third year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, if that Act had been reauthorized for that fiscal year.

(B) CALCULATIONS FOR GRANTS IN THE FOURTH OR FIFTH YEAR OF A SECOND EXTENSION GRANT.—

(i) FOURTH YEAR.—An eligible State that would have been in the fourth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, shall receive under paragraph (2) a grant in an amount equal to 75 percent of the funding that the State received in the prior fiscal year under section 103 of that Act or under this section, as appropriate.

(ii) FIFTH YEAR.—An eligible State that would have been in the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, shall receive under paragraph (2) a grant in an amount equal to 50 percent of the funding that the State received in the third year of a second extension grant under section 103 of that Act or under this section, as appropriate.

(C) PROHIBITION ON FUNDS AFTER FIFTH YEAR OF A SECOND EXTENSION GRANT.—Except as provided in subsection (f), an eligible State that would have been in the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, may not receive any Federal funds under this title for any fiscal year after such fiscal year.

(D) ADDITIONAL STATES.—

(i) IN GENERAL.—For purposes of this paragraph, the Secretary shall treat a State described in clause (ii)—

(I) for fiscal years 1999 through 2001, as if the State were a State described in subparagraph (A); and

(II) for fiscal year 2002 or 2003, as if the State were a State described in clause (i) or (ii), respectively, of subparagraph (B).

(ii) STATE.—A State referred to in clause (i) shall be a State that—

(I) in fiscal year 1998, was in the second year of an initial extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988; and

(II) meets such terms and conditions as the Secretary shall determine to be appropriate.

(d) LEAD AGENCY.—

(1) IDENTIFICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall designate a lead agency to carry out appropriate State functions under this section. The lead agency shall be the current agency (as of the date of submission of the application supplement described in subsection (e)) administering the grant awarded to the State for fiscal year 1998 under title I of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, except as provided in subparagraph (B).

(B) CHANGE IN AGENCY.—The Governor may change the lead agency if the Governor shows good cause to the Secretary why the designated lead agency should be changed, in the application supplement described in subsection (e), and obtains approval of the supplement.

(2) DUTIES OF THE LEAD AGENCY.—The duties of the lead agency shall include—

(A) submitting the application supplement described in subsection (e) on behalf of the State;

(B) administering and supervising the use of amounts made available under the grant received by the State under this section;

(C)(i) coordinating efforts related to, and supervising the preparation of, the application supplement described in subsection (e);

(ii) continuing the coordination of the maintenance and evaluation of the comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private entities, including coordinating efforts related to entering into interagency agreements; and

(iii) continuing the coordination of efforts, especially efforts carried out with entities that provide protection and advocacy services described in section 102, related to the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant; and

(D) the delegation, in whole or in part, of any responsibilities described in subparagraph (A), (B), or (C) to 1 or more appropriate offices, agencies, entities, or individuals.

(e) APPLICATION SUPPLEMENT.—

(1) SUBMISSION.—Any State that desires to receive a grant under this section shall submit to the Secretary an application supplement to the application the State submitted under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, at such time, in such manner, and for such period as the Secretary may specify, that contains the following information:

(A) GOALS AND ACTIVITIES.—A description of—

(i) the goals the State has set, for addressing the assistive technology needs of individuals with disabilities in the State, including any related to—

(I) health care;

(II) education;

(III) employment, including goals involving the State vocational rehabilitation program carried out under title I of the Rehabilitation Act of 1973;

(IV) telecommunication and information technology; or

(V) community living; and

(ii) the activities the State will undertake to achieve such goals, in accordance with the requirements of subsection (b).

(B) MEASURES OF GOAL ACHIEVEMENT.—A description of how the State will measure whether the goals set by the State have been achieved.

(C) INVOLVEMENT OF INDIVIDUALS WITH DISABILITIES OF ALL AGES AND THEIR FAMILIES.—A description of how individuals with disabilities of all ages and their families—

(i) were involved in selecting—

(I) the goals;

(II) the activities to be undertaken in achieving the goals; and

(III) the measures to be used in judging if the goals have been achieved; and

(ii) will be involved in measuring whether the goals have been achieved.

(D) REDESIGNATION OF THE LEAD AGENCY.—If the Governor elects to change the lead agency, the following information:

(i) With regard to the original lead agency, a description of the deficiencies of the agency; and

(ii) With regard to the new lead agency, a description of—

(I) the capacity of the new lead agency to administer and conduct activities described in subsection (b) and this paragraph; and

(II) the procedures that the State will implement to avoid the deficiencies, described in clause (i), of the original lead agency.

(iii) Information identifying which agency prepared the application supplement.

(2) INTERIM STATUS OF STATE OBLIGATIONS.—Except as provided in subsection (f)(2), when the Secretary notifies a State that the State shall submit the application supplement to the application the State submitted under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, the Secretary shall specify in the notification the time period for which the application supplement shall apply, consistent with paragraph (4).

(3) CONTINUING OBLIGATIONS.—Each State that receives a grant under this section shall continue to abide by the assurances the State made in the application the State submitted under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 and continue to comply with reporting requirements under that Act.

(4) DURATION OF APPLICATION SUPPLEMENT.—

(A) DETERMINATION.—The Secretary shall determine and specify to the State the time period for which the application supplement shall apply, in accordance with subparagraph (B).

(B) LIMIT.—Such time period for any State shall not extend beyond the year that would

have been the fifth year of a second extension grant made for that State under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, if the Act had been reauthorized through that year.

(f) EXTENSION OF FUNDING.—

(1) In the case of a State that is in the fifth year of a second extension grant in fiscal year 1998 or is in the fifth year of a second extension grant in any of the fiscal years 2000 through 2004 made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, or made under this section, as appropriate, the Secretary may, in the discretion of the Secretary, award a 3-year extension of the grant to such a State if the State submits an application supplement under subsection (e) and meets other related requirements for a State seeking a grant under this section.

(2) AMOUNT.—A State that receives an extension of a grant under paragraph (1), shall receive through the grant, for each of fiscal years of the extension of the grant, an amount equivalent to the amount the State received for the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, or made under this section, as appropriate, from funds appropriated under section 105(a) and reserved under section 105(b)(1)(A) for grants under this section.

(3) LIMITATION.—A State may not receive amounts under an extension of a grant under paragraph (1) after September 30, 2004.

SEC. 102. STATE GRANTS FOR PROTECTION AND ADVOCACY RELATED TO ASSISTIVE TECHNOLOGY.

(a) GRANTS TO STATES.—

(1) IN GENERAL.—On the appropriation of funds under section 105, the Secretary shall make a grant to an entity in each State to support protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) for the purposes of assisting in the acquisition, utilization, or maintenance of assistive technology or assistive technology services for individuals with disabilities.

(2) CERTAIN STATES.—Notwithstanding paragraph (1), for a State that, on the day before the date of enactment of this Act, was described in section 102(f)(1) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, the Secretary shall make the grant to the lead agency designated under section 101(d). The lead agency shall determine how the funds made available under this section shall be divided among the entities that were providing protection and advocacy services in that State on that day, and distribute the funds to the entities. In distributing the funds, the lead agency shall not establish any further eligibility or procedural requirements for an entity in that State that supports protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.). Such an entity shall comply with the same requirements (including reporting and enforcement requirements) as any other entity that receives funding under paragraph (1).

(3) PERIODS.—The Secretary shall provide assistance through such a grant to a State for 6 years.

(b) AMOUNT OF FINANCIAL ASSISTANCE.—

(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 105(a) and reserved under section 105(b)(1)(A) for any fiscal year, the Secretary shall make a grant in an amount of not more than $30,000 to each eligible system within an outlying area.

(2) GRANTS TO STATES.—For any fiscal year, after reserving funds to make grants under paragraph (1), the Secretary shall make allotments from the remainder of the funds described in paragraph (1) in accordance with paragraph (3) to eligible systems within States to support protection and advocacy services as described in subsection (a). The Secretary shall make grants to the eligible systems from the allotments.

(3) SYSTEMS WITHIN STATES.—

(A) POPULATION BASIS.—Except as provided in subparagraph (B), from such remainder for each fiscal year, the Secretary shall make an allotment to the eligible system within a State of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

(B) MINIMUMS.—Subject to the availability of appropriations to carry out this section, the allotment to any system under subparagraph (A) shall be not less than $50,000, and the allotment to any system under this paragraph for any fiscal year that is less than $50,000 shall be increased to $50,000.

(4) REALLOTMENT.—Whenever the Secretary determines that any amount of an allotment under paragraph (3) to a system within a State for any fiscal year will not be expended by such system in carrying out the provisions of this section, the Secretary shall make such amount available for carrying out the provisions of this section to 1 or more of the systems that the Secretary determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a system for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the system (as determined under the preceding provisions of this section) for such year.

(c) REPORT TO SECRETARY.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains such information as the Secretary may require, including documentation of the progress of the entity in—

(1) conducting consumer-responsive activities, including activities that will lead to increased access, for individuals with disabilities, to funding for assistive technology devices and assistive technology services;

(2) engaging in informal advocacy to assist in securing assistive technology and assistive technology services for individuals with disabilities;

(3) engaging in formal representation for individuals with disabilities to secure systems change, and in advocacy activities to secure assistive technology and assistive technology services for individuals with disabilities;

(4) developing and implementing strategies to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to advocate the provision of assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act; and

(5) coordinating activities with protection and advocacy services funded through sources other than this title, and coordinating activities with the capacity building and advocacy activities carried out by the lead agency.

(d) REPORTS AND UPDATES TO STATE AGENCIES.—An entity that receives a grant under this section shall prepare and submit to the lead agency the report described in subsection (c) and quarterly updates concerning the activities described in subsection (c).

(e) COORDINATION.—On making a grant under this section to an entity in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State designated under section 101(d) with respect to efforts at coordination, collaboration, and promoting outcomes between the lead agency and the entity that receives the grant under this section.

SEC. 103. ADMINISTRATIVE PROVISIONS.

(a) REVIEW OF PARTICIPATING ENTITIES.—

(1) IN GENERAL.—The Secretary shall assess the extent to which entities that receive grants pursuant to this title are complying with the applicable requirements of this title and achieving the goals that are consistent with the requirements of the grant programs under which the entities applied for the grants.

(2) ONSITE VISITS OF STATES RECEIVING CERTAIN GRANTS.—

(A) IN GENERAL.—The Secretary shall conduct an onsite visit for each State that receives a grant under section 101 and that would have been in the third or fourth year of a second extension grant under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 if that Act had been reauthorized for that fiscal year, prior to the end of that year.

(B) UNNECESSARY VISITS.—The Secretary shall not be required to conduct a visit of a State described in subparagraph (A) if the Secretary determines that the visit is not necessary to assess whether the State is making significant progress toward development and implementation of a comprehensive statewide program of technology-related assistance.

(3) ADVANCE PUBLIC NOTICE.—The Secretary shall provide advance public notice of an onsite visit conducted under paragraph (2) and solicit public comment through such notice from targeted individuals, regarding State goals and related activities to achieve such goals funded through a grant made under section 101.

(4) MINIMUM REQUIREMENTS.—At a minimum, the visit shall allow the Secretary to determine the extent to which the State is making progress in meeting State goals and maintaining a comprehensive statewide program of technology-related assistance consistent with the purposes described in section 2(b)(1).

(5) PROVISION OF INFORMATION.—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information.

(b) CORRECTIVE ACTION AND SANCTIONS.—

(1) CORRECTIVE ACTION.—If the Secretary determines that an entity fails to substantially comply with the requirements of this title with respect to a grant program, the Secretary shall assist the entity through technical assistance funded under section 104 or other means, within 90 days after such determination, to develop a corrective action plan.

(2) SANCTIONS.—An entity that fails to develop and comply with a corrective action plan as described in paragraph (1) during a fiscal year shall be subject to 1 of the following corrective actions selected by the Secretary:

(A) Partial or complete fund termination under the grant program.

(B) Ineligibility to participate in the grant program in the following year.

(C) Reduction in funding for the following year under the grant program.

(D) Required redesignation of the lead agency designated under section 101(d) or an entity responsible for administering the grant program.

(3) APPEALS PROCEDURES.—The Secretary shall establish appeals procedures for entities that are found to be in noncompliance with the requirements of this title.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to Congress, a report on the activities funded under this Act, to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

(2) CONTENTS.—Such report shall include information on—

(A) the demonstrated successes of the funded activities in improving interagency coordination relating to assistive technology, streamlining access to funding for assistive technology, and producing beneficial outcomes for users of assistive technology;

(B) the demonstration activities carried out through the funded activities to—

(i) promote access to such funding in public programs that were in existence on the date of the initiation of the demonstration activities; and

(ii) establish additional options for obtaining such funding;

(C) the education and training activities carried out through the funded activities to educate and train targeted individuals about assistive technology, including increasing awareness of funding through public programs for assistive technology;

(D) the research activities carried out through the funded activities to improve understanding of the costs and benefits of access to assistive technology for individuals with disabilities who represent a variety of ages and types of disabilities;

(E) the program outreach activities to rural and inner-city areas that are carried out through the funded activities;

(F) the activities carried out through the funded activities that are targeted to reach underrepresented populations and rural populations; and

(G) the consumer involvement activities carried out through the funded activities.

(3) AVAILABILITY OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.—As soon as practicable, the Secretary shall include in the annual report required by this subsection information on the availability of assistive technology devices and assistive technology services.

(d) EFFECT ON OTHER ASSISTANCE.—This title may not be construed as authorizing a Federal or a State agency to reduce medical or other assistance available, or to alter eligibility for a benefit or service, under any other Federal law.

SEC. 104. TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Through grants, contracts, or cooperative agreements, awarded on a competitive basis, the Secretary is authorized to fund a technical assistance program to provide technical assistance to entities, principally entities funded under section 101 or 102.

(b) INPUT.—In designing the program to be funded under this section, and in deciding the differences in function between national and regionally based technical assistance efforts carried out through the program, the Secretary shall consider the input of the directors of comprehensive statewide programs of technology-related assistance and other individuals the Secretary determines to be appropriate, especially—

(1) individuals with disabilities who use assistive technology and understand the barriers to the acquisition of such technology and assistive technology services;

(2) family members, guardians, advocates, and authorized representatives of such individuals; and

(3) individuals employed by protection and advocacy systems funded under section 102.

(c) SCOPE OF TECHNICAL ASSISTANCE.—

(1) NATIONAL PUBLIC INTERNET SITE.—

(A) ESTABLISHMENT OF INTERNET SITE.—The Secretary shall fund the establishment and maintenance of a National Public Internet Site for the purposes of providing to individuals with disabilities and the general public technical assistance and information on increased access to assistive technology devices, assistive technology services, and other disability-related resources.

(B) ELIGIBLE ENTITY.—To be eligible to receive a grant or enter into a contract or cooperative agreement under subsection (a) to establish and maintain the Internet site, an entity shall be an institution of higher education that emphasizes research and engineering, has a multidisciplinary research center, and has demonstrated expertise in—

(i) working with assistive technology and intelligent agent interactive information dissemination systems;

(ii) managing libraries of assistive technology and disability-related resources;

(iii) delivering education, information, and referral services to individuals with disabilities, including technology-based curriculum development services for adults with low-level reading skills;

(iv) developing cooperative partnerships with the private sector, particularly with private sector computer software, hardware, and Internet services entities; and

(v) developing and designing advanced Internet sites.

(C) FEATURES OF INTERNET SITE.—The National Public Internet Site described in subparagraph (A) shall contain the following features:

(i) AVAILABILITY OF INFORMATION AT ANY TIME.—The site shall be designed so that any member of the public may obtain information posted on the site at any time.

(ii) INNOVATIVE AUTOMATED INTELLIGENT AGENT.—The site shall be constructed with an innovative automated intelligent agent that is a diagnostic tool for assisting users in problem definition and the selection of appropriate assistive technology devices and assistive technology services resources.

(iii) RESOURCES.—

(I) LIBRARY ON ASSISTIVE TECHNOLOGY.—The site shall include access to a comprehensive working library on assistive technology for all environments, including home, workplace, transportation, and other environments.

(II) RESOURCES FOR A NUMBER OF DISABILITIES.—The site shall include resources relating to the largest possible number of disabilities, including resources relating to low-level reading skills.

(iv) LINKS TO PRIVATE SECTOR RESOURCES AND INFORMATION.—To the extent feasible, the site shall be linked to relevant private sector resources and information, under agreements developed between the institution of higher education and cooperating private sector entities.

(D) MINIMUM LIBRARY COMPONENTS.—At a minimum, the Internet site shall maintain updated information on—

(i) how to plan, develop, implement, and evaluate activities to further extend comprehensive statewide programs of technology-related assistance, including the development and replication of effective approaches to—

(I) providing information and referral services;

(II) promoting interagency coordination of training and service delivery among public and private entities;

(III) conducting outreach to underrepresented populations and rural populations;

(IV) mounting successful public awareness activities;

(V) improving capacity building in service delivery;

(VI) training personnel from a variety of disciplines; and

(VII) improving evaluation strategies, research, and data collection;

(ii) effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

(iii) successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies; and

(iv) demonstration sites where individuals may try out assistive technology.

(2) TECHNICAL ASSISTANCE EFFORTS.—In carrying out the technical assistance program, taking into account the input required under subsection (b), the Secretary shall ensure that entities—

(A) address State-specific information requests concerning assistive technology from other entities funded under this title and public entities not funded under this title, including—

(i) requests for state-of-the-art, or model, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services;

(ii) requests for examples of policies, practices, procedures, regulations, administrative hearing decisions, or legal actions, that have enhanced or may enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

(iii) requests for information on effective approaches to Federal-State coordination of programs for individuals with disabilities, related to improving funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages;

(iv) requests for information on effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

(v) other requests for technical assistance from other entities funded under this title and public entities not funded under this title; and

(vi) other assignments specified by the Secretary, including assisting entities described in section 103(b) to develop corrective action plans; and

(B) assist targeted individuals by disseminating information about—

(i) Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services, to promote fuller independence, productivity, and inclusion in society for individuals with disabilities of all ages; and

(ii) technical assistance activities undertaken under subparagraph (A).

(d) ELIGIBLE ENTITIES.—To be eligible to compete for grants, contracts, and cooperative agreements under this section, entities shall have documented experience with and expertise in assistive technology service delivery or systems, interagency coordination, and capacity building and advocacy activities.

(e) APPLICATION.—To be eligible to receive a grant, contract, or cooperative agreement

under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $36,000,000 for fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2004.

(b) RESERVATIONS OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), of the amount appropriated under subsection (a) for a fiscal year—

(A) 87.5 percent of the amount shall be reserved to fund grants under section 101;

(B) 7.9 percent shall be reserved to fund grants under section 102; and

(C) 4.6 percent shall be reserved for activities funded under section 104.

(2) RESERVATION FOR CONTINUATION OF TECHNICAL ASSISTANCE INITIATIVES.—For fiscal year 1999, the Secretary may use funds reserved under subparagraph (C) of paragraph (1) to continue funding technical assistance initiatives that were funded in fiscal year 1998 under the Technology-Related Assistance for Individuals With Disabilities Act of 1988.

(3) RESERVATION FOR ONSITE VISITS.—The Secretary may reserve, from the amount appropriated under subsection (a) for any fiscal year, such sums as the Secretary considers to be necessary for the purposes of conducting onsite visits as required by section 103(a)(2).

TITLE II—NATIONAL ACTIVITIES

Subtitle A—Rehabilitation Act of 1973

SEC. 201. COORDINATION OF FEDERAL RESEARCH EFFORTS.

Section 203 of the Rehabilitation Act of 1973 (as amended by section 405 of the Workforce Investment Act of 1988) is amended—

(1) in subsection (a)(1), by inserting after ''programs,'' insert ''including programs relating to assistive technology research and research that incorporates the principles of universal design,'';

(2) in subsection (b)—

(A) by inserting ''(1)'' before ''After receiving'';

(B) by striking ''from individuals with disabilities and the individuals' representatives'' and inserting ''from targeted individuals'';

(C) by inserting after ''research'' the following: (including assistive technology research and research that incorporates the principles of universal design)''; and

(D) by adding at the end the following:

''(2) In carrying out its duties with respect to the conduct of Federal research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities, the Committee shall—

''(A) share information regarding the range of assistive technology research, and research that incorporates the principles of universal design, that is being carried out by members of the Committee and other Federal departments and organizations;

''(B) identify, and make efforts to address, gaps in assistive technology research and research that incorporates the principles of universal design that are not being adequately addressed;

''(C) identify, and establish, clear research priorities related to assistive technology research and research that incorporates the principles of universal design for the Federal Government;

''(D) promote interagency collaboration and joint research activities relating to assistive technology research and research that incorporates the principles of universal design at the Federal level, and reduce unnecessary duplication of effort regarding these types of research within the Federal Government; and

''(E) optimize the productivity of Committee members through resource sharing and other cost-saving activities, related to assistive technology research and research that incorporates the principles of universal design.'';

(3) by striking subsection (c) and inserting the following:

''(c) Not later than December 31 of each year, the Committee shall prepare and submit, to the President and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that—

''(1) describes the progress of the Committee in fulfilling the duties described in subsection (b);

''(2) makes such recommendations as the Committee determines to be appropriate with respect to coordination of policy and development of objectives and priorities for all Federal programs relating to the conduct of research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities; and

''(3) describes the activities that the Committee recommended to be funded through grants, contracts, cooperative agreements, and other mechanisms, for assistive technology research and development and research and development that incorporates the principles of universal design.''; and

(4) by adding at the end the following:

''(d)(1) In order to promote coordination and cooperation among Federal departments and agencies conducting assistive technology research programs, to reduce duplication of effort among the programs, and to increase the availability of assistive technology for individuals with disabilities, the Committee may recommend activities to be funded through grants, contracts or cooperative agreements, or other mechanisms—

''(A) in joint research projects for assistive technology research and research that incorporates the principles of universal design; and

''(B) in other programs designed to promote a cohesive, strategic Federal program of research described in subparagraph (A).

''(2) The projects and programs described in paragraph (1) shall be jointly administered by at least 2 agencies or departments with representatives on the Committee.

''(3) In recommending activities to be funded in the projects and programs, the Committee shall obtain input from targeted individuals, and other organizations and individuals the Committee determines to be appropriate, concerning the availability and potential of technology for individuals with disabilities.

''(e) In this section, the terms 'assistive technology', 'targeted individuals', and 'universal design' have the meanings given the terms in section 3 of the Assistive Technology Act of 1998.''.

SEC. 202. NATIONAL COUNCIL ON DISABILITY.

Section 401 of the Rehabilitation Act of 1973 (as amended by section 407 of the Workforce Investment Act of 1998) is amended by adding at the end the following:

''(c)(1) Not later than December 31, 1999, the Council shall prepare a report describing the barriers in Federal assistive technology policy to increasing the availability of and access to assistive technology devices and assistive technology services for individuals with disabilities.

''(2) In preparing the report, the Council shall obtain input from the National Institute on Disability and Rehabilitation Research and the Association of Tech Act Projects, and from targeted individuals, as defined in section 3 of the Assistive Technology Act of 1998.

''(3) The Council shall submit the report, along with such recommendations as the Council determines to be appropriate, to the Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives.''.

SEC. 203. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

(a) IN GENERAL.—Section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

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

''(d) Beginning in fiscal year 2000, the Access Board, after consultation with the Secretary, representatives of such public and private entities as the Access Board determines to be appropriate (including the electronic and information technology industry), targeted individuals (as defined in section 3 of the Assistive Technology Act of 1998), and State information technology officers, shall provide training for Federal and State employees on any obligations related to section 508 of the Rehabilitation Act of 1973.''; and

(3) in the second sentence of paragraph (1) of subsection (e) (as redesignated in paragraph (1)), by striking ''subsection (e)'' and inserting ''subsection (f)''.

(b) CONFORMING AMENDMENT.—Section 506(c) of the Rehabilitation Act of 1973 (29 U.S.C. 794(c)) is amended by striking ''section 502(h)(1)'' and inserting ''section 502(i)(1)''.

Subtitle B—Other National Activities

SEC. 211. SMALL BUSINESS INCENTIVES.

(a) DEFINITION.—In this section, the term ''small business'' means a small-business concern, as described in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(b) CONTRACTS FOR DESIGN, DEVELOPMENT, AND MARKETING.—

(1) IN GENERAL.—The Secretary may enter into contracts with small businesses, to assist such businesses to design, develop, and market assistive technology devices or assistive technology services. In entering into the contracts, the Secretary may give preference to businesses owned or operated by individuals with disabilities.

(2) SMALL BUSINESS INNOVATIVE RESEARCH PROGRAM.—Contracts entered into pursuant to paragraph (1) shall be administered in accordance with the contract administration requirements applicable to the Department of Education under the Small Business Innovative Research Program, as described in section 9(g) of the Small Business Act (15 U.S.C. 638(g)). Contracts entered into pursuant to paragraph (1) shall not be included in the calculation of the required expenditures of the Department under section 9(f) of such Act (15 U.S.C. 638(f)).

(c) GRANTS FOR EVALUATION AND DISSEMINATION OF INFORMATION ON EFFECTS OF TECHNOLOGY TRANSFER.—The Secretary may make grants to small businesses to enable such businesses—

(1) to work with any entity funded by the Secretary to evaluate and disseminate information on the effects of technology transfer on the lives of individuals with disabilities;

(2) to benefit from the experience and expertise of such entities, in conducting such evaluation and dissemination; and

(3) to utilize any technology transfer and market research services such entities provide, to bring new assistive technology devices and assistive technology services into commerce.

SEC. 212. TECHNOLOGY TRANSFER AND UNIVERSAL DESIGN.

(a) IN GENERAL.—The Director of the National Institute on Disability and Rehabilitation Research may collaborate with the Federal Laboratory Consortium for Technology Transfer established under section 11(e) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)), to promote technology transfer that will further development of assistive technology and products that incorporate the principles of universal design.

(b) COLLABORATION.—In promoting the technology transfer, the Director and the Consortium described in subsection (a) may collaborate—

(1) to enable the National Institute on Disability and Rehabilitation Research to work more effectively with the Consortium, and to enable the Consortium to fulfill the responsibilities of the Consortium to assist Federal agencies with technology transfer under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq);

(2) to increase the awareness of staff members of the Federal Laboratories regarding assistive technology issues and the principles of universal design;

(3) to compile a compendium of current and projected Federal Laboratory technologies and projects that have or will have an intended or recognized impact on the available range of assistive technology for individuals with disabilities, including technologies and projects that incorporate the principles of universal design, as appropriate;

(4) to develop strategies for applying developments in assistive technology and universal design to mainstream technology, to improve economies of scale and commercial incentives for assistive technology; and

(5) to cultivate developments in assistive technology and universal design through demonstration projects and evaluations, conducted with assistive technology professionals and potential users of assistive technology.

(c) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary may make grants to or enter into contracts or cooperative agreements with commercial, nonprofit, or other organizations, including institutions of higher education, to facilitate interaction with the Consortium to achieve the objectives of this section.

(d) RESPONSIBILITIES OF CONSORTIUM.—Section 11(e)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)(1)) is amended—

(1) in subparagraph (I), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (J), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(K) work with the Director of the National Institute on Disability and Rehabilitation Research to compile a compendium of current and projected Federal Laboratory technologies and projects that have or will have an intended or recognized impact on the available range of assistive technology for individuals with disabilities (as defined in section 3 of the Assistive Technology Act of 1998), including technologies and projects that incorporate the principles of universal design (as defined in section 3 of such Act), as appropriate.''.

SEC. 213. UNIVERSAL DESIGN IN PRODUCTS AND THE BUILT ENVIRONMENT.

The Secretary may make grants to commercial or other enterprises and institutions of higher education for the research and development of universal design concepts for products (including information technology) and the built environment. In making such grants, the Secretary shall give consideration to enterprises and institutions that are owned or operated by individuals with disabilities. The Secretary shall define the term ''built environment'' for purposes of this section.

SEC. 214. OUTREACH.

(a) ASSISTIVE TECHNOLOGY IN RURAL OR IMPOVERISHED URBAN AREAS.—The Secretary may make grants, enter into cooperative agreements, or provide financial assistance through other mechanisms, for projects designed to increase the availability of assistive technology for rural and impoverished urban populations, by determining the unmet assistive technology needs of such populations, and designing and implementing programs to meet such needs.

(b) ASSISTIVE TECHNOLOGY FOR CHILDREN AND OLDER INDIVIDUALS.—The Secretary may make grants, enter into cooperative agreements, or provide financial assistance through other mechanisms, for projects designed to increase the availability of assistive technology for populations of children and older individuals, by determining the unmet assistive technology needs of such populations, and designing and implementing programs to meet such needs.

SEC. 215. TRAINING PERTAINING TO REHABILITATION ENGINEERS AND TECHNICIANS.

(a) GRANTS AND CONTRACTS.—The Secretary shall make grants, or enter into contracts with, public and private agencies and organizations, including institutions of higher education, to help prepare students, including students preparing to be rehabilitation technicians, and faculty working in the field of rehabilitation engineering, for careers related to the provision of assistive technology devices and assistive technology services.

(b) ACTIVITIES.—An agency or organization that receives a grant or contract under subsection (a) may use the funds made available through the grant or contract—

(1) to provide training programs for individuals employed or seeking employment in the field of rehabilitation engineering, including postsecondary education programs;

(2) to provide workshops, seminars, and conferences concerning rehabilitation engineering that relate to the use of assistive technology devices and assistive technology services to improve the lives of individuals with disabilities; and

(3) to design, develop, and disseminate curricular materials to be used in the training programs, workshops, seminars, and conferences described in paragraphs (1) and (2).

SEC. 216. PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES.

(a) PROGRAMS.—The President's Committee on Employment of People With Disabilities (referred to in this section as ''the Committee'') may design, develop, and implement programs to increase the voluntary participation of the private sector in making information technology accessible to individuals with disabilities, including increasing the involvement of individuals with disabilities in the design, development, and manufacturing of information technology.

(b) ACTIVITIES.—The Committee may carry out activities through the programs that may include—

(1) the development and coordination of a task force, which—

(A) shall develop and disseminate information on voluntary best practices for universal accessibility in information technology; and

(B) shall consist of members of the public and private sectors, including—

(i) representatives of organizations representing individuals with disabilities; and

(ii) individuals with disabilities; and

(2) the design, development, and implementation of outreach programs to promote the adoption of best practices referred to in paragraph (1)(B).

(c) COORDINATION.—The Committee shall coordinate the activities of the Committee under this section, as appropriate, with the activities of the National Institute on Disability and Rehabilitation Research and the activities of the Department of Labor.

(d) TECHNICAL ASSISTANCE.—The Committee may provide technical assistance concerning the programs carried out under this section and may reserve such portion of the funds appropriated to carry out this section as the Committee determines to be necessary to provide the technical assistance.

(e) DEFINITION.—In this section, the term ''information technology'' means any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including a computer, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, and the provisions of section 203 of the Rehabilitation Act of 1973 that relate to research described in section 203(b)(2)(A) of such Act, $10,000,000 for fiscal year 1999, and such sums as may be necessary for fiscal year 2000.

TITLE III—ALTERNATIVE FINANCING MECHANISMS

SEC. 301. GENERAL AUTHORITY.

(a) IN GENERAL.—The Secretary shall award grants to States to pay for the Federal share of the cost of the establishment and administration of, or the expansion and administration of, an alternative financing program featuring 1 or more alternative financing mechanisms to allow individuals with disabilities and their family members, guardians, advocates, and authorized representatives to purchase assistive technology devices and assistive technology services (referred to individually in this title as an ''alternative financing mechanism'').

(b) MECHANISMS.—The alternative financing mechanisms may include—

(1) a low-interest loan fund;

(2) an interest buy-down program;

(3) a revolving loan fund;

(4) a loan guarantee or insurance program;

(5) a program operated by a partnership among private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or

(6) another mechanism that meets the requirements of this title and is approved by the Secretary.

(c) REQUIREMENTS.—

(1) PERIOD.—The Secretary may award grants under this title for periods of 1 year.

(2) LIMITATION.—No State may receive more than 1 grant under this title.

(d) FEDERAL SHARE.—The Federal share of the cost of the alternative financing program shall not be more than 50 percent.

(e) CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of a State to establish an alternative financing program under title I.

SEC. 302. AMOUNT OF GRANTS.

(a) IN GENERAL.—

(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 308 for any

fiscal year that are not reserved under section 308(b), the Secretary shall make a grant in an amount of not more than $105,000 to each eligible outlying area.

(2) GRANTS TO STATES.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1), the Secretary shall make grants to States from allotments made in accordance with the requirements described in paragraph (3).

(3) ALLOTMENTS.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1)—

(A) the Secretary shall allot $500,000 to each State; and

(B) from the remainder of the funds—

(i) the Secretary shall allot to each State an amount that bears the same ratio to 80 percent of the remainder as the population of the State bears to the population of all States; and

(ii) the Secretary shall allot to each State with a population density that is not more than 10 percent greater than the population density of the United States (according to the most recently available census data) an equal share from 20 percent of the remainder.

(b) INSUFFICIENT FUNDS.—If the funds appropriated under this title for a fiscal year are insufficient to fund the activities described in the acceptable applications submitted under this title for such year, a State whose application was approved for such year but that did not receive a grant under this title may update the application for the succeeding fiscal year. Priority shall be given in such succeeding fiscal year to such updated applications, if acceptable.

(c) DEFINITIONS.—In subsection (a):

(1) OUTLYING AREA.—The term ''outlying area'' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(2) STATE.—The term ''State'' does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 303. APPLICATIONS AND PROCEDURES.

(a) ELIGIBILITY.—States that receive or have received grants under section 101 and comply with subsection (b) shall be eligible to compete for grants under this title.

(b) APPLICATION.—To be eligible to compete for a grant under this title, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

(1) an assurance that the State will provide the non-Federal share of the cost of the alternative financing program in cash, from State, local, or private sources;

(2) an assurance that the alternative financing program will continue on a permanent basis;

(3) an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control;

(4) an assurance that the funds made available through the grant to support the alternative financing program will be used to supplement and not supplant other Federal, State, and local public funds expended to provide alternative financing mechanisms;

(5) an assurance that the State will ensure that—

(A) all funds that support the alternative financing program, including funds repaid during the life of the program, will be placed in a permanent separate account and identified and accounted for separately from any other fund;

(B) if the organization administering the program invests funds within this account, the organization will invest the funds in low-risk securities in which a regulated insurance company may invest under the law of the State; and

(C) the organization will administer the funds with the same judgment and care that a person of prudence, discretion, and intelligence would exercise in the management of the financial affairs of such person;

(6) an assurance that—

(A) funds comprised of the principal and interest from the account described in paragraph (5) will be available to support the alternative financing program; and

(B) any interest or investment income that accrues on or derives from such funds after such funds have been placed under the control of the organization administering the alternative financing program, but before such funds are distributed for purposes of supporting the program, will be the property of the organization administering the program; and

(7) an assurance that the percentage of the funds made available through the grant that is used for indirect costs shall not exceed 10 percent.

(c) LIMIT.—The interest and income described in subsection (b)(6)(B) shall not be taken into account by any officer or employee of the Federal Government for purposes of determining eligibility for any Federal program.

SEC. 304. CONTRACTS WITH COMMUNITY-BASED ORGANIZATIONS.

(a) IN GENERAL.—A State that receives a grant under this title shall enter into a contract with a community-based organization (including a group of such organizations) that has individuals with disabilities involved in organizational decisionmaking at all organizational levels, to administer the alternative financing program.

(b) PROVISIONS.—The contract shall—

(1) include a provision requiring that the program funds, including the Federal and non-Federal shares of the cost of the program, be administered in a manner consistent with the provisions of this title;

(2) include any provision the Secretary requires concerning oversight and evaluation necessary to protect Federal financial interests; and

(3) require the community-based organization to enter into a contract, to expand opportunities under this title and facilitate administration of the alternative financing program, with—

(A) commercial lending institutions or organizations; or

(B) State financing agencies.

SEC. 305. GRANT ADMINISTRATION REQUIREMENTS.

A State that receives a grant under this title and any community-based organization that enters into a contract with the State under this title, shall submit to the Secretary, pursuant to a schedule established by the Secretary (or if the Secretary does not establish a schedule, within 12 months after the date that the State receives the grant), each of the following policies or procedures for administration of the alternative financing program:

(1) A procedure to review and process in a timely manner requests for financial assistance for immediate and potential technology needs, including consideration of methods to reduce paperwork and duplication of effort, particularly relating to need, eligibility, and determination of the specific assistive technology device or service to be financed through the program.

(2) A policy and procedure to assure that access to the alternative financing program shall be given to consumers regardless of type of disability, age, income level, location of residence in the State, or type of assistive technology device or assistive technology service for which financing is requested through the program.

(3) A procedure to assure consumer-controlled oversight of the program.

SEC. 306. INFORMATION AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary shall provide information and technical assistance to States under this title, which shall include—

(1) providing assistance in preparing applications for grants under this title;

(2) assisting grant recipients under this title to develop and implement alternative financing programs; and

(3) providing any other information and technical assistance the Secretary determines to be appropriate to assist States to achieve the objectives of this title.

(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary shall provide the information and technical assistance described in subsection (a) through grants, contracts, and cooperative agreements with public or private agencies and organizations, including institutions of higher education, with sufficient documented experience, expertise, and capacity to assist States in the development and implementation of the alternative financing programs carried out under this title.

SEC. 307. ANNUAL REPORT.

Not later than December 31 of each year, the Secretary shall submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate describing the progress of each alternative financing program funded under this title toward achieving the objectives of this title. The report shall include information on—

(1) the number of grant applications received and approved by the Secretary under this title, and the amount of each grant awarded under this title;

(2) the ratio of funds provided by each State for the alternative financing program of the State to funds provided by the Federal Government for the program;

(3) the type of alternative financing mechanisms used by each State and the community-based organization with which each State entered into a contract, under the program; and

(4) the amount of assistance given to consumers through the program (who shall be classified by age, type of disability, type of assistive technology device or assistive technology service financed through the program, geographic distribution within the State, gender, and whether the consumers are part of an underrepresented population or rural population).

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $10,000,000 for fiscal year 1999 and such sums as may be necessary for fiscal year 2000.

(b) RESERVATION.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve 2 percent for the purpose of providing information and technical assistance to States under section 306.

TITLE IV—REPEAL AND CONFORMING AMENDMENTS

SEC. 401. REPEAL.

The Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) is repealed.

SEC. 402. CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 6 of the Rehabilitation Act of 1973 (as amended by section 403 of the Workforce Investment Act of 1998) is amended—

(1) in paragraph (3), by striking ''section 3(2) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(2))'' and inserting ''section 3 of the Assistive Technology Act of 1998''; and

(2) in paragraph (4), by striking ''section 3(3) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(3))'' and inserting ''section 3 of the Assistive Technology Act of 1998''.

(b) RESEARCH AND OTHER COVERED ACTIVITIES.—Section 204(b)(3) of the Rehabilitation Act of 1973 (as amended by section 405 of the Workforce Investment Act of 1998) is amended—

(1) in subparagraph (C)(i), by striking ''the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)'' and inserting ''the Assistive Technology Act of 1998''; and

(2) in subparagraph (G)(i), by striking ''the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)'' and inserting ''the Assistive Technology Act of 1998''.

(c) PROTECTION AND ADVOCACY.—Section 509(a)(2) of the Rehabilitation Act of 1973 (as amended by section 408 of the Workforce Investment Act of 1998) is amended by striking ''the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (42 U.S.C. 2201 et seq.)'' and inserting ''the Assistive Technology Act of 1998''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2432.

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

There was no objection.

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

Mr. Speaker, S. 2432 continues the State Grant Program for assistive technology for individuals with disabilities allowing all 50 States, the District of Columbia and the U.S. territories to complete their grant cycle under this Act.

In 1988, the Congress created this program to give States a small Federal incentive to establish State programs to help people with disabilities access assistant technology services and devices. Since that time, all States have established programs that promote the provision of assistive technology services to individuals with disabilities.

However, I do not believe that the program should become a long-term Federal commitment. I believe most States have used this small Federal investment well, and I believe, once our 10-year commitment is met, the Federal government should let States provide these services based on their individual needs.

I know how difficult it is to end Federal assistance once it is started. That is why, in the last 2 years of Federal assistance, we require the States to match 25 percent in the ninth year and 50 percent in the tenth year. By requiring this match, the Federal Government has sent the signal that assistance will phase out and the Federal assistance will end.

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

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

Mr. Speaker, I am pleased to rise in strong support of the Assistive Technology Act of 1998. This Act will enable States and the Federal Government to build upon the work that has been done under the existing Technology-Related Assistance for Individuals With Disabilities Act of 1998 or the Tech Act.

The Technology Act sunsets this year, and the legislation before the House today will bring our efforts to ensure access to assistive technology into the 21st century.

Under this legislation, States will be able to continue the consumer-responsive programs of technology-related assistance for people with disabilities that have been developed over the past 10 years.

In addition, this bill will help States establish and strengthen systems to inform people with disabilities as to what their technology options are so that they could take advantage of them.

Most importantly, this legislation will establish and expand or loan programs for people with disabilities or their representatives to assess or meet their assistive-technology needs.

Without access to assistive technology, many disabled individuals would be disadvantaged in their ability to successfully compete in today's society.

Mr. Speaker, this bill has gained widespread support from the disability community and deserves to be passed by the House today.

Mr. DEAL of Georgia. Mr. Speaker, assistive technology—products designed to maintain or enhance functional capabilities—enables people with disabilities to assume greater control over their lives and contribute more fully to society.

Rapid advancements in technology continue to provide important new tools to help individuals with disabilities become more independent and participate in activities related to home, school, work, and community.

While substantial progress has been made in both the development of new assistive technology devices and in the transfer and adaptation of existing technologies, information on these devices is difficult to find and inconsistent.

This lack of information creates barriers to individuals with disabilities trying to increase their independence and productivity.

The Assistive Technology Act (S. 2432) includes a national, on-line resource and distance learning center for people with disabilities. This bill offers an on-line website for people with disabilities to become aware of assistive technology.

Information provided on the website might include: available devices and services, comparisons of products, distribution points, training support options, as well as maintenance and funding options.

Assistive technology is the key that provides access to employment, education, transportation, and other activities of daily living for many people with disabilities.

Please join me in providing the opportunity to help individuals with disabilities become more self-sufficient. I urge you to support the Assistive Technology Act.

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

Mr. GOODLING. Mr. Speaker, I have no additional requests for time, and I yield back the balance of time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2432, 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.

NATIVE AMERICAN PROGRAMS ACT AMENDMENTS OF 1997

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the Senate bill (S. 459) to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 459

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 ''Native American Programs Act Amendments of 1997''.

SEC. 2. AUTHORIZATIONS OF CERTAIN APPROPRIATIONS UNDER THE NATIVE AMERICAN PROGRAMS ACT OF 1974.

Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) in subsection (a), by striking ''for fiscal years 1992, 1993, 1994, and 1995.'' and inserting ''for each of fiscal years 1997, 1998, and 1999.'';

(2) in subsection (c), by striking ''for each of the fiscal years 1992, 1993, 1994, 1995, and 1996,'' and inserting ''for each of fiscal years 1997, 1998, and 1999,''; and

(3) in subsection (e), by striking '', $2,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, 1996, and 1997.'' and inserting ''such sums as may be necessary for each of fiscal years 1997, 1998, and 1999.''.

SEC. 3. NATIVE HAWAIIAN REVOLVING LOAN FUND.

(a) IN GENERAL.—Section 803A of the Native American Programs Act of 1974 (42 U.S.C. 2991b–1) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''award grants'' and inserting ''award a grant''; and

(ii) by striking ''use such grants to establish and carry out'' and inserting ''use that grant to carry out''; and

(B) in subparagraph (A), by inserting ''or loan guarantees'' after ''make loans'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''loans to a borrower'' and inserting ''a loan or loan guarantee to a borrower''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''Loans made'' and inserting ''Each loan or loan guarantee made'';

(ii) in subparagraph (A), by striking ''5 years'' and inserting ''7 years''; and

(iii) in subparagraph (B), by striking ''that is 2 percentage'' and all that follows through the end of the subparagraph and inserting ''that does not exceed a rate equal to the sum of—

''(I) the most recently published prime rate (as published in the newspapers of general circulation in the State of Hawaii before the date on which the loan is made); and

''(II) 3 percentage points.''; and

(3) in subsection (f)(1), by striking ''for each of the fiscal years 1992, 1993, and 1994, $1,000,000'' and inserting ''for the first full fiscal year, beginning after the date of enactment of the Native American Programs Act Amendments of 1997, such sums as may be necessary''.

AMENDMENTS OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer several amendments.

The Clerk read as follows:

Amendments offered by Mr. GOODLING:

On page 2, line 3, strike out ''1997'' and ''1998'' and insert after 1999, ''2000, 2001, and 2002''.

On page 2, line 7, strike out ''1997'' and ''1998'' and insert after 1999, ''2000, 2001, and 2002''.

On page 2, line 13, strike out ''1997'' and ''1998'' and insert after 1999, ''2000, 2001, and 2002''

On page 4, line 4, strike out ''for each of the fiscal years''.

On page 4, line 5, strike out ''$1,000,000''.

On page 4, line 6, strike out ''for the first fiscal year and all that follows through line 9.

On page 4, line 5, after ''inserting'', insert ''2000 and 2001.''

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GOODLING) is recognized for 1 hour..

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

Mr. Speaker, S. 459, the Native American Programs Act Amendments of 1997, would continue the important programs operated under the Native American Programs Act. This Act promotes social and economic self-sufficiency among Indian tribes.

Grants under the Act have been used to assist tribes, develop government infrastructure, establish tax, zoning and corporation codes, and provide the regulatory frameworks necessary to attract and retain outside capital investment. In addition to extending these programs through the years 2002, it amends provisions for a Native Hawaiian Revolving Loan Fund to make it self-sufficient and eliminate the need for further appropriations.

Mr. Speaker, I yield to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Speaker, I am in support of the amendment and find no problem with it

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in support of S. 459, the Native American Programs Act.

Authorization for this act expired in 1996, and we were unable to bring an authorization bill to the floor in the last Congress, so I am pleased that we have agreement today and can extend these programs for the next 4 fiscal years.

The Native American Programs Act provides funds to American Indians, Alaskan Natives, Native Hawaiians and other Native American Pacific Islanders for projects which help achieve social and economic self-sufficiency among these populations.

We provide about $34.8 million each year for the Native American Programs Act. This assistance provided since 1974 has been critical in helping tribes to establish their governmental and legal systems and develop environmental and land use policies. It has helped to address the social needs among Native American communities and has increased economic development, job creation and business expansion.

It has also funded projects to preserve the languages of our Native Americans that are in danger of being lost forever. The strength of this program is that each project funded by this act is a community-based effort in which the ideas for solutions of community problems comes from the people themselves.

One such project which is funded under this act is the Native Hawaiian Revolving Loan Fund, which provides low interest loans to native Hawaiians for business creation or expansion.

Originally a demonstration project, the loan fund was developed into an important source of capital for native Hawaiian-run businesses, most of which are small businesses. The loans have funded a wide variety of projects, including agribusiness, construction, retail, tourism, trucking, automotive shops, restaurants, and food outlets.

Access to capital is a real problem for native Hawaiian entrepreneurs. The loan fund has helped to develop viable businesses in our community, create jobs, and contribute to our economy. To date, $13.8 million has been given out in loans to 308 businesses.

Documentation provided by the Office of Hawaiian Affairs, which administers the loan fund, shows that almost 1,000 jobs have been created as a direct result of businesses started and expanded through the loan fund.

S. 459 will authorize the revolving loan fund through the year 2001, and make important changes to the loan fund which will help the fund achieve self-sufficiency, so it will no longer need annual Federal funding to sustain itself.

I appreciate the work of the chairman, the gentleman from Pennsylvania (Mr. GOODLING) and his staff in working out an agreement on this Native Hawaiian Revolving Loan Fund. This agreement will help assure that the loan fund will become self-sufficient and truly revolving in nature, without the need of further assistance from the Federal government.

I urge my colleagues to support S. 459 and these important programs that assist our Native American communities.

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

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from Pennsylvania (Mr. GOODLING).

The amendments were agreed to.

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

□ 1430

COMMUNITY-DESIGNED CHARTER SCHOOL ACT

Mr. RIGGS. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill (H.R. 2616) to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Charter School Expansion Act of 1998''.

SEC. 2. INNOVATIVE CHARTER SCHOOLS.

Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended—

(1) in section 6201(a) (20 U.S.C. 7331(a))—

(A) in paragraph (1)(C), by striking ''and'' after the semicolon;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

''(2) support for planning, designing, and initial implementation of charter schools as described in part C of title X; and''; and

(2) in section 6301(b) (20 U.S.C. 7351(b))—

(A) in paragraph (7), by striking ''and'' after the semicolon;

(B) by redesignating paragraph (8) as paragraph (9); and

(C) by inserting after paragraph (7) the following:

''(8) planning, designing, and initial implementation of charter schools as described in part C of title X; and''.

SEC. 3. CHARTER SCHOOLS.

(a) PURPOSE.—Section 10301(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061(b)) is amended—

(1) in paragraph (1)—

(A) by inserting ''planning, program'' before ''design''; and

(B) by striking ''and'' after the semicolon;

(2) in paragraph (2), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(3) expanding the number of high-quality charter schools available to students across the Nation.''.

(b) CRITERIA FOR PRIORITY TREATMENT.—Section 10302 of such Act of 1965 (20 U.S.C. 8062) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (A), by striking ''and'' after the semicolon;

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(C) not more than 2 years to carry out dissemination activities described in section 10304(f)(6)(B).'';

(2) by amending subsection (d) to read as follows:

''(d) LIMITATION.—A charter school may not receive—

''(1) more than 1 grant for activities described in subparagraphs (A) and (B) of subsection (c)(2); or

''(2) more than 1 grant for activities under subparagraph (C) of subsection (c)(2).''; and

(3) by adding at the end the following:

''(e) PRIORITY TREATMENT.—

''(1) IN GENERAL.—

''(A) FISCAL YEARS 1999, 2000, AND 2001.—In awarding grants under this part for any of the fiscal years 1999, 2000, and 2001 from funds appropriated under section 10311 that are in excess of $51,000,000 for the fiscal year, the Secretary shall give priority to States to the extent that the States meet the criteria described in paragraph (2) and 1 or more of the criteria described in subparagraph (A), (B), or (C) of paragraph (3).

''(B) SUCCEEDING FISCAL YEARS.—In awarding grants under this part for fiscal year 2002 or any succeeding fiscal year from any funds appropriated under section 10311, the Secretary shall give priority to States to the extent that the States meet the criteria described in paragraph (2) and 1 or more of the criteria described in subparagraph (A), (B), or (C) of paragraph (3).

''(2) REVIEW AND EVALUATION PRIORITY CRITERIA.—The criteria referred to in paragraph (1) is that the State provides for periodic review and evaluation by the authorized public chartering agency of each charter school, at least once every 5 years unless required more frequently by State law, to determine whether the charter school is meeting the terms of the school's charter, and is meeting or exceeding the academic performance requirements and goals for charter schools as set forth under State law or the school's charter.

''(3) PRIORITY CRITERIA.—The criteria referred to in paragraph (1) are the following:

''(A) The State has demonstrated progress, in increasing the number of high quality charter schools that are held accountable in the terms of the schools' charters for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which a State educational agency or eligible applicant applies for a grant under this part.

''(B) The State—

''(i) provides for 1 authorized public chartering agency that is not a local educational agency, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to such State law; or

''(ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.

''(C) The State ensures that each charter school has a high degree of autonomy over the charter school's budgets and expenditures.

''(f) AMOUNT CRITERIA.—In determining the amount of a grant to be awarded under this part to a State educational agency, the Secretary shall take into consideration the number of charter schools that are operating, or are approved to open, in the State.''.

(c) APPLICATIONS.—Section 10303 of such Act (20 U.S.C. 8063) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting ''and'' after the semicolon;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) describe how the State educational agency—

''(A) will inform each charter school in the State regarding—

''(i) Federal funds that the charter school is eligible to receive; and

''(ii) Federal programs in which the charter school may participate;

''(B) will ensure that each charter school in the State receives the charter school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the charter school; and

''(C) will disseminate best or promising practices of charter schools to each local educational agency in the State; and''; and

(D) in paragraph (3) (as redesignated by subparagraph (B))—

(i) in subparagraph (E), insert ''planning, program'' before ''design'';

(ii) in subparagraph (K), by striking ''and'' after the semicolon;

(iii) by redesignating subparagraph (L) as subparagraph (N); and

(iv) by inserting after subparagraph (K) the following:

''(L) a description of how a charter school that is considered a local educational agency under State law, or a local educational agency in which a charter school is located, will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act;

''(M) if the eligible applicant desires to use subgrant funds for dissemination activities under section 10302(c)(2)(C), a description of those activities and how those activities will involve charter schools and other public schools, local educational agencies, developers, and potential developers; and''; and

(2) in subsection (c), by striking ''10302(e)(1) or''; and

(3) in subsection (d)(1)—

(A) by striking ''subparagraphs (A) through (L)'' and inserting ''subparagraphs (A) through (N)''; and

(B) by striking ''subparagraphs (I), (J), and (K)'' and inserting ''subparagraphs (J), (K), and (N)''.

(d) ADMINISTRATION.—Section 10304 of such Act (20 U.S.C. 8064) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking ''and'' after the semicolon;

(B) in paragraph (5), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(6) the number of high quality charter schools created under this part in the State; and

''(7) in the case of State educational agencies that propose to use grant funds to support dissemination activities under section 10302(c)(2)(C), the quality of those activities and the likelihood that those activities will improve student achievement.'';

(2) in subsection (b)—

(A) in paragraph (5), by striking ''and'' after the semicolon;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(7) in the case of an eligible applicant that proposes to use grant funds to support dissemination activities under section 10302(c)(2)(C), the quality of those activities and the likelihood that those activities will improve student achievement.'';

(3) in subsection (f)—

(A) in paragraph (1), by inserting before the period the following: '', except that the State educational agency may reserve not more than 10 percent of the grant funds to support dissemination activities described in paragraph (6)'';

(B) in paragraph (2), by inserting '', or to disseminate information about the charter school and successful practices in the charter school,'' after ''charter school'';

(C) in paragraph (5), by striking ''20 percent'' and inserting ''10 percent''; and

(D) by adding at the end the following:

''(6) DISSEMINATION.—

''(A) IN GENERAL.—A charter school may apply for funds under this part, whether or not the charter school has applied for or received funds under this part for planning, program design, or implementation, to carry out the activities described in subparagraph (B) if the charter school has been in operation for at least 3 consecutive years and has demonstrated overall success, including—

''(i) substantial progress in improving student achievement;

''(ii) high levels of parent satisfaction; and

''(iii) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

''(B) ACTIVITIES.—A charter school described in subparagraph (A) may use funds reserved under paragraph (1) to assist other schools in adapting the charter school's program (or certain aspects of the charter school's program), or to disseminate information about the charter school, through such activities as—

''(i) assisting other individuals with the planning and start-up of 1 or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's developers, and that agree to be held to at least as high a level of accountability as the assisting charter school;

''(ii) developing partnerships with other public schools, including charter schools, designed to improve student performance in each of the schools participating in the partnership;

''(iii) developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and

''(iv) conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student performance in other schools.''.

(f) NATIONAL ACTIVITIES.—Section 10305 of such Act (20 U.S.C. 8065) is amended to read as follows:

''SEC. 10305. NATIONAL ACTIVITIES.

''(a) IN GENERAL.—The Secretary shall reserve for each fiscal year the greater of 5 percent or $5,000,000 of the amount appropriated to carry out this part, except that in no fiscal year shall the total amount so reserved exceed $8,000,000, to carry out the following activities:

''(1) To provide charter schools, either directly or through State educational agencies, with—

''(A) information regarding—

''(i) Federal funds that charter schools are eligible to receive; and

''(ii) other Federal programs in which charter schools may participate; and

''(B) assistance in applying for Federal education funds that are allocated by formula, including assistance with filing deadlines and submission of applications.

''(2) To provide for the completion of the 4-year national study (which began in 1995) of charter schools.

''(3) To provide for other evaluations or studies that include the evaluation of the impact of charter schools on student achievement, including information regarding—

''(A) students attending charter schools reported on the basis of race, age, disability, gender, limited English proficiency, and previous enrollment in public school; and

''(B) the professional qualifications of teachers within a charter school and the turnover of the teaching force.

''(4) To provide—

''(A) information to applicants for assistance under this part;

''(B) assistance to applicants for assistance under this part with the preparation of applications under section 10303;

''(C) assistance in the planning and startup of charter schools;

''(D) training and technical assistance to existing charter schools; and

''(E) for the dissemination to other public schools of best or promising practices in charter schools.

''(5) To provide (including through the use of 1 or more contracts that use a competitive bidding process) for the collection of information regarding the financial resources available to charter schools, including access to private capital, and to widely disseminate to charter schools any such relevant information and model descriptions of successful programs.

''(b) CONSTRUCTION.—Nothing in this section shall be construed to require charter schools to collect any data described in subsection (a).''.

(g) COMMENSURATE TREATMENT; RECORDS TRANSFER; PAPERWORK REDUCTION.—Part C of title X of such Act (20 U.S.C. 8061 et seq.) is amended—

(1) by redesignating sections 10306 and 10307 as sections 10310 and 10311, respectively; and

(2) by inserting after section 10305 the following:

''SEC. 10306. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.

''(a) IN GENERAL.—For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures not later than 6 months after the date of enactment of the Charter School Expansion Act of 1998 as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than 5 months after such expansion.

''(b) ADJUSTMENT AND LATE OPENINGS.—

''(1) IN GENERAL.—The measures described in subsection (a) shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in cases where payments made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment data.

''(2) RULE.—For charter schools that first open after November 1 of any academic year, the State, in accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) for such academic year have a full and fair opportunity to receive those funds during the charter schools' first year of operation.

''SEC. 10307. SOLICITATION OF INPUT FROM CHARTER SCHOOL OPERATORS.

''To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools are consulted in the development of any rules or regulations required to implement this part, as well as in the development of any rules or regulations relevant to charter schools that are required to implement part A of title I, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), or any other program administered by the Secretary that provides education funds to charter schools or regulates the activities of charter schools.

''SEC. 10308. RECORDS TRANSFER.

''State educational agencies and local educational agencies, to the extent practicable, shall ensure that a student's records and, if applicable, a student's individualized education program as defined in section 602(11) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(11)), are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

''SEC. 10309. PAPERWORK REDUCTION.

''To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this part results in a minimum of paperwork for any eligible applicant or charter school.''.

(h) PART C DEFINITIONS.—Section 10310(1) of such Act (as redesignated by subsection (e)(1)) (20 U.S.C. 8066(1)) is amended—

(1) in subparagraph (A), by striking ''an enabling statute'' and inserting ''a specific State statute authorizing the granting of charters to schools'';

(2) in subparagraph (H), by inserting ''is a school to which parents choose to send their children, and that'' before ''admits'';

(3) in subparagraph (J), by striking ''and'' after the semicolon;

(4) in subparagraph (K), by striking the period and inserting ''; and''; and

(5) by adding at the end the following:

''(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.''.

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 10311 of such Act (as redesignated by subsection (e)(1)) (20 U.S.C. 8067) is amended by striking ''$15,000,000 for fiscal year 1995'' and inserting ''$100,000,000 for fiscal year 1999''.

(j) TITLE XIV DEFINITIONS.—Section 14101 of such Act (20 U.S.C. 8801) is amended—

(1) in paragraph (14), by inserting '', including a public elementary charter school,'' after ''residential school''; and

(2) in paragraph (25), by inserting '', including a public secondary charter school,'' after ''residential school''.

(k) CONFORMING AMENDMENT.—The matter preceding paragraph (1) of section 10304(e) of such Act (20 U.S.C. 8064(e)) is amended by striking ''10306(1)'' and inserting ''10310(1)''.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from California (Mr. RIGGS) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The gentleman recognizes the gentleman from California (Mr. RIGGS).

GENERAL LEAVE

Mr. RIGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2616.

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

There was no objection.

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

Mr. Speaker, it is truly a pleasure to be here on the House floor today to vote on H.R. 2616, the Charter School Expansion Act of 1998. It represents the end of a rather lengthy and somewhat legislatively arduous journey, but I want my colleagues to know at the outset that the legislation before us represents as fine a bipartisan, bicameral effort as we have seen in this particular Congress.

It also represents, I think, a very important Federal education reform initiative, and I would hope that my colleagues will bear those words in mind, particularly as we enter or get closer to the November election.

We are clearly today in, and how do I put this politely, the election or political spin cycle, and I understand that it is part and parcel of our political process to say and do things for political advantage, but it is simply not true to represent that this Republican-led Congress is a ''do-nothing'' Congress that has produced no significant educational legislative achievements, and I cite this particular bill.

This bill represents the realization, the achievement, of one of the President's primary education proposals. It embodies a request that he made of the Congress at the State of the Union address last January where he called on us to put Federal taxpayer funding, start-up or seed money, if you will, for the creation of more charter schools, these are public schools of choice for parents and children, and he called on us to enact this legislation that we have before us today. So we have made good on the President's request in a bipartisan fashion, and at the same time, I want my colleagues to understand that this particular initiative represents a very key part of the Republican education legislative agenda.

We have worked hard over the last 2 years of this Congress on legislation raising teacher competence, requiring students to meet rigorous standards, and allowing more parental choice in education. We hope and believe that this will result in greater, higher student achievement, better pupil performance, and after all, those are the results that everybody wants for our young people and our education system.

I also believe that this legislation responds to a growing public demand on the part of our fellow Americans for more choice in education. I personally am very heartened by recent public opinion polls that show that for the first time in surveying history, a majority of Americans now favor allowing parents to send their children to any public, private or church-related school. They also favor allowing the government, that is to say we, the taxpayers, to pay all or part of the tuition at a private school, and that is according to a poll conducted in June by the Gallup organization for Phi Delta Kappa, a professional association of educators.

In that poll, 51 percent, so slightly more than a majority, now support the concept of expanded and greater parental choice in education. And that poll is not the only one that shows that growing public support for more choice in education; more choice for parents and guardians who, after all, are the consumers of education. And what we are trying to do here is fundamentally change the educational paradigm in this country by shifting the focus in our education system from the providers of education to the consumers of education.

I say that and then hasten to add that we have made great strides in the higher education bill and in our literacy legislation to strengthen the teaching profession, because as I and Speaker GINGRICH and many other people have said, the gentleman from Pennsylvania (Mr. GOODLING), we believe that teaching is truly a missionary occupation. It is a calling. It is a high calling, a noble calling. Therefore, we want to do all that we can to strengthen America's teachers to prepare them for an exciting, challenging and rewarding career in the classroom.

I think we have done that, again, on a number of legislative fronts, bearing in mind that wonderful saying that a teacher can affect eternity because he or she never knows where their influence on our young people might end.

So I am very pleased to be on the floor to support this legislation, and as I go on to conclude my remarks, I also want to thank a number of people who were instrumental in working on this legislation. The principal author, as is referred to in the other body, the Senate Chamber, was Senator COATS. We were delighted to work closely with him and his staff in moving this bill through the Senate.

Denzel McGuire seated next to me, she is an extraordinarily capable member of the Committee on Education and the Workforce staff who has been supported by her colleagues on the staff in doing a great job on this legislation, and the rest of our very ambitious education legislative agenda in this particular Congress.

I was delighted to work very closely with my good friend, my classmate from the 102nd Congress, the gentleman from Indiana (Mr. ROEMER), in crafting this bipartisan legislation; and we would not be on the floor today if it were not for the support of that legislation by my good friend, the gentleman from California (Mr. MARTINEZ). All of us, I believe, have found common ground by forwarding public education reform through charter schools, and as the result of the input and contribution of all of these different people, this legislation, this bipartisan bill, is even a stronger piece of legislation.

Now, I want to point out that the charter school movement is something that is occurring out there, across the land. We are beginning to see the first charter schools here in the District of Columbia chartered by the District of Columbia public school system, but that is something that started years ago in the heartland of America.

In 1991, Minnesota became the first State to authorize charter schools. And today, just 7 years later, we have 32 States with charter school laws on the books, along with, as I just mentioned, the District of Columbia and Puerto Rico, the Commonwealth of Puerto Rico. We also have now today some 700 charter schools serving approximately 170,000 children across the country, and that is more than the entire student population of Rhode Island.

Charter schools, as I mentioned, are on the cutting edge of education reform in public education. They are a fascinating experiment in educational innovation. They are deregulated, decentralized, public schools that are largely autonomous from any governing body. They are schools that I would argue are much closer than most public schools to the constituency that they are intended to serve; that is, parents and the children, the children who would attend or matriculate at those schools.

The early reports about charter schools are very encouraging. They indicate that administrators and teachers are delighted that they are being freed up from overregulation, burdensome regulation. The teachers are more free to innovate in the classroom.

Many charter schools have adopted longer school days, longer school years, so that they are going above and beyond what they are required in terms of the total number of instructional hours, what they are required to offer by State law.

The bottom line here, in terms of the real improvement to the education system, is that students are eager to learn at charter schools, and parents are thrilled about the results. We have seen a correlation in America, American public education, over the last few years, between increased parental involvement in education and a corresponding increase in the achievement of their children.

We think that is very, very encouraging, and it is something that we here in the Congress want to continue to strengthen and reinforce.

Since 1994, when Congress authorized the National Charter Schools as part of the authorization of the Elementary and Secondary Education Act, and established a Federal taxpayer funding stream to assist charter schools with their start-up costs, and incidentally we have learned that those start-up costs are the greatest obstacle that charter school operators or charter school developers face in trying to start a charter school, we have learned a great deal about how the Federal Government can best support the charter school movement, and we hope that those lessons are incorporated into and represented by H.R. 2616, which responds to the concerns of students, parents, teachers, charter school operators, some of the educational experts that testified before our committee, and also represents the Department of Education's first-year report of their 4-year study on charter schools.

The highlights of our bill are as follows: We, first of all, meet the President's funding level request that he made in his State of the Union and in his subsequent budget proposal to Congress by increasing the authorization for Federal taxpayer funding for charter school start-ups from $15 million to $100 million, and we articulate a goal of trying to move the Congress and the country in the direction of 3,000 charter schools by the start of the new millennium; again, a goal that President Clinton has proposed for the country.

We drive over 90 percent of the Federal charter school money down to the State and local levels to establish more charter schools in those States that have strong charter school laws on the books.

We direct this money. We give priority to those States that provide a high degree of fiscal autonomy for charter schools, that can demonstrate progress in increasing the number of high-quality charter schools that provide for strong academic accountability, and the gentleman from Indiana (Mr. ROEMER) was a stickler on the accountability provisions of the bill, and that provide for more than one chartering agency in the State.

We also try to ensure that charter schools will be treated on an equal basis, that they will be on an equal footing with other public schools when qualifying and competing for Federal categorical aid for the various federally-authorized and federally-funded categorical education programs.

Lastly, we direct the Secretary to help by disseminating information on how charter schools can access private capital to supplement their taxpayer funding.

We permit States to reserve 10 percent of their Federal grant money to provide assistance to established charter schools with a history of improving student performance so that those charter schools can help other fledgling charter schools in that State replicate their academic programs.

We ensure that individuals directly involved with the operation of charter schools are consulted in the development of any new Federal rules or regulations pertaining to charter schools.

We improve upon existing law by sending more money, as I mentioned earlier, directly to charter schools to ensure that parents and teachers have the maximum amount of Federal resources and flexibility available to them to start up high-quality charter schools.

This really is an outstanding bill with strong bipartisan support across the aisle, and I urge my colleagues to vote for H.R. 2616.

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

□ 1445

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

Mr. Speaker, this morning, as the gentleman from California (Mr. RIGGS) has outlined, we are considering H.R. 2616, the Charter School Expansion Act of 1998, and from his talk Members probably see the enthusiasm that he has for this particular bill, and maybe it should have been named the Frank Riggs Charter School Expansion Act of 1998.

But I continue to have reservations about charter schools. I do support this bill, however. I wholeheartedly believe in the need for innovation, for consideration of new approaches to education. But I am concerned about efforts to provide an unfettered growth in the number of charter schools. I really believe that we have to take a step back and evaluate whether charter schools are fulfilling the goals of using the flexibility and creativity that we have provided to provide high quality education.

Charter schools are relatively new. The oldest are only 6 years old. Much of the information we have about these schools is anecdotal. We lack concrete, objective data on their success or failure. However, I am glad to see that in H.R. 2616 it has been significantly scaled back from the version that originally passed the House, and that the language that I was able to incorporate in the legislation has been championed by the Senate in the bill before us today.

One of those provisions requires a description of how local educational agencies, that is a charter school or that has a charter school in its district will comply the Individuals with Disabilities Education Act.

There have been reports, including information provided at our hearings, on several serious problems regarding the admission and provision of services to children with disabilities. This language would reaffirm a charter school's responsibility under IDEA, and compel it to plan for compliance with that statute.

The other provision requires that in the evaluation of the impact of charter schools on students' achievement, the information provided on students attending those schools be reported on the race, age, disability, gender, limited English proficiency, and previous enrollment in public schools. I believe that will go a long way towards providing the specific information about the children being served by charter schools and the successes they are experiencing.

As many know, I am cautious yet supportive of the concept of charter schools and their possible impacts on the larger public school system as a whole. I therefore support this legislation before us and its passage, but I do have a question I would like to ask the chairman, if he would indulge me.

Mr. Chairman, this is the last piece of legislation that is scheduled to come from our subcommittee. I was wondering, there is another bill that we worked on very hard in a bipartisan manner, the Reading Excellence Act, that came out of our subcommittee.

I understand that legislation is at the desk now. I was wondering why we are not taking it up, and if there is any possibility to take that up now. I imagine, since we did the Native Americans under a unanimous consent agreement, that we might ask unanimous consent to take that bill up.

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

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

Mr. RIGGS. Mr. Speaker, as the gentleman well knows, I need to defer to the chairman of the full committee, the gentleman from Pennsylvania (Mr. GOODLING), on any question involving unanimous consent.

I can tell the gentleman that it is my understanding that we hope that the literacy bill, otherwise known as the Reading Excellence Act, will be incorporated into the omnibus funding measure, the continuing resolution, that should be before this body either later today or tomorrow, over the weekend, but will certainly be, obviously, for purposes of funding the Federal Government, it will be enacted and passed through the House and will be enacted into law in the near future.

Mr. MARTINEZ. I am very glad to hear that. As the gentleman knows, the Senate passed it overwhelmingly. It would be a shame if we adjourned without taking that piece of legislation up, since it is an identical bill, and that is all we have to do is take it up and pass it for it to be signed into law. The President has already indicated he would sign it.

Mr. RIGGS. Yes.

Mr. MARTINEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Speaker, first of all, I just want to say that oftentimes this institution is targeted for high criticism because we engage in too much finger-pointing, not enough cooperation, and not enough bipartisanship.

That certainly can be true on occasion, but I think today the success of this charter school legislation points toward another side of the story, and points to one where, for a bold, new, exciting idea that can influence maybe the single most important issue in our Nation today, education, this bill typifies bipartisan support and cooperation, bicameral support and cooperation, bold and innovative ideas that have come from the local and the State level, and from some of our think tanks to this institution here.

I think it really reaffirms what we can get done on the most important problem in America when we join hands and work together.

I want to give high praise and credit to a number of people. First of all, I want to give credit to my friend, the gentleman from California (Mr. RIGGS), when we started working with Denzel McGuire and on my staff Gina Mahony back in April of 1997 to formulate how to work together, the Republicans and Democrats, to get this charter school bill crafted and get it through our committee.

I want to thank the gentleman from California (Mr. MARTINEZ), who had some hesitations and initial concerns about this legislation, where now I think, with some caveats and cautionary remarks, he is supportive.

I want to thank the gentleman from Pennsylvania (Mr. GOODLING) and some people on the Senate side, Mr. Speaker. Senator COATS, a colleague of mine from the great State of Indiana, who is retiring, has worked and championed this legislation on the Senate side, along with Senator LIEBERMAN, Senator LANDRIEU, and Senator BOB KERREY. It probably could not have found its way through the mazes of the United States Senate had it not been for that bipartisan cooperation, so there is a lot of credit that needs to go around to bring this truly historic legislation through this body.

Also, Mr. Speaker, the President of the United States, President Clinton, has been an advocate of charter schools, and has talked about these for a long, long time through his legislative career.

I also need to give credit to the Democratic Leadership Council, run by Al Fromm and Will Marshall, who have talked about schools in our Democratic Party for a decade. We have had a great deal of debate in our Caucus over how to move this idea in a positive way, with promise for our educational system, forward, investing in our public school system, investing in our teachers, and thereby helping our children and helping our economy and our businesses compete.

That is what this bill help us accomplish. That is the overriding goal with this legislation today, to move this public education system boldly forward, and help our businesses compete by getting students that can compete in a global economy today through high school and college.

Mr. Speaker, as we have worked on this legislation from April, 1997, onward, I want to tell the Members why I am a supporter of charter schools. First of all, they provide an alternative to the traditional public school system. I am a very strong supporter of public school education in America.

Yet, some of it is not working well enough today. We have too many savage inequalities between some of our inner city schools and some of our suburban schools. We need to work on discipline and safety in our schools. We need to reward and help teachers with professional development and resources, so they can continue to be the heroes in our classes today.

Yes, we need charter schools. We need charter schools so we have bold experiments to look at ways to get

some of these schools away from some of the regulations and burdens of Federal regulations handed down to the local governments and our local schools, and free them up with some new ideas to experiment with the curriculum, to experiment with the length of the school year, to experiment with the length of the school day; to really drive reform and drive change into some of our public schools. That is one of the reasons.

Secondly, I am for strengthening accountability for academic achievement. Certainly some of our schools, many of our schools, most of our schools in America today are performing very well. Some of them are not, and we need to increase the accountability on these schools. We need to make sure that when a school is not performing that there are consequences. That consequence will happen to charter schools. They can and will be shut down. That is not a bad thing. That can be a very good thing.

Mr. Speaker, thirdly, we need to inject innovation and reform into the public school system. When we see charter schools, and even used in the right fashion, they are not the silver bullet. No Democrat is going to claim, or Republican, I hope, is going to claim that there is a single silver bullet and a panacea to solve the hard work of fixing and reforming and boldly moving forward our education system in America today. There are a host of things we need to do, from more parental involvement to increased safety and discipline to, yes, charter schools.

But when we try charter schools with a host of these other things, such as they are doing in Chicago, Illinois, we see test scores go up, we see absenteeism go down, we see parents get more and more involved in the system. We see hopefully less threat from outside the schoolroom and in the neighborhoods. It takes work to make our public school system work. That is what we all need to do today as Americans.

Mr. Speaker, I think most people know that charter schools have been out there for 6 or 7 years. We now have in this academic year 1,129 charter schools serving 250,000 students in America today. Thirty-four States, Mr. Speaker, have passed charter school legislation, and I hope, and I think we all hope, that all 50 States will move towards embracing charter schools.

This legislation increases the authorization level for charter schools, and I want to commend the appropriators for increasing the appropriation this year to $100 million for charter schools throughout the country.

□ 1500

This legislation also provides assistance to charter schools in ensuring that they receive information about their eligibility for Federal education programs, as well as their commensurate share of title I and IDEA funding. Many charter schools have not known that they were even eligible for these funds and have had some kind of difficulty obtaining these funds. I am pleased, I am proud to say that this bill provides assistance in those areas.

This bill also contains funding for high-performing charter schools so they can disseminate, they can share these worthwhile practices with other schools.

One of the reasons I support charter schools is because I think they will have a ripple effect into the traditional public school system. And, yes, we are seeing results of that too, Mr. Speaker. The charter schools office at Central Michigan University is already saying they are seeing a secondary ripple effect into the public school system from public charter schools. So, we are seeing progress, we are seeing hope, we are seeing reform through this bold innovation.

Again, I want to close by quoting Will Rogers, Mr. Speaker. He once said, ''You can be on the right track, but if you are not moving fast enough, you are going to get run over.'' I think the American people want us to move down the right track on reforming public education, to invest in it, to care passionately about our children in these schools, to work together, Democrats and Republicans, and to make sure that we are working with our business community investing in better vocational and technical skills.

But I think today, instead of the finger-pointing and the jeering, instead of the critiques that we see about this institution not getting enough done, today with charter school legislation we are accomplishing a lot for America.

Mr. Speaker, I salute the institution in a bipartisan, bicameral way for this success.

Mr. MARTINEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I thank the gentleman from California (Mr. MARTINEZ) for yielding me this time.

For most who know me, some 20 years ago, for 10 years I taught, and I consider it one of the most important roles that any of us in our society can aspire to. But I am concerned about this bill, the amendments to the Community Design Charter School Act.

Make no mistake about it, I support charter schools. In fact, I call my colleagues' attention to the fact that the City Academy, the first charter school in the Nation, existed and was developed in my neighborhood community on the east side of Saint Paul where I hail from. We opened our doors there in 1992 to 35 students.

The State of Minnesota, of course, has been a center for this under Governor Rudy Perpich, governor at that time. He instituted a Statewide program that, in fact, capitalized on this. But this legislation, which I voted against when it was considered in the House initially, had some fundamental flaws, all of which I think have not been cured.

This is, of course, a case I think of symbolism over substance. This measure authorizes the use of funds for planning, design, and initial implementation of the charter schools. In other words, the funds allocated in this legislation are intended to help with start-up of the schools. This ignores, of course, the needs of districts such as mine and States such as mine which already have strong charter school systems in place.

When the Academy opened in 1992, the first charter school in our Nation, they were setting up folding chairs and tables to conduct classes. The school has worked hard since then to acquire the necessary supplies and equipment needed for fully functioning classrooms. But, nevertheless, they are struggling.

As a supporter of charter schools, I understand the importance of appropriating funds to innovative schools to assist them in covering initial expenses, but also in terms of maintaining their operations. States like Minnesota are struggling their best to support rational innovation; however, equitable funding for up-and-running schools are shortchanged in this particular program. We tried an amendment on the floor and we were not able to change that.

The proponents of this legislation claim they are going to give school districts more autonomy. But the bill appears to shift the fiscal control from local entities to a State authority. That is the language of the amendments. Local schools have too little to say in how grant money for charter schools is distributed in this program. Rather, the State education agency or its equivalent is given the power of being the fiscal agency or funding source. This clearly fragments local control. This is contrary to Minnesota's success, where greater support comes from the local school district than from the State and Federal government combined!

Additionally, this legislation directs the Department of Education to fund one or more contracts to help charter schools obtain access to private capital. This is, clear and simple, I understand, something that the administration favored. But I am hesitant myself to advocate using Federal dollars as seed money and turning a school entity into a fund-raising operation. Are the Federal dollars, U.S. taxpayer funds going to pay for the bingo prizes?

If there is not enough nonprofit initiative to fund schools or charter schools, or enough gumption to obtain the funds, should this be a Federal role? I do not think so. Charter schools are still experimental in nature. Promoting funding specifically for schools that have a high degree of autonomy over their budgets and expenditures without sound accountability is a real problem.

Funding should be awarded on the school's ability to demonstrate they are indeed are able to achieve success

in educating our students in terms of educational measurement, or testing which demonstrates accountability.

Mr. Speaker, let me reiterate that I am not against charter schools. On the contrary, I want to be sure that the local authorities that we elect to provide most of the funding for local education, that such ideas are models, and that equitable and efficient means to assure their success are available and reject detours on the way to such innovation.

Let us reward those who are already fighting the fight, those that have earned the right for Federal support rather than promoting a measure which superimposes some Washington, D.C. idea of what a charter school is. That is what this legislation does. Minnesota has shown us how to do it and the Federal policy-makers still cannot seem to get it right.

No doubt this legislation will pass today. It's certainly improved over the House passed version, and the bill authorizes more appropriation over the 1994 original charter school Federal law that I optimistically supported. Hopefully, as this new policy is implemented, we will note the concerns I've voiced and they may be corrected in the administrative implementation. I reluctantly support this measure today and am hopeful that proper oversight will persist regarding the changes and policy to accomplish the good intentions I've heard voiced today.

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

Mr. Speaker, just to respond to the concerns of the gentleman from Minnesota (Mr. VENTO), we have tried to be responsive to that particular issue by adopting Senate language that will allow the States to reserve up to 10 percent of their allocation to help fund existing successful charter schools, so they can continue and expand their operations.

They can also act, potentially, as a template for other charter schools in that community and in that State, so that those new charter school startups can hopefully replicate the success of that existing charter school. So, we have tried to be responsive to that.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. FORBES).

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

Mr. FORBES. Mr. Speaker, I rise in strong support of H.R. 2616, the Charter Schools Amendments Act of 1998. There is no more compelling issue in my mind than the future of our children, and I think most of us would surely agree. But our efforts to improve K through 12 education can and must be an important contribution to this Nation's future and the Federal Government needs to pay more close attention to this important need.

Sadly, American students by any measure are ranking much lower than their peers around the world in math and science performance. It is critical that we pay attention to much-needed reforms and help the school boards and the States improve K through 12 education, and the Federal Government should play a much larger role in this priority.

I want to take a moment though and also commend the chairman of the subcommittee, the gentleman from California (Mr. RIGGS), for has leadership on these issues. I am sad to say that he will be moving on to other challenges at the conclusion of this year, but his leadership on this important issue is to be commended and I thank him.

The Charter Schools Amendments Act strengthens our public charter school programs, without a doubt. I for one am a product of the Long Island Public School system, one of the finest in the country, and the New York State Public University system. So, I understand and appreciate the dedicated professionals who have defined the success of our public school systems.

But we must also recognize that public schools are not always meeting the grade. They are not always getting the job done. And this charter schools legislation is critical. It allows, frankly, parents the freedom to choose the schools based on the best educational environment for their children.

The bill is about giving parents educational choices and putting them at the top of the list when it comes to making decisions about what is best for their children's future and their children's education.

But we must also allow other approaches to improving K through 12 education. Our children need a safe and clean learning environment, and I support providing Federal funds to finance the repair and modernization of public schools, for instance.

I support proposals to hire the 100,000 qualified new teachers to reduce class size and eliminate overcrowding. And I support voluntary national testing so our students' performance can be measured against other students across the regions from different parts of the country.

Recently, we made further progress by passing the Dollars to the Classroom Act, again another important tool in this effort to improve K through 12 education. The Classroom Act would pump $2.74 billion directly into our classrooms, another important part of this effort.

We must make this commitment. Congress and the Federal Government have an obligation to help improve K through 12 education and to allow our children to be competitive in the global economy and in the competitive 21st century.

Mr. RIGGS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM) my immediate predecessor as the chairman of the Subcommittee on Early Childhood, Youth and Families.

Mr. CUNNINGHAM. Mr. Speaker, first of all I would like to say what a fantastic job that the gentleman from California (Mr. RIGGS) has done. He will be leaving this Congress at the end of the year, and so I do not have to say nice things about him because he is going to be back as chairman. But I will say it because of what a good job he has done.

California has taken the lead in charter schools, and has over the last 5, 6 years. I would like to also say what we have done, with my colleagues' support on the other side, with the charter schools in the D.C. bill, the Washington, D.C. bill.

The schools here are dismal in this particular district that we are sitting in. The new school superintendent came out in support of charter schools and we fully funded them. One of the problems was some of the money was taken out of public schools. Our position was, with the gentleman from California (Mr. RIGGS) and myself and the chairman of the committee, the gentleman from North Carolina (Mr. TAYLOR), that the schools are doing so well, let us not penalize them. Let us reward them for the good work that they are starting to do in the City of Washington, D.C.

So, we were able to fully fund the public schools to, add the money for the charter schools. We had 20,000 students to beg for summer school. First time. And it is not because they had to go to summer school; it is because they wanted to go to summer school. They wanted to learn.

I would like to thank the gentleman from California (Mr. RIGGS) and the gentleman from Pennsylvania (Chairman GOODLING) and the committee for that good work, not only in charter schools themselves but in Washington, D.C. They are starting to turn the corner. We have a long way to go. And I beg my colleagues on both sides of the aisle, let us stay focused on it.

Mr. RIGGS. Mr. Speaker, I yield myself such time as I may consume for the purposes of closing debate.

One thing I want to say that follows on what the gentleman from California (Mr. CUNNINGHAM) just said and that is that we are seeing a tremendous and I believe pent-up demand for more choice, more selection, if you will, in public education. We are beginning to see waiting lists created in charter schools around the country.

Our legislation stipulates that children must be served on a first come, first served basis with a lottery system, if there are more students desiring to get into a particular school than there are classroom spaces. And that first come, first served system includes children with learning disabilities.

In fact, we have seen charter schools started in many communities around the country for the express and sole purpose of serving children with learning disabilities and special education needs.

□ 1515

So the charter school movement, again, is very exciting.

In closing, I want to recognize and thank Gina Mahony from the staff of the gentleman from Indiana (Mr. ROEMER), who was a very able counterpart to Denzel McGuire, and we like that Irish-American connection.

Again, I urge my colleagues to support this bill. It will infuse more competition and more choice into the public education system and make that system less monolithic and more responsive to parents and the needs of their children. I urge passage of the legislation.

Mr. GOODLING. Mr. Speaker, today we consider H.R. 2616 is amended by the Senate, the ''Charter Schools Expansion Act of 1998''. H.R. 2616 is a result of extensive efforts by Mr. RIGGS and Mr. ROEMER to craft a charter school bill that enjoys broad bipartisan support.

I would also like to take this opportunity to recognize Mr. RIGGS for his fine leadership as Chairman of the Subcommittee on Early Childhood, Youth, and Families. Mr. RIGGS has had an enormously successful tenure as Subcommittee Chairman.

He has successfully crafted numerous education bills, including but by no means limited to the charter school bill we are considering today. I regret that Mr. RIGGS has decided to retire this year as his tireless energy and dedication have been a wonderful asset to the Committee. I am sure that I speak for all the Members of the Committee in saying that we will miss his leadership and devotion in crafting innovative legislation and bettering the lives of children all across this country. We wish him well in his future endeavors.

I would also like to take this opportunity to thank Senator COATS for successfully spearheading efforts to get a charter school bill passed in senate.

We passed H.R. 2616 last October with an overwhelming bipartisan vote. The Senate recently amended H.R. 2616 and sent it back to us for a final vote. I am pleased to say that when the House votes for H.R. 2616 today, we will be able to send the bill to the President for signature.

As we stand here on the House floor today, about 170,000 children are being educated in 700 charter schools across the nation. Clearly, charter schools are no longer a fringe idea, rather they represent an integral component of public education reform.

H.R. 2616 builds upon what we have learned about charter schools, since 1994 when Congress established a Federal funding stream to assist charter schools with start-up costs—the planning, design and initial operation costs involved with starting-up a charter school.

This bill responds to lessons we have learned over the last four years, the concerns expressed in five hearings we have held on charter schools and the findings of various public and private studies on charter schools. It represents a well-thought-out approach to improving the existing charter school statute and to spurring the creation of more charter schools.

By all accounts, the number one concern of charter school operators is a lack of start-up funds. H.R. 2616 addresses that concern on several fronts: it increases the authorization level, it drives more Federal dollars directly down to locals to establish high quality charter schools, it ensures that charter schools receive their fair share of the Federal dollar and it directs the Secretary to disseminate information on how charter schools can access financial resources, including private capital.

Charter schools have made great strides in just a few short years. The strengths of charter schools lie in their academic performance, parental involvement and teacher satisfaction. This bill ensures that these innovative schools will have the maximum amount of assistance to help them keep up the good work.

In addition, this bill not only allows charter schools to keep up the good work but also encourages charter schools to share their knowledge on best practices with other public schools. Under the bill, States may provide assistance to established charter schools, with a proven record of improving student performance, who wish to replicate their successful academic programs so that more children may benefit from their innovative curriculums and teaching techniques.

In closing, I would like to emphasize that we have before us today a bipartisan bill that contributes greatly to the charter school movement and urge my Colleagues to vote for H.R. 2616.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from California (Mr. RIGGS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2616.

The question was taken.

Mr. RIGGS. 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 OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. TRAFICANT. Mr. Speaker, pursuant to House rule IX, clause 1, I rise to give notice of my intent to present a question of personal privilege of the House.

The form of the resolution is as follows:

A resolution, in accordance with House rule IX, clause 1, expressing the sense of the House that its integrity has been impugned because the anti-dumping provisions of the Trade and Tariff Act of 1930, (Subtitle B of Title VII) have not been expeditiously enforced;

Whereas the current financial crisis in Asia, Russia, and other regions have involved massive depreciation in the currencies of several key steel-producing and steel-consuming countries, along with a collapse in the domestic demand for steel in these countries;

Whereas the crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel-producing countries that are no longer able to export steel to the countries in economic crisis;

Whereas United States imports of finished steel mill products from Asian steel-producing countries, the People's Republic of China, Japan, Korea, India, Taiwan, Indonesia, Thailand, and Malaysia, have increased by 79 percent in the first 5 months of 1998 compared to the same period in 1997;

Whereas year-to-date imports of steel from Russia now exceed the record import levels of 1997, and steel imports from Russia and Ukraine now approach 2,500,000 net tons;

Whereas foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade;

Whereas the European Union, for example, despite also being a major economy, in 1997 imported only one-tenth as much finished steel products from Asian steel-producing countries as the United States did and has restricted imports of steel from the Commonwealth of Independent States, including Russia;

Whereas the United States is simultaneously facing a substantial increase in steel imports from countries within the Commonwealth of Independent States, including Russia, caused in part by the closure of Asian markets;

Whereas there is a well-recognized need for improvements in the enforcement of United States trade laws to provide an effective response to such situations:

Now, therefore, be it resolved by the House of Representatives that the House of Representatives calls upon the President of the United States to:

Number 1, take all necessary measures to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions, and for other purposes;

Number 2, to pursue enhanced enforcement of United States trade laws with respect to the surge of steel imports into the United States, using all remedies available under those laws including offsetting duties, quantitative restraints, and other authorized remedial measures as appropriate;

Number 3, pursue with all tools at his disposal a more equitable sharing of the burden of accepting imports of finished steel products from Asia and the countries within the Commonwealth of Independent States;

Number 4, establish a task force within the executive branch with responsibility for closely monitoring United States imports of steel; and

Number 5, report to the Congress by no later than January 5, of the coming year, 1999, with a comprehensive plan for responding to this import surge, including ways of limiting its deleterious effects on employment, prices, and investment in the United States steel industry.

The SPEAKER pro tempore (Mr. SUNUNU). Under rule IX, a resolution offered from the floor by a Member

other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

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

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

Mr. TRAFICANT. Mr. Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

The SPEAKER pro tempore. The Chair will do so at the appropriate time.

NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT OF 1998

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 852) to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles, as amended.

The Clerk read as follows:

S. 852

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Salvage Motor Vehicle Consumer Protection Act of 1998''.

SEC. 2. MOTOR VEHICLE TITLING AND DISCLOSURE REQUIREMENTS.

(a) AMENDMENT TO TITLE 49, UNITED STATES CODE.—Subtitle VI of title 49, United States Code, is amended by inserting a new chapter at the end:

''CHAPTER 333—AUTOMOBILE SAFETY AND TITLE DISCLOSURE REQUIREMENTS

''Sec.
''33301. Definitions.
''33302. Passenger motor vehicle titling.
''33303. Disclosure and label requirements on transfer of rebuilt salvage vehicles.
''33304. Report on funding.
''33305. Effect on State law.
''33306. Civil penalties.
''33307. Actions by States.

''§ 33301. Definitions

''(a) DEFINITIONS.—For the purposes of this chapter:

''(1) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' has the same meaning given such term by section 32101(10), except, notwithstanding section 32101(9), it includes a multipurpose passenger vehicle (constructed on a truck chassis or with special features for occasional off-road operation), a truck, other than a truck referred to in section 32101(10)(B), and a pickup truck when that vehicle or truck is rated by the manufacturer of such vehicle or truck at not more than 10,000 pounds gross vehicle weight, and it only includes a vehicle manufactured primarily for use on public streets, roads, and highways.

''(2) SALVAGE VEHICLE.—The term 'salvage vehicle' means any passenger motor vehicle, other than a flood vehicle or a nonrepairable vehicle, which—

''(A) is a late model vehicle which has been wrecked, destroyed, or damaged, to the extent that the total cost of repairs to rebuild or reconstruct the passenger motor vehicle to its condition immediately before it was wrecked, destroyed, or damaged, and for legal operation on the roads or highways, exceeds 75 percent of the retail value of the passenger motor vehicle;

''(B) is a late model vehicle which has been wrecked, destroyed, or damaged, and to which an insurance company acquires ownership pursuant to a damage settlement (except in the case of a settlement in connection with a recovered stolen vehicle, unless such vehicle sustained damage sufficient to meet the damage threshold prescribed by subparagraph (A)); or

''(C) the owner wishes to voluntarily designate as a salvage vehicle by obtaining a salvage title, without regard to the level of damage, age, or value of such vehicle or any other factor, except that such designation by the owner shall not impose on the insurer of the passenger motor vehicle or on an insurer processing a claim made by or on behalf of the owner of the passenger motor vehicle any obligation or liability.

Notwithstanding any other provision of this chapter, a State may use the term 'older model salvage vehicle' to designate a wrecked, destroyed, or damaged vehicle that does not meet the definition of a late model vehicle in paragraph (9). If a State has established or establishes a salvage definition at a lesser percentage than provided under subparagraph (A), then that definition shall not be considered to be inconsistent with the provisions of this chapter.

''(3) SALVAGE TITLE.—The term 'salvage title' means a passenger motor vehicle ownership document issued by the State to the owner of a salvage vehicle. A salvage title shall be conspicuously labeled with the word 'salvage' across the front.

''(4) REBUILT SALVAGE VEHICLE.—The term 'rebuilt salvage vehicle' means—

''(A) any passenger motor vehicle which was previously issued a salvage title, has passed State anti-theft inspection, has been issued a certificate indicating that the passenger motor vehicle has passed the required anti-theft inspection, has passed the State safety inspection in those States requiring a safety inspection pursuant to section 33302(b)(8), has been issued a certificate indicating that the passenger motor vehicle has passed the required safety inspection in those States requiring such a safety inspection pursuant to section 33302(b)(8), and has a decal stating 'Rebuilt Salvage Vehicle—Anti-theft and Safety Inspections Passed' affixed to the driver's door jamb; or

''(B) any passenger motor vehicle which was previously issued a salvage title, has passed a State anti-theft inspection, has been issued a certificate indicating that the passenger motor vehicle has passed the required anti-theft inspection, and has, affixed to the driver's door jamb, a decal stating 'Rebuilt Salvage Vehicle—Anti-theft Inspection Passed/No Safety Inspection Pursuant to National Criteria' in those States not requiring a safety inspection pursuant to section 33302(b)(8).

''(5) REBUILT SALVAGE TITLE.—The term 'rebuilt salvage title' means the passenger motor vehicle ownership document issued by the State to the owner of a rebuilt salvage vehicle. A rebuilt salvage title shall be conspicuously labeled either with the words 'Rebuilt Salvage Vehicle—Anti-theft and Safety Inspections Passed' or 'Rebuilt Salvage Vehicle—Anti-theft Inspection Passed/No Safety Inspection Pursuant to National Criteria,' as appropriate, across the front.

''(6) NONREPAIRABLE VEHICLE.—The term 'nonrepairable vehicle' means any passenger motor vehicle, other than a flood vehicle, which is incapable of safe operation for use on roads or highways and which has no resale value except as a source of parts or scrap only or which the owner irreversibly designates as a source of parts or scrap. Such passenger motor vehicle shall be issued a nonrepairable vehicle certificate and shall never again be titled or registered.

''(7) NONREPAIRABLE VEHICLE CERTIFICATE.—The term 'nonrepairable vehicle certificate' means a passenger motor vehicle ownership document issued by the State to the owner of a nonrepairable vehicle. A nonrepairable vehicle certificate shall be conspicuously labeled with the word 'Nonrepairable' across the front.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(9) LATE MODEL VEHICLE.—The term 'Late Model Vehicle' means any passenger motor vehicle which—

''(A) has a manufacturer's model year designation of or later than the year in which the vehicle was wrecked, destroyed, or damaged, or any of the six preceding years; or

''(B) has a retail value of more than $7,500.

The Secretary shall adjust such retail value on an annual basis in accordance with changes in the consumer price index.

''(10) RETAIL VALUE.—The term 'retail value' means the actual cash value, fair market value, or retail value of a passenger motor vehicle as—

''(A) set forth in a current edition of any nationally recognized compilation (to include automated databases) of retail values; or

''(B) determined pursuant to a market survey of comparable vehicles with regard to condition and equipment.

''(11) COST OF REPAIRS.—The term 'cost of repairs' means the estimated retail cost of parts needed to repair the vehicle or, if the vehicle has been repaired, the actual retail cost of the parts used in the repair, and the cost of labor computed by using the hourly labor rate and time allocations that are reasonable and customary in the automobile repair industry in the community where the repairs are to be performed.

''(12) FLOOD VEHICLE.—

''(A) IN GENERAL.—The term 'flood vehicle' means any passenger motor vehicle that—

''(i) has been acquired by an insurance company as part of a damage settlement due to water damage; or

''(ii) has been submerged in water to the point that rising water has reached over the door sill, has entered the passenger or trunk compartment, and has exposed any electrical, computerized, or mechanical component to water, except where a passenger motor vehicle which, pursuant to an inspection conducted by an insurance adjuster or estimator, a motor vehicle repairer or motor vehicle dealer in accordance with inspection guidelines or procedures established by the Secretary or the State, is determined—

''(I) to have no electrical, computerized or mechanical components which were damaged by water; or

''(II) to have one or more electrical, computerized or mechanical components which were damaged by water and where all such damaged components have been repaired or replaced.

''(B) INSPECTION NOT REQUIRED FOR ALL FLOOD VEHICLES.—No inspection under subparagraph (A) shall be required unless the owner or insurer of the passenger motor vehicle is seeking to avoid a brand of 'Flood' pursuant to this chapter.

''(C) EFFECT OF DISCLOSURE.—Disclosing a passenger motor vehicle's status as a flood

vehicle or conducting an inspection pursuant to subparagraph (A) shall not impose on any person any liability for damage to (except in the case of damage caused by the inspector at the time of the inspection) or reduced value of a passenger motor vehicle.

''(b) CONSTRUCTION.—The definitions set forth in subsection (a) only apply to vehicles in a State which are wrecked, destroyed, or otherwise damaged on or after the date on which such State complies with the requirements of this chapter and the rule promulgated pursuant to section 33302(b).

''§ 33302. Passenger motor vehicle titling

''(a) CARRY-FORWARD OF STATE INFORMATION.—For any passenger motor vehicle, the ownership of which is transferred on or after the date that is 1 year after the date of the enactment of the National Salvage Motor Vehicle Consumer Protection Act of 1998, each State receiving funds, either directly or indirectly, appropriated under section 30503(c) of this title after the date of the enactment of that Act, in licensing such vehicle for use, shall disclose in writing on the certificate of title whenever records readily accessible to the State indicate that the passenger motor vehicle was previously issued a title that bore any word or symbol signifying that the vehicle was 'salvage', 'older model salvage', 'unrebuildable', 'parts only', 'scrap', 'junk', 'nonrepairable', 'reconstructed', 'rebuilt', or any other symbol or word of like kind, or that it has been damaged by flood, and the name of the State that issued that title.

''(b) NATIONALLY UNIFORM TITLE STANDARDS AND CONTROL METHODS.—Not later than 18 months after the date of the enactment of the National Salvage Motor Vehicle Consumer Protection Act of 1998, the Secretary shall by rule require each State receiving funds, either directly or indirectly, appropriated under section 30503(c) of this title after the date of the enactment of that Act, in licensing any passenger motor vehicle where ownership of such passenger motor vehicle is transferred more than 2 years after publication of such final rule, to apply uniform standards, procedures, and methods for the issuance and control of titles for motor vehicles and for information to be contained on such titles. Such titling standards, control procedures, methods, and information shall include the following requirements:

''(1) A State shall conspicuously indicate on the face of the title or certificate for a passenger motor vehicle, as applicable, if the passenger motor vehicle is a salvage vehicle, a nonrepairable vehicle, a rebuilt salvage vehicle, or a flood vehicle.

''(2) Such information concerning a passenger motor vehicle's status shall be conveyed on any subsequent title, including a duplicate or replacement title, for the passenger motor vehicle issued by the original titling State or any other State.

''(3) The title documents, the certificates, and decals required by section 33301(4), and the issuing system shall meet security standards minimizing the opportunities for fraud.

''(4) The certificate of title shall include the passenger motor vehicle make, model, body type, year, odometer disclosure, and vehicle identification number.

''(5) The title documents shall maintain a uniform layout, to be established in consultation with the States or an organization representing them.

''(6) A passenger motor vehicle designated as nonrepairable shall be issued a nonrepairable vehicle certificate and shall not be retitled.

''(7) No rebuilt salvage title shall be issued to a salvage vehicle unless, after the salvage vehicle is repaired or rebuilt, it complies with the requirements for a rebuilt salvage vehicle pursuant to section 33301(4). Any State inspection program operating under this paragraph shall be subject to continuing review by and approval of the Secretary. Any such anti-theft inspection program shall include the following:

''(A) A requirement that the owner of any passenger motor vehicle submitting such vehicle for an anti-theft inspection provide a completed document identifying the vehicle's damage prior to being repaired, a list of replacement parts used to repair the vehicle, and proof of ownership of such replacement parts, as may be evidenced by bills of sale, invoices, or, if such documents are not available, other proof of ownership for the replacement parts. The owner shall also include an affirmation that the information in the declaration is complete and accurate and that, to the knowledge of the declarant, no stolen parts were used during the rebuilding.

''(B) A requirement to inspect the passenger motor vehicle or any major part or any major replacement part required to be marked under section 33102 for signs of such mark or vehicle identification number being illegally altered, defaced, or falsified. Any such passenger motor vehicle or any such part having a mark or vehicle identification number that has been illegally altered, defaced, or falsified, and that cannot be identified as having been legally obtained (through bills of sale, invoices, or other ownership documentation), shall be contraband and subject to seizure. The Secretary, in consultation with the Attorney General, shall, as part of the rule required by this section, establish procedures for dealing with those parts whose mark or vehicle identification number is normally removed during industry accepted remanufacturing or rebuilding practices, which parts shall be deemed identified for purposes of this section if they bear a conspicuous mark of a type, and applied in such a manner, as designated by the Secretary, indicating that they have been rebuilt or remanufactured. With respect to any vehicle part, the Secretary's rule, as required by this section, shall acknowledge that a mark or vehicle identification number on such part may be legally removed or altered as provided for in section 511 of title 18, United States Code, and shall direct inspectors to adopt such procedures as may be necessary to prevent the seizure of a part from which the mark or vehicle identification number has been legally removed or altered.

''(8) Any safety inspection for a rebuilt salvage vehicle performed pursuant to this chapter shall be performed in accordance with nationally uniform safety inspection criteria established by the Secretary. A State may determine whether to conduct such safety inspection itself, contract with one or more third parties, or permit self-inspection by a person licensed by such State in an automotive-related business, all subject to criteria promulgated by the Secretary hereunder. Any State inspection program operating under this paragraph shall be subject to continuing review by and approval of the Secretary. A State requiring such safety inspection may require the payment of a fee for the privilege of such inspection or the processing thereof.

''(9) No duplicate or replacement title shall be issued unless the word 'duplicate' is clearly marked on the face thereof and unless the procedures for such issuance are substantially consistent with Recommendation three of the Motor Vehicle Titling, Registration and Salvage Advisory Committee.

''(10) A State shall employ the following titling and control methods:

''(A) If an insurance company is not involved in a damage settlement involving a salvage vehicle or a nonrepairable vehicle, the passenger motor vehicle owner shall apply for a salvage title or nonrepairable vehicle certificate, whichever is applicable, before the passenger motor vehicle is repaired or the ownership of the passenger motor vehicle is transferred, but in any event within 30 days after the passenger motor vehicle is damaged.

''(B) If an insurance company, pursuant to a damage settlement, acquires ownership of a passenger motor vehicle that has incurred damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the insurance company or salvage facility or other agent on its behalf shall apply for a salvage title or nonrepairable vehicle certificate within 30 days after the title is properly assigned by the owner to the insurance company and delivered to the insurance company or salvage facility or other agent on its behalf with all liens released.

''(C) If an insurance company does not assume ownership of an insured's or claimant's passenger motor vehicle that has incurred damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the insurance company shall notify the owner of the owner's obligation to apply for a salvage title or nonrepairable vehicle certificate for the passenger motor vehicle and notify the State passenger motor vehicle titling office that a salvage title or nonrepairable vehicle certificate should be issued for the vehicle, except to the extent such notification is prohibited by State insurance law.

''(D) If a leased passenger motor vehicle incurs damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the lessor shall apply for a salvage title or nonrepairable vehicle certificate within 21 days after being notified by the lessee that the vehicle has been so damaged, except when an insurance company, pursuant to a damage settlement, acquires ownership of the vehicle. The lessee of such vehicle shall inform the lessor that the leased vehicle has been so damaged within 30 days after the occurrence of the damage.

''(E) Any person acquiring ownership of a damaged passenger motor vehicle that meets the definition of a salvage or nonrepairable vehicle for which a salvage title or nonrepairable vehicle certificate has not been issued, shall apply for a salvage title or nonrepairable vehicle certificate, whichever is applicable. This application shall be made before the vehicle is further transferred, but in any event, within 30 days after ownership is acquired. The requirements of this subparagraph shall not apply to any scrap metal processor which acquires a passenger motor vehicle for the sole purpose of processing it into prepared grades of scrap and which so processes such vehicle.

''(F) State records shall note when a nonrepairable vehicle certificate is issued. No State shall issue a nonrepairable vehicle certificate after 2 transfers of ownership.

''(G) When a passenger motor vehicle has been flattened, baled, or shredded, whichever comes first, the title or nonrepairable vehicle certificate for the vehicle shall be surrendered to the State within 30 days. If the second transferee on a nonrepairable vehicle certificate is unequipped to flatten, bale, or shred the vehicle, such transferee shall, at the time of final disposal of the vehicle, use the services of a professional automotive recycler or professional scrap processor who is hereby authorized to flatten, bale, or shred the vehicle and to effect the surrender of the nonrepairable vehicle certificate to the State on behalf of such second transferee. State records shall be updated to indicate the destruction of such vehicle and no further ownership transactions for the vehicle will be permitted. If different than the State of origin of the title or nonrepairable vehicle

certificate, the State of surrender shall notify the State of origin of the surrender of the title or nonrepairable vehicle certificate and of the destruction of such vehicle.

''(H) When a salvage title is issued, the State records shall so note. No State shall permit the retitling for registration purposes or issuance of a rebuilt salvage title for a passenger motor vehicle with a salvage title without a certificate of inspection, which complies with the security and guideline standards established by the Secretary pursuant to paragraphs (3), (7), and (8), as applicable, indicating that the vehicle has passed the inspections required by the State. This subparagraph does not preclude the issuance of a new salvage title for a salvage vehicle after a transfer of ownership.

''(I) After a passenger motor vehicle titled with a salvage title has passed the inspections required by the State, the inspection official will affix the secure decal required pursuant to section 33301(4) to the driver's door jamb of the vehicle and issue to the owner of the vehicle a certificate indicating that the passenger motor vehicle has passed the inspections required by the State. The decal shall comply with the permanency requirements established by the Secretary.

''(J) The owner of a passenger motor vehicle titled with a salvage title may obtain a rebuilt salvage title or vehicle registration, or both, by presenting to the State the salvage title, properly assigned, if applicable, along with the certificate that the vehicle has passed the inspections required by the State. With such proper documentation and upon request, a rebuilt salvage title or registration, or both, shall be issued to the owner. When a rebuilt salvage title is issued, the State records shall so note.

''(11) A seller of a passenger motor vehicle that becomes a flood vehicle shall, prior to the time of transfer of ownership of the vehicle, give the transferee a written notice that the vehicle has been damaged by flood, provided such person has actual knowledge that such vehicle has been damaged by flood. At the time of the next title application for the vehicle, disclosure of the flood status shall be provided to the applicable State with the properly assigned title and the word 'Flood' shall be conspicuously labeled across the front of the new title.

''(12) In the case of a leased passenger motor vehicle, the lessee, within 15 days of the occurrence of the event that caused the vehicle to become a flood vehicle, shall give the lessor written disclosure that the vehicle is a flood vehicle.

''(13) Ownership of a passenger motor vehicle may be transferred on a salvage title, however, a passenger motor vehicle for which a salvage title has been issued shall not be registered for use on the roads or highways unless it has been issued a rebuilt salvage title.

''(14) Ownership of a passenger motor vehicle may be transferred on a rebuilt salvage title, and a passenger motor vehicle for which a rebuilt salvage title has been issued may, if permitted by State law, be registered for use on the roads and highways.

''(15) Ownership of a passenger motor vehicle may only be transferred 2 times on a nonrepairable vehicle certificate. A passenger motor vehicle for which a nonrepairable vehicle certificate has been issued can never be titled or registered for use on roads or highways.

''(c) CONSUMER NOTICE IN NONCOMPLIANT STATES.—Any State receiving, either directly or indirectly, funds appropriated under section 30503(c) of this title after the date of enactment of the National Salvage Motor Vehicle Consumer Protection Act of 1998 and not complying with the requirements of subsections (a) and (b) of this section, shall conspicuously print the following notice on all titles or ownership certificates issued for passenger motor vehicles in such State until such time as such State is in compliance with the requirements of subsections (a) and (b) of this section: 'NOTICE: This State does not conform to the uniform Federal requirements of the National Salvage Motor Vehicle Consumer Protection Act of 1998.'.

''(d) ELECTRONIC PROCEDURES.—A State may employ electronic procedures in lieu of paper documents whenever such electronic procedures provide the same information, function, and security otherwise required by this section.

''§ 33303. Disclosure and label requirements on transfer of rebuilt salvage vehicles

''(a) WRITTEN DISCLOSURE REQUIREMENTS.—

''(1) GENERAL RULE.—Under regulations prescribed by the Secretary of Transportation, a person transferring ownership of a rebuilt salvage vehicle shall, prior to the time of transfer of ownership of the vehicle, give the transferee a written disclosure that the vehicle is a rebuilt salvage vehicle when such person has actual knowledge of the status of such vehicle.

''(2) FALSE STATEMENT.—A person making a written disclosure required by a regulation prescribed under paragraph (1) of this subsection may not make a false statement in the disclosure.

''(3) COMPLETENESS.—A person acquiring a rebuilt salvage vehicle for resale may accept a disclosure under paragraph (1) only if it is complete.

''(4) REGULATIONS.—The regulations prescribed by the Secretary shall provide the way in which information is disclosed and retained under paragraph (1).

''(b) LABEL REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall by regulation require that a label be affixed to the windshield or window of a rebuilt salvage vehicle before its first sale at retail containing such information regarding that vehicle as the Secretary may require. The label shall be affixed by the individual who conducts the applicable State antitheft inspection in a participating State.

''(2) REMOVAL, ALTERATION, OR ILLEGIBILITY OF REQUIRED LABEL.—No person shall willfully remove, alter, or render illegible any label required by paragraph (1) affixed to a rebuilt salvage vehicle before the vehicle is delivered to the actual custody and possession of the first retail purchaser.

''(c) LIMITATION.—The requirements of subsections (a) and (b) shall only apply to a transfer of ownership of a rebuilt salvage vehicle where such transfer occurs in a State which, at the time of the transfer, is complying with subsections (a) and (b) of section 33302.

''§ 33304. Report on funding

''The Secretary shall, contemporaneously with the issuance of a final rule pursuant to section 33302(b), report to appropriate committees of Congress whether the costs to the States of compliance with such rule can be met by user fees for issuance of titles, issuance of registrations, issuance of duplicate titles, inspection of rebuilt vehicles, or for the State services, or by earmarking any moneys collected through law enforcement action to enforce requirements established by such rule.

''§ 33305. Effect on State law

''(a) IN GENERAL.—Unless a State is in compliance with subsection (c) of section 33302, effective on the date the rule promulgated pursuant to section 33302 becomes effective, the provisions of this chapter shall preempt all State laws in States receiving funds, either directly or indirectly, appropriated under section 30503(c) of this title after the date of the enactment of the National Salvage Motor Vehicle Consumer Protection Act of 1998, to the extent they are inconsistent with the provisions of this chapter or the rule promulgated pursuant to section 33302, which—

''(1) set forth the form of the passenger motor vehicle title;

''(2) define, in connection with a passenger motor vehicle (but not in connection with a passenger motor vehicle part or part assembly separate from a passenger motor vehicle), any term defined in section 33301 or the terms 'salvage', 'nonrepairable', or 'flood', or apply any of those terms to any passenger motor vehicle (but not to a passenger motor vehicle part or part assembly separate from a passenger motor vehicle); or

''(3) set forth titling, recordkeeping, antitheft inspection, or control procedures in connection with any salvage vehicle, rebuilt salvage vehicle, nonrepairable vehicle, or flood vehicle.

''(b) EXCEPTIONS.—

''(1) PASSENGER MOTOR VEHICLE; OLDER MODEL SALVAGE.—Subsection (a)(2) does not preempt State use of the term—

''(A) 'passenger motor vehicle' in statutes not related to titling, recordkeeping, antitheft inspection, or control procedures in connection with any salvage vehicle, rebuilt salvage vehicle, nonrepairable vehicle, or flood vehicle ; or

''(B) 'older model salvage' to designate a wrecked, destroyed, or damaged vehicle that is older than a late model vehicle.

''(2) CONSUMER LAW ACTIONS.—Nothing in this chapter may be construed to affect any private right of action under State law.

''(c) CONSTRUCTION.—Additional disclosures of a passenger motor vehicle's title status or history, in addition to the terms defined in section 33301, shall not be deemed inconsistent with the provisions of this chapter. Such disclosures shall include disclosures made on a certificate of title. When used in connection with a passenger motor vehicle (but not in connection with a passenger motor vehicle part or part assembly separate from a passenger motor vehicle), any definition of a term defined in section 33301 which is different than the definition in that section or any use of any term listed in subsection (a), but not defined in section 33301, shall be deemed inconsistent with the provisions of this chapter. Nothing in this chapter shall preclude a State from disclosing on a rebuilt national salvage title that a rebuilt national salvage vehicle has passed a State safety inspection which differed from the nationally uniform criteria to be promulgated pursuant to section 33302(b)(8).

''§ 33306. Civil penalties

''(a) PROHIBITED ACTS.—It is unlawful for any person knowingly to—

''(1) make or cause to be made any false statement on an application for a title (or duplicate title) for a passenger motor vehicle or any disclosure made pursuant to section 33303;

''(2) fail to apply for a salvage title when such an application is required;

''(3) alter, forge, or counterfeit a certificate of title (or an assignment thereof), a nonrepairable vehicle certificate, a certificate verifying an anti-theft inspection or an anti-theft and safety inspection, a decal affixed to a passenger motor vehicle pursuant to section 33302(b)(10)(I), or any disclosure made pursuant to section 33303;

''(4) falsify the results of, or provide false information in the course of, an inspection conducted pursuant to section 33302(b)(7) or (8);

''(5) offer to sell any salvage vehicle or nonrepairable vehicle as a rebuilt salvage vehicle;

''(6) fail to make any disclosure required by section 33302(b)(11);

''(7) fail to make any disclosure required by section 33303;

''(8) violate a regulation prescribed under this chapter;

''(9) move a vehicle or a vehicle title in interstate commerce for the purpose of avoiding the titling requirements of this chapter; or

''(10) conspire to commit any of the acts enumerated in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (9).

''(b) CIVIL PENALTY.—Any person who commits an unlawful act as provided in subsection (a) of this section shall be fined a civil penalty of up to $2,000 per offense. A separate violation occurs for each passenger motor vehicle involved in the violation.

''§ 33307. Actions by States

''(a) IN GENERAL.—When a person violates any provision of this chapter, the chief law enforcement officer of the State in which the violation occurred may bring an action—

''(1) to restrain the violation;

''(2) recover amounts for which a person is liable under section 33306; or

''(3) to recover the amount of damage suffered by any resident in that State who suffered damage as a result of the knowing commission of an unlawful act under section 33306(a) by another person.

''(b) STATUTE OF LIMITATIONS.—An action under subsection (a) shall be brought in any court of competent jurisdiction within 2 years after the date on which the violation occurs.

''(c) NOTICE.—The State shall serve prior written notice of any action under subsection (a) or (f)(2) upon the Attorney General of the United States and provide the Attorney General with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting an action, the Attorney General shall have the right—

''(1) to intervene in such action;

''(2) upon so intervening, to be heard on all matters arising therein; and

''(3) to file petitions for appeal.

''(d) CONSTRUCTION.—For purposes of bringing any action under subsection (a), nothing in this Act shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(e) VENUE; SERVICE OF PROCESS.—Any action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

''(f) ACTIONS BY STATE OFFICIALS.—

''(1) Nothing contained in this section shall prohibit an attorney general of a State or other authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

''(2) In addition to actions brought by an attorney general of a State under subsection (a), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State on behalf of its residents.''.

(b) CONFORMING AMENDMENT.—The table of chapters for part C at the beginning of subtitle VI of title 49, United States Code, is amended by inserting at the end the following new item:

''333. AUTOMOBILE SAFETY AND TITLE DISCLOSURE REQUIREMENTS ..... 33301''.

SEC. 3. AMENDMENTS TO CHAPTER 305.

(a) DEFINITIONS.—

(1) Section 30501(4) of title 49, United States Code, is amended to read as follows:

''(4) 'nonrepairable vehicle', 'salvage vehicle', and 'rebuilt salvage vehicle' have the same meanings given those terms in section 33301 of this title.''.

(2) Section 30501(5) of such title is amended by striking ''junk automobiles'' and inserting ''nonrepairable vehicles''.

(3) Section 30501(8) of such title is amended by striking ''salvage automobiles'' and inserting ''salvage vehicles''.

(4) Section 30501 of such title is amended by striking paragraph (7) and redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(b) NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM.—

(1) Section 30502(d)(3) of title 49, United States Code, is amended to read as follows:

''(3) whether an automobile known to be titled in a particular State is or has been a nonrepairable vehicle, a rebuilt salvage vehicle, or a salvage vehicle;''.

(2) Section 30502(d)(5) of such title is amended to read as follows:

''(5) whether an automobile bearing a known vehicle identification number has been reported as a nonrepairable vehicle, a rebuilt salvage vehicle, or a salvage vehicle under section 30504 of this title.''.

(c) STATE PARTICIPATION.—Section 30503 of title 49, United States Code, is amended to read as follows:

''§ 30503. State participation

''(a) STATE INFORMATION.—Each State receiving funds appropriated under subsection (c) shall make titling information maintained by that State available for use in operating the National Motor Vehicle Title Information System established or designated under section 30502 of this title.

''(b) VERIFICATION CHECKS.—Each State receiving funds appropriated under subsection (c) shall establish a practice of performing an instant title verification check before issuing a certificate of title to an individual or entity claiming to have purchased an automobile from an individual or entity in another State. The check shall consist of—

''(1) communicating to the operator—

''(A) the vehicle identification number of the automobile for which the certificate of title is sought;

''(B) the name of the State that issued the most recent certificate of title for the automobile; and

''(C) the name of the individual or entity to whom the certificate of title was issued; and

''(2) giving the operator an opportunity to communicate to the participating State the results of a search of the information.

''(c) GRANTS TO STATES.—

''(1) In cooperation with the States and not later than January 1, 1994, the Attorney General shall—

''(A) conduct a review of systems used by the States to compile and maintain information about the titling of automobiles; and

''(B) determine for each State the cost of making titling information maintained by that State available to the operator to meet the requirements of section 30502(d) of this title.

''(2) The Attorney General may make reasonable and necessary grants to participating States to be used in making titling information maintained by those States available to the operator.

''(d) REPORT TO CONGRESS.—Not later than October 1, 1998, the Attorney General shall report to Congress on which States have met the requirements of this section. If a State has not met the requirements, the Attorney General shall describe the impediments that have resulted in the State's failure to meet the requirements.''.

(d) REPORTING REQUIREMENTS.—Section 30504 of title 49, United States Code, is amended by striking ''junk automobiles or salvage automobiles'' every place it appears and inserting ''nonrepairable vehicles, rebuilt salvage vehicles, or salvage vehicles''.

SEC. 4. DEALER NOTIFICATION PROGRAM FOR PROHIBITED SALE OF NONQUALIFYING VEHICLES FOR USE AS SCHOOLBUSES.

Section 30112 of title 49, United States Code, is amended by adding at the end thereof the following:

''(c) NOTIFICATION PROGRAM FOR DEALERS CONCERNING SALES OF VEHICLES AS SCHOOLBUSES.—Not later than September 1, 1998, the Secretary shall develop and implement a program to notify dealers and distributors in the United States that subsection (a) prohibits the sale or delivery of any vehicle for use as a schoolbus (as that term is defined in section 30125(a)(1) of this title) that does not meet the standards prescribed under section 30125(b) of this title.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill, S. 852, and to include extraneous material.

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

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

Today I rise in strong support of the bill S. 852, the National Salvage Motor Vehicle Consumer Protection Act. As many of my colleagues know, this bill is similar to legislation passed by the House at the end of the first session of this Congress, H.R. 1839, introduced by the gentleman from Washington (Mr. WHITE), a member of the Committee on Commerce.

As many of my colleagues know, I first became interested in this subject when my constituent and longtime friend, Dick Strauss, brought to my attention the problem of the hodgepodge of State definitions for salvage and rebuilt automobiles. While most automobile dealers make every effort to ensure that used cars on their lots are of the highest quality, increasingly sophisticated scam artists are using the differences in State automobile titling schemes to swindle consumers, dealers and insurers alike.

Both H.R. 1839 and this bill would require that States receiving certain Federal grants must either adopt uniform definitions and procedures for titling and salvaging rebuilt automobiles

or must inform their consumers that they do not meet Federal standards. Neither bill forces any State to change its standards, and the bill before the House gives States even more protection for standards that they view as more protective.

While the bill was in the Senate, Senator LOTT and Senator GORTON made a number of worthwhile changes to the bill. Among other provisions, S. 852 lowers the threshold for ''salvage vehicles'' from 80 percent to 75 percent; it allows States to use the term ''older model salvage vehicle'' to cover certain vehicles that might not be covered by the Federal definition; and it permits the chief law enforcement officer of a State to seek restitution for aggrieved customers. All of these changes are improvements to the bill and are contained in the legislation before the House today.

However, this legislation came back from the Senate with one provision that we could not accept, because it would render the purpose of the bill completely meaningless. In an amendment offered by several Members of the other body, the system of uniform definitions proposed by the bill was put aside, and the Federal definitions were designed as an ''overlay'' on top of the already confusing system of State definitions. Under the language that passed the Senate, the consumer could be confronted with two definitions of ''salvage'' that contradict one another, a Federal definition and a separate State definition.

That amendment represents a huge step backwards for consumers. The bill, as it passed the Senate, would only result in more confusion for consumers and a greater opportunity for criminals to further abuse the system of titling salvage vehicles. In a recent letter from the State motor vehicle officials, the officials charged with implementing the law, they described this language as ''unworkable'' and ''serving no useful purpose, while undercutting the important goals of the bill.'' We cannot, in good conscience, accept this language.

However, that amendment was rooted in a legitimate concern for consumers in States that would otherwise have stricter standards for defining salvage vehicles. In order to address this concern, we have added language which will permit States to use any percentage definition for salvage vehicle that the State deems appropriate. I believe that this will go a long way in addressing the concerns raised by critics of this legislation.

Mr. Speaker, this legislation protects consumers by striking a balance. It vastly improves the status quo by giving consumers, dealers, and State officials notice about the status of vehicles that have been totaled by accident or flood. Today, the patchwork of 50 different State laws ensures that no State can adequately protect its own citizens. This legislation changes that situation for the better, and I strongly support its passage.

In closing, I want to recognize the gentleman from Washington (Mr. WHITE) for all his hard work in moving this legislation in both the 104th and the 105th Congresses. The majority leader of the other body also deserves high praise for his dedication to this issue.

I urge all my colleagues to support this bill.

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

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

Mr. Speaker, I rise with significant concerns about the bill before us this afternoon. S. 852, authored by Senator LOTT, is the companion bill to H.R. 1839, introduced by the gentleman from Washington (Mr. WHITE). I opposed this bill when it originally left the House, and I oppose it again today.

Mr. Speaker, this legislation ought to be crafted in a way that establishes a high level of consumer protection, while allowing States to provide additional protections for their citizens. This bill does not achieve that goal, and it has a number of problems.

The sale of rebuilt, wrecked or totaled vehicles, and just so those who may be watching or listening to this debate understand what we are talking about, it is that category of cars that have been totaled. That is what we call it in Boston. I do not know what other parts of the country may call it when a car is in such a wreck that it essentially costs more money to repair it than it does to junk it, but in Boston we call it a totaled car. Well, that is what this legislation deals with, that category of cars that have been totaled.

We believe that there is substantial risk of death, or disability, or personal injury or financial ruin to large numbers of people, and that this bill ought not to pass. It is not that an effort has not been undertaken or that has not consumed a huge amount of time. It has. It is that, at the end of the day, the bill does not achieve the goal which was sought.

For example, I continue to have concerns that the different definition in the bill of a late-model vehicle is overly narrow. This legislation would exempt sellers of cars of models over 6 years old and worth less than $7,500 from having to disclose accident damage. The Department of Transportation tells us that the average car in America is 8 years old. And so the fleet of automobiles that is going to be potentially exempted under the provision of this bill is huge.

It would seem to me that even if one wanted to preempt the States, that one would at least want to cover the average car on the road, at least cars that are 8 years old. Now, it seems, I think to a lot of people, somewhat of a surprise that the average car is 8 years of age, but that is the reality. These cars are the ones most likely to be those on used car lots and most likely to be safety threats to our citizens.

Although this legislation gives States some flexibility in limited fashion to change the percentage, I am still concerned about it, because it would have the effect of preempting vital consumer protection laws for all used car buyers at each State that opts into the Federal titling plan.

The bill also requests the Department of Transportation to issue national regulations and standards relating to title granting, but it does not contain any money to help the States to implement it. There is no adequate enforcement provision. No private right of action is contained in the bill. An individual cannot sue themselves. With all the pressing cases that they have, relying upon United States attorneys to take a used car dealer to court for allegedly misbranding a title of any car is a false hope for any consumer in our country.

□ 1530

We need a private right of action, so that if someone misbrands a title or omits vital information, a consumer can then take them to court to seek redress.

When this motor vehicle salvage bill passed the House earlier in this Congress, I expressed the hope that we could improve the bill authored by the gentleman from Washington (Mr. WHITE) to make it satisfactory from a consumer perspective as the process moved forward in the Senate and in our conversations with the other body, and the Senate actually approved this motor vehicle salvage bill recently, adopting a pro-consumer amendment offered by Senators LEVIN and FEINSTEIN. This amendment ensures that States could go further and protect consumers even more. Unfortunately, the very changes that improved the bill in the Senate and started to make it consumer friendly are being deleted from the bill before us today. Rather than working with those of us who had problems with the bill, this bill is being brought to the floor with these consumer protections and State authority provisions being summarily dropped. In short, Members are being asked to pass a bill to protect consumers that lacks the support of the national consumer groups and the State attorneys general.

In its current form, this bill is opposed by the Consumer Federation of America, opposed by the Center for Auto Safety, opposed by Public Citizen, opposed by the National Association of Consumer Advocates, opposed by U.S. PIRG, opposed by the Consumers Union. How on earth can this bill be characterized as a pro-consumer bill if all the large, national consumer groups strongly oppose its passage? I urge Members to oppose this bill, Mr. Speaker.

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

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

Mr. Speaker, the gentleman from Virginia would like to ask the gentleman from Massachusetts if totaled,

is that what happened to the BC Eagles last night against the Virginia Tech Gobblers?

Mr. MARKEY. If the gentleman will yield, Mr. Speaker, exactly. The Virginia Tech football team totaled the BC football team, in the same way that the Cleveland Indians totaled the Red Sox last week. I do not think either a football team or a baseball team ought to be allowed back out on the field without some kind of warning to fans in Boston that they could be engaging in activity very dangerous to their psychic health.

Mr. BLILEY. I thank the gentleman for his response.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. WHITE), the chief author of this bill.

Mr. WHITE. Mr. Speaker, I thank the gentleman for yielding time, and I am happy to know that the gentleman from Massachusetts, even if he does not support this bill for a totaled car, he would support it for a totaled athletic team. I appreciate that very much.

Mr. Speaker, this is a good bill that does a very simple thing. It simply requires the States to disclose to consumers if the car they are buying has been totaled. Now, this bill is also proof that nothing is easy to get done in this particular institution, because with massive support from the House, we had a vote of 336–72 when this was passed almost a year ago, and with massive support even 2 years prior to that in the last Congress, this bill has still been tied up in the Senate until just recently, for almost a 3-year period of time.

They finally sent it back to us just this week with some minor changes except in one case. As the chairman described to us earlier, they added an amendment that would allow for dual definitions of what a salvage vehicle is. I agree with the chairman wholeheartedly that that would just lead to confusion, it would be a big mistake, and so I totally support his amendment to take those dual definitions out and simplify this bill so that it accomplishes the purpose that we were trying to accomplish. But with the manager's amendment, this is a good bill. It deserves our support, just as it did before.

If I might just respond to a couple of quick things that the gentleman from Massachusetts said.

Number one, I want to assure him that in Seattle we refer to these cars in a very similar way that he does. We refer to them as a totaled car. I understand in Boston they are referred to as a totaled ''caah'' but it is a very similar thing. I think we are dealing with the same issue.

I also want to remind the gentleman, as we discussed when we talked about this bill earlier, the problem with older cars is one of striking a balance. If a car is too old and it sustains damage, for example, to the sunroof, you might find yourself in a situation where a damaged sunroof totals more than 75 percent of the value of the car. We do not want a car with a damaged sunroof to be considered totaled. So we tried to find a balance where older cars were included but only to a point where minor cosmetic damage would not require them to be considered a salvage vehicle.

With that, Mr. Speaker, I would simply urge my colleagues to vote in favor of this bill.

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

Mr. Speaker, in Boston when a car has been totaled we assume that car is not going to go back out on the road again. Now, in Washington State they have a different relationship with these vehicles. They try to rehabilitate them, put that chassis back on top of the wheels again and get it back out on the road. We appreciate that. It is something that would not raise that big of an issue if all we were talking about is the sunroof that was being repaired, or if it was the internal upholstery that needed to be redone. But while it may include those repairs in the definition of being totaled, meaning that it would cost that much money in order to repair something and it exceeded the cost of the vehicle in its present condition, it could also include the fact that the steering wheel had come off in someone's hands as they were trying to turn left and the vehicle went right. It could mean that the entire chassis had been knocked off of the wheels, the axles of the car. It could mean a lot of other things. And under this legislation, the consumer would not be told that the wheel had come off in the last owner's hands, that the chassis had been knocked off of the axles and now been put back on, very carefully, but without notifying the subsequent purchaser that there might have been a problem.

Now, you say what are we talking about? Well, since the average car is 8 years old, I went to Kelley's blue book on the Internet to find some cars that will not get any protection at all. Let us look at what we can find in the blue book of Kelley's on the Internet.

Here we go. We got a 1990 FORD Escort LX hatchback, 2D, only 20,000 miles, air conditioning, power steering, only cost you $2125. You can buy this car right now, a 1990 car. Anyone interested? No warning. We do not know what has ever happened to that car, if it was totaled.

How about a 1990 Chevrolet Camaro RS, convertible, 2D. If Congress does not get a raise, a lot of Members are going to be looking at cars like this. 75,000 miles, air conditioning, power steering, power windows, tilt wheel, AM-FM stereo/cassette, $5280. Do not know where it has been, do not know if it got totaled and if it did get totaled, they are not telling you. They are going to tell you that they just put in some nice upholstery. ''Doesn't it look nice? We got a nice shine on the outside of the car.''

How about this one: 1990 BMW. Always wanted to get one of those foreign jobs? Here it is. A 325I sedan, 2D, air conditioning, power steering; $7,075. Been totaled, but you are not going to be told that when you buy it. You buy it as is. They are not even going to tell you it was totaled.

How about a 1990 Cadillac De Ville, in the mind's eye of every American the dream car. It is $6825, air conditioning, power steering, consumer-rated, condition excellent. Excellent. Who rated it? Have they been told that it was totaled? Do not have to tell anyone it has been totaled.

I could go on and on, right down to I am sure a car that a lot of people would be interested in, the 1990 Jaguar XJ6 sedan, $5675. 1990. Air conditioning, power steering. Totaled. But they do not have to tell you that when you buy it. They are telling you this is a beauty. ''Want to take it for a spin around the block? Great. No, you don't have to take it out on the highway. I promise you. Great car.''

Well, ladies and gentlemen, this bill does not give the consumer the information, the knowledge which they need. I think we should reject it at this time and try to improve it next year. We are going to be trying to do a lot of that in the next session of Congress. I would hope at this point that all Members listening understand the real danger to consumers, to drivers on the road, not only those in the car but those in other cars on the road that the driver of the vehicle does not understand the potentially dangerous conditions under which he is operating.

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

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. I thank the gentleman for yielding time.

Actually, I was off doing other work; but in listening to this debate on the floor, I thought that perhaps someone ought to come to the floor who as an avocation understands something about cars, since this discussion was fairly obvious to anyone who understands anything about cars that some of the folks who were carrying on the discussion knew nothing about them.

First of all, in today's passenger market if, in fact, you have a separate chassis you are almost always talking about a truck, you are not talking about a car. Cars tend to be unibody or just have a subassembly which is up front. The gentleman used an example of a 1990 BMW 325. That is probably a 325–I, which is their small car, that at 7,075 is a typical price for that car.

I would tell the gentleman if that car, according to an insurance company, was totaled, if you wanted to talk about the front end, your radiator would be about $300, your subsuspension, just the lower A arm is $194. I know. I just bought one about 2 months ago for my daughter's car. You begin adding up the bumper pieces and the rest, you will have spent $3,000 to $4,000 on a relatively minor 20-mile-per-hour wreck.

The description of the gentleman on the automobiles, and I will tell you, on an XJ6 1990, one of the problems with those automobiles, Jaguars, was that you would almost spend that much tuning the car up, let alone dealing with any of the mechanical problems with the car.

The point is, the gentleman's examples simply do not exist in the real world where economics control what you do and what you do not do. I am sympathetic with the gentleman indicating that when a car has been totaled, people ought to be notified. We need to deal with a reasonableness notification. I believe that the current limits of $7,500 and the model year makes some sense.

However, in the bill on page 10, if, in fact, the State wants to go beyond that and deal with an older model that has been salvaged, you can certainly do that. But if we are going to debate this, one of the things we ought not to do is to, with a considerable amount of time being consumed, let other people know exactly what we do not know about the subject matter that we are discussing.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume. I appreciate the comments of the gentleman from California. He is without question a quintessential used car salesman.

I appreciate the knowledge that he has about this subject, but the lecturing tone that he gives on this subject, well, is one where every American feels as though they are an expert on automobiles, and the younger you are, the more you feel as though you are an expert on used cars.

I personally as a former owner of at least eight or 10 used cars stand here as much of an expert as anyone may in terms of the representations that were made by the previous owner to me. Now, you might say that it was kind of foolish of me to put down money for cars that ultimately I wound up paying in repair bills at least triple the cost of that car, but I think many Americans share the same circumstances that I have.

□ 1545

I know it is not rational, I know that is not the way the real world should work, and I wish I did not meet some of the people from whom I got their used cars, but nonetheless they are out there, and these used car salesmen with a straight face try to convince people that they are doing them a favor. And all we are saying here is that there is a certain caveat emptor that should exist in the marketplace when it comes to cars that have not been totaled, but if they have been totaled, then there is an additional safety risk. And to the extent that public health and safety is at risk, then people should be told that that additional component is included in the price of the automobile. That is all we are really saying.

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

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, I want to thank the chairman of our committee, the gentleman from Virginia (Mr. BLILEY), who has led us so well this season, and to commend my friend, the gentleman from Washington (Mr. WHITE), for this legislation. I must tell my friend from Massachusetts that whenever we mix politicians and used car salesmen, we are certainly begging for a lot of trouble here. It is like Thunderbirds of a feather flying together, I suppose.

But this is a good bill. This bill, the National Salvage Motor Vehicle Consumer Protection Act, may not indeed rise to the level of importance of health care or telecommunications policy, but it is very important legislation. The bill simply protects consumers, and it protects legitimate automobile dealers, and it protects others from the fraud artists who would try to pawn off stolen or unsafe cars on those who have no way of knowing better. For the first time it will close the numerous loopholes created by 50 separate State salvage laws that have literally permitted car thieves to get away with murder.

This legislation is just as important to the used car consumer as the Telecommunications Act was important to consumers of phone service, and like the Telecommunications Act, we needed to carefully balance the needs of consumers and the needs of people in the business. We had to balance greater consumer disclosure against the effect their title brand might have both on the value of a vehicle and the cost to insure that vehicle, and we had to balance the need for consistent terms and procedures in titling vehicles against the State's right to maintain its sovereignty, and we needed to balance the need to maintain current business practices against the benefits of improved consumer disclosure.

As we passed the bill at the end of last session, Congress attempted to strike that balance, and the gentleman from Washington spent 2 years working with our committee and all the interested outside groups to address all the issues raised in our many hearings and discussions, and while I am proud of our work then, the bill before the House today actually reflects additional efforts made to accommodate the critics of the legislation.

For example, legislation before the House today tells States that if they accept Federal funds to upgrade the computer systems in their DMVs, that they are under an obligation to either adopt the uniform procedures in this bill or to tell their consumers that they may be purchasing a car with a checkered past. Either way the present situation is improved because consumers are on notice that there may be a potential problem.

If a State adopts all of the procedures outlined in the legislation, a consumer is notified in no fewer than four differ ways as to the status of the vehicle. And even more importantly, consumers in other States have notice about the vehicle's status as well. This is a vast improvement over the status quo.

Now, some of the critics of the legislation will argue that the thresholds of the bill are too high or they do not include enough cars in the definitions, so this bill addresses those concerns. It allows the States to set whatever percentage threshold they deem appropriate for defining a salvaged vehicle and allows our States to provide greater disclosures by allowing them to brand certain vehicles as, quote, older model salvaged vehicles, unquote. It even struck the prohibition on the use of certain other terms to describe salvaged vehicles. This bill represents a significant effort to address the concerns of the critics of the House-passed proposal.

So I would like to take this opportunity again to commend the gentleman from Washington and the Majority Leader of the Senate for their hard work on this legislation. They have both labored to try and include the suggestions of as many parties as possible and to even accommodate the interests of some who may not be squarely in favor of this approach, including some consumer advocates and some of our friends in the minority. They both deserve to be commended for their efforts.

In closing, Mr. Speaker, the bill of the gentleman from Washington (Mr. WHITE) represents a strong step forward for used car consumers. I strongly support the bill and urge our colleagues to do likewise.

Mr. MARKEY. Mr. Speaker, I yield myself as much time as I may consume just to conclude by saying that if the bill does not cover the average car on the road, then the bill simply does not go far enough.

Again, it cannot be a consumer bill if every major consumer group in America is opposed to the bill.

In conclusion, the gentleman from Michigan (Mr. DINGELL) would like it to be noted that he is against this bill, and I do not think there is anyone who has ever served in this House who knows more about automobiles than Mr. DINGELL. And Mr. DINGELL, if my colleagues look up the word ''automobile'' in the dictionary, Mr. DINGELL's picture is next to it. I do not think anybody in this body questions that. He thinks this is a bad bill, and I am relying upon the good sense and good judgment of Mr. DINGELL on this issue, hoping that the Members will also vote no.

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

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

Mr. Speaker, I would just say to my friend from Boston, if the Massachusetts Motor Vehicle Department and the Massachusetts Legislature wants to extend this to older vehicles, they have every right to do so.

I would also say that with the objection of the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Michigan (Mr. DINGELL), the bill passed pretty much as is 336 to 72 the last time around.

With that I urge adoption of the bill.

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

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the Senate bill, S. 852, as amended.

The question was taken.

Mr. MARKEY. 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.

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.

INTERNATIONAL ANTI-BRIBERY AND FAIR COMPETITION ACT OF 1998

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4353) to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977 to improve the competitiveness of American business and promote foreign commerce, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4353

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 ''International Anti-Bribery and Fair Competition Act of 1998''.

SEC. 2. AMENDMENTS TO THE FOREIGN CORRUPT PRACTICES ACT GOVERNING ISSUERS.

(a) PROHIBITED CONDUCT.—Section 30A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1(a)) is amended—

(1) by amending subparagraph (A) of paragraph (1) to read as follows:

''(A)(i) influencing any act or decision of such foreign official in his official capacity, (ii) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official, or (iii) securing any improper advantage; or'';

(2) by amending subparagraph (A) of paragraph (2) to read as follows:

''(A)(i) influencing any act or decision of such party, official, or candidate in its or his official capacity, (ii) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate, or (iii) securing any improper advantage; or''; and

(3) by amending subparagraph (A) of paragraph (3) to read as follows:

''(A)(i) influencing any act or decision of such foreign official, political party, party official, or candidate in his or its official capacity, (ii) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate, or (iii) securing any improper advantage; or''.

(b) OFFICIALS OF INTERNATIONAL ORGANIZATIONS.—Paragraph (1) of section 30A(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1(f)(1)) is amended to read as follows:

''(1)(A) The term 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization.

''(B) For purposes of subparagraph (A), the term 'public international organization' means—

''(i) an organization that is designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288); or

''(ii) any other international organization that is designated by the President by Executive order for the purposes of this section, effective as of the date of publication of such order in the Federal Register.''.

(c) ALTERNATIVE JURISDICTION OVER ACTS OUTSIDE THE UNITED STATES.—Section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1) is amended—

(1) by adding at the end the following:

''(g) ALTERNATIVE JURISDICTION.—

''(1) It shall also be unlawful for any issuer organized under the laws of the United States, or a State, territory, possession, or commonwealth of the United States or a political subdivision thereof and which has a class of securities registered pursuant to section 12 of this title or which is required to file reports under section 15(d) of this title, or for any United States person that is an officer, director, employee, or agent of such issuer or a stockholder thereof acting on behalf of such issuer, to corruptly do any act outside the United States in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to any of the persons or entities set forth in paragraphs (1), (2), and (3) of subsection (a) of this section for the purposes set forth therein, irrespective of whether such issuer or such officer, director, employee, agent, or stockholder makes use of the mails or any means or instrumentality of interstate commerce in furtherance of such offer, gift, payment, promise, or authorization.

''(2) As used in this subsection, the term 'United States person' means a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) or any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the laws of the United States or any State, territory, possession, or commonwealth of the United States, or any political subdivision thereof.'';

(2) in subsection (b), by striking ''Subsection (a)'' and inserting ''Subsections (a) and (g)''; and

(3) in subsection (c), by striking ''subsection (a)'' and inserting ''subsection (a) or (g)''.

(d) PENALTIES.—Section 32(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78ff(c)) is amended—

(1) in paragraph (1)(A), by striking ''section 30A(a)'' and inserting ''subsection (a) or (g) of section 30A'';

(2) in paragraph (1)(B), by striking ''section 30A(a)'' and inserting ''subsection (a) or (g) of section 30A''; and

(3) by amending paragraph (2) to read as follows:

''(2)(A) Any officer, director, employee, or agent of an issuer, or stockholder acting on behalf of such issuer, who willfully violates subsection (a) or (g) of section 30A of this title shall be fined not more than $100,000, or imprisoned not more than 5 years, or both.

''(B) Any officer, director, employee, or agent of an issuer, or stockholder acting on behalf of such issuer, who violates subsection (a) or (g) of section 30A of this title shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Commission.''.

SEC. 3. AMENDMENTS TO THE FOREIGN CORRUPT PRACTICES ACT GOVERNING DOMESTIC CONCERNS.

(a) PROHIBITED CONDUCT.—Section 104(a) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(a)) is amended—

(1) by amending subparagraph (A) of paragraph (1) to read as follows:

''(A)(i) influencing any act or decision of such foreign official in his official capacity, (ii) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official, or (iii) securing any improper advantage; or'';

(2) by amending subparagraph (A) of paragraph (2) to read as follows:

''(A)(i) influencing any act or decision of such party, official, or candidate in its or his official capacity, (ii) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate, or (iii) securing any improper advantage; or''; and

(3) by amending subparagraph (A) of paragraph (3) to read as follows:

''(A)(i) influencing any act or decision of such foreign official, political party, party official, or candidate in his or its official capacity, (ii) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate, or (iii) securing any improper advantage; or''.

(b) PENALTIES.—Section 104(g) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(g)) is amended—

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

''(g)(1)(A) PENALTIES.—Any domestic concern that is not a natural person and that violates subsection (a) or (i) of this section shall be fined not more than $2,000,000.

''(B) Any domestic concern that is not a natural person and that violates subsection (a) or (i) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General.''; and

(2) by amending paragraph (2) to read as follows:

''(2)(A) Any natural person that is an officer, director, employee, or agent of a domestic concern, or stockholder acting on behalf of such domestic concern, who willfully violates subsection (a) or (i) of this section shall be fined not more than $100,000 or imprisoned not more than 5 years, or both.

''(B) Any natural person that is an officer, director, employee, or agent of a domestic concern, or stockholder acting on behalf of such domestic concern, who violates subsection (a) or (i) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General.''.

(c) OFFICIALS OF INTERNATIONAL ORGANIZATIONS.—Paragraph (2) of section 104(h) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(h)) is amended to read as follows:

''(2)(A) The term 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization.

''(B) For purposes of subparagraph (A), the term 'public international organization' means—

''(i) an organization that is designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288); or

''(ii) any other international organization that is designated by the President by Executive order for the purposes of this section, effective as of the date of publication of such order in the Federal Register.''.

(d) ALTERNATIVE JURISDICTION OVER ACTS OUTSIDE THE UNITED STATES.—Section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2) is further amended—

(1) by adding at the end the following:

''(i) ALTERNATIVE JURISDICTION.—

''(1) It shall also be unlawful for any United States person to corruptly do any act outside the United States in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to any of the persons or entities set forth in paragraphs (1), (2), and (3) of subsection (a), for the purposes set forth therein, irrespective of whether such United States person makes use of the mails or any means or instrumentality of interstate commerce in furtherance of such offer, gift, payment, promise, or authorization.

''(2) As used in this subsection, the term 'United States person' means a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) or any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the laws of the United States or any State, territory, possession, or commonwealth of the United States, or any political subdivision thereof.'';

(2) in subsection (b), by striking ''Subsection (a)'' and inserting ''Subsections (a) and (i)'';

(3) in subsection (c), by striking ''subsection (a)'' and inserting ''subsection (a) or (i)''; and

(4) in subsection (d)(1), by striking ''subsection (a)'' and inserting ''subsection (a) or (i)''.

(e) TECHNICAL AMENDMENT.—Section 104(h)(4)(A) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(h)(4)(A)) is amended by striking ''For purposes of paragraph (1), the'' and inserting ''The''.

SEC. 4. AMENDMENTS TO THE FOREIGN CORRUPT PRACTICES ACT GOVERNING OTHER PERSONS.

Title I of the Foreign Corrupt Practices Act of 1977 is amended by inserting after section 104 (15 U.S.C. 78dd–2) the following new section:

''SEC. 104A. PROHIBITED FOREIGN TRADE PRACTICES BY PERSONS OTHER THAN ISSUERS OR DOMESTIC CONCERNS.

''(a) PROHIBITION.—It shall be unlawful for any person other than an issuer that is subject to section 30A of the Securities Exchange Act of 1934 or a domestic concern (as defined in section 104 of this Act), or for any officer, director, employee, or agent of such person or any stockholder thereof acting on behalf of such person, while in the territory of the United States, corruptly to make use of the mails or any means or instrumentality of interstate commerce or to do any other act in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to—

''(1) any foreign official for purposes of—

''(A)(i) influencing any act or decision of such foreign official in his official capacity, (ii) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official, or (iii) securing any improper advantage; or

''(B) inducing such foreign official to use his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such person in obtaining or retaining business for or with, or directing business to, any person;

''(2) any foreign political party or official thereof or any candidate for foreign political office for purposes of—

''(A)(i) influencing any act or decision of such party, official, or candidate in its or his official capacity, (ii) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate, or (iii) securing any improper advantage; or

''(B) inducing such party, official, or candidate to use its or his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such person in obtaining or retaining business for or with, or directing business to, any person; or

''(3) any person, while knowing that all or a portion of such money or thing of value will be offered, given, or promised, directly or indirectly, to any foreign official, to any foreign political party or official thereof, or to any candidate for foreign political office, for purposes of—

''(A)(i) influencing any act or decision of such foreign official, political party, party official, or candidate in his or its official capacity, (ii) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate, or (iii) securing any improper advantage; or

''(B) inducing such foreign official, political party, party official, or candidate to use his or its influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such person in obtaining or retaining business for or with, or directing business to, any person.

''(b) EXCEPTION FOR ROUTINE GOVERNMENTAL ACTION.—Subsection (a) of this section shall not apply to any facilitating or expediting payment to a foreign official, political party, or party official the purpose of which is to expedite or to secure the performance of a routine governmental action by a foreign official, political party, or party official.

''(c) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to actions under subsection (a) of this section that—

''(1) the payment, gift, offer, or promise of anything of value that was made, was lawful under the written laws and regulations of the foreign official's, political party's, party official's, or candidate's country; or

''(2) the payment, gift, offer, or promise of anything of value that was made, was a reasonable and bona fide expenditure, such as travel and lodging expenses, incurred by or on behalf of a foreign official, party, party official, or candidate and was directly related to—

''(A) the promotion, demonstration, or explanation of products or services; or

''(B) the execution or performance of a contract with a foreign government or agency thereof.

''(d) INJUNCTIVE RELIEF.—

''(1) When it appears to the Attorney General that any person to which this section applies, or officer, director, employee, agent, or stockholder thereof, is engaged, or about to engage, in any act or practice constituting a violation of subsection (a) of this section, the Attorney General may, in his discretion, bring a civil action in an appropriate district court of the United States to enjoin such act or practice, and upon a proper showing, a permanent injunction or a temporary restraining order shall be granted without bond.

''(2) For the purpose of any civil investigation which, in the opinion of the Attorney General, is necessary and proper to enforce this section, the Attorney General or his designee are empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of any books, papers, or other documents which the Attorney General deems relevant or material to such investigation. The attendance of witnesses and the production of documentary evidence may be required from any place in the United States, or any territory, possession, or commonwealth of the United States, at any designated place of hearing.

''(3) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, or other documents. Any such court may issue an order requiring such person to appear before the Attorney General or his designee, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

''(4) All process in any such case may be served in the judicial district in which such person resides or may be found. The Attorney General may make such rules relating to civil investigations as may be necessary or appropriate to implement the provisions of this subsection.

''(e) PENALTIES.—

''(1)(A) Any juridical person that violates subsection (a) of this section shall be fined not more than $2,000,000.

''(B) Any juridical person that violates subsection (a) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General.

''(2)(A) Any natural person who willfully violates subsection (a) of this section shall be fined not more than $100,000 or imprisoned not more than 5 years, or both.

''(B) Any natural person who violates subsection (a) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General.

''(3) Whenever a fine is imposed under paragraph (2) upon any officer, director, employee, agent, or stockholder of a person, such fine may not be paid, directly or indirectly, by such person.

''(f) DEFINITIONS.—For purposes of this section:

''(1) The term 'person', when referring to an offender, means any natural person other

than a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) or any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the law of a foreign nation or a political subdivision thereof.

''(2)(A) The term 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization.

''(B) For purposes of subparagraph (A), the term 'public international organization' means—

''(i) an organization that is designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288); or

''(ii) any other international organization that is designated by the President by Executive order for the purposes of this section, effective as of the date of publication of such order in the Federal Register.

''(3)(A) A person's state of mind is knowing, with respect to conduct, a circumstance or a result if—

''(i) such person is aware that such person is engaging in such conduct, that such circumstance exists, or that such result is substantially certain to occur; or

''(ii) such person has a firm belief that such circumstance exists or that such result is substantially certain to occur.

''(B) When knowledge of the existence of a particular circumstance is required for an offense, such knowledge is established if a person is aware of a high probability of the existence of such circumstance, unless the person actually believes that such circumstance does not exist.

''(4)(A) The term 'routine governmental action' means only an action which is ordinarily and commonly performed by a foreign official in—

''(i) obtaining permits, licenses, or other official documents to qualify a person to do business in a foreign country;

''(ii) processing governmental papers, such as visas and work orders;

''(iii) providing police protection, mail pick-up and delivery, or scheduling inspections associated with contract performance or inspections related to transit of goods across country;

''(iv) providing phone service, power and water supply, loading and unloading cargo, or protecting perishable products or commodities from deterioration; or

''(v) actions of a similar nature.

''(B) The term 'routine governmental action' does not include any decision by a foreign official whether, or on what terms, to award new business to or to continue business with a particular party, or any action taken by a foreign official involved in the decision-making process to encourage a decision to award new business to or continue business with a particular party.

''(5) The term 'interstate commerce' means trade, commerce, transportation, or communication among the several States, or between any foreign country and any State or between any State and any place or ship outside thereof, and such term includes the intrastate use of—

''(A) a telephone or other interstate means of communication, or

''(B) any other interstate instrumentality.''.

SEC. 5. TREATMENT OF INTERNATIONAL ORGANIZATIONS PROVIDING COMMERCIAL COMMUNICATIONS SERVICES.

(a) DEFINITION.—For purposes of this section:

(1) INTERNATIONAL ORGANIZATION PROVIDING COMMERCIAL COMMUNICATIONS SERVICES.—The term ''international organization providing commercial communications services'' means—

(A) the International Telecommunications Satellite Organization established pursuant to the Agreement Relating to the International Telecommunications Satellite Organization; and

(B) the International Mobile Satellite Organization established pursuant to the Convention on the International Maritime Satellite Organization.

(2) PRO-COMPETITIVE PRIVATIZATION.—The term ''pro-competitive privatization'' means a privatization that the President determines to be consistent with the United States policy of obtaining full and open competition to such organizations (or their successors), and nondiscriminatory market access, in the provision of satellite services.

(b) TREATMENT AS PUBLIC INTERNATIONAL ORGANIZATIONS.—

(1) TREATMENT.—An international organization providing commercial communications services shall be treated as a public international organization for purposes of section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1) and sections 104 and 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2) until such time as the President certifies to the Committee on Commerce of the House of Representatives and the Committees on Banking, Housing and Urban Affairs and Commerce, Science, and Transportation that such international organization providing commercial communications services has achieved a pro-competitive privatization.

(2) LIMITATION ON EFFECT OF TREATMENT.—The requirement for a certification under paragraph (1), and any certification made under such paragraph, shall not be construed to affect the administration by the Federal Communications Commission of the Communications Act of 1934 in authorizing the provision of services to, from, or within the United States over space segment of the international satellite organizations, or the privatized affiliates or successors thereof.

(c) EXTENSION OF LEGAL PROCESS.—

(1) IN GENERAL.—Except as specifically and expressly required by mandatory obligations in international agreements to which the United States is a party, an international organization providing commercial communications services, its officials and employees, and its records shall not be accorded immunity from suit or legal process for any act or omission taken in connection with such organization's capacity as a provider, directly or indirectly, of commercial telecommunications services to, from, or within the United States.

(2) NO EFFECT ON PERSONAL LIABILITY.—Paragraph (1) shall not affect any immunity from personal liability of any individual who is an official or employee of an international organization providing commercial communications services.

(d) ELIMINATION OR LIMITATION OF EXCEPTIONS.—The President and the Federal Communications Commission shall, in a manner that is consistent with specific and express requirements in mandatory obligations in international agreements to which the United States is a party—

(1) expeditiously take all actions necessary to eliminate or to limit substantially any privileges or immunities accorded to an international organization providing commercial communications services, its officials, its employees, or its records from suit or legal process for any act or omission taken in connection with such organization's capacity as a provider, directly or indirectly, of commercial telecommunications services to, from, or within the United States, that are not eliminated by subsection (c);

(2) expeditiously take all appropriate actions necessary to eliminate or to reduce substantially all privileges and immunities not eliminated pursuant to paragraph (1); and

(3) report to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on any remaining privileges and immunities of an international organization providing commercial communications services within 90 days of the effective date of this act and semiannually thereafter.

(e) PRESERVATION OF LAW ENFORCEMENT AND INTELLIGENCE FUNCTIONS.—Nothing in subsection (c) or (d) of this section shall affect any immunity from suit or legal process of an international organization providing commercial communications services, or the privatized affiliates or successors thereof, for acts or omissions—

(1) under chapters 119, 121, 206, or 601 of title 18, United States Code, the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 514 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 884), or Rules 104, 501, or 608 of the Federal Rules of Evidence;

(2) under similar State laws providing protection to service providers cooperating with law enforcement agencies pursuant to State electronic surveillance or evidence laws, rules, regulations, or procedures; or

(3) pursuant to a court order.

(f) RULES OF CONSTRUCTION.—

(1) NEGOTIATIONS.—Nothing in this section shall affect the President's existing constitutional authority regarding the time, scope, and objectives of international negotiations.

(2) PRIVATIZATION.—Nothing in this section shall be construed as legislative authorization for the privatization of INTELSAT or Inmarsat, nor to increase the President's authority with respect to negotiations concerning such privatization.

SEC. 6. ENFORCEMENT AND MONITORING.

(a) REPORTS REQUIRED.—Not later than July 1 of 1999 and each of the 5 succeeding years, the Secretary of Commerce shall submit to the House of Representatives and the Senate a report that contains the following information with respect to implementation of the Convention:

(1) RATIFICATION.—A list of the countries that have ratified the Convention, the dates of ratification by such countries, and the entry into force for each such country.

(2) DOMESTIC LEGISLATION.—A description of domestic laws enacted by each party to the Convention that implement commitments under the Convention, and assessment of the compatibility of such laws with the Convention.

(3) ENFORCEMENT.—As assessment of the measures taken by each party to the Convention during the previous year to fulfill its obligations under the Convention and achieve its object and purpose including—

(A) an assessment of the enforcement of the domestic laws described in paragraph (2);

(B) an assessment of the efforts by each such party to promote public awareness of such domestic laws and the achievement of such object and purpose; and

(C) an assessment of the effectiveness, transparency, and viability of the monitoring process for the Convention, including its inclusion of input from the private sector and non-governmental organizations.

(4) LAWS PROHIBITING TAX DEDUCTION OF BRIBES.—An explanation of the domestic laws enacted by each party to the Convention that would prohibit the deduction of bribes in the computation of domestic taxes.

(5) NEW SIGNATORIES.—A description of efforts to expand international participation in the Convention by adding new signatories to the Convention and by assuring that all countries which are or become members of the Organization for Economic Cooperation and Development are also parties to the Convention.

(6) SUBSEQUENT EFFORTS.—An assessment of the status of efforts to strengthen the Convention by extending the prohibitions contained in the Convention to cover bribes to political parties, party officials, and candidates for political office.

(7) ADVANTAGES.—Advantages, in terms of immunities, market access, or otherwise, in the countries or regions served by the organizations described in section 5(a), the reason for such advantages, and an assessment of progress toward fulfilling the policy described in that section.

(8) BRIBERY AND TRANSPARENCY.—An assessment of anti-bribery programs and transparency with respect to each of the international organizations covered by this Act.

(9) PRIVATE SECTOR REVIEW.—A description of the steps taken to ensure full involvement of United States private sector participants and representatives of nongovernmental organizations in the monitoring and implementation of the Convention.

(10) ADDITIONAL INFORMATION.—In consultation with the private sector participants and representatives of nongovernmental organizations described in paragraph (9), a list of additional means for enlarging the scope of the Convention and otherwise increasing its effectiveness. Such additional means shall include, but not be limited to, improved recordkeeping provisions and the desirability of expanding the applicability of the Convention to additional individuals and organizations and the impact on United States business of section 30A of the Securities Exchange Act of 1934 and sections 104 and 104A of the Foreign Corrupt Practices Act of 1977.

(b) DEFINITION.—For purposes of this section, the term ''Convention'' means the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions adopted on November 21, 1997, and signed on December 17, 1997, by the United States and 32 other nations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

Mr. BLILEY. 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 Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 4353, the International Anti-Bribery and Fair Competition Act of 1998. We have before us today an important piece of legislation that is good policy, good for business, good for workers all at the same time.

I would like to thank the gentleman from Ohio (Mr. OXLEY) in particular for cosponsoring this important legislation with me and for moving it through the committee last month by voice vote. This is another example of his leadership on international issues.

I would also like to thank the gentleman from Michigan (Mr. DINGELL) for his input on this legislation. His input has helped to make a good bill even better.

I would like to thank as well the ranking minority member on the subcommittee, the gentleman from New York (Mr. MANTON) for his cosponsorship and assistance in moving this bill forward and for his fine service on our committee.

Finally, I wish to thank the gentleman from Massachusetts (Mr. MARKEY), who was the first cosponsor joining the gentleman from Ohio (Mr. OXLEY) and myself in moving this bill forward.

Our legislation is designed to create a level playing field for Americans. This bill helps bring about a more equitable and transparent business environment while reducing both foreign bribery and unfair privileges and immunities.

The International Anti-Bribery and Fair Competition Act of 1998 contains the changes to our domestic laws necessary to implement the OECD convention on combating bribery of foreign public officials. The United States has one of the world's strictest anti-bribery laws called the Foreign Corrupt Practices Act, or FCPA. American business believes this law puts them at a disadvantage since most of our trading partners do not have similarly strong laws against bribery of foreign officials. Some of our competitors have even made bribery tax-deductible.

I believe contracts should go to the best competitor, not the biggest briber. Our workers and companies are the most competitive and productive in the world and thus have the most to gain from fair and open competition. Our bill seeks to help develop a fairer, more open business environment worldwide.

The convention has no binding mechanism to make other nations actually adopt their own anti-bribery laws in accordance with its requirements. To help address this potential problem, the gentleman from Ohio (Mr. OXLEY) and myself have added a reporting requirement to the legislation. The gentleman from Massachusetts (Mr. MARKEY) made some additions to this provision which enhanced its scope and depth, and for that I thank him very much. I would also like to thank the chairman of the Committee on International Relations, the gentleman from New York (Mr. Gilman), for his additions to this section.

Our bill will require the administration to report annually beginning on July 1 of next year on other countries' enforcement implementation measures. This will give us the information we need to determine whether other nations are living up to their end of the agreement and will put pressure on them to do so.

The gentleman from Ohio (Mr. OXLEY) and myself also added a section which helps level the playing field with respect to the intergovernmental satellite organizations, INTELSAT and Inmarsat. Bribery of officials in these organizations should not escape from the coverage of the FCPA through an anticompetitive privatization. The beneficiaries will not only be competing private American satellite companies and their workers, but also consumers who will see the lower prices that increased competition brings.

I urge Members to support our bill, send it to the Senate with a big margin of support.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent to turn control over the balance of the time to the gentleman from Ohio (Mr. OXLEY), chairman of the subcommittee.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 4353, the International Anti-Bribery and Fair Competition Act of 1998. I want to begin by thanking the gentleman from Ohio (Mr. OXLEY) of the subcommittee who handled this bill magnificently along with the chairman of the full committee, the gentleman from Virginia (Mr. BLILEY), who, in an evenhanded way, working with the gentleman from Michigan (Mr. DINGELL) and myself and the ranking member of the subcommittee, the gentleman from New York (Mr. MANTON) over the last several months has helped to craft, I think, a very important forward-looking piece of legislation, and I am very proud to have been a cosponsor with them on this bill.

Back in the 1970s there were a series of widely reported scandals and investigations by the Securities and Exchange Commission into bribes and other illicit payments to foreign officials and illegal domestic political contributions by American corporations. Hundreds of United States corporations were found to have made such payments to foreign government officials including more than 25 percent of our Fortune 500 companies. Clearly the widespread corrupt practices that were taking place during this period were fundamentally inconsistent with the principles of free and fair markets and, I believe, ultimately harmful to the interests of the United States because they damage the interests of shareholders of these United States companies.

In response to these practices, Congress enacted the Federal Corrupt Practices Act to establish an explicit bar against bribing foreign government officials and creating requirements for

accurate books and records and devising and maintaining a system of internal accounting controls. When Congress enacted this legislation, it was hoped that by taking the lead to curb bribery by our corporations, America would put pressure on other developed and developing industrialized nations to adopt similar laws inside their own countries.

□ 1600

Today, this Congress, pursuant to the leadership of the gentleman from Ohio (Mr. OXLEY) and the gentleman from Virginia (Mr. BLILEY) is taking up legislation which is the fruit of our earlier legislative efforts in the original Foreign Corrupt Practices Act and in the 1988 amendments to this Act to put pressure on foreign governments to adopt strong laws against bribing foreign government officials.

After many years of difficult negotiations, the United States succeeded last year in securing the agreement of 33 countries, including almost all of the OECD States and several other nations, to a Convention which is closely modeled after the Foreign Corrupt Practices Act.

In order to implement the terms of the Convention, H.R. 4353 strengthens U.S. law by extending its coverage to cover foreign persons and corporations, bribes paid to officials of international organizations, and clarifying that the law's prohibitions should be construed to cover any payments made to secure any improper advantage.

This is the right formula for the future of the world. We have to add more integrity to the global marketplace. Consumers and investors across the planet have to know that, wherever business is being done, it is being done by a set of rules. That is agreed by every single industrialized nation so that all are given full protection.

I want to congratulate again the gentleman from Ohio (Mr. OXLEY) and the gentleman from Virginia (Mr. BLILEY). They worked closely with the gentleman from Michigan (Mr. DINGELL), the gentleman from New York (Mr. MANTON), and I. We are proud to be cosponsors of this seminal piece of legislation.

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

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

Mr. Speaker, I rise in strong support of this legislation, the International Anti-Bribery and Fair Competition Act of 1998.

Bribery distorts the free market system and provides unfair advantages. It does so at the expense of those unwilling or unable to use similar tactics. Those companies or governments that participate in bribery take away an opportunity from someone willing or required to play by the rules. But what happens when there are no rules or the existing laws are murky or poorly enforced? In such an environment, bribery is allowed to flourish.

The United States, our Anti-Bribery law is the Foreign Corrupt Practices Act, also known as the FCPA, one of the strongest anti-bribery laws worldwide. Unfortunately, many foreign nations do not have similar laws as we do in the United States or certainly enforce them. As a result, American companies and American workers suffer a significant competitive disadvantage. They are bound by the provisions of the FCPA while others are not. H.R. 4353 will help rectify this serious problem.

As a matter of fact, there has been evidence that American corporations lose upwards to $30 billion per year against unfair competition where foreign countries, companies bribe the public officials and in many cases actually have those bribes deducted from their tax liability.

This implements the recently completed OECD Convention on Combating Bribery of Foreign Officials in International Business Transactions. Concluded last December, this Convention will go a long way to raising the bar regarding anti-bribery legislation.

The first step that must be done to make the Convention a success is bring the Parties into compliance with the Convention. This bill makes the necessary changes to the FCPA to bring the U.S. into compliance. We will be the first country to do so. These changes are small, but they are significant and very important.

The administration has made a case that the U.S. must take a strong lead in implementing the Convention, and we do that today.

Moreover, H.R. 4353 contains strong reporting requirements which we added to the bill in order to help ensure other nations are implementing and enforcing their commitments under the Convention. For that, I thank my good friend, the gentleman from Massachusetts (Mr. MARKEY) for his vigilance and hard work for providing those reporting requirements. We plan to be vigilant to ensure the next steps, international compliance and enforcement, are completed.

This bill will also reduce and eliminate unfair privileges and immunities of the intergovernmental satellite organizations, INTELSAT and Inmarsat, and makes it quite clear that these organizations are covered under the anti-bribery Convention as well as the statute. Doing so will help bring us closer to the point where no satellite competitor is above the law.

It is clear that the American business groups support this bill. They want to compete on a level ground with their international counterparts. Furthermore, the bill has been enforced by the American business community, including the Business Roundtable, the Emergency Committee for American Trade, the National Association of Manufacturers, the National Foreign Trade Council, Transparency International, and the United States Council for International Business.

Let me say, Mr. Speaker, that without the hard work of the Commerce Department, Secretary Daley, we also would not be here today, and we want to thank them for their fine efforts.

The Senate has already passed a similar version of this bill. I am hopeful that the other body will quickly approve the improvements we made to the bill so we can quickly send this legislation to the President for his signature.

Let me finally take this opportunity to thank the gentleman from Virginia (Chairman BLILEY) for steering this important initiative forward. I, too, want to thank the gentleman from Michigan (Mr. DINGELL), the ranking minority member of the full committee, the gentleman from New York (Mr. MANTON), the ranking minority member on my subcommittee, who is retiring this year, and also of course our good friend the gentleman from Massachusetts (Mr. MARKEY) for his work in this effort.

During the committee process, we worked with interested parties, including the administration, to approve specific language of the bill. The bill H.R. 4353 passed in the Committee on Commerce with no opposition. The bill before us today has brought bipartisan support and deserves the support of the entire House.

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

Mr. MARKEY. Mr. Speaker, we have no other requests for time on this side of the aisle.

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

Mr. OXLEY. Mr. Speaker, I know we have no further speakers on this side.

Mr. Speaker, we too, yield back the balance of our time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 4353, 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. OXLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2375) to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2375

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 ''International Anti-Bribery Act of 1998''.

SEC. 2. AMENDMENTS RELATING TO ISSUERS OF SECURITIES.

(a) PROHIBITED CONDUCT.—Section 30A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''(B)'' and inserting ''(D)''; and

(B) by striking subparagraph (A) and inserting the following:

''(A) influencing any act or decision of such foreign official in his official capacity;

''(B) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official;

''(C) securing any improper advantage; or'';

(2) in paragraph (2)—

(A) by striking ''(B)'' and inserting ''(D)''; and

(B) by striking subparagraph (A) and inserting the following:

''(A) influencing any act or decision of such party, official, or candidate in its or his official capacity;

''(B) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate;

''(C) securing any improper advantage; or''; and

(3) in paragraph (3)—

(A) by striking ''(B)'' and inserting ''(D)''; and

(B) by striking subparagraph (A) and inserting the following:

''(A) influencing any act or decision of such foreign official, political party, party official, or candidate in its or his official capacity;

''(B) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate;

''(C) securing any improper advantage; or''.

(b) OFFICIALS OF INTERNATIONAL ORGANIZATIONS.—Section 30A(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1(f)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) The term—

''(A) 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government, department, agency, or instrumentality, or for or on behalf of any such public international organization; and

''(B) 'public international organization' means an organization that has been so designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288).''; and

(2) in paragraph (3)(A)(v), by inserting before the period ''to those referred to in clauses (i) through (iv)''.

(c) ALTERNATIVE JURISDICTION OVER ACTS OUTSIDE OF THE UNITED STATES.—Section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1) is amended—

(1) by redesignating subsection (f) as subsection (g);

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

''(f) ALTERNATIVE JURISDICTION.—

''(1) IN GENERAL.—It shall be unlawful for an issuer, or for any United States person that is an officer, director, employee, or agent of such issuer or any stockholder thereof, acting on behalf of that issuer, to corruptly do any act outside of the United States in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of any thing of value to any of the persons or entities referred to in paragraphs (1), (2), and (3) of subsection (a), for the purposes set forth therein, whether or not that issuer (or that officer, director, employee, agent, or stockholder) makes use of the mails or any means or instrumentality of interstate commerce in furtherance of the offer, gift, payment, promise, or authorization.

''(2) APPLICABILITY.—This subsection applies only to an issuer that—

''(A) is organized under the laws of the United States, or a State, territory, possession, or commonwealth of the United States or a political subdivision thereof; and

''(B) has a class of securities registered pursuant to section 12 or that is required to file reports under section 15(d).

''(3) UNITED STATES PERSON.—In this subsection, the term 'United States person' means—

''(A) a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)); and

''(B) any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the laws of the United States or any State, territory, possession, or commonwealth of the United States, or any political subdivision thereof.'';

(3) in subsection (b), by striking ''Subsection (a)'' and inserting ''Subsections (a) and (f)''; and

(4) in subsection (c), by striking ''subsection (a)'' and inserting ''subsections (a) and (f)''.

(d) PENALTIES.—Section 32(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78ff(c)) is amended—

(1) by striking ''section 30A(a) of this title'' each place that term appears and inserting ''subsection (a) or (f) of section 30A''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''or director'' and inserting '', director, employee, or agent'';

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

SEC. 3. AMENDMENTS RELATING TO DOMESTIC CONCERNS.

(a) PROHIBITED CONDUCT.—Section 104(a) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''(B)'' and inserting ''(D)''; and

(B) by striking subparagraph (A) and inserting the following:

''(A) influencing any act or decision of such foreign official in his official capacity;

''(B) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official;

''(C) securing any improper advantage; or'';

(2) in paragraph (2)—

(A) by striking ''(B)'' and inserting ''(D)''; and

(B) by striking subparagraph (A) and inserting the following:

''(A) influencing any act or decision of such party, official, or candidate in its or his official capacity;

''(B) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate;

''(C) securing any improper advantage; or''; and

(3) in paragraph (3)—

(A) by striking ''(B)'' and inserting ''(D)''; and

(B) by striking subparagraph (A) and inserting the following:

''(A) influencing any act or decision of such foreign official, political party, party official, or candidate in its or his official capacity;

''(B) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate;

''(C) securing any improper advantage; or''.

(b) OFFICIALS OF INTERNATIONAL ORGANIZATIONS.—Section 104(h) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(h)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) The term—

''(A) 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government, department, agency, or instrumentality, or for or on behalf of any such public international organization; and

''(B) 'public international organization' means an organization that has been so designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288).''; and

(2) in paragraph (4)(A)(v), by inserting before the period ''to those referred to in clauses (i) through (iv)''.

(c) ALTERNATIVE JURISDICTION OVER ACTS OUTSIDE OF THE UNITED STATES.—Section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2) is amended—

(1) by redesignating subsection (h) as subsection (i);

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

''(h) ALTERNATIVE JURISDICTION.—

''(1) IN GENERAL.—It shall be unlawful for a United States person to corruptly do any act outside of the United States in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of any thing of value to any of the persons or entities referred to in paragraphs (1), (2), and (3) of subsection (a), for the purposes set forth therein, whether or not that United States person makes use of the mails or any means or instrumentality of interstate commerce in furtherance of the offer, gift, payment, promise, or authorization.

''(2) DEFINITION.—In this subsection, the term 'United States person' means—

''(A) a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)); and

''(B) any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the laws of the United States or any State, territory, possession, or commonwealth of the United States, or any political subdivision thereof.'';

(3) in subsection (b), by striking ''Subsection (a)'' and inserting ''Subsections (a) and (h)'';

(4) in subsection (c), by striking ''subsection (a)'' and inserting ''subsections (a) and (h)''; and

(5) in subsection (d), by striking ''subsection (a) of this section'' and inserting ''subsection (a) or (h)''.

(d) PENALTIES.—Section 104(g) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(g)) is amended—

(1) by striking ''subsection (a)'' each place that term appears and inserting ''subsection (a) or (h)'';

(2) in paragraph (1), by inserting ''that is not a natural person'' after ''domestic concern'' each place that term appears; and

(3) in paragraph (2)—

(A) by striking ''Any officer'' each place that term appears and inserting ''Any natural person that is an officer'';

(B) in subparagraph (A), by striking ''or director'' and inserting '', director, employee, or agent'';

(C) by striking subparagraph (B); and

(D) by redesignating subparagraph (C) as subparagraph (B).

(e) TECHNICAL AMENDMENT.—Section 104(i)(4)(A) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(h)(4)(A)), as redesignated by subsection (c) of this section, is amended by striking ''For purposes of paragraph (1), the'' and inserting ''The''.

SEC. 4. AMENDMENT RELATING TO OTHER PERSONS.

The Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd et seq.) is amended by inserting after section 104 the following new section:

''SEC. 104A. PROHIBITED FOREIGN TRADE PRACTICES BY PERSONS OTHER THAN ISSUERS OR DOMESTIC CONCERNS.

''(a) PROHIBITED CONDUCT.—It shall be unlawful for any covered person, or for any officer, director, employee, or agent of such covered person or any stockholder thereof, acting on behalf of such covered person, while in the territory of the United States, corruptly to make use of the mails or any means or instrumentality of interstate commerce or to do any other act in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to—

''(1) any foreign official for purposes of—

''(A) influencing any act or decision of such foreign official in the official capacity of the foreign official;

''(B) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official;

''(C) securing any improper advantage; or

''(D) inducing such foreign official to use the influence of that official with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such covered person in obtaining or retaining business for or with, or directing business to, any person;

''(2) any foreign political party or official thereof or any candidate for foreign political office for purposes of—

''(A) influencing any act or decision of such party, official, or candidate in its or his official capacity;

''(B) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate;

''(C) securing any improper advantage; or

''(D) inducing such party, official, or candidate to use its or his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such covered person in obtaining or retaining business for or with, or directing business to, any person; or

''(3) any person, while knowing that all or a portion of such money or thing of value will be offered, given, or promised, directly or indirectly, to any foreign official, to any foreign political party or official thereof, or to any candidate for foreign political office, for purposes of—

''(A) influencing any act or decision of such foreign official, political party, party official, or candidate in its or his official capacity;

''(B) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate;

''(C) securing any improper advantage; or

''(D) inducing such foreign official, political party, party official, or candidate to use its or his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such covered person in obtaining or retaining business for or with, or directing business to, any person.

''(b) EXCEPTION FOR ROUTINE GOVERNMENTAL ACTION.—Subsection (a) shall not apply to any facilitating or expediting payment to a foreign official, political party, or party official, the purpose of which is to expedite or to secure the performance of a routine governmental action by a foreign official, political party, or party official.

''(c) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to actions under subsection (a) that—

''(1) the payment, gift, offer, or promise of anything of value that was made, was lawful under the written laws and regulations of the country of the foreign official, political party, party official, or candidate; or

''(2) the payment, gift, offer, or promise of anything of value that was made was a reasonable and bona fide expenditure, such as travel and lodging expenses, incurred by or on behalf of a foreign official, party, party official, or candidate, and was directly related to—

''(A) the promotion, demonstration, or explanation of products or services; or

''(B) the execution or performance of a contract with a foreign government or agency thereof.

''(d) INJUNCTIVE RELIEF.—

''(1) IN GENERAL.—When it appears to the Attorney General that any covered person, or officer, director, employee, agent, or stockholder of a covered person, is engaged, or about to engage, in any act or practice constituting a violation of subsection (a), the Attorney General may, in the discretion of the Attorney General, bring a civil action in an appropriate district court of the United States to enjoin such act or practice, and upon a proper showing, a permanent injunction or a temporary restraining order shall be granted without bond.

''(2) CIVIL INVESTIGATIONS.—For the purpose of any civil investigation that, in the opinion of the Attorney General, is necessary and proper to enforce this section, the Attorney General, or a designee thereof, may administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of any books, papers, or other documents that the Attorney General deems relevant or material to such investigation. The attendance of witnesses and the production of documentary evidence may be required from any place in the United States, or any territory, possession, or commonwealth of the United States, at any designated place of hearing.

''(3) SUBPOENAS.—In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or in which such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, or other documents. Any such court may issue an order requiring such person to appear before the Attorney General, or a designee thereof, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

''(4) PROCESS.—All process in any action referred to in this subsection may be served in the judicial district in which such person resides or may be found.

''(5) RULES.—The Attorney General may make such rules relating to civil investigations as may be necessary or appropriate to implement this subsection.

''(e) PENALTIES.—

''(1) JURIDICAL PERSONS.—Any covered person that is a juridical person that violates subsection (a)—

''(A) shall be fined not more than $2,000,000; and

''(B) shall be subject to a civil penalty of not more than $10,000, imposed in an action brought by the Attorney General.

''(2) NATURAL PERSON.—Any covered person who is a natural person and who—

''(A) willfully violates subsection (a) shall be fined not more than $100,000, or imprisoned not more than 5 years, or both;

''(B) violates subsection (a) shall be subject to a civil penalty of not more than $10,000, imposed in an action brought by the Attorney General.

''(3) PAYMENT OF FINES.—Whenever a fine is imposed under paragraph (2) upon any officer, director, employee, agent, or stockholder of a covered person, such fine may not be paid, directly or indirectly, by that covered person.

''(f) APPLICABILITY; OTHER LAWS.—This section does not apply—

''(1) to any issuer of securities to which section 30A of the Securities Exchange Act of 1934 applies; or

''(2) to any domestic concern to which section 104 of this Act applies.

''(g) DEFINITIONS.—For purposes of this section—

''(1) the term—

''(A) 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization; and

''(B) 'public international organization' means an organization that has been designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288);

''(2) the state of mind of a covered person is 'knowing' with respect to conduct, a circumstance, or a result if—

''(A) such covered person is aware that such covered person is engaging in such conduct, that such circumstance exists, or that such result is substantially certain to occur; or

''(B) such covered person has a firm belief that such circumstance exists or that such result is substantially certain to occur;

''(3) if knowledge of the existence of a particular circumstance is required for an offense, such knowledge is established if a covered person is aware of a high probability of the existence of such circumstance, unless the covered person actually believes that such circumstance does not exist;

''(4) the term 'covered person' means—

''(A) any natural person, other than a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act); and

''(B) any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship that is organized under the law of a foreign nation or a political subdivision thereof; and

''(5) the term 'routine governmental action'—

''(A) means only an action that is ordinarily and commonly performed by a foreign official—

''(i) in obtaining permits, licenses, or other official documents to qualify a person to do business in a foreign country;

''(ii) in processing governmental papers, such as visas and work orders;

''(iii) in providing police protection, mail pickup and delivery, or scheduling inspections associated with contract performance or inspections related to transit of goods across country;

''(iv) in providing phone service, power and water supply, loading and unloading cargo, or protecting perishable products or commodities from deterioration; or

''(v) in actions of a similar nature to those referred to in clauses (i) through (iv); and

''(B) does not include any decision by a foreign official regarding whether, or on what terms, to award new business to or to continue business with a particular party, or any action taken by a foreign official involved in the decisionmaking process to encourage a decision to award new business to or continue business with a particular party.''.

MOTION OFFERED BY MR. OXLEY

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

The Clerk read as follows:

Mr. OXLEY moves to strike out all after the enacting clause of S. 2375 and insert in lieu thereof the text of H.R. 4353 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: ''To amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977 to improve the competitiveness of American business and promote foreign commerce, and for other purposes.''.

A motion to reconsider was laid on the table.

A similar House bill, (H.R. 4354) was laid on the table.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2375.

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

There was no objection.

RECOGNIZING SUICIDE AS A NATIONAL PROBLEM

Mr. BURR of North Carolina. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 212) recognizing suicide as a national problem, and for other purposes.

The Clerk read as follows:

H. RES. 212

Whereas suicide, the ninth leading cause of all deaths in the United States and the third such cause for young persons ages 15 through 24, claims over 31,000 lives annually, more than homicide;

Whereas suicide attempts, estimated to exceed 750,000 annually, adversely impact the lives of millions of family members;

Whereas suicide completions annually cause over 200,000 family members to grieve over and mourn a tragic suicide death for the first time, thus creating a population of over 4,000,000 such mourners in the United States;

Whereas the suicide completion rate per 100,000 persons has remained relatively stable over the past 40 years for the general population, and that rate has nearly tripled for young persons;

Whereas the suicide rate is rising among African American young men;

Whereas the suicide completion rate is highest for adults over 65;

Whereas the stigma associated with mental illness works against suicide prevention by keeping persons at risk of completing suicide from seeking lifesaving help;

Whereas the stigma associated with suicide deaths seriously inhibits surviving family members from regaining meaningful lives;

Whereas suicide deaths impose a huge unrecognized and unmeasured economic burden on the United States in terms of potential years of life lost, medical costs incurred, and work time lost by mourners;

Whereas suicide is a complex, multifaceted biological, sociological, psychological, and societal problem;

Whereas even though many suicides are currently preventable, there is still a need for the development of more effective suicide prevention programs;

Whereas suicide prevention opportunities continue to increase due to advances in clinical research, in mental disorder treatments, and in basic neuroscience, and due to the development of community-based initiatives that await evaluation; and

Whereas suicide prevention efforts should be encouraged to the maximum extent possible: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes suicide as a national problem and declares suicide prevention to be a national priority;

(2) acknowledges that no single suicide prevention program or effort will be appropriate for all populations or communities;

(3) encourages initiatives dedicated to—

(A) preventing suicide;

(B) responding to people at risk for suicide and people who have attempted suicide;

(C) promoting safe and effective treatment for persons at risk for suicidal behavior;

(D) supporting people who have lost someone to suicide; and

(E) developing an effective national strategy for the prevention of suicide; and

(4) encourages the development, and the promotion of accessibility and affordability, of mental health services, to enable all persons at risk for suicide to obtain the services, without fear of any stigma.

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 insert extraneous material on H. Res. 212.

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, we are here today to address the House resolution that deals with recognizing suicide as a national problem. When I am back in my district, I spend a tremendous amount of time in our country's schools. It is very interesting to watch the children in elementary and middle and high school these days, as they talk about the problems that they hear their parents talk about around the dinner table, not the ones that influence us on the nightly news but the ones that truly affect their quality of life.

I cannot imagine a school child without hope, but, believe me, in our world today there are many children that go to bed at night without that hope. This is a reason that I cosponsored House Resolution 212 introduced by Mr. LEWIS, my colleague from Georgia.

I received a letter recently from a student in my district, and I want to share part of that letter with my colleagues here today. Her letter said:

This letter concerns my opinion on teen suicide. There are more and more teen suicides, and it is becoming more and more popular. I think that teen suicide could be prevented. There could be classes that teens could take, not for a grade, but for them to build their self-esteem. If they do not feel badly about themselves, they will not have a reason to kill themselves.

Let me read my colleagues some statistics. According to the Centers for Disease Control, despite a decrease in the number of overall deaths of children age 5 through 14 from 1980 to 1998, death itself due to suicide in that age group doubled. While the overall number of deaths age 15 to 24 also dropped during the same period, suicide increased 3 percentage points.

Mr. Speaker, any death leaves a hole in a family. A suicide not only leaves a hole, but many painful unanswered questions. It is my hope that by passage of House Resolution 212, fewer families will have to live with the pain, and more individuals will receive the help they desperately need.

House Resolution 212 states that, one, Congress recognizes suicide as a national problem and wants suicide prevention to be a national priority. Two, no single suicide prevention program or effort will be appropriate for all populations and/or communities.

So while a self-esteem class may be what is right for children in the Fifth District of North Carolina, House Resolution 212 says that Congress needs to promote a variety of types of intervention and treatment programs so that there is one suitable for every community in this country and their needs.

Suicide prevention is an inexact science. It takes the efforts of all areas of society, teenagers, teachers, families, health care providers and, yes, even Congress.

House Resolution 212 specifically encourages initiatives to, one, prevent suicide; two, respond to people at risk

for suicide and people who have attempted suicide; three, promote safe and effective treatment for persons at risk for suicidal behavior; four, support people who have lost someone to suicide; and, five, develop an effective national strategy for the prevention of suicide.

I think this is an excellent resolution, and I would urge my colleagues to support it.

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

Mr. BROWN of Ohio. Mr. Speaker, I rise in support of House Resolution 212.

Mr. Speaker, I ask unanimous consent that the gentleman from Georgia (MR. LEWIS) be allowed to control the time for our side.

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

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to join my colleagues in bringing to the floor today a resolution that addresses a common but often unrecognized problem, suicide. This resolution recognizes suicide as a national problem and declares suicide prevention to be a national priority.

While no single prevention program would be appropriate for all populations and communities, the point of this resolution is to create a climate for suicide prevention, to recognize as a Nation that we must become aware of the problem, that we are to address it and eventually solve it.

□ 1615

We must not remain quiet or silent on problems that cause us pain. Instead, we must bring the problems out from under the rug into the light where we can deal with them. If we begin to do that as a Nation, it is my hope that we will encourage individuals and communities nationwide to do the same.

I am pleased that more than 92 of my colleagues are joining me in this effort by becoming original cosponsors of this resolution. I want to thank my good friend from North Carolina (Mr. Burr) for managing the bill on the other side.

Suicide touches hundreds of American families every year. An estimated 750,000 people attempt suicide each year. Suicide claims the lives of more than 31,000 people annually, more than homicide. Suicide is the ninth leading cause of all deaths in the United States, and the third for young people age 15 to 24. It is on the rise for young people in general and for African-American young men in particular.

Only by talking about mental illness and encouraging treatment can we begin to address the painful issue that leads to suicide. We must tell our friends and our loved ones that it is okay to talk about feelings of despair, depression and hopelessness and suicide. For those who have the courage to get help, to seek treatment, we must support them, and we must talk about suicide so that we can try to understand it and prevent it.

Too much shame surrounds feelings of depression and suicide. We can change that and we must, by reaching out to others in our communities. The Senate has already passed a similar resolution on suicide recognition and prevention. I urge all of my colleagues in the House to join me and many others, Republicans and Democrats, from all parts of the Nation in our pledge to work together towards suicide prevention, awareness and treatment. Please join us in supporting House Resolution 212, a resolution recognizing suicide as a national problem.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the gentleman from Georgia (Mr. LEWIS) for his outstanding leadership on this issue. I thank my colleagues on the other side of the aisle as well, the 92 cosponsors, of which I am one, to finally acknowledge that suicide strikes at so many Americans. It is a silent killer almost, because so many Americans and so many American families suffer in silence.

This resolution will help us establish the criteria and the focus on this devastating, devastating occurrence in our families. It results in, of course, the enormous loss of life, the loss of talented individuals, and it is now time that we say to those families and even say to those who, in moments have thought about suicide, and maybe have not acted upon it, that they are not alone, and that we can find ways to stem the tide of this devastation.

I want to simply say to the gentleman, I join him in reemphasizing that everyone counts in America, everyone counts. No one should believe that they are not counted or not in, or not important. Suicide sometimes comes about because people believe they are alone, that they can turn to no one. So many of us have experienced the tragedies of suicide, and frankly, I want to tell my colleagues the most devastating suicide occurrences are those among our children. I hate to say that my young 13-year-old son experienced that while he was in the 6th grade with one of his classmates. What a tragedy, one that leaves us speechless.

So I want to applaud the gentleman from Georgia (Mr. LEWIS), for bringing this to the Nation's attention and calling upon this Congress to stand up and be counted, acknowledging how important all persons are, and that those who may be contemplating and those families who have experienced this, they are not alone. We are here to now answer the question of how we can prevent this terrible devastation.

Mr. Speaker, I strongly endorse this measure. Suicide affects people of all ages, races, and gender. It is high time that we recognize this dire problem that plagues the citizens of our Nation. Suicide is the ninth leading cause of death in our country. Worse yet, suicide is the third leading cause of death for young persons ages 15 through 24. Everyday, six children commit suicide, and by the end of the year, this blight will claim over 31,000 lives.

These statistics are intolerable. And the situation worsens each day. Suicide is on the rise among young people, especially among young African-American men.

In addition to the thousands lost each year to suicide, over 750,000 citizens attempt suicide each year. Even when these attempts fail, families are adversely impacted.

The thought of the 200,000 family members who must grieve and mourn suicide deaths each year saddens my soul. I find it even more sobering that a population of over 4,000,000 such mourners currently exists in America.

Most of these suicides and suicide attempts are preventable. The stigma of mental illness, however, prevents our citizens from seeking lifesaving help. This stigma spreads to the family members as well, and these family members are inhibited from regaining meaningful lives.

We must provide suicide prevention opportunities to the public. Clinical research has improved mental disorder treatments. Help is available, and we can provide it.

It is imperative that we respond to this epidemic.

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

Mr. BURR of North Carolina. Mr. Speaker, I also commend the gentleman from Georgia (Mr. LEWIS) for his foresight with this issue. Many times teen suicide and child suicide goes with many unanswered questions. I urge my colleagues to support this resolution.

Mr. PACKARD. Mr. Speaker, I rise today in support of H. Res. 212, which recognizes suicide as a national problem. I would like to commend JOHN LEWIS for his leadership in introducing this legislation. DAVID SKAGGS and I also introduced H. Res. 548, which recognizes that the prevention of youth suicide is a compelling national priority.

While I has home in my district, I was contacted by a constituent of mine, Lisa Dove, the mother of Justin Dove who tragically committed suicide at age 16. Justin was a well liked child who lived with clinical depression and Attention Deficit Disorder. Despite several years of medical psychological treatments and antidepressant medications, Justin decided to take his own life. I will submit her letters for the RECORD for my colleagues to read.

The Light For Life Foundation recognized September 20–26, 1998 as Yellow Ribbon Youth Suicide Awareness and Prevention Week. There is a need to increase awareness about youth suicide and make it a national priority and I urge my colleagues to support H. Res. 212 to encourage committees nationwide to increase awareness about and prevent suicide.

I would also like to recognize the Light For Life Foundation of America and their founders, the Emme family, who tragically lost their teenage son, Michael to suicide in 1994. It was through the vision of the Emme family that the Yellow Ribbon Program, which is now responsible for saving over 1000 teenage lives since its inception, has become a reality.

Mr. Speaker, I urge the adoption of H. Res. 212.

MISSION VIEJO, CA,
August 19, 1998.

Congressman RON PACKARD,
Fairfax, VA.

DEAR BROTHER PACKARD: I write to you first as your role of a father and a friend of my family's and second, as a Congressman of the United States. I write in hopes of your understanding and support in a very real and tragic problem facing the youth in our country.

My parents are Val and Diane Mortensen from Carlsbad. I am their second daughter, Lisa, and I grew up with many of your children as well as your nieces and nephews in Carlsbad, California Stake.

Recently, our family suffered an incredibly painful loss. Our oldest child, Justin, three weeks before his sixteenth birthday, went to a park near our home and shot himself in the head. He suffered brain death shortly afterward, and we lost him that night, May 4, 1998.

Justin was a sweet natured, polite, kind-hearted, and well liked youth, who lived with clinical depression and ADD (Attention Deficit Disorder). Despite several years of medical and psychological treatments and antidepressant medications, it seemed the pain won out, and Justin decided to take his own life; I'm sure in hopes of relief.

As a parent you can imagine the pain, guilt, questions, and terrible sense of loss we are living with day to day. It is an agonizing and heart-breaking experience that will affect the rest of our lives. Almost more terrible than the act itself, is the extreme inner pain and loneliness that I felt in the moments preceding his death. As the Savior, he was alone in his extreme pain, and I, the parent could not staunch it. It is so incredibly sad!

Almost immediately after Justin's death I knew in my heart of hearts that I would somehow and in some way devote my time to increase awareness of depression and also teenage suicide. This is my first attempt to help. This is how you can help.

There is an existing foundation called the Light for Life Foundation of America, based in Westminster, Colorado. They have a Yellow Ribbon program that has been effective in the prevention and awareness of suicide.

Youth suicide is the ''fastest growing killer of youth today'' according to federal officials and we need your interest and support to help stop this epidemic. Statistics show that 95% of all suicides are preventable with proper prevention and awareness. Even though the rates are increasing every year, there are programs that are working and one of the most effective is the Yellow Ribbon Program of the Light For Life Foundation of America.

Started in September 1994 with the suicide of 17-year-old Michael Emme, the program has spread across all 50 states and many foreign countries and is already credited officially with SAVING MORE THAN 1,000 LIVES as of September 1997, and the numbers are growing. Youth and adults all over this country are starting the programs in their schools, churches, and communities and are helping to form a network of caring, willing people who realize that not only does it take a ''village to raise a child, but it takes a village to SAVE a child'' and they are saving precious lives.

This letter is a request for recognition of a ''Yellow Ribbon Youth Suicide Awareness and Prevention Week'' to be designated on 20–26 September, 1998.

Will you designate, or ask your agency, to proclaim this week officially and to contact the Light For Life Foundation of America for more information on how you personally and officially can help save lives? This proclamation is being designated throughout the United States and Canada already. Never before has the opportunity to do something so simple been so effective. Simply knowing that it is okay to ask for help and that people are willing to listen has been credited with many saved lives.

Brother Packard, thank you for your precious time—in reading this letter and hopefully in supporting my request for an official suicide prevention week in your jurisdiction.

Enclosed please find the Yellow Ribbon Card that was made in Justin's memory, and of which 450+ were distributed at his memorial service. Also, a recent photograph of Justin and a small verse I wrote about him the day following his death.

Please contact the Light For Life Foundation of America and tell them, of your intent to proclaim September 20–26, 1998 ''Yellow Ribbon Youth Suicide Awareness and Prevention Week''. (See addresses below.)

Further, if you need to speak with me, or if I can in some way be of support to any family in a similar situation, please call me at (949) 472–8363.

How wonderful to possess the truth of the gospel in these Latter-days and enjoy the knowledge and blessings of eternal families. To know that Justin is in the arms of our Savior's love is the sustaining hope that lifts our hearts.

Most Sincerely,

LISA M. DOVE.

Mr. BLILEY. Mr. Speaker, I rise today to urge support for House Resolution 212.

This issue is important to every family with children and to every family that has suffered the loss of a loved one through suicide.

This resolution recognizes that suicide is a national problem. And it encourages that the nation undertake suicide prevention efforts.

Mr. Speaker, it is estimated that 750,000 people attempt suicide each year. These attempts are traumatic not only for the individual but also for family and friends who surround him or her.

Just as tragic, more than 31,000 lives annually are lost to suicide. It may be hard to believe, but that is even more than homicide.

In fact, suicide is the ninth leading cause of all death in the U.S. It is the third leading cause of death for young people. And it is on the rise.

I hope that this resolution will help focus attention on this tragedy—and will lead to action in our homes and our communities to save young and old lives alike from suicide.

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 resolution, H. Res. 212.

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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4567

Mr. STUPAK. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4567, as my name was placed on this legislation without my knowledge or consent.

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

There was no objection.

ESTABLISHING DESIGNATIONS FOR UNITED STATES POSTAL SERVICE BUILDINGS

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4052) to establish designations for United States Postal Service buildings located in Coconut Grove, Opa Locka, Carol City, and Miami, Florida, as amended.

The Clerk read as follows:

H.R. 4052

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

SECTION 1. WILLIAM R. "BILLY" ROLLE POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 3191 Grand Avenue in Coconut Grove, Florida, shall be known and designated as the ''William R. 'Billy' Rolle Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''William R. 'Billy' Rolle Post Office Building''.

SEC. 2. HELEN MILLER POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 550 Fisherman Street in Opa Locka, Florida, shall be known and designated as the ''Helen Miller Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''Helen Miller Post Office Building''.

SEC. 3. ESSIE SILVA POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 18690 N.W. 37th Avenue in Carol City, Florida, shall be known and designated as the ''Essie Silva Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''Essie Silva Post Office Building''.

SEC. 4. ATHALIE RANGE POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 500 North West 2d Avenue in Miami, Florida, shall be known and designated as the ''Athalie Range Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''Athalie Range Post Office Building''.

SEC. 5. GARTH REEVES, SR. POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 995 North West 119th Street in Miami, Florida, shall be known and designated as the ''Garth Reeves, Sr. Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''Garth Reeves, Sr. Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

New York (Mr. MCHUGH) and the gentlewoman from Florida (Mrs. MEEK) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 4052 as introduced by our distinguished colleague, the gentlewoman from Florida (Mrs. MEEK), the legislation was introduced on June 11 of 1998, and all members of the Florida delegation are original cosponsors of this legislation, as required under the committee rules.

The bill establishes designations for United States Postal Service buildings located in Coconut Grove, Opa Locka, Carol City and Miami, Florida.

Section 1 designates the United States Postal Service building located at 3191 Grand Avenue in Coconut Grove, Florida, to be known as the William R. ''Billy'' Rolle Post Office Building.

Section 2 designates the facility at 550 Fisherman Street in Opa Locka, Florida, to be known as the Helen Miller Post Office Building.

Section 3 designates the United States Post Office building located at 18690 Northwest 37th Avenue in Carol City, Florida, be known as the Esse Silva Post Office Building.

Section 4 designates the United States Postal Service building at 500 Northwest Second Avenue in Miami, Florida, be known as the Athalie Range Post Office Building, while section 5 designates the facility at 995 Northwest 119th Street, Miami, Florida be known as the Garth Reeves, Sr., Post Office Building.

Mr. Speaker, I would say that in keeping with the tradition of the Subcommittee on Postal Service, the gentlewoman from Florida (Mrs. MEEK) has taken yet another step in advancing five very distinguished Americans who distinguish themselves and their communities for their hard work.

This is a bit of an unusual approach to have five designations in a single bill, but I think it is a testament to the frugality and the wisdom of the gentlewoman from Florida (Mrs. MEEK), a former member of the Subcommittee on Postal Service, a very valuable member and a lady who we miss dearly, but we know continues to be interested in these.

I recognize that the gentlewoman has much to say about each one of these individuals. I would only note that having reviewed the record of each one of these fine designees, I could not more highly recommend them for these designations.

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

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

Mr. Speaker, I rise in support of this resolution, and I want to thank the gentleman from New York (Mr. MCHUGH), under whom I served on the Subcommittee on Postal Service, for his guidance and leadership in understanding the postal system.

It is a very, very organized system and having worked on that committee was of tremendous help to me, and also now to have the gentleman from Pennsylvania (Mr. FATTAH), who is the ranking member of that committee, to provide guidance.

I want to thank all of those people who made it possible that we could recognize these citizens that are being recognized today in the naming of Postal Service buildings, and that many of them are unsung in terms of the large frame of this country.

I want to say to the Congress that these members are people in the community and in Florida who have blazed a trail for others to follow. Also, I want to thank the members of the Florida delegation. They unanimously supported these five post offices being designated to these outstanding citizens.

They are distinguished and, as I said, they may not be nationally known, but they are local heroes in our community, Mr. Speaker. There are post offices in this country named after certain luminaries such as John Kennedy, Dr. Martin Luther King and others, but I want to assure you that everyone in South Florida and many people in the Nation will recognize and be aware of the credentials of these five persons.

First is Billy Rolle. He is deceased. The post office that has been dedicated to him is one that is in the neighborhood where he lived. He spent 35 years teaching and coaching, not the regular youngsters, but the out-of-school youth, many of the people that other trainers and coaches may not have noticed after school, but Billy Rolle noticed them. He also taught them band, how to have their own band, how to have their own track team.

He served as an administrator in the Dade County school system for many, many years. He organized the First Annual Goombay Festival in Miami, and that festival now is known throughout the State of Florida and in the Nation for many who come to visit.

Next, the Athalie Range Post Office. She served so many years in the local Parent-Teachers Association there in Miami. She was the first African American woman to be elected and serve on the city commission in Miami, Florida.

She served as the first African American woman to serve in the cabinet in the State of Florida. She has been the recipient of so many awards, Mr. Speaker. I would say to the gentleman from New York (Mr. MCHUGH) and the rest of my colleagues, I cannot enumerate the number of awards. She has dedicated herself to her community.

The next post office is to be named after Garth S. Reeves. He is a current publisher and owner of the Miami Times. This was a newspaper founded by his father in 1923. He has dedicated himself to the achievement of excellence. Just the name Reeves in the State of Florida and in the newspaper publishing establishment throughout this country is well-known.

He sits on trustee boards of three colleges located in Florida, and he has a scholarship set up in his name that provides support for the education of aspiring journalists, an outstanding example in his own name.

Esse D. Silva, the next post office, she chaired the Governmental Affairs Committee for the Miami Dade Chamber; caused many local businesspeople to be able to establish businesses and to get working capital for the businesses they established.

□ 1630

She has lobbied for black businesses throughout this country and trying to build them, knowing that they provide jobs for the people who live in the inner cities of this country. She started the SunStreet Festival in Miami, Florida, to bring better businesses, and to bring certainly more admiration for the businesses on 7th Avenue, Esse D. Silva.

Helen Miller, the next post office. She became the first African American female elected to be the mayor of Opa Locka, Florida. She was the first one in Dade County to be recognized. She served on nearly 40 different nonprofit community organizations. Commissioner Miller was a motivator whose many years of political activism and political work made her the elder stateswoman of the Opa Locka and Miami-Dade political community.

I am happy, Mr. Speaker, that I am allowed, through the committee of the gentleman from New York (Mr. MCHUGH) to bring the eyes of the Congress and the eyes of this country to these people. I urge my colleagues to vote for these outstanding heroes from Dade County, Florida. To have their names emboldened on the post office would mean a lot, not only to them but to their families who come after them.

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

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

The gentlewoman from Florida (Mrs. MEEK), as I knew very well she would, highlighted the many admirable achievements of these individuals from Florida. As she so eloquently stated, I would say in closing, in deriving from her experience on the committee, while often post offices or Postal Service buildings are named for individuals known to us all, for me as chairman the very special time is the opportunity that this provides us to recognize, as she put it so well, heroes in their local communities. We have at this moment five just such individuals.

I would urge all colleagues to support this bill.

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 New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4052, 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.

JUSTICE JOHN McKINLEY FEDERAL BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1298) to designate a Federal building located in Florence, Alabama, as the ''Justice John McKinley Federal Building''.

The Clerk read as follows:

S. 1298

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

SECTION 1. DESIGNATION OF JUSTICE JOHN MCKINLEY FEDERAL BUILDING.

The Federal building located at 210 North Seminary Street in Florence, Alabama, shall be known and designated as the ''Justice John McKinley Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''Justice John McKinley Federal Building''.

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentlewoman from Florida (Mrs. MEEK) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. 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.

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

Mr. Speaker, S. 1298 was introduced by Senator SHELBY on October 20, 1997, and the bill passed the Senate without amendment by unanimous consent on June 2 of this year, and a message on Senate action was sent to the House on June 3.

John McKinley was a U.S. Senator and the first United States Supreme Court Justice from the State of Alabama. A Virginian by birth, he practiced law in Kentucky. He was a self-taught lawyer. He moved to Alabama in 1818, becoming a member of the Cypress Land Company, which was then the largest single purchaser of land in north Alabama, along with a gentleman by the name of Andrew Jackson.

In 1820, Mr. McKinley was elected to the Alabama State legislature. He then proceeded to have a long, historic and extremely distinguished public career. The State legislature elected Mr. McKinley to the U.S. Senate in 1826, where he served until 1831. He was appointed to the Supreme Court by voice vote of the Senate in September of 1837.

Mr. Speaker, our colleague, the gentleman from Alabama (Mr. CRAMER), introduced a similar bill, H.R. 1804, also honoring Justice McKinley, which was cosponsored by the entire delegation from the great State of Alabama, and I want to thank him and that delegation for working with the other body, working with Senator SHELBY, and bringing us not just a deserving individual, obviously, but one who represents a great period in the history of this country, obviously a great period that continues to this day in the history of the great State of Alabama. I thank him for his efforts.

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

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

Mr. Speaker, Senate bill 1298 introduced by Senator RICHARD SHELBY, Republican of Alabama, names a United States post office located at 210 North Seminary Street in Florence, Alabama, as the Justice John McKinley Federal Building.

Senate bill 1298 enjoys the support of a House companion bill, House Resolution 1804, sponsored by the gentleman from Alabama (Mr. ROBERT ''BUD'' CRAMER). Mr. McKinley served in the Alabama State Legislature, was one of the founding trustees of the University of Alabama, and served as the first United States Supreme Court Justice from Alabama.

The Alabama State congressional delegation is proud to name a post office after John McKinley.

Mr. Speaker, I yield 5 minutes to my colleague, the gentleman from Alabama (Mr. BUD CRAMER), the author of the House version.

Mr. CRAMER. Mr. Speaker, I thank my colleague, the gentlewoman from Florida, for yielding time to me.

Mr. Speaker, I want to congratulate the chairman and say that we in Alabama appreciate the attention this issue has been given here in what we hope are the last few days of this session to make sure that the House bill, H.R. 1804, is merged with S. 1298 to make sure this legislation is passed and gets to the President.

Mr. Speaker, this legislation would designate the United States Courthouse and Post Office Building in Florence, Alabama, which happens to be in my district, as the Justice John McKinley Federal Building. The chairman and ranking member have done an excellent job in making sure is that Justice John McKinley's background and legacy is well known.

In my district, this particular piece of legislation enjoys a wide range of support within the State, the Lauderdale County Bar Association, the Florence Historical Board, the Tennessee Valley Historical Society, the Alabama State Bar, and Governor Fob James, in addition to the entire Alabama delegation. We have looked forward to this day for some time; and, Mr. Speaker, designating the United States Post Office after Justice John McKinley would be an honor befitting his contribution to Alabama, and, frankly, to this country. Mr. Speaker, I urge the passage of S. 1298.

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

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

Mr. Speaker, with a closing thanks to the gentleman from Alabama (Mr. CRAMER) for his leadership on this issue, I would highly recommend all of our colleagues support us in this very meritorious renaming bill.

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. MCHUGH) that the House suspend the rules and pass the Senate bill, S. 1298.

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.

JACOB JOSEPH CHESTNUT POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4516) to designate the United States Postal Service building located at 11550 Livingston Road, in Oxon Hill, Maryland, as the ''Jacob Joseph Chestnut Post Office Building''.

The Clerk read as follows:

H.R. 4516

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

SECTION 1. DESIGNATION.

The United States Postal Service building located at 11550 Livingston Road, in Oxon Hill, Maryland, shall be known and designated as the ''Jacob Joseph Chestnut Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the ''Jacob Joseph Chestnut Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentlewoman from Florida (Mrs. MEEK) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4516.

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

There was no objection.

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

H.R. 4516, Mr. Speaker, was introduced by our distinguished colleague, the gentleman from Maryland (Mr. WYNN), on August 6 of this year. The legislation is cosponsored by the entire House delegation of the great State of Maryland, as is pursuant to the policy of the Committee on Government Reform and Oversight.

This bill does indeed designate the United States Postal Service Building located at 11550 Livingston Road in Oxon Hill, Maryland, as the Jacob Joseph Chestnut Post Office Building.

Mr. Speaker, in July of this year the entire Congress, indeed, the entire Nation, was stunned by the sudden and senseless random killing of two of our own Capitol Hill Police, Officer Jacob Joseph Chestnut and Detective John Michael Gibson. These brave men laid down their lives in defense of this building, in defense of all this building stands for and, of course, in the line of duty for the protection of these hallowed halls and the people who work and visit them.

I want to thank and commend the gentleman from Maryland (Mr. WYNN), whom I have had a chance as recently as today to talk about this measure with, for introducing this bill honoring this true American hero. The naming of the post office in Oxon Hill, Maryland, will enable family and friends and neighbors of Mr. Chestnut to continue to remember him in a very special way.

I am sure we all heard the eulogies that were offered to both of these brave men as their bodies lay in state in the Capitol. We heard the beautiful words expressed by his daughter, Officer Chestnut's daughter, as she spoke of her beloved father, and we felt the love that Officer Chestnut had for his family, his friends, his community and, perhaps most of all, his country.

His career was a storied one. He served 20 years as a member of the Military Police in the United States Air Force, and he served on the Capitol Police Force for 17 years doing his duty. He was just 2 years away from retirement.

The gentlewoman from Florida (Mrs. MEEK) spoke earlier about local heroes, community heroes. I think John Jacob Chestnut was all of that. I know he was a hero to his family, but we have here as well someone who, as he was just doing his duty, I am sure, in his eyes, was thrust into the light and into the glare of being a national hero.

We have named dozens of these facilities in the last several years, Mr. Speaker, but I honestly can tell the Members I do not think we have ever named one more appropriately than the one we seek today to name after the hero, John Jacob Chestnut. I want to thank the gentleman from Maryland (Mr. WYNN) particularly for his efforts in bringing this to the floor today.

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

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

Mr. Speaker, I am proud to join the gentleman from New York (Chairman MCHUGH) in bringing to the House floor H.R. 4516, legislation introduced by my friend and colleague, the gentleman from Maryland (Mr. ALBERT WYNN).

H.R. 4516 names a post office, a United States Post Office located at 11550 Livingston Road in Oxon Hill, Maryland, as the Jacob Joseph Chestnut Post Office Building, an honor for a man who gave his life, who laid down his life for all of us.

As of July 26, 1998, the Washington Post reported, on a clear, sunny day like yesterday, Jacob J. Chestnut would have been tending the squash, cucumbers, and red and green peppers in his vegetable garden, sharing the bounty with his family and neighbors. Instead, Officer J.J. Chestnut, an 18-year veteran of the Capitol Police Force, was killed when an armed intruder rushed past the security checkpoint in the Capitol. He was shot without warning near the visitor's entrance.

Officer Chestnut is remembered by friends and neighbors, and it is a very high honor that his own representative, the honorable gentleman from Maryland (Mr. ALBERT WYNN), is introducing and is going to name this post office for this honorable slain hero.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. WYNN), the sponsor of H.R. 4516.

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding time to me, and let me thank the chairman, the gentleman from New York (Mr. MCHUGH), for his cooperation and support in moving this matter forward to the body. Also, I would like to thank the gentlewoman from Florida (Mrs. MEEK) for her kind words on behalf of my former constituent. Her comments were most moving.

Mr. Speaker, we are here today in an effort to memorialize the sacrifice of Officer J.J. Chestnut. This proposal is supported by the entire Maryland delegation on a bipartisan basis, and I think it reflects the bipartisan sentiments of this entire body in support of this outstanding Officer.

The legislation redesignates the United States Postal Service Building located at 11550 Livingston Road in Oxon Hill, Maryland, presently known as the Fort Washington Post Office, as the Jacob Joseph Chestnut Post Office Building.

United States Capitol Police Officer Jacob Joseph Chestnut, along with United States Capitol Police Special Agent John Gibson, gave their lives in the line of duty on Friday, July 24, 1998, while guarding the visitors and staff in the United States Capitol; some would say, in our home.

Officer Jacob Joseph Chestnut, an 18-year-Capitol Police veteran and a retired United States Air Force Officer, was a gentle giant of a man who touched many lives with his friendly smile and his quiet competence in his short 58-year journey on this earth. A husband and father of five children, J.J. Chestnut was a pillar of his community, a respected leader, and a mentor to his fellow officers.

Following this tragedy, his widow, Wen Ling, said, ''It is amazing to think that the death of a man so simple, so humble, so family-oriented, and yet so private, can rock the Nation and the world for simply doing his job.''

The tragedy of J.J. Chestnut's death teaches us that life is fleeting. It teaches us that it is not the quantity of what you do in life, but it is the quality of what you do. This small piece of legislation is a grateful community's attempt to memorialize the sacrifice this American has made.

Although the bill does not request it, we are hopeful that in future years a bust and a picture and a plaque commemorating Officer Chestnut will also be placed in this post office, so that future generations will be able to see the man and understand the sacrifice he made.

□ 1645

Mr. Speaker, this is the story of an American hero that gave his all for his country. It is a story of what makes our country great. J.J. Chestnut knew that freedom is not free. He understood that there is a price to be paid.

We ask men and women like J.J. Chestnut to defend and protect our freedom every day. We ask them to confront those who would violently attack the safety of individuals and of our most cherished institutions. They ultimately risk their lives and they too often lose their lives. But for Officer Chestnut's selfless actions, we may have lost many other innocent lives on that unfortunate day.

In Officer Jacob Joseph Chestnut we find an extraordinary individual who served his country and made the ultimate sacrifice in the performance of his duty to protect the lives of others in the Capitol. I thank my colleagues on both sides of the aisle. I thank my colleagues from the State of Maryland for their support in recognition of a great American whose gentle smile and helpful spirit will truly be missed.

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

Mrs. MEEK of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I rise in support of this legislation because I think it is extremely important, as the gentleman from Maryland (Mr. Wynn)

has stated, that we take time to memorialize those who have played significant roles in our lives.

As a fellow resident of Maryland, along with the gentleman and, of course, the man who we honor with this legislation, J.J. Chestnut, I think what we send out to the world is a memorial which will be there for a very, very long time that says to the world that he was one who gave his life so that others might live, bringing a hope and a sense of dedication to the area in Maryland where this post office is.

Also, I want to take a moment to thank the gentleman from Maryland (Mr. WYNN). Throughout this entire unfortunate situation, the gentleman was there with the family. He constantly made it clear that he would do everything, and did do everything that he could to uplift the family.

I think that one of the most fitting things that could possibly be done is this way of memorializing this great man. So, when people come into that post office and see that name there and know that he is one who stood up for us, and for many when they could not stand up for themselves, and even the children who will come in and say who is that man? Who was he? For some person to be able to say that was J.J. Chestnut. He was an officer with the Capitol Police and he gave his life so that others might live, I think that that will be a very, very fitting memorial.

So, Mr. Speaker, I would ask that the entire House support this wonderful, wonderful resolution and ask that all of my colleagues vote for it.

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

Mr. MCHUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the legislation that the gentleman from Maryland (Mr. WYNN) has brought forward. It is very fitting legislation. Officer Chestnut was someone well-loved in this Capitol, who represented the finest in law enforcement and certainly he is an individual who we will miss as a result of his tragic murder that took place here in the Capitol.

This individual represented the best in law enforcement. His family and his friends certainly miss him greatly. We all do. The Nation does. But to have, therefore, a post office named in his honor is certainly appropriate. It is certainly a small token of the affection, respect, and admiration that all of us here in the Capitol and across the Nation felt for Officer Chestnut.

Many officers come to this institution and have a chance to serve their Nation. Officer Chestnut was so near retirement. He had brought to many people the opportunity to see their Capitol firsthand. He was professional. He was a policeman's policeman; one who was well trained, who dealt with the public in a very friendly, professional manner. He really was the best of the best.

So, having this post office be named for one of our own who was one of law enforcement's best is a symbol, a reflection of this House and this Congress saying ''thank you'' to a great man whose life was cut far too short.

We join with the family and friends and the men and women in blue all across this country who have lost one of their own, who stood up for us all the time, and who make a real difference for this country. This is certainly a unanimous vote that should be the forthcoming result, and I am sure the Senate and the President will agree that this is certainly a tribute that is appropriate and I hope that the House will join the gentleman from Maryland (Mr. WYNN) in making this a unanimous vote.

Mr. MCHUGH. Mr. Speaker, with a final word of praise to the gentleman from Maryland (Mr. WYNN) and great thanks to him, I urge all our colleagues to support this, and 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. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4516.

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.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1999

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from the further consideration of the joint resolution (H.J. Res. 133) making further continuing appropriations for the fiscal year 1999, and for other purposes, when called up; and that it be in order at any time to consider the joint resolution in the House; that the joint resolution be considered as read for amendment; that the joint resolution be debatable for not to exceed one hour, to be equally divided and controlled between myself and the gentleman from Wisconsin (Mr. OBEY); that all points of order against the joint resolution and against its consideration be waived; and, that the previous question be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit with or without instructions.

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

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, pursuant to the unanimous consent request just agreed to, I called up the joint resolution (H.J. Res. 133) making further continuing appropriations for the fiscal year 1999, and for other purposes, and ask for its immediate consideration in the House.

The text of House Joint Resolution 133 is as follows:

H.J. RES. 133

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(c) of Public Law 105–240 is amended by striking ''October 9, 1998'' and inserting in lieu thereof ''October 12, 1998''.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. LIVINGSTON) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. LIVINGSTON).

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

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. J. Res. 133, and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, today the initial continuing resolution for fiscal year 1999 expires, so we need another continuing resolution. Not all of the appropriations bills have yet been enacted, and for that reason we do need a little extra time to complete our business.

Adoption of H.J. Res. 133, which runs from tonight through October 12, will give us the time we need to complete our remaining work.

I am disappointed I have had to bring this joint resolution to the floor. I really thought that it was possible that we could get our bills done by tonight, but evidently we have run into some roadblocks and we need a little bit more time.

The negotiations are proceeding. There are tough issues yet to be settled. I appreciate all parties for having participated to the degree that they have. But I hope they understand that we need to knuckle down and do a little bit more if we are going to finish the job through the end of this particular continuing resolution which expires on Monday.

I was a little taken aback by the press conference by the President a little while ago suggesting that the Congress is not intent on doing our business. As you know, Mr. Speaker, both Houses have been diligently working on the budget ever since the President came to Congress and requested approximately $9 billion over the budget agreement that he agreed to last year, which ultimately led to balancing the budget this year. He requested $9 billion more than he had agreed to last

year and we have been doing the best that we could to meet the caps, the budget caps that were put in place by that budget agreement.

It would appear now that the President wishes us to exceed those budget caps with the promise that he has certain unidentified offsets for any monies that might be expended in excess of those caps. And yet to this moment, Mr. Speaker, to this very moment, despite our requests since July, I have not seen those offsets.

Mr. Speaker, we have repeatedly requested from the administration day after day, week after week, month after month to give us a sneak peek at the offsets that they might provide for us, so that we might know if we spend more than the budget caps agreed to by the President. We will offset that amount and the budget agreement that the President engaged in last year will not be broken, will not be breached.

To this minute as I stand here, I still have not seen those budget offsets. And so it concerns me when I turn on the television a little while ago and see the President of the United States standing in the Rose Garden surrounded by Members of Congress from the other side of the aisle saying that we have not met his prerogatives and he is going to hold the Congress here until we meet his demands.

We would love to meet his demands, but all we ask is to let us see these offsets which pay for the amount that he wishes to expend in excess of the amount that he agreed to in his budget agreement with us that led to the balanced budget that we all reached last year.

I am hopeful, I am deeply hopeful that we are going to be able to see those budget offsets some day soon. Maybe even today. But just a few minutes ago, the Director of the Office of Management and Budget said that he wanted to wait until the end of the process before he showed us his offsets.

Well, I think the time for Kenny Rogers to step up to the table and say, ''You've got to know when to hold 'em and when to fold 'em'' is long since past. The time is to put the cards on the table, and we have not yet been able to get the administration to do that. So, we have not really been able to get an agreement yet.

Mr. Speaker, I am sorry about that. I apologize to all the Members of this body that we have not concluded our business. I am hopeful and optimistic that we will be able to do so by Monday. But I want to say to all of my Members, all of my colleagues throughout Congress, we are going to stay here. We are going to stay here until we conclude the people's business. We will stay as long as it takes to finish our business, pass our appropriations bills, live within the budget caps, the agreement that the President and the Congress made last year.

When we conclude our business, we will go home and get elected. Until then, I am afraid that we may be here with another continuing resolution, and that grieves me greatly. I would like very much not to have to say that. But to think that just a few minutes ago the representatives of the President of the United States would not show us the offsets that they intend to use to pay for any spending over and above the budget caps that the President agreed to a year ago is absolutely astounding at this late hour.

So, I have no choice but to come here and request this continuing resolution.

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

□ 1700

Mr. OBEY. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, everyone knows that the gentleman from Louisiana and I are good friends. We are an awful lot alike; we are both very placid individuals. Neither one of us ever gets excited; neither one of us ever gets mad; and we are always the quietest, most calm people in the place.

Let me simply say that I have enjoyed listening to my friend's speech, and he is doing his duty in bringing this extension of the continuing resolution to the floor. But I kind of feel like Yogi Berra. This is deja vu all over again. And I think we really do need to understand why we are here and what the practical steps are that must be taken if we are to get out of here in a reasonable length of time.

This House has had sort of a schizophrenic history the last 2 years on appropriations bills. Last year, I thought we had a very good year, and I thought that both parties could genuinely be pleased about what was produced in the appropriations process. After the fight over the government shutdown several years ago, where my friends on the other side got badly burned because they thought they could shut the government down to force the President to cave into their priorities, and they were proven wrong, in reaction to that, last year, I thought they behaved quite responsibly. And, as a result, we had a bipartisan approach to virtually every appropriations bill except one. And at the end of the process I thought we all felt pretty good about ourselves and about each other.

But when this year's appropriations cycle began, it was apparent that the majority leadership was in a new mode, and they were telling the leadership of the Committee on Appropriations on the other side of the aisle that they wanted them to adopt a more confrontational mode so that they could more clearly define the differences between the two parties. The press has written about that. I have been told that, frankly, by a number of Members on the other side of the aisle.

So, as a consequence, what has been the track record? The track record is that this Congress never did produce a budget. We are now through the entire fiscal year, and we still do not have a budget. We also have very few bills that have gone through the entire process. I think only two of them have been signed, one has been vetoed, and the rest are still stuck in the Congress somewhere.

One of the reasons for that, in my view, is because the leadership on that side of the aisle in this House decided that they wanted to try to pass a series of appropriations bills with only Republican votes. And so, for instance, on Labor, Health, Education, they produced a bill which is some $2 billion below the President's on education; they eliminated the Low Income Heating Assistance Program; they eliminated Summer Jobs; they shredded the President's education initiatives; and they produced a bill which was so extreme that their Republican brethren in the Senate would not accept that bill, and that bill has never even been finished by either body. Finally, yesterday, that bill came to the floor, and then we simply had a brief debate on family planning and then that bill was pulled from the floor.

Now, we do not run this place; the other side does, because they are the majority. I recognize that. But when the other side follows a policy of confrontation rather than cooperation, they have to expect that we are going to have problems. And so now we are stuck. No budget. Almost no appropriations bills passed. Fiscal year gone. We have already had one continuing resolution and now we have yet another one. I would predict for my colleagues that this is going to have to be extended again.

Members in this House need to understand there is not a chance of a snowball in Hades that we can possibly reach all of the agreements that have to be reached and have a bill to the floor on Monday. I have talked to a number of our friends in the press, and they seem to have been told that there were only 9 or 10 items that separated us. We still have over 300 items that have to be resolved, in numbers and in language. And that is a practical fact. That means that we are going to need every second of this extension and then some, in my view.

I would just ask that we recognize that while the majority party controls both Houses of the Congress, and it is their right to produce a bill that can only be passed with Republican votes, they must understand that if they want those bills to become law, they do need a Presidential signature, and that means there is going to have to be compromise. We are going to have to find common ground. And, until we do, we are going to be stuck here. I hope we can find that common ground sooner than later, but it is going to be very difficult.

With respect to the chairman's comments on offsets, offsets are simply what is produced in order to pay the bill. The check comes after we know what the bill is. Well, until we know what the differences are between parties, and until we know the size of

those differences, it is pretty hard to say how we are going to pay for them when we do not even know what the differences are. So what we have to do, with all due respect to my friends on the other side, we have to sit down and lay out what our differences are so that we know rather than are guessing about how the other feels, and then we can proceed to try to bridge those differences.

I hope we can be here early next week with a resolution to these bills, but we are a long way from settlement. And as the President said in the White House, we are not going to leave, we are not going to leave until this Congress is responsive to the President's education initiatives and we have those funded to considerable measure. And that means that we had better start recognizing that right now.

Madam Speaker, I reserve the balance of my time.

Mr. ROGERS. Madam Speaker, I yield myself 2 minutes.

As the gentleman has said, the process is to work between the bodies on the Hill and between the parties in this body and the other body to work out our differences, and, of course, work with the White House to try to achieve some degree of compromise to where the bills can be signed. And that is exactly the process that we are in and have been in for several weeks now.

As far as knowing what the White House offsets are going to be so that we can know where the money is going to come from to pay for these extra frills that the President seems to want, we simply want to know what the cost is going to be and where the money is going to come from. When we go shopping at the store and the store shows us the goods that we would like to buy, they have to know that we have got the money to pay for it before we can strike a deal.

And so we simply want to see the White House's money. If they have a way to pay for the frills that they are asking for, then that is a different story. But until this time they have simply refused to tell us whether or not they have the money to pay for the frills that they want to add to these bills.

Now, we are in the process of working differences out between the bodies and the White House. That process is ongoing. The budget office from the White House has been here now for several days meeting with the leadership in the Congress, the Speaker, the majority leader, and the leaders of the minority party in both bodies. We are in the process of negotiating and working. We simply have not had time to meet the demands of the White House at this point in time.

And I would urge that the White House be reasonable in their requests. We are trying to be reasonable. We are trying to find ways to do what the White House would like to do on all these bills. They are being a bit unreasonable at this point in time, and we simply are going to stay here until we get this job done.

Now, the White House can take their campaign trips wherever they want. This body, this House, is staying in session until we get the job done.

□ 1710

Mr. OBEY. Madam Speaker, I yield 7 minutes to the distinguished gentleman from Michigan (Mr. BONIOR), the Democratic Whip.

Mr. BONIOR. Madam Speaker, I thank my colleague for yielding and giving me some time to talk about the lack of a budget.

Madam Speaker, here we are. We are 9 days past the end of the fiscal year. We are passing another short-term budget because the Republican leadership has failed to do its work. We have no budget.

If we were running a business and we were entering a new year, we would have a budget to follow so we would know where we were going, what we were going to spend, what income we were going to take in, how we were going to make our ledger work.

A family would have a budget so they knew how to take care of their housing needs and their children's education and all of the things that are important.

We are not talking about some small entity here. This is the Federal Government. We have no budget. For the first time in 25 years, there is no budget. And only 6 of the 13 spending bills have been passed. Excuse me. Six have not been passed.

So what have we been doing here for, lo, these many months since the President came and talked about issues of concern to the country in the State of the Union address?

Have we dealt with the minimum wage so that people who work 40 hours a week can earn at least a poverty level wage? They do not now. They did not do that. The Senate a couple of weeks ago voted against that. The Republican colleagues killed that in the Senate.

How about campaign finance reform to clean up our system? Did not do that in the Senate. They killed that one, too, after squandering months on it in the House not wanting to take it up.

How about teen smoking for the health of our children? What did we do there? Zippo, nada, nothing.

How about HMO reform, a patients' bill of rights so that when someone wants to see a doctor they can see a doctor. So that if someone needs a test they can get a test. So if someone has an emergency they can go to the closest hospital? They killed it in the Senate today in the other body.

So this Congress has basically done nothing on the issues that the American people care about. We have no budget.

And my colleague on the other side of the aisle, who I respect, the gentleman from Kentucky (Mr. ROGERS), talks about frills, how are we going to pay for the frills?

I just was handed a definition of ''frills'' because I was on my way to the dictionary which sits in this Chamber next to the Speaker's podium, and they define frills as a trimming, as a strip of cloth or lace gathered at the end, a ruffle, something superfluous.

Let me tell my colleagues what kind of frills we are talking about and then decide whether or not it is superfluous. We are talking about education, and we are talking about reducing our class size in America so that our children can get a good education, so that there can be discipline in the classrooms and our teachers can teach, and we have a bill that we have advocated for months and months and months, and they have said no and no and no to it. That is the frills we are talking about today.

Or how about this frill? How about taking care of the schools in this Nation that are falling apart, where the plaster is falling down and the plumbing does not work or our children are getting educated in trailers outside the main building, where the heat does not work sometimes? Is that a frill?

That is why we want to stay here, so that we can take care of those issues that we came here to take care of.

They have closed the door to a good wage for people already. They closed the door on patients' health reform, a patients' bill of rights, reforming HMOs today. They closed the door on doing something about teen smoking and health care in this country, and now they talk about education reform as frills.

We have no budget. This, in my opinion, has been the worst, most unproductive Congress that I have been involved with in my 22 years here. Oh, it has done a lot of investigating, but when it comes to the people's business, the business that the people talk about around their kitchen tables, nothing, and then we get it called frills.

Madam Speaker, I hope in the next week, and I suspect we will be here for a week, I cannot imagine that we will get 300 items taken care of, because that is what is in disagreement, as the ranking member, the gentleman from Wisconsin (Mr. OBEY) mentioned, 300 pieces of disagreement on these appropriation bills, in numbers and in language.

I hope in the week or so that it takes to get this done we will elevate the education issue to where it belongs in this country so that our children will get the respect, the dignity and the resources that they need to be able to compete in our world.

Mr. ROGERS. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, the gentleman from Michigan (Mr. BONIOR), whatever he calls the additional spending the President has requested, he has yet to tell us how he is going to pay for it. I mean, the budget agreement that the gentleman agreed to, the President agreed to, under which we are operating, sets caps for spending.

We are spending up to the caps. Now the President says disregard the caps; give us more money for X, Y and Z.

Well, we cannot consider that until we know how we are going to pay for it. Where are we going to cut spending in order to increase spending for something else so that we stay under the overall caps, under which this Congress operates and the White House agreed to and is operating?

Now, as to whether or not there is a budget resolution, it makes not a hill of beans' difference. We are operating under the budget agreement that the parties and the White House agreed to a couple of years ago. We are spending in the appropriations bills every penny of those caps. Whether or not we have a budget resolution is irrelevant, because we agreed back in June, without the budget resolution, that we would spend up to the caps. We cannot spend more than the caps unless we change the law. So what difference is it if there is not a budget resolution, which only is an internal paper of the Congress anyway?

So we are spending all of the caps that we are allowed to spend under the budget resolution, the budget agreement, that the White House signed off on and now wants to violate.

I want to ask the White House, how come they want to violate the balanced budget agreement that led to the Nation's first balanced budget in 37 years and which they are so big about crowing about on television? Why do they now want to violate that balanced budget agreement?

As long as there is a refusal to come up with the offsets to spend more in one category than we agreed to, it simply is a hollow demand.

□ 1720

Mr. OBEY. Madam Speaker, I yield myself 30 seconds. I would like to ask the gentleman a question on my time. He is asking what the administration will do to pay for its initiatives. The Speaker is asking that we spend at least $8 billion in additional funding for the Pentagon, in addition to the bill that we just passed through here 2 weeks ago.

Where are you going to get the money to pay for that?

Mr. ROGERS. If the gentleman will yield, I assume that the Speaker has suggested the offsets with which to pay for it. That is the way this place has to operate under the balanced budget agreement.

Mr. OBEY. The gentleman assumes wrongly.

Mr. ROGERS. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the committee.

Mr. CUNNINGHAM. Madam Speaker, this debate is almost hilarious. My colleagues on the other side say there is no budget. But each appropriations bill we have in the balanced budget has a cap. Every appropriations bill has a budget in it, all 13 of them. There is your budget. And in every case, every single case except one that the liberals always want to cut is defense, and our national security is the lowest it has been in 30 years. That is your cash cow. In every single one. You say, well, education. Your party over 40 years has screwed up the education program to where we are 15th in the industrialized nations in math and science. We are last in literacy. And for the first time we have taken the 760 federal education programs so you can rein down your excessive money and limit it and get the money to the classroom. Instead of 50 cents on the dollar, we are going to get 90 cents on the dollar down to the classroom.

You call us extreme. Well, yesterday's fiasco, so that you can generate your base, we are trying to lead the country based on the Constitution and here you are with a gimmick to try to generate your base. And now you are over at the White House saying, Mr. President, we need to spend more, we need big government, we need to tax more, and do you think we are going to stick around and let you do that? We are going to stick around, but we are not going to let you get away your liberal spending, liberal tax and liberal bigger government. Absolutely not.

I feel sorry for my colleagues on the other side. They look at the polls and they know that many of them are not coming back next term. The only thing they can do is sit here and demagogue and push the White House to spend more money. We are not going to let you do it. Because the American people know exactly what you are trying to do.

When you say education, what about the children, well, what about Davis-Bacon? We could have waived Davis-Bacon for construction on schools in D.C., Mr. Bonior, and your union bosses preferred union bosses instead of children, instead of building and putting roofs on our D.C. schools.

Let us call it like it is. You talk about increasing education. The money that is in there for education out of the President's budget is not there. It is above it. And the only way he can increase it is to take it out of the surplus. And you take it out of the surplus, I do not guess you want to take the surplus and put it into Social Security anymore. I guess you have changed your mind. Because of all these great spending programs you have, you want to keep spending and spending and spending. You cannot have it both ways. You have got to adhere to a balanced budget that the President signed which you on the left do not want to do. I feel sorry for you. Because not many of you are coming back.

Mr. OBEY. Madam Speaker, I yield myself 1 minute. The gentleman says that the Democratic Party has screwed up education. I guess that means that he feels we should not have passed the Nation's student loan programs which we would not have had without a Democratic Congress. I guess that means he feels we should not have Pell grants that helped the kids from working families go to college and technical school. I guess that means he feels that we ought to repeal handicapped educational legislation. I guess that means he feels we ought to repeal Head Start that is the main program that we provide so that kids who are having trouble learning to read and deal with mathematics get a decent start in the early grades on that. The gentleman may think that that is screwing up America. I think it is creating opportunity for every working family in America.

On this side of the aisle, we make absolutely no apology in being for that kind of spending. In contrast, in the last 3 years, this Congress has added $20 billion to the President's defense budget but $17 billion of the $20 billion has gone for pork rather than readiness. I will compare and debate those priorities anytime.

Madam Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. MILLER).

Mr. MILLER of California. Madam Speaker, I thank the gentleman for yielding time. It is interesting that the Republicans who spent months and months trying to get a budget, then when they cannot get a budget, they say it does not amount to a hill of bean, that it makes no difference to the American people. Then why did you spend all those months in the Budget Committee trying to hammer out a budget? You say it does not matter that the appropriations bills are not done yet. But why did you spend all this time trying to do it?

The fact of the matter is you have an ideological fight going on within the Republican Party within the right wing and the far right wing and you cannot resolve it and you have not been able to do the American public's business. You have not been able to do it.

Most of the businesses in America are increasing their productivity. Workers all across America are increasing their productivity. People are making investments in productivity. The Republican Congress is working less every year. Every year. You lost a month this year. Last year we worked 132 days. This year we worked 106. You have lost a month. Two years ago you worked more days. You have lost 2 months in 2 years. At this rate we will be the most unproductive workers in America. You cannot get a budget, you cannot get appropriations bills, you could not get a tobacco agreement, you have not been able to reform HMOs, you cannot deal with crumbling classrooms in this country, you cannot deal with getting more teachers in the classrooms because of a teacher shortage, and yet you are getting the same pay. But you have lost 2 months in 2 years' time. If you worked for any corporation in America, either you would shut down your corporation, you would

reinvent your corporation, or you would go out of business. Name another entity in this country that lost 2 months in the last 2 years in worker productivity. American workers are working harder than they have ever worked before for their wages and the first thing that the gentleman from California (Mr. CUNNINGHAM) suggests is that we take away their wages in Davis-Bacon, that we take hard-working Americans and his answer to the budgetary problem is to take away their wages. That is outrageous. Those people are working 8 and 10 hours a day. They are working 6 and 7 days a week. The Congress is coming in on Wednesday and leaving on Thursday, the Congress cannot show up after its August break until the middle of September, and it is ready to go home in October and it is not coming back until March. That is a hell of a job we have got here, ladies and gentlemen. The only problem is you have not done your work. Anywhere else in America, you would be fired. You would be fired, because you failed to show up and go to work every day like every other American.

So what has happened? So we have said no, this Congress, to 100,000 teachers for our children. We have said no to our children who are in crumbling classrooms, where $12 billion worth of work needs to be done to make those classrooms safe. We have said no to America's children for afterschool programs that the police departments tell us all the time they need to help us fight crime after school between 3 and 6 in the afternoon. You have said no to the people who want to submit the patient-doctor relationship, you have insisted that we are going to continue to let the insurance companies get in between patients and doctors who need that kind of care. You have said no to the tobacco settlement so we can get back to the Medicare system the money that was stolen from them because they had to deal with the tobacco ailments of the American public from smoking after being deceived by the tobacco companies.

This is the most unproductive Congress in the history of this Congress. If we keep losing the days of work like this, pretty soon we will just show up in January, collect a year's pay and go home, because according to you, it makes no difference whether we have a budget and appropriations. It makes a difference to the American people because the reason you do not have a budget is you do not want to admit what you have not done.

Mr. ROGERS. Madam Speaker, I yield myself 1 minute. Apparently the gentleman does not believe that a balanced budget is important. This Congress achieved a balanced budget for the first time in 37 years. Apparently the gentleman does not believe that cutting taxes to the American people is important. This Congress cut people's taxes. Apparently the gentleman does not believe that having the best economy in decades is not important. We believe it is. This Congress created the atmosphere in which we have got the best economy in decades. The gentleman apparently does not believe that having record employment is important. We believe it is. Under this Congress's policies we have had record employment for the last several years ever since this party has been in charge.

□ 1730

We believe this Congress has been productive on the important matters for all of the American people.

Madam Speaker, I reserve the balance of my time.

Mr. OBEY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Madam Speaker, listening to my friend, the gentleman from California (Mr. MILLER), it reminds me of Harry Truman's statement. Some complained that Harry Truman was giving them hell; he says, ''No, I just tell them the truth, and it sounds like hell.'' Harry Truman also coined the do-nothing Congress.

Now the bad news here is that the extreme right has taken control of the agenda here. We find ourselves through this session not dealing with the budgetary matters, health care, education. We spent half a day on the floor trying to take away health care from people in California. We go after ethnic groups and try to divide this country based on their national origin or their heritage. When it comes to education, we ignore it. Pension reform; we will not deal with it here.

CHRIS DODD and I sat in a meeting in Norwich, Connecticut, where a gentleman died of a heart attack because he was so frightened about the situation of his family because the HMO was in the process of dropping them. Can his family, can other families turn to this Congress? No. This Congress is too busy, too busy to take care of people's health needs.

In my district and across this country there are a quarter of a million seniors who are losing their health care and million others that are frightened. We are here sitting around taking up pieces of legislation that have no life-and-death significance, but not HMO reform. Our colleagues might get somebody with a big corporate contribution angry, so there is no HMO reform, there is no help for seniors who are losing their health care.

What I saw what government did as a kid: Members came to Congress so they could be an advocate for those without power, not the insurance companies, not the major corporations. Members were there to make sure the average person had a voice for their troubles.

And then, of course, campaign finance reform. Our colleagues control the House and the Senate. They have always been the reason that campaign finance reform has not passed, filibustered in the Senate, vetoed by President Bush. Now, they could have written any bill that they choose to. They killed campaign finance reform along with health care and pensions and education.

Madam Speaker, our colleagues ought to be ashamed of themselves.

Mr. ROGERS. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Madam Speaker, I thank my colleague from Kentucky for yielding this time to me.

Madam Speaker, I would say the debate is somewhat enlightening, except there seems to be far more heat of that aforementioned four-letter definition that my friend from Connecticut mentioned a second ago than any light. We could sit here and retrace history. We could ask why during 40 years of liberal control campaign finance reform to deal with so many problems was never really taken up. We could talk about the fact that true health care reform to protect the doctor-patient relationship rather than the patient-trial lawyer relationship has been championed in this body. We could talk about the fact that for the first time in 16 long years, this common-sense conservative Congress offered tax relief to working Americans.

Indeed, Madam Speaker, I am struck by the irony of the other side who always would cast themselves as defenders of working Americans, and yet time and time and time again reached into the pockets of those working Americans to take their wages and send them here to Washington.

Madam Speaker, our common-sense policies have drawn a clear choice and contrast because we are intent on transferring money, power and influence out of the hands of the bureaucrats. We are intent on making sure that working Americans hang onto more of their wages so they have more to spend on their own families rather than sending those wages here to Washington. That is the real change, and to the extent that we continue this proven record of success with a balanced budget, with tax relief for Americans, with a bold plan to ensure the sanctity of the patient-doctor relationship, we are proud to take our time to debate our differences and to achieve that balanced budget.

Mr. OBEY. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Madam Speaker, I am sorry the gentleman would not yield. I asked him several times. Perhaps he would answer this question for me.

The gentleman talked about wages and standing up for working people. Is the gentleman in support of increasing the minimum wage, the minimum wage bill that we have? Or is the gentleman opposed to it?

Mr. HAYWORTH. Madam Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Arizona.

Mr. HAYWORTH. The gentleman is in support of cutting taxes for working Americans.

Mr. BONIOR. Madam Speaker, the gentleman will not answer that question, so he obviously is not in support of raising the minimum wage for people who work for less than poverty wages, and that ought to be recorded and understood by the people who he represents.

Mr. OBEY. Madam Speaker, I yield myself 1 minute.

I would also remind the gentleman from Arizona, he says that when the Democrats controlled Congress, we did not take up campaign finance reform. The fact is we passed campaign finance reform three times in this House. I was the sponsor of it on two occasions. He says that we did not do much to help senior citizens. All we did under the Democrat watch was to pass Social Security, to pass Medicare, two programs that the gentleman's Speaker has spent a lifetime trying to destroy.

Madam Speaker, I reserve the balance of my time.

Mr. LIVINGSTON. Madam Speaker, I reserve the balance of my time and reserve the right to close.

Mr. OBEY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I listened to what the gentleman from Arizona (Mr. HAYWORTH) said, and the problem I have is not only with the substance of what he talked about, but the fact that effectively what he has proposed and what the Republican leadership has done is to just waste time, and that is why we are here in this dilemma tonight where they have to pass continuing resolutions, and they cannot get the budget done, and they cannot get the appropriation bills passed because basically they just wasted the Congress' and the American public's time.

The gentleman from Arizona talked about HMO reform. They had no intention of passing HMO reform. Democrats in committee, in the Committee on Commerce and other committees, on the floor, constantly asked that the Patient Bill Of Rights be brought up for a vote and be considered, the Democratic proposal. It was never considered. They just took 1 day, they passed an HMO bill that basically reformed nothing, that was worse than the status quo, and they knew it was not going to go anywhere. They sent it over to the Senate. The Senate never took it up. The Democratic leadership in the Senate tried to take it up today and was denied. There was no intention to pass HMO reform, just to waste time.

The gentleman from Arizona (Mr. HAYWORTH) talked about tax cuts. There was no intention to pass a tax cut. This was just an exercise in futility. They were taking the money from the Social Security Trust Fund. They knew it was never going to pass. It passed the House, it went over to the Senate, they knew the Senate would never take it up. The President vowed he would never sign it. They did not even intend to pass a tax cut really. They were just wasting time.

And we have seen this over and over again, wasting time on appropriations bills, all these antienvironmental riders that will wreck our natural resources that eventually most of them they had to take out.

This whole debate over education, they did not care about public education. They spent days, weeks talking about vouchers, taking money from public schools to give it to private schools. But they did not even intend to really pass that either. They were just wasting time.

That is why we are here today, because this Congress essentially does nothing under the Republican leadership but waste time. They do not want to do anything to help the American public. Just some benchmarks: The least number of days that this Congress has worked in decades, the least number of bills enacted in decades, and, finally, the failure to pass a budget for the first time since the budget process was created.

Mr. LIVINGSTON. Madam Speaker, I yield myself 3½ minutes.

Madam Speaker, I am absolutely astounded at the comments that just preceded me. The gentleman from New Jersey (Mr. PALLONE) obviously is engaged in a tough political race back home, and he has brought rhetoric to the floor of the House. Unfortunately it is only that, has no bearing, no relationship to the truth whatsoever.

The fact is if he would have checked the record, if he had been around here in that campaign, perhaps he would know that we passed the Higher Education Act, the Reading Excellence Act, the school nutrition bill, the vocational technical education bill, a quality Head Start bill, a charter schools bill and legislation to provide new technology to the people with disabilities.

□ 1740

The fact is that he would know that in the Labor-Health bill now being discussed with the President's people today, the Congress has approved roughly $32 billion.

The differences between the President's position and our position is less than $600 million, maybe as low as $300 million. In many instances, the Congress, the Republican Congress has appropriated more than the President asked for, specifically on the issue with respect to the special education where the President did not ask for the sufficient amount of money that was already authorized by Congress in previous years.

Just about an hour and a half ago, the President's people came to us with what we thought was a good faith negotiation to resolve all our differences and get Congress out of session by the end of the continuing resolution tonight, which we are now trying to extend till Monday.

As late as today, October 9, they came to us with no paper, no spreadsheets, no documentation for what they were asking for, and they have been saying to us since July that they were going to provide offsets, that they were going to provide for legislative cuts to offset the additional spending that the President has requested throughout the last several months, and that they have still to this moment, to this moment not given us the first sheet of paper or the first indication of what those offsets in some black box happen to be.

The fact is if we are dealing in a good faith effort with the opposing party, both sides, at a late date like this, the last days of the legislative session, should put their cards on the table and stop jockeying politically.

But as it was noted by the speaker that just proceeded, all they are interested in is politics and in posturing. They are not interested in actually sitting down and getting the people's business done. I regret that. I regret that.

I am prepared to stay here as long as it takes to get this business done, to get these bills appropriated, to make sure that the money is available for the people that really need it, but make sure that we live within the budget caps that the President himself agreed to last year when he came up with an historic balanced budget agreement with the Congress that led to the first surplus in the American treasury in 30 years, 30 years, Madam Speaker.

I think it's very, very important that we separate the wheat from the chaff, that we separate the political posturing like the speaker that preceded me. Understand, we are going to finish the people's business.

But in order for us to reach a good faith agreement with the administration, with the President of the United States so that we can resolve all of our differences, we have to know what their position is. We have to see their paper. We have to see their request. We have to see the extra money that they want to spend it on, and we have to know where that money is coming from. Until we get it, we are just talking in the dark.

I think it is time to stop talking in the dark. Get real. Put the politics behind us and get the people's business done.

Mr. MURTHA. Madam Speaker, if the gentleman will yield, I want the gentleman to know I have been watching the debate; and the gentleman from Wisconsin (Mr. OBEY) is coming across as reasonable. I do not know what is going on.

Mr. OBEY. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, we have heard a lot of touting over there about the fact the administration is not offsetting some of the items it is asking for us provide.

I see in the National Journal's Congress Daily the fact that the Senate majority leader is asking us to spend $385 million in so-called emergency funding to bail out ConAgra and Tyson's and other big chicken exporters who, on the private market, ship chickens to Russia and now cannot find a buyer.

So when we start talking about declaring something as an emergency, I did not realize it was an emergency that we would bail out big business when they make a bad detail.

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

Mr. LIVINGSTON. Madam Speaker, I yield 2 minutes to the very patient and hard-working, intelligent, dynamic gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Madam Speaker, I thank the gentleman yielding to me.

Madam Speaker, I had no intention of coming to the floor and engaging in this debate, but I really believe it is important from time to time for people to come maybe to the center of this institution and put things in somewhat of a perspective as we prepare to go home at the end of the 105th Congress.

I have been here 4 years and have grown to deeply and passionately, not only love this institution, but love people on both sides of the aisle.

When I hear people like the gentleman from California come here and make statements about people not doing their job and not working hard, I want the people to know, everybody in this institution that I know have works their tails off.

When my 11-year-old son and my 9 year-old-daughter watch these proceedings and know how much time I spend away from them and how busy I am and everybody in this institution, this institution means more than either one of our political parties. It must be held up. If not, the cynicism in this country is going to grow.

I strongly encourage Members on both sides to say what they mean and mean what they say and quit using words that demean this institution. It is not in our best interest. It is not to our children's best interest.

What is in their best interest is to know that we all work hard and do our very best for the people that we represent. We should debate the issues, but to use shallow rhetoric about this body not having done its job last year or this year, I have been here 4 years. I have seen people work around the clock from both sides of the aisle. Four hundred thirty-five people work, from my perspective, as hard as they possibly could.

I worked with my friends on the other side of the aisle on campaign finance reform. I tried not to come down here and run my mouth if I did not have something to say that was a value to this process.

Please, for the sake of this government, for civil government, for decency, for cooperation, for the next Congress and the next Congress and Congresses 100 years from now, quit using shallow rhetoric.

Mr. OBEY. Madam Speaker, I yield myself 10 seconds.

Madam Speaker, I wish we had heard that same speech yesterday.

Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Speaker, let me paraphrase Admiral Stockdale, a former vice presidential candidate: ''Who are we, and why are we here?''

It is clear that the Republican leadership of this House has no idea who they are and certainly do not know why they are here. They do not know why the people of this country sent them to represent their interests. This Republican-led Congress has failed the American people.

We have passed the end of the fiscal year, and what have they accomplished? The Republican leadership has not passed the budget. They have not completed appropriations. We only have a few days left before this Congress adjourns, and they refuse to address the issue that the American people care about.

Let us talk about the missed opportunities. Social Security reform. Instead of doing that, they would raid the Social Security Trust Fund and not preserve and protect Social Security for the future.

Tobacco legislation. Three thousand kids in this country start to smoke every single day, and 1,000 will die. But, no, we could not do something about tobacco legislation.

Real managed care reform. About getting doctors and patients to make the decisions, the medical decisions in their lives instead of insurance companies. No. We had bipartisan support in this body. We could have passed it in a heartbeat. If the Speaker of this House wanted to get it passed, we could have done it at a moment's notice.

Let us talk about minimum wage and raising the living standards of working families in this country. No, we could not do that.

Campaign finance reform. Certainly let us not reform this House. Let us not do that.

They have failed to take any action to strengthen our public schools, reduce class size, make sure we have 100,000 new teachers in the classroom, modernize our schools so that our kids get wired up to the Internet and they can succeed in their future.

□ 1750

No, none of these we could do.

Let me just say, the American people deserve to know why we are here. We are here to represent their interests. We have a few short hours in this session of the Congress. Let us do something about our school system; let us pass legislation that is meaningful to the people of this country.

Mr. LIVINGSTON. Madam Speaker, I reserve the balance of my time, and I reserve the right to close.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Wisconsin has 4 minutes remaining; the gentleman from Louisiana has 8½ minutes remaining.

Mr. OBEY. Madam Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Madam Speaker, this Republican Congress has been a failure. We have spent a lot of time, yes, on investigations and millions of dollars on investigations, but not making a meaningful difference in people's lives.

Madam Speaker, we have a balanced budget and a Federal surplus because of the Democratic deficit reduction program, yet my colleagues are 9 days overdue on a budget for America. No mayor, no Governor, no American family could do the same. My colleagues have failed families in this country in giving them protection from HMO abuses. My Republican colleagues have failed seniors by making sure that Social Security comes first in the context of the budget surplus.

Madam Speaker, we Democrats do not want to let you go home and fail our children. We want to put 100,000 teachers back in the classrooms of this country to help educate our children and modernize our schools. If we have billions of dollars for tax cuts, we can have some money for the Nation's children that are going to make us competitive in the next century.

Democrats will not let you leave and go home and campaign; we will stay here and work and make sure, we are going to ensure, that you do not commit the final failure, which would be failing our children.

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

I was prepared to close, but evidently we are going to have continue to have rhetoric that sometimes compels me to answer.

I left the floor a little while ago to take care of some very important business, and when I returned I was advised that one of the speakers on the other side took this political rhetoric to such an extent that he talked about a campaign rally, or a town meeting at which he was present, and an elderly gentleman talked about HMOs and got so excited that he fell down and died, and for some reason that was supposed to be our fault.

I heard the last speaker say that we have deprived America of all of the good that the President wishes to bestow upon them, and I just get concerned about the rhetoric. I just asked my friend from Arizona there, does he have any thoughts about how heated this rhetoric gets?

Madam Speaker, I yield to the gentleman from Arizona.

Mr. HAYWORTH. Madam Speaker, I think we could do with a lot more

light, and a lot less heat. I think it is unfortunate when members of the minority, and we can understand that different people have different philosophies and that we should exchange those, but to have reason and, to a certain degree, passion replaced by a sad rhetorical device to imply that anyone's policies on this floor led to the death of an individual I think is highly regrettable.

I would hope that those on both sides of the aisle would rethink that type of rhetoric, because again, it has no place in this Chamber. Indeed, given the standards that many have applied to the conservative side of the aisle, I would hope that they would offer the same scrutiny to such unfortunate statements that come from the other side.

The bottom line is this: We can work together in the framework of what we did last year, balancing the budget for the first time in a generation; offering tax cuts to working folks for the first time in 16 years; and I would hope that all of the poll-driven rhetoric and all of the passion-driven examples that are highly regrettable would be left outside the Chamber.

Mr. LIVINGSTON. Madam Speaker, reclaiming my time, the gentleman is absolutely correct. Because of our efforts, we now have a balanced budget, $70 billion in surplus. Because of our efforts, we have the lowest interest rates in a generation. Because of our efforts, our children have a future which, hopefully, if we can get our way, will be free of undue taxation and free of undue interference from Washington, D.C. That is our goal. That is our hope. That is our platform. We are prepared to run on that at any time.

But to be accused of inciting conditions that caused the death of an American citizen frankly goes beyond the pale. I am really surprised that that was used in the rhetoric here on the floor.

Madam Speaker, I reserve the balance of my time, and I hope to close this debate soon.

Mr. OBEY. Madam Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has 3 minutes remaining.

Mr. OBEY. Madam Speaker, I yield myself the remainder of the time.

Madam Speaker, first of all, I would like to thank the suddenly moderate gentleman from Arizona for his pieties, and I would simply like to say that I love this institution, and I respect many, many Members in it. And I revere what this institution is supposed to mean to each and every citizen of the country. But in the last analysis, I think they are going to be impressed much less by our pieties and by our rhetoric than they are by our actions.

It seems to me if we really want to inspire the American people, we will take action in the next week, as we make our final decisions on the budget, a budget which, after all, does define what our values are, and as we make those choices, I hope that the choices that we make will indeed help to make a difference for struggling working families who need every bit of help they can to make education affordable, to provide decent classrooms for kids, to provide decent teacher-student ratios so that kids have a chance to learn in the poor school districts as well as the wealthy school districts in this country.

I hope that in the area of health we will recognize that every American has a right to full access to health care, just by virtue of the fact that they were born one of God's creatures; and I hope that we will recognize our obligation to strengthen people's retirement security, and I hope we will recognize our obligation to drop the innumerable attacks on the environment that we see in appropriation bills that threaten the future environmental health and safety of this country.

So I would urge Members to vote for this simple extension of time so that this very tardy Congress can get its work done.

I make no criticism of the gentleman from Louisiana in this. I think we have said many times, if all of these issues were left to us to work out between the two of us, I do not think there is an issue that we could not solve. But unfortunately, there are many pressures above our pay grade which have often interposed themselves and made it very, very difficult for our committee to reach the same kind of accommodation that we were able to reach last year, and that is why we stand here tonight with still so much work to be done, and with still so many public needs to be met.

I would hope that in the time that we have remaining and the time that is provided by this resolution will help us indeed to put people first.

□ 1800

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

Madam Speaker, I want to thank my friend, the gentleman from Wisconsin (Mr. OBEY) for his comments. I do agree with them. I think if he and I were left to work out all of the problems that divide us, we could be through and be out of here tonight. However, unfortunately, there are others involved in the process. It has been a long calendar, both in the calendar year 1998 and in 1997, that comprised the legislative agenda for the 105th Congress.

I happen to think we have accomplished a great deal. I know my friend might quarrel with that, but we have managed to roll back taxes, we have cut regulation, we have passed a balanced budget agreement, in conjunction with the President.

We have expected the President to adhere to the requirements of that balanced budget agreement, and I think one of the reasons we stand here tonight is because the balanced budget agreement has not been adhered to by the President. As I noted earlier, the President signed that budget agreement.

We have set caps for the discretionary spending, that which goes through the appropriations process for departments, agencies, and programs. Last year we knew that we were on a glide path that would be difficult to meet, and the President in fact did not meet it, but he expected the Congress would pass tobacco taxes and all sorts of additional taxes and user fees to meet his additional agenda that he proposed in February when he addressed us in the State of the Union speech.

We do not have that extra money. We would expect the President to come to us early in the process and say, if we do not have that extra money, here is how I expect to get some of my other initiatives fulfilled. Certainly that is a negotiating process. We would never expect the President to get all of his initiatives fulfilled, any more than we would expect to get all of ours imposed upon him in an equal negotiation, but we have not had an equal negotiation.

We have had our cards on the table for days, weeks, months. The President knows, his people know where we are on appropriations bills, and just only 2 hours ago came to us and said they are still not going to give us their offsets, and they are going to parcel out the extra items for spending that he has targeted. That puts us in a tough position.

I would say that it is time to put the politics behind us. I would rely on our accomplishments. My friend, the gentleman from Illinois (Mr. MANZULLO) has given me a long list of fiscal accomplishments which I think is so good I would like to include them in the RECORD at this point.

The material referred to is as follows:

TOP TEN FISCAL ACCOMPLISHMENTS

(1) Most families with children will save $400 in taxes per child in 1998 and $500 thereafter. That amounts to over $100 million dollars in each congressional district that the taxpayers get to keep.

(2) Most families with children in the first two years of college will be able to use money for college expenses that otherwise would have gone for taxes and can now set up educational savings accounts whose profits are tax free.

(3) Most Americans who buy and sell stocks, or who sell a piece of real estate, will save considerably on their taxes.

(4) Most Americans who bell their principal residence won't have to pay one dime of capital gains taxes.

(5) Many children of farmers and small business owners who want to inherit their parents' property and businesses will pay less or no death taxes.

(6) Small business owners will be able to deduct a greater share of health and accident insurance premiums, and be able to write off a greater amount of money for new equipment.

(7) Young people will be able to save easier for a down payment on their first home by our creating a new IRA.

(8) Stay at home spouses will no longer be discriminated against because we changed the IRA laws to allow them to participate.

(9) People can save $2,000 a year in retirement IRAs paid for by after tax dollars so that every cent earned is tax free at retirement.

(10) In 1993 President Clinton gave us the biggest tax increase in history, but now most Americans have received a tax cut and a Balanced Budget Act that will stop deficit spending and pay off the national debt.

Mr. LIVINGSTON. Mr. Speaker, I hope Members understand that it is important that we complete our business, that it is important that we finish the appropriations process, that we work out a mutually agreeable negotiation with the President and his representatives, that he sign the appropriations bills, either within their individual context or within an omnibus bill, gathering those bills left unattended, and that once signed, we can complete the work of this Congress and go back and campaign for reelection.

I do not have an opponent this year. I am happy to tell the Members that if we cannot get the President to give us his numbers and show us his cards and enter into a negotiation, I am prepared to stay here.

I know that is going to inconvenience a lot of Members, Republican and Democrat. I do not think that the vast majority of Members want to stay here past tonight, let alone Monday or next Friday or next month, but if necessary, it will not bother me. I will just be here. I will just plug along.

I hope that one day, whether it is today or tomorrow or Sunday or Monday or next week, one day, that the representatives of the Office of Management and Budget will say, okay, here is what we want and here are our offsets, and here is how we are going to pay for it. We will take this, they will take that, we will wrap it all up, get the President to sign it, and we will go home.

If not, I will just stay here. We will not close the government. We are not going to have any shutdowns. We are just going to keep on plugging and do our business. If the President wants to posture in the Rose Garden, I will go run upstairs into the press gallery and I will answer his posturing. If he wants to get down to business, we will roll up our sleeves and we will get down to business. Hopefully, that is what we will opt for. We will in fact complete the people's business. We will do it soon. That demands that we first vote for this continuing resolution.

We are not going to be able to complete our business tonight, unfortunately, but we might, we might successfully complete our business by Sunday or Monday, at the latest. That is why we are asking for this continuing resolution to be passed and signed into law, to give us the time that we need to do our job, working with the White House and our colleagues on both sides of the aisle. That is why I ask for a yes vote on this three-day continuing resolution.

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

The SPEAKER pro tempore (Mrs. EMERSON). The joint resolution is considered as read for amendment, and pursuant to the order of the House of today, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 511]

YEAS—421

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

NOT VOTING—13

Berman
Frank (MA)
Inglis
John
Kennelly
Manton
Mollohan
Nethercutt
Poshard
Pryce (OH)
Smith (MI)
Tierney
Yates

□ 1824

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4761, URUGUAY ROUND AGREEMENTS COMPLIANCE ACT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–805) on the resolution (H. Res. 588) providing for consideration of the bill (H.R. 4761) to require the United States Trade Representative to take certain actions in response to the failure of the European Union to comply with the rulings of the World Trade Organization, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE AND PROVIDING FOR MOTIONS TO SUSPEND THE RULES

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–806) on the resolution (H. Res. 589) waiving a requirement of clause 4(b) to rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). The chair announces that any rollcall votes on suspensions will be postponed until tomorrow.

HOUR OF MEETING ON TOMORROW

Mr. CASTLE. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

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

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND AND REVISE REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. CASTLE. Madam Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the second session by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the second session sine die.

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

There was no objection.

□ 1830

LITTLE ROCK NINE MEDALS AND COINS ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2560) to award congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to collectively as the ''Little Rock Nine'' on the occasion of the 40th anniversary of the integration of Central High School in Little Rock, Arkansas, as amended.

The Clerk read as follows:

H.R. 2560

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 ''Little Rock Nine Medals and Coins Act''.

TITLE I—LITTLE ROCK NINE GOLD MEDALS

SEC. 101. CONGRESSIONAL FINDINGS.

The Congress hereby finds the following:

(1) Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, hereafter in this section referred to as the ''Little Rock Nine'', voluntarily subjected themselves to the bitter stinging pains of racial bigotry.

(2) The Little Rock Nine are civil rights pioneers whose selfless acts considerably advanced the civil rights debate in this country.

(3) The Little Rock Nine risked their lives to integrate Central High School in Little Rock, Arkansas, and subsequently the Nation.

(4) The Little Rock Nine sacrificed their innocence to protect the American principle that we are all ''one nation, under God, indivisible''.

(5) The Little Rock Nine have indelibly left their mark on the history of this Nation.

(6) The Little Rock Nine have continued to work towards equality for all Americans.

SEC. 102. CONGRESSIONAL GOLD MEDALS.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to collectively as the ''Little Rock Nine'', gold medals of appropriate design, in recognition of the selfless heroism such individuals exhibited and the pain they suffered in the cause of civil rights by integrating Central High School in Little Rock, Arkansas.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary for each recipient

(c) AUTHORIZATION OF APPROPRIATION.—Effective October 1, 1997, there are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 103. DUPLICATE MEDALS.

(a) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medals struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(b) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out section 2 shall be reimbursed out of the proceeds of sales under subsection (a).

SEC. 104. NATIONAL MEDALS.

The medals struck pursuant to this title are national medals for purposes of chapter 51 of title 31, United States Code.

TITLE II—GERALD AND BETTY FORD GOLD MEDAL

SEC 201. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to Gerald R. and Betty Ford a gold medal of appropriate design—

(1) in recognition of their dedicated public service and outstanding humanitarian contributions to the people of the United States; and

(2) in commemoration of the following occasions in 1998:

(A) The 85th anniversary of the birth of President Ford.

(B) The 80th anniversary of the birth of Mrs. Ford.

(C) The 50th wedding anniversary of President and Mrs. Ford.

(D) The 50th anniversary of the 1st election of Gerald R. Ford to the United States House of Representatives.

(E) The 25th anniversary of the approval of Gerald R. Ford by the Congress to become Vice President of the United States.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated not to exceed $20,000 to carry out this section.

SEC. 202. DUPLICATE MEDALS.

(a) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to section 201 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(b) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out section 201 shall be reimbursed out of the proceeds of sales under subsection (a).

SEC. 203. NATIONAL MEDALS.

The medals struck pursuant to this title are national medals for purposes of chapter 51 of title 31, United States Code.

TITLE III—JACKIE ROBINSON COMMEMORATIVE COINS

SEC. 301. 6-MONTH EXTENSION FOR CERTAIN SALES.

Notwithstanding section 101(7)(D) of the United States Commemorative Coin Act of 1996, the Secretary of the Treasury may, at any time before January 1, 1999, make bulk sales at a reasonable discount to the Jackie Robinson Foundation of not less than 20 percent of any denomination of coins minted under section 101(7) of such Act which remained unissued as of July 1, 1998, except that the total number of coins of any such denomination which were issued under such section or this section may not exceed the amount of such denomination of coins which were authorized to be minted and issued under section 101(7)(A) of such Act.

TITLE IV—$1 COIN DESIGN EVALUATION

SEC. 401. COMMISSIONING OF STUDY REQUIRED.

(a) IN GENERAL.—The Comptroller General of the United States shall commission, on a

reimbursable basis, a study, similar to the study conducted under section 302 of the United States Commemorative Coin Act of 1996, to compare the relative acceptance by the public and the fiscal impact on the Treasury of the United States of the use of the image of Sacajawea on the obverse of the new $1 coin with that of the relative acceptance by the public and the fiscal impact on the Treasury of the United States of the use of the image of the Statue of Liberty.

(b) DESIGN AND SCOPE OF STUDY.—The study required to be commissioned under subsection (a) shall—

(1) be designed by the Comptroller General, in consultation with the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, the Secretary of the Treasury, and the Director of the United States Mint;

(2) be conducted by private sector consultants selected by the Comptroller General on the basis of their education, training, and experience;

(3) measure the estimated acceptance of each image, including an estimate of the number of potential sales of proof, uncirculated, and other qualities of coins bearing each such image;

(4) estimate the number of coins bearing each such image which would be removed from circulation for collections or as souvenirs by both formal and informal numismatists and other collectors, as well as tourists; and

(5) examine the financial impact which could flow from other factors that might influence the choice of an image for the obverse of the coin.

(c) INCLUSION OF FOCUS GROUPS AND INTERESTED ASSOCIATIONS.—In carrying out the study required under this section, the consultants selected by the Comptroller General shall—

(1) convene groups consisting of individuals representing a broad cross-section of the populace for purposes of testing the relative acceptance of the 2 images; and

(2) consult with the American Numismatic Association and the Coin Coalition, as well as any marketing organization or operator of a sales location which might sell proof, uncirculated, and other qualities of the new $1 coin.

(d) REPORT.—

(1) IN GENERAL.—A report on the study shall be completed and submitted to the Congress before January 31, 1999.

(2) CONTENTS.—The report submitted pursuant to paragraph (1) shall contain the findings and conclusions of the consultants conducting the study and the Comptroller General, together with such recommendations as the consultants and the Comptroller General determine to be appropriate.

(e) FUNDING.—Not to exceed $350,000 of the costs of the study required under this section shall be reimbursed by the Secretary of the Treasury from the United States Mint Public Enterprise Fund.

TITLE V—LEIF ERICSSON MILLENNIUM COMMEMORATIVE COIN

SEC. 501. SHORT TITLE.

This title may be cited as the ''Leif Ericsson Millennium Commemorative Coin Act''.

SEC. 502. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—In conjunction with the simultaneous mining and issuance of commemorative coins by the Republic of Iceland in commemoration of the millennium of the discovery of the New World by Leif Ericsson, the Secretary of the Treasury (hereafter in this title referred to as the ''Secretary'') shall mint and issue not more than 500,000 1 dollar coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 503. SOURCES OF BULLION.

The Secretary may obtain silver for minting coins under this title from any available source, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 504. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this title shall be emblematic of the millennium of the discovery of the New World by Leif Ericsson.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this title there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2000''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this title shall be—

(1) selected by the Secretary after consultation with the Leifur Eiríksson Foundation and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 505. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this title shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this title.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this title beginning January 1, 2000.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this title after December 31, 2000.

SEC. 506. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this title shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—All surcharges received by the Secretary from the sale of coins issued under this title shall be promptly paid by the Secretary to the Leifur Eiríksson Foundation for the purpose of funding student exchanges between students of the United States and students of Iceland.

(c) AUDITS.—The Leifur Eiríksson Foundation shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the Foundation under subsection (b).

SEC. 507. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Minnesota (Mr. VENTO) 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 2560, the Little Rock Nine Medals and Coin Act. This bill directs the production of nine Congressional Gold Medals on the occasion of 40th anniversary of the integration of Central High School in Little Rock, Arkansas, by Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford and Jefferson THOMAS, known as the ''Little Rock Nine.''

The gentleman from Mississippi (Mr. THOMPSON) has worked hard as the House sponsor to obtain 299 co-sponsors for this measure.

The rest of the amendment to this bill represents what has become a regular function of reconciling our coin legislation with that of the Senate. It includes the Gerald and Betty Ford Congressional Gold Medal, which had already passed this House by a wide margin but was used as a vehicle by the Senate to transmit their priority coin programs. It accepts these Senate priorities by granting the Robinson Foundation a limited opportunity to make a bulk purchase of authorized but unsold Jackie Robinson commemorative coins. It provides for a study to ensure successful public acceptance of the new one dollar coin.

Finally, it enacts the Citizens Commemorative Coin Advisory Committee recommendation in favor of the bill of the gentleman from Iowa (Mr. LEACH) to commemorate the millennium of Leif Ericsson's voyage of discovery by jointly minting coins with Iceland.

I urge the immediate adoption of H.R. 2560.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of this legislation. This is good legislation. The Little Rock Nine is a very profound demonstration, I think, of the human spirit as they climbed not just those steps in Little Rock, Arkansas, but climbed into the history and raised the consciousness of this country in terms of the civil rights movement and the need, in our diverse population, for integration, to work together.

I would further like to comment, Madam Speaker, on the issue of the other medals in terms of recognizing Jackie Robinson for his significant role in terms of athletics and his outstanding role as an athlete but, most importantly, as an American.

I also, of course, would be remiss if I did not recognize President Gerald FORD, and Betty Ford, for their work here and, of course, on the eve of Columbus Day, October 12, to recognize Leif Ericsson. I know that many of my

constituents in Minnesota would endorse the recognition that he is receiving here, in spite of my efforts to teach a more poignant aspect of history with regards to the discovery of North America.

At the request of the gentleman from Minnesota (Mr. SABO), I have actually sponsored this. Now, there is real bipartisanship and working together, Madam Speaker.

Madam Speaker, I am very pleased that we are here on the floor today considering legislation to award the congressional gold medal to those individuals known as the ''Little Rock Nine'' on the occasion of the 40th anniversary of the integration of Central High School in Little Rock, Arkansas.

I would like to commend Congressman Bennie Thompson for introducing this bill and his tireless work and commitment to see it become law.

The bill will authorize the President to award congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas.

These individuals advanced the struggle for civil rights in this country by their heroic efforts to integrate Central High School.

When these courageous young people climbed the stairs of Central High School on September 25, 19957 and they climbed into the civil rights history of your Nation, they forced this country to face its racial segregation.

They themselves did something about it and challenged our Nation to face up to the issue of justice.

I am also pleased that this bill includes a provision to extend the Jackie Robinson Commemorative Coin Program so that the Jackie Robinson Foundation can continue to purchase these coins until January 1, 1999.

I would like to thank Chairman CASTLE and the work of others like Congressman MEEKS who worked to ensure that we properly honor this American sports hero and legendary African-American.

With this bill we also authorize the presentation of a presidential gold medal to President Gerald and Betty Ford as well as the Leif Ericsson Millennium Commemorative Coin Act. I'm sure many of my Minnesota constituents will endorse this recognition as I have at Congressman SABO's request.

Madam Speaker, I reserve the balance of my time.

Mr. VENTO. Madam Speaker, I yield 5 minutes to the gentleman from Mississippi (Mr. THOMPSON), my good friend from the other end of the Mississippi, who has sponsored the underlying provision with regards to the Little Rock Nine.

Mr. THOMPSON. Madam Speaker, on September 25, 1957, nine African American high school students voluntarily risked their lives to remind us of the basic American principles. When Jean Trickey, Carlotta LaNier, Melba Beals, Terrence Roberts, Gloria Karlmark, Thelma Wair, Ernie Green, Elizabeth Eckford and Jefferson Thomas stepped onto the campus at Central High School in Little Rock, Arkansas, they forced our country to admit that segregation is an abomination to every democratic principle and every freedom we enjoy as Americans.

Make no mistake, this is about race. It is about all the valiant men and women who fought in and are still fighting in our Nation's struggle to recognize the civil rights of every American.

By passing H.R. 2560 and bestowing the highest award Congress can present to civilians on the Little Rock Nine, Congress is sending an historic, significant message. It is important for that little boy to be able to play baseball on the lighted field, and it is equally important for all Americans to recognize men and women who made that seemingly small feat possible for a small town boy in Arkansas.

Today, our Nation has a solemn and long overdue thanks. Thanks to the civil rights pioneers who blazed a trail through the wilderness of racial discrimination to lead our Nation, kicking and screaming at times, down the path of justice and equality.

I might add, Madam Speaker, it is long overdue. These individuals who are now all in their mid-fifties have paid a tremendous price. Some of them are on disability. Some of them are very successful. Nonetheless, by awarding this commemorative coin, we now recognize the work that they did.

Mr. VENTO. Madam Speaker, I ask unanimous consent to yield the balance of the time to the gentleman from Mississippi (Mr. THOMPSON) to manage that time.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CASTLE. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Madam Speaker, I am very pleased to address the portion of this bill which honors the thirty-eighth president of the United States, Gerald R. Ford and his wife Betty. We previously passed that portion of this bill, but it was under unanimous consent, and we did not have an opportunity for debate.

The thirty-eighth president, Gerald R. Ford, has long been noted for his successful efforts to heal this Nation after a previous impeachment drama that we dealt with. Our Nation owes him a great debt of gratitude for his unprecedented work in carrying us through that most difficult period, for restoring and healing and stability in this Nation.

This is a particularly appropriate year to recognize him. It is the year of President Ford's 85th birthday. It is also the year of the 80th birthday of Betty Ford, who in her own right deserves recognition. Her name is also included on the medal, due to her work in publicizing the dangers of breast cancer and vastly increasing public awareness of this terrible disease in this Nation.

Her work with the Betty Ford Clinic also has earned her a place of recognition on this medal.

In addition to those two birthdays, this year we also celebrate their 50th wedding anniversary, as well as the 50th anniversary of President Ford's election to this House of Representatives, where he served very ably for 25 years and, in fact, became the minority leader for a number of years.

In addition to that, this is the 25th anniversary of the year that President Ford acceded to the vice presidency of the United States of America. As we all know, he did a marvelous job as vice president and president and put this Nation on the right course for years to come.

In recognition of the accomplishments of both President Ford and his wife Betty, and in recognition of all that he has done for this Nation, I urge all members to vote for this bill.

□ 1840

Mr. CASTLE. Madam Speaker, I ask unanimous consent that the balance of my time to manage this legislation be turned over to the gentleman from Oklahoma (Mr. LUCAS), another member of the committee.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. THOMPSON. Madam Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Madam Speaker, last night on this floor by unanimous consent agreement a bill was passed, Senator BUMPERS' Senate bill to include Little Rock Central High School and the surrounding neighborhood as a national historic site, as part of our national park system, to recognize the historical significance of the events that occurred in the school year 1957–1958 in Little Rock, Arkansas, at Central High School. I am proud to have been a cosponsor of that bill and to be a cosponsor of this bill.

As I went around getting cosponsors with the gentleman from Mississippi (Mr. THOMPSON) and others for this recognition bill of the Little Rock Nine, all you had to say to other Members is, ''This is Central High School, 1957, Little Rock Nine.'' We are very much aware that the eyes of the world were on Central High School at that event.

What was the event about? It was about nine kids, nine children who put up with events that the rest of us have never had to put up with in our life. Melba Patillo has a book out the last several years called ''Warriors Don't Cry.'' That is what this was for these nine kids, these nine children as they were fighting our battles, the battles of America during this school year in 1957.

This photo right here is Elizabeth Eckford, one of the Little Rock Nine, in 1957 who found herself alone in the middle of a mob one day at school. This one right here is Hazel Massery who was a 15-year-old student at the time. This photo seared the world with a picture of bigotry. They were beaten, they were kicked, they were tripped, they

had food thrown on them, they had verbal insults. Worst of all, they feared for their lives. It changed their lives but it also changed the lives of the rest of us and of our Nation.

This is a photo from 1997, the 40th anniversary of the desegregation of Central High School. This is Elizabeth Eckford, 40 years later, and this is that 15-year-old girl who had such a look of hatred and bigotry on her face 40 years ago. I am very pleased to be part of the recognition of the Little Rock Nine and their courage. It is very, very important that we recognize what they went through. I was in the Marine Corps in Vietnam. We had the opportunity to earn medals. There were no medals given in 1957 and 1958 for the sacrifices that the Little Rock Nine went through.

Mr. LUCAS of Oklahoma. Madam Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Madam Speaker, I thank the gentleman for yielding me this time. I want to congratulate my colleague from Arkansas for his work on this and so many others. Forty-one years ago, nine youths walked through the doors of Little Rock Central High School and forever changed American culture. The Little Rock Nine as they are known today forced this Nation to examine its soul and decide whether ours would be a society of hostility and division or a society of tolerance and unity. The images of those youths facing an angry and defiant mob at the door of Central High are forever burned into our national consciousness. They are images of fear and hesitation. They are images of a crossroads in our Nation's history. While we cannot and should not ever forget those painful images of four decades ago, we should today celebrate the fact that this great Nation made the right choice and took the right path. We decided that ours would be a Nation of unity, not division; a Nation of tolerance, not hate.

Madam Speaker, all Americans today owe a debt of gratitude to those nine youths who forced this Nation to look inward and make that decision. For that, I am proud to rise today in support of this legislation to award them the Congressional Gold Medal.

Mr. THOMPSON. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

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

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentleman for yielding me this time. When the Little Rock Nine walked in the door, I was a 16-year-old college freshman at Arkansas AM&N College. It is so delightful to see an opportunity, they are contemporaries of mine. Ernie Green. Mrs. Patillo actually was a teacher at the Scipio A. Jones High School when I did student teaching. That is Melba Patillo's mother. Minnie Jean Brown was my mother's favorite of the nine. Each day after the news, she wanted to find out, what did Minnie Jean Brown do that particular day.

Daisy Bates really ought to be in this group, because she emerged as a leader among leaders at that time. Attorney Wiley Branton from Pine Bluff who ultimately became an attorney for the national NAACP. Dr. Flowers, Attorney Flowers, all of those who played a role, I am simply pleased to join with others who feel that the time has come to say to the Little Rock Nine and all of those involved in that particular situation, that they too played a major role in the civil rights development in this country during the 1950s and 1960s which have brought us to this point today.

Mr. THOMPSON. Madam Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY) who did a lot of work to get this bill to where it is now.

Mr. BERRY. Madam Speaker, I want to thank my colleague from Mississippi for this time and congratulate him and my colleague from Arkansas and many others who have made this evening possible.

I rise today in support of H.R. 2560 and also to pay tribute to nine people who showed America what it means to be courageous. This legislation will award the Congressional Gold Medal to nine people who 40 years ago stepped into a school and changed history forever. We all remember the day when the nine young people faced an angry mob of segregationists to voluntarily integrate Central High School in Little Rock, Arkansas. These young people became symbols to all of us of what it means to be courageous, honorable and exceptionally brave.

This legislation honors Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford and Jefferson Thomas for making our country a better place to live. Although they probably did not know it at the time, those people who were only children in 1957 taught all Americans a valuable lesson: Stand up for what you believe in. Be courageous and proud. Those nine people deserve the Congressional Gold Medals for what they did. That is why every Member should support this legislation.

Mr. THOMPSON. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. MEEKS).

(Mr. MEEKS of New York asked and was given permission to revise and extend his remarks.)

Mr. MEEKS of New York. Madam Speaker, it has come to my attention this summer, in the heat of the Sosa-McGwire home run race, that the Jackie Robinson Commemorative Coin program was set to end on June 30, 1998. This program has been a source of pride for Americans as we have recognized a true American hero. Mr. Robinson's breaking of the race barrier in professional sports in many aspects signaled our country's drive to equal justice and equal treatment under the law. Moreover, his life's story is indicative of Americans striving to defeat high odds, and his achievements represent the best that this country has to offer. These reflections on his contributions to baseball and indeed his contributions to America were the foundation of our enactment of coin legislation to pay homage to Mr. Robinson.

It is with dismay that I learned of the legislative history behind this important program and I was obligated in part to defend this program since it was a program that my predecessor Reverend Floyd Flake helped implement.

□ 1850

For those of my colleagues who do not know, this extension is necessary because of the allocation of Jackie Robinson surcharges, the Botanical Gardens Coin Program. I recognized the political agendas at the close of the 104th Congress required this arrangement. However we also recognize today the Jackie Robinson Program has suffered because of the arrangement. Today's legislation, in addition to honoring the Little Rock Nine on whose shoulders I also stand, allowed the Jackie Robinson Foundation to buy the remaining stock until January 1, 1999. It will then be free to resell these coins to help further the foundation's educational mission.

I, therefore, urge the adoption of H.R. 2560 and extend my gratitude of thanks to Senator D'AMATO, who, with Congressman Flake, created this program, and I also extend my appreciation to the gentleman from Delaware (Mr. CASTLE), the gentlewoman from California (Ms. WATERS) and the gentleman from Mississippi (Mr. THOMPSON) for their efforts in bringing this legislation to the floor today.

Mr. THOMPSON. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Madam Speaker, I am proud to stand tonight with the collective forces on both sides of the aisle to give tribute to nine children, nine children who courageously, yet fearfully, stood in the doors of Central High School to say that we must change the culture of this society, we must change the culture of schools, high schools in this country and all schools.

As a former teacher, I can recognize how important it is to ensure that quality of education, irrespective of race, be given to every child across this country. I have seen and have followed their careers, and they have positioned themselves in many endeavors, but clearly have positioned themselves as outstanding Americans.

I had the pleasure of traveling with Ernie Green this last March when we travelled with the President to Africa. This outstanding man has no remorse. He serves his country with dignity and serves his country with distinction.

If it is not but one thing we can remember, and that is that we must all contribute something to make this country a better world, a better life for our children, for all Americans.

Let me thank the gentleman from Mississippi (Mr. THOMPSON), the gentleman on the other side of the aisle, my dear friend, and all who played a tremendous part in bringing these outstanding Americans to the floor. To give them a Congressional Medal of Honor would be the highest mark of saying thank you.

To Betty Ford and all the others who will be receiving one, we congratulate them as well.

Mr. THOMPSON. Madam Speaker, I yield 1 minute to the gentlewoman from Houston, 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. Madam Speaker, let me thank the gentleman from Mississippi (Mr. THOMPSON), one, for his leadership on this issue, and thank my good friends on the other side of the aisle, this has been a collaborative effort; and certainly my colleagues from Arkansas because this is clearly a mark on America's landscape that shares with us the heroics of young people and what they say to America.

This is my tribute to the Little Rock Nine. All of those nine African American students who integrated Central High School in 1957 went on to become college graduates. This is a testimony for America's children. This is certainly a testimony for our African American children of what we can do when we face adversity. And I believe as these young people faced adversity, they opened the eyes of America to excellence, to the value of integration, the value of understanding, the value of commonality, the value of humanity.

All of these members moved away except one, Elizabeth Eckford, who came back, but what is striking is how successful they were.

So I want to pay tribute to them as they have received the Congressional Medal of Honor and to recognize these individuals by name:

Melba Beals, Elizabeth Eckford, Ernest Green, Jefferson Thomas, Gloria Karlmark, Carlotta Walls LaNier, Terrence Roberts, Minnie Jean Brown Trickey, Thelma Mothershed Wair, and certainly to all their family members. We thank them on behalf of America for accepting the challenge that this Nation cannot stand divided.

And might I also congratulate the Jackie Robinson Foundation and family for what this legislation will do for that program as well.

Again, my hat is off to these great heroes of America.

Mr. THOMPSON. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. LUCAS of Oklahoma. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Madam Speaker, I rise to support H.R. 2560. This is certainly legislation which is bipartisan. We thank the sponsor, the gentleman from Mississippi (Mr. THOMPSON), for introducing the bill, certainly congratulate him for his efforts in this regard and to have this kind of legislation move forward.

The Congressional Gold Medals is certainly fitting and proper in all respects, and certainly one that is appropriate, and I rise and ask that it be unanimously adopted, and I hope that my colleagues will agree that this is legislation that is universal, appropriate and certainly about time.

Mr. LUCAS of Oklahoma. Madam Speaker, I yield myself such time as I may consume.

First of all, I would like to say thank you to the gentleman from Mississippi (Mr. THOMPSON) for his efforts to bring this about. It is a very onerous process to work through to have one of these bills become law. It requires many signatures and much effort, and he has shown himself to be truly dedicated to the effort by making this happen.

Second, let me say that this is a wonderful and appropriate reason to strike such a gold medal. When we consider the efforts of these then brave young men and women in 1957 to go places and do things literally in Little Rock that had not been done before, it cannot be understated the danger that they were physically in, the emotional stress that they went through to take that step in the right direction for all of us. They did their part to make this country a better place, to enhance the quality of life and opportunities for everyone in this country, and that is very much deserving of this high honor.

But let me also say for a moment or take a moment to express my appreciation to the chairman of this subcommittee, the gentleman from Delaware (Mr. CASTLE). Most likely this is the last piece of legislation that will come to the floor from the Subcommittee on Domestic and International Monetary Policy of the Committee on Banking and Financial Services of the U.S. House. Mr. CASTLE, that I have had the privilege of serving under as a member of this committee for now almost 4 years, has worked diligently in a variety of areas. There have been many concerns among those coin collectors out there in days gone by over how various commemorative programs were handled and how various expenses were affecting the United States Treasury. Mr. CASTLE has worked diligently to bring some rhyme or reason, some sanity to all of those programs. So he is owed in that right a huge debt of gratitude by all of us.

Of course Mr. Flake, the ranking member at the beginning of this session of Congress, and now the gentlewoman from California (Ms. WATERS), the ranking member on the subcommittee at the conclusion, have worked their part also, but I must say to the gentleman from Delaware (Mr. CASTLE), the progress that he has begun in this subcommittee of winning back the faith of those coin collectors out there who we all know are the main source of purchasers of the various numismatic items that we offer from the United States Treasury as a result of many of these pieces of legislation, have to have those issues and concerns addressed.

So with that I thank the gentleman from Mississippi (Mr. THOMPSON) for his efforts, thank those brave, maybe not quite as young now as they were 40 years ago, young men and women who took those brave and bold steps to make this country, this world, a better place for all of us and for the generations that will come after them.

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

□ 1900

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 2560, 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.

The title of the bill was amended so as to read: ''A bill to authorize the President to award gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to collectively as the 'Little Rock Nine,' and for other purposes.''

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LUCAS OF OKLAHOMA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2560, the bill just passed.

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

There was no objection.

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

Mr. OBERSTAR. Madam Speaker, pursuant to House rule IX, clause 1, I rise to give notice of my intent to present a Question of Privilege of the House.

Madam Speaker, the form of the resolution is as follows:

RESOLUTION

A resolution, in accordance with House Rule IX, Clause 1, expressing the sense of the House that its integrity has been impugned because the anti-dumping provisions of the Trade and Tariff Act of 1930 (Subtitle B of Title VII) have not been expeditiously enforced;

Wherease the current financial crises in Asia, Russia, and other regions have involved massive depreciation in the currencies of several key steel-producing and steel consuming countries, along with a collapse in the domestic demand for steel in these countries;

Whereas the crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel producing countries that are no longer able to export steel to the countries in economic crisis;

Whereas United States imports of finished steel mill products from Asian steel producing countries—the People's Republic of China, Japan, Korea, India, Taiwan, Indonesia, Thailand, and Malaysia—have increased by 79 percent in the first 5 months of 1998 compared to the same period in 1997;

Whereas year-to-date imports of steel from Russia now exceed the record import levels of 1997, and steel imports from Russia and Ukraine now approach 2,500,000 net tons;

Whereas foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade;

Whereas the European Union, for example, despite also being a major economy, in 1997 imported only one-tenth as much finished steel products from Asian steel-producing countries as the United States did and has restricted imports of steel from the Commonwealth of Independent States, including Russia;

Whereas the United States is simultaneously facing a substantial increase in steel imports from countries within the Commonwealth of Independent States, including Russia, caused in part by the closure of Asian markets;

Whereas there is a well-recognized need for improvements in the enforcement of United States trade laws to provide an effective response to such situations: Now, therefore, be it

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

(1) take all necessary measures to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions, and for other purposes;

(2) pursue enhanced enforcement of United States trade laws with respect to the surge of steel imports into the United States, using all remedies available under those laws including offsetting duties, quantitative restraints, and other authorized remedial measures as appropriate;

(3) pursue with all tools at his disposal a more equitable sharing of the burden of accepting imports of finished steel products from Asia and the countries within the Commonwealth of Independent States;

(4) establish a task force within the executive branch with responsibility for closely monitoring United States imports of steel; and

(5) report to the Congress by no later than January 5, 1999, with a comprehensive plan for responding to this import surge, including ways of limiting its deleterious effects on employment, prices, and investment in the United States steel industry.

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

Pending that designation, the form of the resolution noticed by the gentleman from Minnesota (Mr. OBERSTAR) will appear in the RECORD at this point.

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

Mr. OBERSTAR. Madam Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

The SPEAKER pro tempore. The gentleman will be afforded that opportunity at that time.

Mr. OBERSTAR. I thank the Speaker.

THROTTLING CRIMINAL USE OF GUNS

Mr. MCCOLLUM. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 191) to throttle criminal use of guns, as amended.

The Clerk read as follows:

S. 191

SECTION 1. AMENDMENT TO TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Section 924(c) of title 18, United States Code, is amended—

(1) by striking ''(c)'' and all that follows through the end of paragraph (1) and inserting the following:

''(c)(1)(A) Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

''(i) be sentenced to a term of imprisonment of not less than 5 years;

''(ii) if the firearm is brandished, be sentenced to a term of imprisonment of not less than 7 years; and

''(iii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

''(B) If the firearm possessed by a person convicted of a violation of this subsection—

''(i) is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 10 years; or

''(ii) is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall be sentenced to a term of imprisonment of not less than 30 years.

''(C) In the case of a second or subsequent conviction under this subsection, the person shall—

''(i) be sentenced to a term of imprisonment of not less than 25 years; and

''(ii) if the firearm involved is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to imprisonment for life.

''(D) Notwithstanding any other provision of law—

''(i) a court shall not place on probation any person convicted of a violation of this subsection; and

''(ii) no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of imprisonment imposed on the person, including any term of imprisonment imposed for the crime of violence or drug trafficking crime during which the firearm was used, carried, or possessed.''; and

(2) by adding at the end the following:

''(4) For purposes of this subsection, the term 'brandish' means, with respect to a firearm, to display all or part of the firearm, or otherwise make the presence of the firearm known to another person, in order to intimidate that person, regardless of whether the firearm is directly visible to that person.''.

(b) CONFORMING AMENDMENT.—Section 3559(c)(2)(F)(i) of title 18, United States Code, is amended by inserting ''firearms possession (as described in section 924(c));'' after ''firearms use;''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

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

GENERAL LEAVE

Mr. McCOLLUM. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill, S. 191.

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

There was no objection.

Mr. McCOLLUM. Madam Speaker, I yield myself so much time as I may consume.

Madam Speaker, I am proud today to bring S. 191 before the House. With the passage of this legislation, we take an important step in the battle against firearm violence in America. Support of this legislation today offers Members an opportunity to send a clear message to violent predators that the criminal use of guns will not be tolerated.

The Senate passed S. 191 on November 13, 1997, and the House passed its companion legislation, H.R. 424, on February 24 of this year by a vote of 350 to 59.

The version I now bring to the floor represents a compromise between the House and the Senate. This legislation will have a significant impact on the number of violent criminals behind bars, and I am extremely pleased that we are able to come to an agreement before adjournment.

Madam Speaker, criminals who use firearms to commit violent crimes and drug trafficking offenses demonstrate the ultimate indifference to human life. The risks for law enforcement, and the potential for harm to innocent bystanders, are dramatically increased when criminals wield guns.

Criminals who carry guns while committing serious crimes are making a clear and unequivocal statement to the world, I will hurt you or kill you if you get in my way. Such persons should be punished severely, and that is what this legislation will do.

Consider these frightening facts. According to the National Institute of

Justice, 37 percent of arrestees in 11 major urban areas admitted to owning a gun. Even more astonishing, and terrifying for the country, is that a shocking 42 percent of admitted drug sellers and 50 percent of admitted gang members further confess to using a gun to commit a crime. Madam Speaker, these are just the ones who are willing to admit to such criminal behavior.

S. 191 amends section 924(c) of title 18 of the United States Code. Currently, that section allows for additional time in prison for any person who uses or carries a firearm during and in relation to the commission of a Federal crime of violence or drug trafficking crime.

Section 924(c) is a very significant and frequently used tool for Federal prosecutors. According to the U.S. Sentencing Commission, there were 10,576 defendants sentenced from 1991 to 1996 under this section.

This is an opportunity for the Federal authorities to take somebody who is a known criminal off the streets and lock them up for a considerable period of time by an enhanced penalty provision that all of us should be pleased to have on the books.

But in December of 1995, the Supreme Court significantly limited the effective use of this Federal statute by holding in Bailey versus the United States that in order to receive the penalty enhancement for use of a firearm, the government must demonstrate active employment of the firearm. In so stating, the Supreme Court overturned the Justice Department's long-standing practice of applying this penalty to dangerous criminals whose firearms further or advance their criminal activities.

The impact caused by the Bailey decision was immediate. Federal prosecutors have been less able to utilize this section of the code. Moreover, drug dealers and other bad actors have been successful in having their convictions overturned on the basis of an erroneous jury instruction regarding the ''use'' prong of the ''use or carry'' test.

This legislation clarifies Congress' intent as to the type of criminal conduct which should trigger the statute's application. The bill strikes the now unworkable ''use or carry'' element of the statute, and replaces it with a structure which allows the penalty enhancement for possessing, brandishing, or discharging a firearm during and in relation to a Federal crime of violence or drug trafficking crime.

It is also important to note that this bill will not affect any person who merely possesses a firearm in the general vicinity of a crime, nor will it impact someone who uses a gun in self-defense.

A bill containing nearly identical language to H.R. 424 passed the House in the last Congress, and the gentlewoman from North Carolina (Mrs. MYRICK) introduced the bill that we have taken up before previously this year, H.R. 424, during the first days of the 105th Congress. I am very grateful for her for her continued dedication to ensuring the passage of this legislation.

Section 924(c) is a critical tool in our fight against gun-toting criminals. Yes, this is a tough bill, but I believe it is exactly what we need in response to the menacing threat of the vicious gun crimes that are committed around the country.

□ 1910

We need to pass this bill. It is, as I said earlier, a compromise with the Senate, it is a good bill, it is a solid bill, it corrects the Bailey problem and will allow law enforcement to once again use this very effective tool for locking up criminals and throwing away the key for a long period of time if they are using a gun, possessing in the course of a crime a gun, or certainly brandishing or discharging that gun.

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

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

Mr. Speaker, I stand in opposition to the bill, S. 191, which is similar to a piece of legislation, H.R. 424, passed by this body earlier this Congress. That version contained penalties for drug offenders which were 6 times greater than the penalty for rape and 7 times greater than the penalty for voluntary manslaughter. Although the Senate version is not as egregious as that, I still cannot in good conscience vote for a measure containing ridiculous mandatory minimums.

I oppose this legislation for several reasons, the most important of which is the absolutely outrageous mandatory minimum penalties attached to the bill. Five years for possession of a gun, 7 years for brandishing a gun, and 10 years for discharging the gun. This means if someone is convicted of possessing 5 grams of crack and is found to have possessed a gun at the time, he will receive a mandatory 5-year sentence for the crack and another 5 years for the gun, a total of 10 years. If that individual opens a coat to display a gun tucked in under his belt during the course of a drug sale, he will receive a mandatory 7-year sentence in addition to the 5 years for crack, for a total of 12 years.

Let us compare these penalties to the penalties for other crimes. For instance, voluntary manslaughter carries a penalty of 5 years; aggregated assault, less than 2 years; assaulted with intent to murder, less than 3½ years; rape, under 6 years; kidnapping, approximately 4 years. Does that make sense? Two years for serious assault, 3½ years for assault with intent to murder, 4 years for kidnapping, 6 years for rape, and 10 years mandatory minimum for possessing a gun in connection with a small-time crack sale where no one is injured. This type of legislation and these ludicrous penalties demonstrate that we have truly run amok when it comes to crime legislation.

Mr. Speaker, this is why we have a Sentencing Commission. The Sentencing Commission can take the politics out of sentencing and put some common sense in. So I urge my colleagues to demonstrate some common sense and vote against this legislation.

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

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK), the author of this fine legislation.

Mrs. MYRICK. Mr. Speaker, I rise in support of S. 191. This is Senator JESSE HELMS' companion to my H.R. 424, which passed the House on February 24 by an overwhelming vote of 350-to-589. As written, the Federal Criminal Code imposes a 5-year mandatory sentence when a felon uses or carries a firearm during the Commission of a violent crime or a drug trafficking offense.

In the 1995 case of Bailey v. United States, though, the Supreme Court interpreted the word ''carry'' in the Federal criminal code to mean that a felon must fire or brandish his weapon. This is clearly contrary to Congress's intent, and it has resulted in the early release of hundreds of dangerous criminals.

To put a stop to this mess, S. 191 clarifies that a criminal who possesses a gun while committing a violent crime or a drug crime will face a mandatory sentence. And at the same time, the bill increases the mandatory sentence for such crimes.

Mr. Speaker, I am a strong defender of the second amendment, but no American has a right to go out and use a gun to commit a crime.

Indeed, the National Rifle Association has endorsed S. 191 because they recognize the best way to protect our second amendment rights is to punish those who use their guns to rape or murder or traffic in drugs. The bill also has been endorsed by the Fraternal Order of Police and the Southern States Police Benevolent Association.

The message is clear: Commit a crime while possessing or brandishing a firearm, and you will go to prison for a very long time. We cannot send that message too strongly or too often.

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

Mr. Speaker, I just want to point out as we close the debate on this that the minimum mandatory sentence in this bill for possession will be 5 years. The minimum mandatory for brandishing the firearm will be 7 years; the minimum mandatory for discharging the firearm in the commission of another crime will be 10 years. Those are enhancements on top of my underlying sentence for a crime that is committed with a gun, and in the case of a subsequent or second conviction of brandishing or discharging, it is 25 years.

I think it is important to put that on the record, because this is the compromise that is different, considerably different from the House version and different from the Senate version as well.

Mr. Speaker, I urge the adoption of this bill.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the Senate bill, S. 191, 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.

AMENDING PART Q OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2235) to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers.

The Clerk read as follows:

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

SECTION 1. SCHOOL RESOURCE OFFICERS.

Part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) is amended—

(1) in section 1701(d)—

(A) by redesignating paragraphs (8) through (10) as paragraphs (9) through (11), respectively; and

(B) by inserting after paragraph (7) the following:

''(8) establish school-based partnerships between local law enforcement agencies and local school systems by using school resource officers who operate in and around elementary and secondary schools to combat school-related crime and disorder problems, gangs, and drug activities;''; and

(2) in section 1709—

(A) by redesignating the first 3 undesignated paragraphs as paragraphs (1) through (3), respectively; and

(B) by adding at the end the following:

''(4) 'school resource officer' means a career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations—

''(A) to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around an elementary or secondary school;

''(B) to develop or expand crime prevention efforts for students;

''(C) to educate likely school-age victims in crime prevention and safety;

''(D) to develop or expand community justice initiatives for students;

''(E) to train students in conflict resolution, restorative justice, and crime awareness;

''(F) to assist in the identification of physical changes in the environment that may reduce crime in or around the school; and

''(G) to assist in developing school policy that addresses crime and to recommend procedural changes.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

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

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill now under consideration.

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

There was no objection.

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

Mr. Speaker, S. 2235 amends the 100,000 ''COPS on the Beat'' program, established in the 1994 Crime Bill, to permit community policing grants to be used to establish school-based partnerships between local law enforcement agencies and local school systems. The grants would allow for ''school resource officers'' to operate in and around elementary and secondary schools to combat school-related crime and disorder problems, gangs, and drug activities. S. 2235 passed the Senate on October 7 and is sponsored by Senator CAMPBELL. The gentleman from Connecticut (Mr. MALONEY) is the sponsor on the House companion bill, H.R. 4009.

Mr. Speaker, the President's ''COPS on the Beat'' program authorized $8.8 billion over 6 years to give grants to State and local police departments to put 100,000 community-oriented police officers on the beat across the country. As of March 1998, the latest month in which a survey was completed, the COPS office claimed to have funded 71,000 of those police officers. Approximately 40,800 are actually hired and deployed on the streets. About 2,400 more are in training.

The remaining 29,000 are officers counted under the ''COPS M.O.R.E.'' program, which funds technology and equipment and is believed to increase policing activities and police presence on the streets. These grants have been counted towards the 100,000 goal, not because grants have been used to pay police officers' salaries, but because technology and equipment purchased has supposedly freed up officers for the streets.

While the COPS program was specifically authorized by Congress to fund 100,000 community police officers, broad interpretation of the Act has allowed the Justice Department to fund several other initiatives through the COPS program. Some of these programs include grants to employ community policing to address domestic violence, grants to communities to address gang violence, and grants to support law enforcement efforts to combat the rise of youth firearms violence.

Mr. Speaker, the bill we are considering today will allow for the COPS grants to be used to put community police officers in our Nation's schools. It will allow school officials and law enforcement to better identify young people who cause trouble frequently, both in the school and in the community.

It is a sad reality that many of today's schools are becoming increasingly dangerous places to be. Schoolyard brawls have become lethal confrontations involving knives, guns or drugs. Recent school-related shootings serve as a sobering example of just how urgent the situation has become. Rather than providing our children with a safe place to learn or to grow, many of our schools have become combat zones.

A look at crime statistics show that while murder rates for young people may be declining, the schoolyard murder rate has almost doubled in the last 2 years. Mr. Speaker, 25 students have been killed in U.S. schools since January 1998.

□ 1920

This is unacceptable. No child in America should go to a school in fear of her safety or his safety and well-being. The fact is that we are going to have a demographic shift shortly. We are going to see a rise in the number of young people in the age group which might be exposed to these situations, and this bill is all that much more important for that reason.

The bill would allow schools to establish partnerships with local law enforcement to provide much-needed order to allow for learning, not violence, to occur in schools.

I support this addition to the COPS program. I think it will improve the existing law. I commend the gentleman from Connecticut (Mr. MALONEY) and Senator CAMPBELL for their initiation of this legislation.

I am pleased the Subcommittee on Crime supports this, albeit we did not have the opportunity to bring it forward through the subcommittee this year, but we have chosen to come directly to the floor, because it is a very good bill. I do not think anyone would oppose it. I urge my colleagues to vote for it.

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

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

Mr. Speaker, I rise in support of H.R. 2235. In response to the rising tide of violent crime in and around schools around this Nation, Congress must step up our fight against juvenile crime, particularly those initiatives that come from a prevention perspective.

This legislation would amend the Omnibus Crime Bill and Safe Streets Act of 1968, encouraging school-based partnerships between local law enforcement agencies and local school systems. School-based partnerships would be eligible to receive Federal funds to hire school resource officers or SROs.

An SRO would be a career law enforcement officer with sworn authority, deployed in community-oriented policing and assigned to the deploying police department or agency to work in collaboration with schools and community-based organizations to address crime and disorder problems, gangs and drug activities affecting or occurring

in or around elementary schools or secondary schools, develop or expand crime prevention efforts for students, educate likely school-age victims in crime prevention and safety, develop or expand community justice initiatives, train students in conflict resolution, restorative justice, and crime awareness, assist in the identification of physical changes in the environment that may reduce crime problems, and/or assist in the development of anticrime school policy and procedural changes.

This legislation complements an existing school-based partnership research grant program administered by the Community-Oriented Police Services, or the COPS program. The existing program funds demonstration efforts on particular singular solutions to youth crime and violence. The proposed legislation would explicitly allow COPS program resources to be used in general school-based partnership SRO efforts.

This statutory language is vital to clearly articulate the importance of fighting juvenile crime, and will be essential in establishing the fight against juvenile crime as a national priority.

President Clinton recently announced that the same community policing techniques that are helping make our streets safe again are the best way to help keep our schools safe. This legislation is an important step in making our schools safe for our children.

Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. MALONEY), the chief sponsor of the legislation.

Mr. MALONEY of Connecticut. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today to urge passage of Senate bill 2235, which is the Senate companion to H.R. 4009, the School Resource Partnership Act. I would like to thank the gentleman from New York (Mr. SCHUMER) and the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. HYDE) for their help in this matter, and I would also like to commend Senator BEN NIGHTHORSE CAMPBELL for his tireless work in support of this legislation.

As this Congress comes to a close, the new school year is just beginning. Children around the country are heading to school, seeing old friends, and making new ones. They are learning new ideas and sharing new experiences. We trust our schools with the future and safety of our children. The rash of school-related shootings and violence that have occurred in both small towns and large cities, rural areas and urban centers, have shocked the Nation. We in Congress must act to ensure that our schools provide a safe place for our children to grow and to learn.

Over the past 18 months, throughout my congressional district, I have held a series of meetings with local police chiefs, school superintendents, teachers, and principals to discuss strategies that are working to reduce school violence and to find ways Congress can better assist the local leaders in their fight to protect the community.

Placing a uniquely trained community police officer in partnership with schools to reach out to kids before they get drawn into crime or violence was the clear suggestion I repeatedly heard in my numerous meetings with local law enforcement and education officials.

As a result of these meetings, I introduced in the House this legislation, that will enable localities to place a School Resource Officer, also known as an SRO, in designated schools, forming a partnership between the schools and police departments that will help keep children safe and provide juvenile intervention before police or court action becomes necessary.

The SRO will serve as a peace officer who prevents violence, a teacher who instructs students in areas of his or her expertise, and a counselor who serves as a liaison to community resources.

Additionally, the SRO will have the opportunity to serve as a role model for today's students, who want and need additional positive influences in their lives outside of their home. Unlike the police officer who responds to school problems as a result of an emergency call from the principal, the SRO regards the school as his or her community. The officer knows the school's physical design and who belongs on campus and who does not. The SRO initiative will also save money, especially for the criminal justice system, by resulting in fewer incidents requiring court action.

My legislation will enable the localities to place a School Resource Officer in appropriately designated schools, forming a partnership between the schools and police departments that will keep our children safe.

Just one example, Mr. Speaker, a school in Wolcott, Connecticut, in my district, on their own resources, has assigned a School Resource Officer now for about a year. During that year, two-thirds, there has been a two-thirds reduction in the number of incidents of a police officer having to respond to the school. This clearly works. This is a service that works, and this is an approach that works to prevent crime, to prevent violence, and to help kids stay out of trouble, make sure they do not get into trouble in the first place.

In addition to this important legislation, we worked hard to include in the FY 1999 Commerce-State-Justice appropriations bill an earmark of $20 million in unobligated funds to be directed for hiring School Resource Officers under the Department of Justice COPS program.

Mr. Speaker, I urge passage of this important legislation.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK), who is a former police officer, and one who has worked diligently to reduce juvenile crime.

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

Mr. Speaker, I rise today in strong support of S. 2235, which will take another step to combat school violence. The gentleman from Connecticut (Mr. MALONEY) introduced this bill in the House, and I want to thank him for his leadership on this very important issue.

The bill of the gentleman from Connecticut (Mr. MALONEY) and this bill amends the COPS law to create this uniquely trained community police officer designated to provide early intervention for our children. School-based partnerships would be eligible to receive Federal funding to hire School Resource Officers.

This summer, the Law Enforcement Caucus held two forums on school violence. We heard from experts around the country, including Education Secretary Riley, prevention experts, educators from the Baltimore and D.C. schools, the FBI, Department of Justice, authors, and scholars.

Every participant, every participant at our hearings, although they came from different backgrounds and professions, expressed the same theme: We can fight juvenile crime and school violence with aggressive early intervention, prevention, and education strategies.

Creating a School Resource Officer, as the gentleman from Connecticut (Mr. MALONEY) has proposed, is exactly one kind of a program which will help us achieve peace and safety in our schools. The School Resource Officer is designed to work in cooperation with the schools and community-based organizations to address crimes and disorders in the schools.

Besides being a police officer, the School Resource Officer will also be trained to develop crime prevention efforts with students, educate school-age victims in crime prevention and safety, train students in conflict resolution, and assist with the development of school policies and procedures to help reduce crime. This comprehensive, community-oriented approach to law enforcement is the most effective form of preventing crime, and will go a long way to make our schools safe again.

Schools are places of learning for our children, but schools can only be effective if they are a safe place. Creating a School Resource Officer, as proposed by the gentleman from Connecticut (Mr. MALONEY) is a good step to help us provide a safe environment at school, so that our kids may learn and thrive in the best possible setting.

□ 1930

Mr. Speaker, I urge strong support of Senate bill 2235, and its passage.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. ETHERIDGE), a former State superintendent of public instruction in the State of North Carolina.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT), my friend, for yielding me this time.

Mr. Speaker, I rise this evening in strong support of this legislation that will, in my opinion, have a very positive impact on the problem of school violence in this country. I want to thank the gentleman from Connecticut (Mr. MALONEY) for being the sponsor of this legislation on the House side, and I appreciate him allowing me to be a cosponsor.

Mr. Speaker, the recent tragic incidents of violent crime in our schools violate the very values that define us as a people. We cannot tolerate violent crimes no matter where they occur and no matter who commits them. Violent crimes must be punished, and school violence requires an urgent response, because the aftereffects of school violence poison the learning environment for our children and for our teachers.

These recent incidents must serve as a call to action. Congress must respond with effective means to prevent and combat school violence. The School Resource Officer legislation will help provide the response that is needed to attack the problem of school violence in a very effective manner, in my opinion. This bipartisan bill will apply the proven principles and techniques of community policing to the school environment.

School resource officers are highly trained law enforcement officers with expertise in tackling the unique challenges of school-based crime and violence, and they certainly are unique.

Mr. Speaker, prior to my election to this Congress, as the gentleman from Virginia has just shared, I served for 8 years as the elected State superintendent of schools in my State. North Carolina has pioneered the use of school resource officers to provide our children's safety in our schools.

Mr. Speaker, 78 percent of the high schools in my State now have school resource officers, as do about half of the middle schools. We now have more than 450 school resource officers serving our schools throughout the State of North Carolina. These officers are making a difference in keeping our communities and school environments safe and helping our children have a good learning environment.

North Carolina can serve as a model for the Nation, and this legislation will codify the good work the Justice Department is now doing in channeling law enforcement resources directly into our schools across this land.

It is really very simple. Our children cannot learn if they are not safe. We cannot expect our children to learn geometry if they are scared to death about the possibility of gunfire. We cannot expect our teachers to teach effectively when the scourge of drugs invade their classrooms. And we cannot expect parents to have any faith in our schools as learning institutions without providing them the kind of peace of mind that the schools are free of crime and drugs and violence and gangs.

School resource officers are a tremendous asset to this effort, and this bill will provide a uniform standard, while maintaining local flexibility. Let me repeat that again: A uniform standard with local flexibility.

Congress must respond to the concerns and fears of our students and parents and pass this innovative approach to fighting school crime.

Earlier this year, a report in a national magazine, U.S. News and World Report, documented the success of school resource officers in my State. As the editorial points out, and I quote, ''In the past 2 years, reported firearm possessions have dropped 50 percent in North Carolina schools, and principals identify school resource officers as the single most important factor in deterring crime.''

I was honored to join my friend and colleague, the gentleman from Connecticut (Mr. MALONEY), as an original cosponsor of the House version of this bill, and I am pleased this legislation has received the support of the National Education Association, the International Brotherhood of Police, and a long list of other groups that I will not categorize here tonight.

Mr. Speaker, I urge this Congress to pass this bill without delay so that we can provide this safety for our children and our teachers in our schools.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. BERRY), another distinguished cosponsor of the House version of the legislation.

Mr. BERRY. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time.

Mr. Speaker, I rise in strong support of this bill. The 1st Congressional District of Arkansas knows firsthand the terrible tragedies that can occur in our schools. The school resource officer is a common-sense approach to give our schools the tools they need to get the job done. I compliment the gentleman from Connecticut (Mr. MALONEY) for bringing this bill to the House, and I urge support of this bill and passage.

Mr. SCOTT. Mr. Speaker, I thank the gentleman from Illinois (Mr. HYDE), the gentleman from Michigan (Mr. CONYERS), the gentleman from New York (Mr. SCHUMER) and the gentleman from Florida (Mr. MCCOLLUM) for bringing this expeditiously to the floor. I also thank the various sponsors and cosponsors that have spoken on this bill.

Mr. CONYERS. Mr. Speaker, I rise in support of H.R. 2235. In response to the rising tide of violent crime in and around schools across this nation, Congress must step-up our fight against juvenile crime from a prevention perspective.

This legislation would amend the Omnibus Crime Control and Safe Streets Act of 1968, encouraging school-based partnerships between local law enforcement agencies and local school systems. School based partnerships would be eligible to receive federal funding to hire ''School Resource Officers'' (SRO's).

A SRO would be a career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations to (1) address crime and disorder problems, gangs, and drug activities, affecting or occurring in or around an elementary or secondary school, (2) develop or expand crime prevention efforts for students (3) educate likely school-age victims in crime prevention and safety; (4) develop or expand community justice initiatives; (5) train students in conflict resolution, restorative justice, and crime awareness; (6) assist in the identification of physical changes in the environment that may reduce the crime problem, and/or (7) assist with the development of anti-crime, school policy and procedural changes.

This legislation complements an existing School-based Partnership research grant program administered by the Community Oriented Policing Services (COPS). The existing program funds demonstration efforts on particular, single solutions to youth crime and violence. The proposed legislation would explicitly allow COPS program resources to be used in general (non-research) school based partnerships/SRO efforts.

This statutory language is vital to clearly articulating the importance of fighting juvenile crime, and will be essential in establishing the fight against juvenile crime as a national priority.

President Clinton recently announced that ''the same community policing techniques that are helping to make our streets safe again are the best way to help keep our schools safe.''

This legislation is an important step in making our schools safe for our children.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of H.R. 4009 and Senate bill 2235. I became involved in education issues because I see education as an antidote to gangs and guns. But how can our kids realize their full potential if the violence is happening on school grounds?

Sadly, schools are not immune from crime. Incidents in places like Jonesboro, Arkansas and Springfield, Oregon have shown us that every school, in every part the country, must work to prevent violence, and address violence when it happens.

When I visit the schools on Long Island, I see their commitment to keeping students safe. But my schools tell me that they often do not have the resources to fight violence. The more time and energy they need to devote to preventing violence, the less they have to educate students. Teachers and principals should not have to serve as police officers.

H.R. 4009 will provide the tools to help schools and the police work in partnership to keep young people safe. I want to commend my colleague from Connecticut for introducing this bill, and I urge my colleagues to support it.

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

Mr. MCCOLLUM. 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 Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the Senate bill, S. 2235.

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.

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

Mr. BERRY. Mr. Speaker, pursuant to clause 1 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

A resolution in accordance with House Rule IX, clause 1, expressing the sense of the House that its integrity has been impugned because the anti-dumping provisions of the Trade and Tariff Act of 1930, (Subtitle B of Title VII) have not been expeditiously enforced;

Whereas the current financial crisis in Asia, Russia, and other regions have involved massive depreciation in the currencies of several key steel-producing and steel-consuming countries, along with the collapse in the domestic demand for steel in these countries;

Whereas the crisis has generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel-producing countries that are no longer able to export steel to the countries in economic crisis;

Whereas United States imports of finished steel mill products from Asian steel-producing countries, the People's Republic of China, Japan, Korea, India, Taiwan, Indonesia, Thailand and Malaysia, have increased by 79 percent in the first 5 months of 1998, compared to the same period in 1997;

Whereas year-to-date imports of steel from Russia now exceed the record levels of 1997, and steel imports from Russia and Ukraine now approach 2.5 million net tons;

Whereas foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including the absorption of a disproportionate share of diverted steel trade;

Whereas the European Union, for example, despite also being a major economy, in 1997 imported only one-tenth as much finished steel products from Asian steel-producing countries as the United States did and has restricted imports of steel from the Commonwealth of Independent States, including Russia;

Whereas the United States is simultaneously facing a substantial increase in steel imports from countries within the Commonwealth of Independent States, including Russia, caused in part by the closure of Asian markets;

Whereas there is well-recognized need for the enforcement of United States trade laws to provide an effective response to such situations:

Now, therefore, be it resolved by the House of Representatives that the House of Representatives calls upon the President to:

(1) take all necessary measures to respond to the surge of steel imports resulting from the final crisis in Asia, Russia, and other regions, and for other purposes;

(2) pursue enhanced enforcement of the United States trade laws with respect to the surge of steel imports into the United States, using all remedies available under those laws including offsetting duties, quantitative restraints, and other authorized remedial measures as appropriate;

(3) pursue with all tools as its disposal a more equitable sharing of the burden of accepting imports of finished steel products from Asia and the countries from within the Commonwealth of States;

(4) establish a task force within the executive branch with responsibility for closely monitoring United States steel imports of steel; and

(5) report to the Congress by no later than January 5, 1999, with a comprehensive plan for responding to this import surge, including the ways of limiting its deleterious effects on employment, prices, and investment in the United States steel industry.

□ 1940

The SPEAKER pro tempore (Mr. SNOWBARGER). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed. Pending that designation, the form of the resolution noticed by the gentleman from Arkansas (Mr. BERRY) will appear in the RECORD at this point.

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

Mr. BERRY. Mr. Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

The SPEAKER pro tempore. The gentleman will have that opportunity.

TRADEMARK LAW TREATY IMPLEMENTATION ACT

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2193) to implement the provisions of the Trademark Law Treaty.

The Clerk read as follows:

S. 2193

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

TITLE I—TRADEMARK LAW TREATY IMPLEMENTATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Trademark Law Treaty Implementation Act''.

SEC. 102. REFERENCE TO THE TRADEMARK ACT OF 1946.

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

SEC. 103. APPLICATION FOR REGISTRATION; VERIFICATION.

(a) APPLICATION FOR USE OF TRADEMARK.—Section 1(a) of the Trademark Act of 1946 (15 U.S.C. 1051(a)) is amended to read as follows:

''SECTION 1. (a)(1) The owner of a trademark used in commerce may request registration of its trademark on the principal register hereby established by paying the prescribed fee and filing in the Patent and Trademark Office an application and a verified statement, in such form as may be prescribed by the Commissioner, and such number of specimens or facsimiles of the mark as used as may be required by the Commissioner.

''(2) The application shall include specification of the applicant's domicile and citizenship, the date of the applicant's first use of the mark, the date of the applicant's first use of the mark in commerce, the goods in connection with which the mark is used, and a drawing of the mark.

''(3) The statement shall be verified by the applicant and specify that—

''(A) the person making the verification believes that he or she, or the juristic person in whose behalf he or she makes the verification, to be the owner of the mark sought to be registered;

''(B) to the best of the verifier's knowledge and belief, the facts recited in the application are accurate;

''(C) the mark is in use in commerce; and

''(D) to the best of the verifier's knowledge and belief, no other person has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive, except that, in the case of every application claiming concurrent use, the applicant shall—

''(i) state exceptions to the claim of exclusive use; and

''(ii) shall specify, to the extent of the verifier's knowledge—

''(I) any concurrent use by others;

''(II) the goods on or in connection with which and the areas in which each concurrent use exists;

''(III) the periods of each use; and

''(IV) the goods and area for which the applicant desires registration.

''(4) The applicant shall comply with such rules or regulations as may be prescribed by the Commissioner. The Commissioner shall promulgate rules prescribing the requirements for the application and for obtaining a filing date herein.''.

(b) APPLICATION FOR BONA FIDE INTENTION TO USE TRADEMARK.—Subsection (b) of section 1 of the Trademark Act of 1946 (15 U.S.C. 1051(b)) is amended to read as follows:

''(b)(1) A person who has a bona fide intention, under circumstances showing the good faith of such person, to use a trademark in commerce may request registration of its trademark on the principal register hereby established by paying the prescribed fee and filing in the Patent and Trademark Office an

application and a verified statement, in such form as may be prescribed by the Commissioner.

''(2) The application shall include specification of the applicant's domicile and citizenship, the goods in connection with which the applicant has a bona fide intention to use the mark, and a drawing of the mark.

''(3) The statement shall be verified by the applicant and specify—

''(A) that the person making the verification believes that he or she, or the juristic person in whose behalf he or she makes the verification, to be entitled to use the mark in commerce;

''(B) the applicant's bona fide intention to use the mark in commerce;

''(C) that, to the best of the verifier's knowledge and belief, the facts recited in the application are accurate; and

''(D) that, to the best of the verifier's knowledge and belief, no other person has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive.

Except for applications filed pursuant to section 44, no mark shall be registered until the applicant has met the requirements of subsections (c) and (d) of this section.

''(4) The applicant shall comply with such rules or regulations as may be prescribed by the Commissioner. The Commissioner shall promulgate rules prescribing the requirements for the application and for obtaining a filing date herein.''.

(c) CONSEQUENCE OF DELAYS.—Paragraph (4) of section 1(d) of the Trademark Act of 1946 (15 U.S.C. 1051(d)(4)) is amended to read as follows:

''(4) The failure to timely file a verified statement of use under paragraph (1) or an extension request under paragraph (2) shall result in abandonment of the application, unless it can be shown to the satisfaction of the Commissioner that the delay in responding was unintentional, in which case the time for filing may be extended, but for a period not to exceed the period specified in paragraphs (1) and (2) for filing a statement of use.''.

SEC. 104. REVIVAL OF ABANDONED APPLICATION.

Section 12(b) of the Trademark Act of 1946 (15 U.S.C. 1062(b)) is amended in the last sentence by striking ''unavoidable'' and by inserting ''unintentional''.

SEC. 105. DURATION OF REGISTRATION; CANCELLATION; AFFIDAVIT OF CONTINUED USE; NOTICE OF COMMISSIONER'S ACTION.

Section 8 of the Trademark Act of 1946 (15 U.S.C. 1058) is amended to read as follows:

''DURATION

''SEC. 8. (a) Each registration shall remain in force for 10 years, except that the registration of any mark shall be canceled by the Commissioner for failure to comply with the provisions of subsection (b) of this section, upon the expiration of the following time periods, as applicable:

''(1) For registrations issued pursuant to the provisions of this Act, at the end of 6 years following the date of registration.

''(2) For registrations published under the provisions of section 12(c), at the end of 6 years following the date of publication under such section.

''(3) For all registrations, at the end of each successive 10-year period following the date of registration.

''(b) During the 1-year period immediately preceding the end of the applicable time period set forth in subsection (a), the owner of the registration shall pay the prescribed fee and file in the Patent and Trademark Office—

''(1) an affidavit setting forth those goods or services recited in the registration on or in connection with which the mark is in use in commerce and such number of specimens or facsimiles showing current use of the mark as may be required by the Commissioner; or

''(2) an affidavit setting forth those goods or services recited in the registration on or in connection with which the mark is not in use in commerce and showing that any such nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark.

''(c)(1) The owner of the registration may make the submissions required under this section within a grace period of 6 months after the end of the applicable time period set forth in subsection (a). Such submission is required to be accompanied by a surcharge prescribed by the Commissioner.

''(2) If any submission filed under this section is deficient, the deficiency may be corrected after the statutory time period and within the time prescribed after notification of the deficiency. Such submission is required to be accompanied by a surcharge prescribed by the Commissioner.

''(d) Special notice of the requirement for affidavits under this section shall be attached to each certificate of registration and notice of publication under section 12(c).

''(e) The Commissioner shall notify any owner who files 1 of the affidavits required by this section of the Commissioner's acceptance or refusal thereof and, in the case of a refusal, the reasons therefor.

''(f) If the registrant is not domiciled in the United States, the registrant shall designate by a written document filed in the Patent and Trademark Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.''.

SEC. 106. RENEWAL OF REGISTRATION.

Section 9 of the Trademark Act of 1946 (15 U.S.C. 1059) is amended to read as follows:

''RENEWAL OF REGISTRATION

''SEC. 9. (a) Subject to the provisions of section 8, each registration may be renewed for periods of 10 years at the end of each successive 10-year period following the date of registration upon payment of the prescribed fee and the filing of a written application, in such form as may be prescribed by the Commissioner. Such application may be made at any time within 1 year before the end of each successive 10-year period for which the registration was issued or renewed, or it may be made within a grace period of 6 months after the end of each successive 10-year period, upon payment of a fee and surcharge prescribed therefor. If any application filed under this section is deficient, the deficiency may be corrected within the time prescribed after notification of the deficiency, upon payment of a surcharge prescribed therefor.

''(b) If the Commissioner refuses to renew the registration, the Commissioner shall notify the registrant of the Commissioner's refusal and the reasons therefor.

''(c) If the registrant is not domiciled in the United States, the registrant shall designate by a written document filed in the Patent and Trademark Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.''.

SEC. 107. RECORDING ASSIGNMENT OF MARK.

Section 10 of the Trademark Act of 1946 (15 U.S.C. 1060) is amended to read as follows:

''ASSIGNMENT

''SEC. 10. (a) A registered mark or a mark for which an application to register has been filed shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Notwithstanding the preceding sentence, no application to register a mark under section 1(b) shall be assignable prior to the filing of an amendment under section 1(c) to bring the application into conformity with section 1(a) or the filing of the verified statement of use under section 1(d), except for an assignment to a successor to the business of the applicant, or portion thereof, to which the mark pertains, if that business is ongoing and existing. In any assignment authorized by this section, it shall not be necessary to include the good will of the business connected with the use of and symbolized by any other mark used in the business or by the name or style under which the business is conducted. Assignments shall be by instruments in writing duly executed. Acknowledgment shall be prima facie evidence of the execution of an assignment, and when the prescribed information reporting the assignment is recorded in the Patent and Trademark Office, the record shall be prima facie evidence of execution. An assignment shall be void against any subsequent purchaser for valuable consideration without notice, unless the prescribed information reporting the assignment is recorded in the Patent and Trademark Office within 3 months after the date of the subsequent purchase or prior to the subsequent purchase. The Patent and Trademark Office shall maintain a record of information on assignments, in such form as may be prescribed by the Commissioner.

''(b) An assignee not domiciled in the United States shall designate by a written document filed in the Patent and Trademark Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.''.

SEC. 108. INTERNATIONAL CONVENTIONS; COPY OF FOREIGN REGISTRATION.

Section 44 of the Trademark Act of 1946 (15 U.S.C. 1126) is amended—

(1) in subsection (d)—

(A) by striking ''23, or 44(e) of this Act'' and inserting ''or 23 of this Act or under subsection (e) of this section''; and

(B) in paragraphs (3) and (4) by striking ''this subsection (d)'' and inserting ''this subsection''; and

(2) in subsection (e), by striking the second sentence and inserting the following: ''Such applicant shall submit, within such time period as may be prescribed by the Commissioner, a certification or a certified copy of the registration in the country of origin of the applicant.''.

SEC. 109. TRANSITION PROVISIONS.

(a) REGISTRATIONS IN 20-YEAR TERM.—The provisions of section 8 of the Trademark Act of 1946, as amended by section 105 of this Act, shall apply to a registration for trademark issued or renewed for a 20-year term, if the expiration date of the registration is on or after the effective date of this Act.

(b) APPLICATIONS FOR REGISTRATION.—This title and the amendments made by this title shall apply to any application for registration of a trademark pending on, or filed on or after, the effective date of this Act.

(c) AFFIDAVITS.—The provisions of section 8 of the Trademark Act of 1946, as amended by section 105 of this Act, shall apply to the filing of an affidavit if the sixth or tenth anniversary of the registration, or the sixth anniversary of publication of the registration under section 12(c) of the Trademark Act of 1946, for which the affidavit is filed is on or after the effective date of this Act.

(d) RENEWAL APPLICATIONS.—The amendment made by section 106 shall apply to the filing of an application for renewal of a registration if the expiration date of the registration for which the renewal application is filed is on or after the effective date of this Act.

SEC. 110. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect—

(1) on the date that is 1 year after the date of the enactment of this Act, or

(2) upon the entry into force of the Trademark Law Treaty with respect to the United States,

whichever occurs first.

TITLE II—TECHNICAL CORRECTIONS

SEC. 201. TECHNICAL CORRECTIONS TO TRADEMARK ACT OF 1946.

(a) IN GENERAL.—The Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the Trademark Act of 1946), is amended as follows:

(1) Section 1(d)(1) (15 U.S.C. 1051(d)(1)) is amended—

(A) by inserting ''and,'' after ''specifying the date of the applicant's first use of the mark in commerce''; and

(B) by striking ''and, the mode or manner in which the mark is used on or in connection with such goods or services''.

(2) Section 2 (15 U.S.C. 1052) is amended—

(A) in subsection (e)—

(i) in paragraph (3) by striking ''or'' after ''them,''; and

(ii) by inserting before the period at the end the following: '', or (5) comprises any matter that, as a whole, is functional''; and

(B) in subsection (f), by striking ''paragraphs (a), (b), (c), (d), and (e)(3)'' and inserting ''subsections (a), (b), (c), (d), (e)(3), and (e)(5)''.

(3) Section 7(a) (15 U.S.C. 1057(a)) is amended in the first sentence by striking the second period at the end.

(4) Section 14(3) (15 U.S.C. 1064(3)) is amended by inserting ''or is functional,'' before ''or has been abandoned''.

(5) Section 23(c) (15 U.S.C. 1091(c)) is amended by striking ''or device'' and inserting '', device, any matter that as a whole is not functional,''.

(6) Section 26 (15 U.S.C. 1094) is amended by striking ''7(c),,'' and inserting '', 7(c),''.

(7) Section 31 (15 U.S.C. 1113) is amended—

(A) by striking—

''§ 31. Fees'';

and

(B) by striking ''(a)'' and inserting ''SEC. 31. (a)''.

(8) Section 32(1) (15 U.S.C. 1114(1)) is amended by striking ''As used in this subsection'' and inserting ''As used in this paragraph''.

(9) Section 33(b) (15 U.S.C. 1115(b)) is amended—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following:

''(8) That the mark is functional; or''.

(10) Section 39(a) (15 U.S.C. 1121(a)) is amended by striking ''circuit courts'' and inserting ''courts''.

(11) Section 42 (15 U.S.C. 1124) is amended by striking ''the any domestic'' and inserting ''any domestic''.

(12) The Act is amended by striking ''trademark'' each place it appears in the text and the title and inserting ''trademark''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, and shall apply only to any civil action filed or proceeding before the United States Patent and Trademark Office commenced on or after such date relating to the registration of a mark.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. USE OF CERTIFICATION MARKS FOR ADVERTISING OR PROMOTIONAL PURPOSES.

Section 14 of the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1064) (commonly referred to as the Trademark Act of 1946) is amended by adding at the end the following: ''Nothing in paragraph (5) shall be deemed to prohibit the registrant from using its certification mark in advertising or promoting recognition of the certification program or of the goods or services meeting the certification standards of the registrant. Such uses of the certification mark shall not be grounds for cancellation under paragraph (5), so long as the registrant does not itself produce, manufacture, or sell any of the certified goods or services to which its identical certification mark is applied.''.

SEC. 302. OFFICIAL INSIGNIA OF NATIVE INDIAN TRIBES.

(a) IN GENERAL.—The Commissioner of Patents and Trademarks shall study the issues surrounding the protection of the official insignia of federally and State recognized Native American tribes. The study shall address at least the following issues:

(1) The impact on Native American tribes, trademark owners, the Patent and Trademark Office, any other interested party, or the international legal obligations of the United States, of any change in law or policy with respect to—

(A) the prohibition of the Federal registration of trademarks identical to the official insignia of Native American tribes;

(B) the prohibition of any new use of the official insignia of Native American tribes; and

(C) appropriate defenses, including fair use, to any claims of infringement.

(2) The means for establishing and maintaining a listing of the official insignia of federally or State recognized Native American tribes.

(3) An acceptable definition of the term ''official insignia'' with respect to a federally or State recognized Native American tribe.

(4) The administrative feasibility, including the cost, of changing the current law or policy to—

(A) prohibit the registration, or prohibit any new uses of the official insignia of State or federally recognized Native American tribes; or

(B) otherwise give additional protection to the official insignia of federally and State recognized Native American tribes.

(5) A determination of whether such protection should be offered prospectively or retrospectively and the impact of such protection.

(6) Any statutory changes that would be necessary in order to provide such protection.

(7) Any other factors which may be relevant.

(b) COMMENT AND REPORT.—

(1) COMMENT.—Not later than 60 days after the date of enactment of this Act, the Commissioner shall initiate a request for public comment on the issues identified and studied by the Commissioner under subsection (a) and invite comment on any additional issues that are not included in such request. During the course of the public comment period, the Commissioner shall use any appropriate additional measures, including field hearings, to obtain as wide a range of views as possible from Native American tribes, trademark owners, and other interested parties.

(2) REPORT.—Not later than September 30, 1999, the Commissioner of Patents and Trademarks shall complete the study under this section and submit a report including the findings and conclusions of the study to the chairman of the Committee on the Judiciary of the Senate and the chairman of the Committee on the Judiciary of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2193, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, S. 2193 consists of changes to public law that will enable us to implement the Trademark Law Treaty, popularly referred to as TLT, which the Senate ratified on June 26 of this year. There are 35 signatory nations to the TLT, which is designed to harmonize many trademark procedures around the world in an effort to simplify the registration process. These changes are especially important to American small businesses that wish to register their marks overseas but are unable to do so in every individual country because the process is too laborious and expensive. By enacting S. 2193, we will expand the ability of American businesses to conduct commerce abroad and diminish trademark piracy that has flourished in the absence of the TLT.

The bill is largely identical, Mr. Speaker, to H.R. 1661, the House version of the TLT Implementation Act, which we passed under suspension in July of last year. In addition, S. 2193 consists of technical changes to the

Lanham, or Trademark, Act, as well as compromise language governing the use of certification marks. Finally, the measure also empowers the Commissioner of Patents And Trademarks to conduct a study of the official insignia of Federally and State recognized Native American tribes.

Mr. Speaker, this is a noncontroversial and important bill which the Senate passed on September 17 of this year. I urge my colleagues to adopt it so we can send S. 2193 to the President for his signature.

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

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of S. 2193, the Trademark Treaty Implementation Act. The House of Representatives has passed this legislation before, and I am pleased that the Senate has taken it up and now we can finally get it enacted into law.

The enactment of this legislation will bring the United States into conformity with the treaty entered into earlier this year, the effect of which will be to greatly ease the registration requirements of domestic and international trademark holders. We should strongly support this bipartisan legislation. It is good for small business, good for American trademark holders and good for international registration.

Mr. Speaker, I would like to thank the gentleman from North Carolina (Mr. COBLE) and the gentleman from Massachusetts (Mr. FRANK) for their hard work on this bill and I urge its passage.

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

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Virginia for his help in this as well.

Mr. Speaker, I have no 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 North Carolina (Mr. COBLE) that the House suspend the rules and pass the Senate bill, S. 2193.

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.

ANNOUNCEMENT OF BILLS TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON SATURDAY, OCTOBER 10, 1998

Mr. SAXTON. Mr. Speaker, pursuant to House Resolution 575, I announce the following suspensions to be considered tomorrow:

H.R. 4110
H.R. 2431
H.R. 4309
House Resolution 559
House Resolution 553
House Concurrent Resolution 295
House Resolution 523
H.R. 3528
H.R. 3610
S. 1754
H.R. 4523
H.R. 4566
Senate Joint Resolution 58
House Resolution , Recognizing and honoring Hunter Scott for his efforts to honor the memory of the captain and crew of the U.S.S. Indianapolis and for the outstanding example he has set for the young people of the United States.
S. 2432
H.R. 2186
H.R. 3903
H.R. 3796
H.R. 2886
H.R. 4735
S. 2095
S. 2240
S. 1408
S. 1718
S. 469
S. 2106
S. 2413
S. 1175 and
S. 391.

The SPEAKER pro tempore. The notice will appear in the RECORD.

Saturday suspensions (29 bills)

1. H.R. 4111—Veterans Benefits Improvement Act of 1998 (Stump—Veterans)
2. H.R. 2431—Freedom From Religious Persecution Act (Wolf—IR)
3. H.R. 4309—Torture Victims Relief Act of 1998 (Smith—IR)
4. H. Res. 559—A resolution condemning the terror, vengeance, and human rights abuses against the civilian population of Sierra Leone (Ehlers—IR)
5. H. Res. 533—expressing the sense of the House of Representatives regarding the culpability of Hun Sen of war crimes, crimes against humanity, and genocide in Cambodia (Rohrabacher—IR)
6. H. Con. Res. 295—expressing the sense of Congress that the 65th anniversary of the Ukrainian Famine of 1932–1933 should serve as a reminder of the brutality of the government of the former Soviet Union's repressive policies toward the Ukrainian people (Levin—IR)
7. H. Res. 523—expressing the sense of the House of Representatives regarding the terrorist bombing of the United States Embassies in East Africa (A. Hastings—IR)
8. H.R. 3528—Alternative Dispute Resolution Act of 1998 (Coble—Judiciary)
9. H.R. 3610—National Oilheat Research Alliance Act of 1998 (Greenwood—COM)
10. S. 1754—Health Professions Education Partnerships Act of 1998 (Frist—COM)
11. H.R. 4523—Lorton Technical Corrections Act of 1998 (Davis—GRO)
12. H.R. 4566—District of Columbia Courts and Justice Technical Corrections Act of 1998 (Davis—GRO)
13. S.J. Res. 58—recognizing the accomplishments of Inspector General since their creation in 1978 in preventing and detecting waste, fraud, abuse, and mismanagement, and in promoting economy, efficiency, and effectiveness in the Federal Government (Glenn—GRO)
14. H. Res. —Recognizing and Honoring Hunter Scott for his Efforts to Honor the Memory of the Captain and Crew of the U.S.S. Indianapolis and for the Outstanding Example he has set for the Young People of the United States (Scarborough—GOV)
15. S. 2432—Assistive Technology Act of 1998 (Jeffords—E&W)
16. H.R. 2186—A bill to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming (Cubin—Resources)
17. H.R. 3903—Glacier Bay National Park Boundary Adjustment Act of 1998 (Young—Resources)
18. H.R. 3796—A bill to authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management (Smith—Resources)
19. H.R. 2886—Granite Watershed Enhancement and Protection Act (Doolittle—Resources)
20. H.R. 4735—A bill to make technical corrections to the Omnibus Parks and Public Lands Management Act (Hansen—Resources)
21. S. 2095—National Fish and Wildlife Foundation Establishment Act Amendments of 1998 (Chafee—Resources)
22. S. 2240—Adams National Historical Park Act of 1998 (Murkowski—Resources)
23. S. 1408—Lower East Side Tenement National Historic Site Act of 1997 (D'Amato/Velázquez—Resources)
24. S. 1718—A bill to amend the Weir Farm National Historic Site Establishment Act of 1990 (Lieberman—Resources)
25. S. 469—Sudbury Assabet, and Concord Wild and Scenic Rivers Act (Kerry—Resources)
26. S. 2106—Arches National Park Expansion Act of 1998 (Bennett—Resources)
27. S. 2413—Woodland Lake Park tract in Apache-Sitgreaves National Forest (McCain—Resources)
28. S. 1175—Delaware Water Gap National Recreation Area Citizen Advisory Commission (Lautenberg—Resources)
29. S. 391—Mississippi Sioux Tribes Judgment Fund Distribution Act (Dorgan—Resources)

CONVEYING TITLE TO TUNNISON LAB HAGERMAN FIELD STATION IN GOODLING COUNTY, IDAHO, TO UNIVERSITY OF IDAHO

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2505) to direct the Secretary of the Interior to convey title to the Tunnison Lab Hagerman Field Station in Goodling County, Idaho, to the University of Idaho.

The Clerk read as follows:

S. 2505

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

SECTION 1. CONVEYANCE OF TUNNISON LAB HAGERMAN FIELD STATION, HAGERMAN, IDAHO, TO THE UNIVERSITY OF IDAHO.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall convey to the University of Idaho, without reimbursement, all right, title, and interest of the United

States in and to the property described in subsection (b) for use by the University of Idaho for fish research.

(b) DESCRIPTION OF PROPERTY.—

(1) IN GENERAL.—The property referred to in subsection (a) consists of approximately 4 acres of land, the Tunnison Lab Hagerman Field Station in Gooding County, Idaho, located thereon, and all improvements and related personal property, excluding water rights vested in the United States and necessary access and utility easements and rights-of-way.

(2) SURVEY.—The exact acreage and legal description of the property described under paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(c) REVERSIONARY INTEREST IN THE UNITED STATES.—

(1) REQUIREMENT.—If any property conveyed to the University of Idaho under this section is used for any purpose other than the use authorized under subsection (a), all right, title, and interest in and to all property conveyed under this section shall revert to the United States.

(2) CONDITION OF PROPERTY ON REVERSION.—In the case of a reversion of property under paragraph (1), the University of Idaho shall ensure that all property reverting to the United States under this subsection is in substantially the same condition as, or in better condition than, on the date of conveyance under subsection (a).

(d) COMPLIANCE WITH OTHER LAWS.—In connection with property conveyed under this section, the University of Idaho shall—

(1) comply with the National Historic Preservation Act (16 U.S.C. 470 et seq.) for all ground disturbing activities, with special emphases on compliance with sections 106, 110, and 112 (16 U.S.C. 470f, 470h–2, 470h–4); and

(2) protect prehistoric and historic resources in accordance with the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.).

(e) LIABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), as a condition of the conveyance of property under this section, the University of Idaho shall hold the United States harmless, and shall indemnify the United States, for all claims, costs, damages, and judgments arising out of any act or omission relating to the property conveyed under this section.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to a claim, cost, damage, or judgment arising from an act of negligence committed by the United States, or by an employee, agent, or contractor of the United States, prior to the date of the conveyance under this section, for which the United States is found liable under chapter 171 of title 28, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

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

Mr. SAXTON. Mr. Speaker, I rise in support of S. 2505, a bill introduced by our colleagues from Idaho, Senators LARRY CRAIG and DIRK KEMPTHORNE, to transfer the Tunnison Lab Hagerman Field Station to the University of Idaho.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Idaho (Mrs. CHENOWETH) to explain the bill.

Mrs. CHENOWETH. Mr. Speaker, I thank the chairman for yielding me this time. It is with a great deal of pleasure that I rise to support the passage of Senate bill 2505, a bill that was guided very well through the Senate by our Idaho colleagues, Senators CRAIG and KEMPTHORNE. And I want to thank the gentleman from New Jersey (Mr. SAXTON) and also the gentleman from Alaska (Mr. YOUNG) for bringing this bill to the House floor.

Mr. Speaker, the United States Fish and Wildlife Service maintains a very large steelhead fish hatchery near Hagerman, Idaho. Part of that operation has been aquaculture research, and they have a laboratory there known as the Tunnison Lab Hagerman Field Station.

Recognizing the importance of continuing aquaculture research, the United States Fish and Wildlife Service reached a cooperative agreement with the University of Idaho 3 years ago.

□ 1950

This agreement would allow the University to continue and expand the work that is presently being done at Hagerman.

The collaboration has worked very well, but now, with the passage of this bill, we have the opportunity to do even better. The University of Idaho has secured $1.75 million in combination with Federal, State and private funds to finance the improvements at this laboratory in order to bring it up to current research standards and make it a truly viable research facility for aquaculture.

With the transfer of this property to the University of Idaho, the people of Idaho, the local aquaculture industry, the State of Idaho and the U.S. Fish and Wildlife Service will continue to reap the benefits of the very important work being done at this laboratory.

Mr. Speaker, I am sure that most of my colleagues are aware of how very important the salmon is to the State of Idaho. In fact, it is a social icon in Idaho and a cultural icon. It is at the very headwaters of this whole environmental debate in the Northwest.

At this time, hundreds of millions of dollars are being spent each year on the recovery of this declining species. Some have proposed drastic and heavy-handed measures, using unproven science, to save the species. However, I have advocated that finding solutions to this complex and very difficult issue will require sound science, the kind of science that the University of Idaho will utilize in the research of salmon biology at the Hagerman Laboratory.

The University of Idaho has undertaken very important work here to help find practical solutions, workable solutions, to aid the efforts to conserve our native salmonid species. Survival rates of hatchery raised fish in the wild are notoriously low, but solutions as simple as developing new hatchery diets can greatly improve their survival rates. This work is already under way at the laboratory at Hagerman, but, in addition, the University proposes to make the Hagerman Lab home to an innovative cryogenic gene bank for salmon genetic material to ensure that we have access to the full range of genetic material needed to maintain a salmonid population's genetic integrity when raising fish to release in the wild, which is very, very important for our future.

Mr. Speaker, this bill is a win-win. It is good for the people of Idaho. It is good for the Northwest. It is good for the industry, and it is good, most importantly, for the native salmonids. It is a win for the United States Fish and Wildlife Service and for the State of Idaho, and I am pleased to see it considered and passed in the House today.

Mr. Speaker, I am pleased to present to the House S. 2094, the Fish and Wildlife Revenue Enhancement Act. This bill would amend the Fish and Wildlife Improvement Act of 1978 to enable the U.S. Fish and Wildlife Service to utilize funds obtained from the sale of certain abandoned or forfeited products.

The House version of this legislation, introduced by our colleagues, BOB SCHAFFER and DAVID SKAGGS, was the subject of an extensive hearing before my subcommittee. At that time the Fish and Wildlife Service made a compelling case for changing the law to allow them to pay the costs associated with shipping, storage, and disposal of certain wildlife items.

While thousands of wildlife items legally enter this country on a daily basis with proper documentation, other products are confiscated at our borders because they lack the proper or necessary import permits. While some of these goods are made from endangered or threatened species and, therefore, cannot be legally possessed, many of these products, like boots and handbags, can be legally owned.

Currently, the U.S. Fish and Wildlife Service is responsible for transporting all confiscated and forfeited goods to the National Wildlife Property Repository in Commerce City, CO. Some of the goods are distributed to high schools and other educational facilities in what the Service calls Cargo for Conservation kits. However, the constant supply of goods coming into the Repository far exceeds the demand for these items. In fact, the Repository currently has about 450,000 items, of which 200,000 can be legally sold.

While the Service may dispose of these items by any means it deems appropriate, it must do so at its own cost. Any funds obtained in excess of the storage costs or money paid to individuals as a reward for information must be deposited into the General Fund of the U.S. Treasury. Last year, the Repository was appropriated $310,000. After paying overhead and operations, only $30,000 was left to implement programs that loan wildlife items to schools, universities, and museums and to assist Native Americans in meeting their religious and ceremonial needs. Therefore, there is no incentive for the Service to sell any of these legal products, since it lacks the resources to undertake this effort.

S. 2094 gives the Service the opportunity to sell certain wildlife goods now in storage through a public auction process. These auctions would only sell those goods that are legal to possess, and no items derived from endangered or threatened species would be available. By doing this, the stockpile will be reduced, better storage techniques would be implemented, and programs, like Cargo for Conservation, could be expanded to help educate thousands of additional students each year.

Mr. Speaker, this is a sound piece of legislation and I compliment the author, Senator WAYNE ALLARD of Colorado, for his outstanding leadership in this matter. I urge an ''aye'' vote on S. 2094.

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

Mr. Speaker, I rise in support of the legislation. It is supported by the administration, and I want to thank Senator KEMPTHORNE and Senator CRAIG and the gentlewoman from Idaho (Mrs. CHENOWETH) for their work. I am aware of no controversy.

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

Mr. SAXTON. Mr. Speaker, I have no further requests for time, 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 Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 2505.

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.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2505, the bill just passed.

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

There was no objection.

FISH AND WILDLIFE REVENUE ENHANCEMENT ACT OF 1998

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2094) to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

The Clerk read as follows:

S. 2094

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 ''Fish and Wildlife Revenue Enhancement Act of 1998''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States Fish and Wildlife Service (referred to in this Act as the ''Service'')—

(A) is responsible for storage and disposal of items derived from fish, wildlife, and plants, including eagles and eagle parts, and other items that have become the property of the United States through abandonment or forfeiture under applicable laws relating to fish, wildlife, or plants;

(B) distributes many of those items for educational and scientific uses and for religious purposes of Native Americans; and

(C) unless otherwise prohibited by law, may dispose of some of those items by sale, except items derived from endangered or threatened species, marine mammals, and migratory birds;

(2) under law in effect on the date of enactment of this Act, the revenue from sale of abandoned items is not available to the Service, although approximately 90 percent of the items in possession of the Service have been abandoned; and

(3) making revenue from the sale of abandoned items available to the Service will enable the Service—

(A) to cover costs incurred in shipping, storing, and disposing of items derived from fish, wildlife, and plants; and

(B) to make more extensive distributions of those items for educational, scientific, and Native American religious purposes.

(b) PURPOSES.—The purposes of this Act are to make proceeds from sales of abandoned items derived from fish, wildlife, and plants available to the Service and to authorize the use of those proceeds to cover costs incurred in shipping, storing, and disposing of those items.

SEC. 3. USE OF PROCEEDS OF CERTAIN SALES.

Section 3(c) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742*l*(c)) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), notwithstanding''; and

(2) by adding at the end the following:

''(2) PROHIBITION ON SALE OF CERTAIN ITEMS.—In carrying out paragraph (1), the Secretary of the Interior and the Secretary of Commerce may not sell any species of fish, wildlife, or plant, or derivative thereof, for which the sale is prohibited by another Federal law.

''(3) USE OF REVENUES.—The Secretary of the Interior and the Secretary of Commerce may each expend any revenues received from the disposal of items under paragraph (1), and all sums referred to in the first sentence of section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) and the first sentence of section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))—

''(A) to make payments in accordance with those sections; and

''(B) to pay costs associated with—

''(i) shipping items referred to in paragraph (1) to and from the place of storage, sale, or temporary or final disposal, including temporary or permanent loan;

''(ii) storage of the items, including inventory of, and security for, the items;

''(iii) appraisal of the items;

''(iv) sale or other disposal of the items in accordance with applicable law, including auctioneer commissions and related expenses;

''(v) payment of any valid liens or other encumbrances on the items and payment for other measures required to clear title to the items; and

''(vi) in the case of the Secretary of the Interior only, processing and shipping of eagles and other migratory birds, and parts of migratory birds, for Native American religious purposes.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

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

Mr. Speaker, I am pleased to present the House S. 2094, the Fish and Wildlife Revenue Enhancement Act. This bill would amend the Fish and Wildlife Improvement Act of 1978 to enable the U.S. Fish and Wildlife Service to utilize funds obtained from the sale of certain abandoned or forfeited products.

Mr. Speaker, I know of no controversy with regard to this bill. I, therefore, will ask that the balance of my statement be placed in the RECORD.

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

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

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

Mr. MILLER of California. Mr. Speaker, I rise in support of S. 2094. It is a good government bill and the gentleman from Colorado (Mr. SKAGGS), who has authored the House bill, deserves credit for his diligence and devotion for getting this legislation passed.

Mr. Speaker, I rise in support of S. 2094. This is simply a good Government bill. It allows the Fish and Wildlife Service to auction nonendangered wildlife products that have been confiscated by wildlife agents or the customs service for various reasons. The bill enables the proceeds of those sales to be used to cover the costs of shipping, storing, and disposing of confiscated wildlife products, and to facilitate the distribution of such products for educational or scientific purposes, or for Native American religious purposes.

Sadly, each year millions of dollars in illegal wildlife products are confiscated at our borders. This bill takes these lemons and makes lemonade by allowing some of these products to be used to raise revenue to enhance wildlife awareness and education, as well as to pay the more mundane costs of administering confiscated goods.

This is good legislation made better by the other body, whose amendment ensures that no products whose sale is otherwise prohibited by Federal law may be sold pursuant to this legislation.

The gentleman from Colorado, Mr. SKAGGS, who authored the House bill, deserves credit for his diligence and devotion to getting this legislation passed. This bill is as unassuming and effective and its House sponsor and I urge the House to support its passage.

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

Mr. SAXTON. 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. SAXTON) that the House suspend the rules and pass the Senate bill, S. 2094.

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.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2094, the bill just passed.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title.

H.J. Res. 133. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

APPOINTMENT OF MEMBER TO SOCIAL SECURITY ADVISORY BOARD

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Section 703 of the Social Security Act, 42 U.S.C. 903, as amended by Section 103 of Public Law 103–296, the Chair announces the Speaker's reappointment of the following member to the Social Security Advisory Board to fill the existing vacancy thereon:

Ms. Jo Anne Barnhart, Arlington, Virginia.

There was no objection.

SUPPORT THE U.S. STEEL JOBS PROTECTION ACT

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

Mr. ADERHOLT. Madam Speaker, I am introducing today the U.S. Steel Jobs Protection Act, a bill with already 10 bipartisan cosponsors. This bill imposes an immediate 1-year ban on hot-rolled steel from Japan, Brazil, and Russia.

Our trade partners, knowing the slowness of the petition process, have dumped millions of tons of below-cost steel on the U.S. market. Thousands of permanent U.S. jobs will be lost by the time the petition process concludes.

The U.S. steel industry mass modernized and cut production man-hours per ton from 10 to three. This strong, by temporary, action must be taken if we are to be serious about helping families who work for the steel industry.

We urge support for the bill and strongly urge the President to take immediate action to help America's steelworkers.

Mr. Speaker, today I am introducing ''The U.S. Steel Jobs Protection Act,'' a bill with ten bipartisan cosponsors. Currently, U.S. steel producers are in a crisis due to outrageously unfair conditions. Membership in the World Trade Organization, and signing onto the General Agreement on Tariffs and Trade (GATT) implies a willingness to abide by fair trading practices in order to avoid what some call trade wars.

Unfortunately, a number of countries experiencing severe financial crisis have knowingly allowed their steel companies to export steel to the United States at a cost far below their own domestic market price or even below the cost of production. While I understand the need for income by these countries, I do not condone what at best is a reckless disregard for the effect that such exports have on workers in our steel industry.

Since the 1980's, our steel industry has modernized and streamlined. In 1982, it cost roughly 10 man hours per ton to produce U.S. steel. In 1998, the average is below 4 MHPT. The U.S. steel industry has invested over $50 billion in steel plant modernization over the past two decades. The industry employed 425,000 in 1980, and 160,000 in 1998. The U.S. steel industry forecasts that imports of hot-rolled steel in 1998 will be over 500 percent of that imported in 1995. According to industry analysts, some foreign steel is being sold at one-third the cost of production, or more. Clearly, the U.S. steel industry has done its part.

No business can long withstand that kind of assault. I wish that a gentle call to our foreign trading partners for reasonable action would suffice. I am afraid that we are way beyond that point, however. U.S. companies and unions filing a petition for relief from unfair trade practices know that they must wait until severe financial damage is evident for their petition to be acted upon with any urgency. Even then, the best they can hope for is a partial resolution in 160 days. Such cases usually take 12 to 18 months. The current crisis in the steel industry is too great for that kind of wait.

My bill imposes an immediate, temporary moratorium on the further import of certain steel products from three countries—Japan, Russia, and Brazil—for 1 year. Upon completion of the case filed September 30, 1998, duties may be assessed on all steel dumped at a below-cost price retroactive to one year prior the filing of the petition. Should this bill become law, that 1-year retroactive aspect would also apply to any other petitions naming other countries engaged in similar steel-dumping practices.

I realize that there are some concerns about our obligations under the GATT agreements and as a member of the WTO. I agree that we should keep our word and treat all of our trading partners fairly. I also believe that our first obligation as Members of the federal government is to protect the citizens of the United States. What we are currently experiencing is not a minor misunderstanding, or a cultural difference in economic practices. We are the victim of a deliberate action which is harming our domestic steel industry.

Not defending ourselves in this situation is akin to unilateral disarmament while being fired upon. My suggestion of a temporary import ban is not a strike back; it is a recovery period from a battle in which we are wounded. If you believe that membership in the WTO and accepting GATT overrides all U.S. federal laws, historical precedents, constitutional authority, and the moral duty of the federal government to its citizens, I wish you would please come to Gadsden, Alabama and explain that to the 150 or so families who have lost their income, or will lose it within a few weeks.

Please explain to the remaining 2000+ steel industry employees that they must sacrifice their jobs to outrageously unfair trade practices so that we can stabilize the governments and economies of other nations. I don't think they will understand. Nor, frankly, will I.

If our neighbors, our foreign allies need help, let us discuss in a reasonable and straightforward manner on this House floor a plan specific to each country regarding how we might help them—and by that I do not mean throwing away billions of dollars to the IMF board, who have no idea where billions of dollars recently sent to Russia have ended up.

I would like to see this bill become law. I would like to see the President take a serious look at his authority under various U.S. trade laws and take action himself to impose a temporary import ban so that the industry might have a period in which to recover. If our trading partners do not like these suggestions, the solution is easy. Let them admit to the wrongness of their actions, and present to the President a serious plan for halting or slowing imports and making reparations directly to the U.S. steel industry.

The United States of America is strong, and generous. Let us help our friends abroad, but let us stop sacrificing U.S. jobs in what amounts to an unfunded, unauthorized, program of foreign aid.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PITTS) is recognized for 5 minutes.

(Mr. PITTS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SANFORD) is recognized for 5 minutes.

(Mr. SANFORD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Jersey (Mrs. ROUKEMA) is recognized for 5 minutes.

(Mrs. ROUKEMA addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

(Mr. MINGE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

(Mr. KASICH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. HARMON) is recognized for 5 minutes.

(Ms. HARMON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Virginia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. COBURN) is recognized for 5 minutes.

(Mr. COBURN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

(Mr. LAFALCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. EHLERS) is recognized for 5 minutes.

(Mr. EHLERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

(Mrs. MINK of Hawaii addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. TALENT) is recognized for 5 minutes.

(Mr. TALENT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

□ 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SKAGGS) is recognized for 5 minutes.

(Mr. SKAGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ON THE ACHIEVEMENTS OF THE LABORERS' REFORM EFFORTS

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, the gentleman from Missouri (Mr. CLAY) is recognized for 10 minutes as the designee of the minority leader.

Mr. CLAY. Mr. Speaker, Clarence Darrow said, ''With all their faults, trade unions have done more for humanity than any other organization of men that ever existed. They have done more for decency, for honesty, for education, for the betterment of the race, for the developing of character in men than any other association of men.''

The labor movement has played a vital role in making this country what it is today. Only 65 years ago the basic right to retire was beyond the means of most workers. One worked until one was physically unable to work anymore. Workers even when they were employed could barely support their families on a day-to-day basis. The prospect of being able to save enough money to retire, or buy a home or send a child to college was for most workers nonexistent. The fact that this is no longer the case is in large part a measure of the success of the labor movement.

The successes achieved by the labor movement did not come easily. Most worker rights were bitterly opposed by employers and their political allies. Moreover, labor's opponents have never been satisfied with merely opposing policies pursued on behalf of workers. More typically labor's opponents attack the very fabric of trade unionism. In doing so, they directly attack the well-being of working families.

Today, Mr. Speaker, I want to talk about another attack that has been launched against the labor movement. In the American Spectator, in the Weekly Standard and on the editorial pages of the Wall Street Journal, charge after charge has been leveled against the Laborers' International Union. The reform efforts that the Laborers' have undertaken and the consent decree under which the union is operating have been assaulted.

Mr. Speaker, these articles regularly sling stupefying charges of continued mob control of the union by a recognized crime family without providing a shred of evidence or on-the-record attribution for allegations made. The common feature of these articles is that they make absolutely no mention of the real progress that has been made to ensure that the Laborers' is a democratic union controlled by and operated for the benefit of rank-and-file members.

Today there is an effort under way at the Laborers' Union that represents one of the most innovative, cost-effective programs ever undertaken to rid a union of mob influence. The reform effort is still a work in progress. It is premature to render judgment regarding its ultimate success. However, Mr. Speaker, the progress that has been made is truly impressive. To ignore, misrepresent or dismiss it is not just disingenuous but may deny workers and the government a model for the future that does a better job of promoting and protecting union democracy than other means that we have tried in the past.

Corruption in the Laborers' Union was investigated for decades, with little to show for the effort. Finally, the U.S. Justice Department informed the union that it would take legal action to take control of the union just as it had done with the Teamsters Union.

The union and its leaders facing this critical decision and knowing how serious the problem was could have chosen

to spend years fighting the government's suit or could be part of the solution. The union's executive board chose to be part of that solution. On February 13, 1995 the Laborers' entered into an historic oversight agreement with the Department of Justice to rid the union of mob influence. The union agreed that, with the help of independent investigators and prosecutors, it would clean its own house.

Since that time, a remarkable story has been taking place. The union adopted a new ethics and disciplinary code and it adopted an independent process to enforce that code. The union has hired a team of former top-ranking FBI officials and Justice Department prosecutors to enforce the code and to discipline those who violate it.

So far, Mr. Speaker, the reform effort within the union has, one, removed 189 union officials; has filed charges against 132 union officials and staff; has caused 47 union officials to resign after bringing or threatening to bring charges; has referred 25 criminal matters to Federal or local law enforcement authorities; and has imposed 19 trusteeships over local unions and district councils in which all local officials and officers were removed.

Mr. Speaker, trusteeships have been imposed on the Chicago District Council and on Local 210 in Buffalo, New York, both regarded as longtime bastions of organized crime.

Members of the Mason Tenders District Council of Greater New York recently conducted their first officers' election since the imposition of a trusteeship in 1994. While under trusteeship, the union recovered $12 million of the $15 million in assets lost by wrongdoing by former officers.

In 1996, the union conducted its first direct rank-and-file election for general president and will soon implement the first ever direct membership vote for all union offices.

Mr. Speaker, the union is embarking upon hiring hall reforms and is educating its Members so that they are able to freely and fully participate in the union affairs and governance. The union has also implemented a toll-free 800 telephone number directly to the internal, independent Inspector General's office so that members may more easily raise complaints or express their concerns.

No one has been immune from the reform process. Charges have even been brought against the union's general president. An independent inquiry is now being made to determine whether to remove that individual from office or not.

Mr. Speaker, all of this is being accomplished by the union itself. It is all being paid for with union money and not government funds. The reform process is promoting private initiative and accountability. The union is under the democratic control of its members, not the mob and not the government.

In 3½ years, the Laborers' internal reform effort has done more to clean up the union than decades of efforts by law enforcement agencies. And the reform effort has accomplished this in a manner that has made the union a more effective advocate on behalf of its members rather than a weaker one.

The reform efforts are not yet complete, but much has been accomplished. Nevertheless the accomplishments of the Laborers' internal reform effort are truly significant. They deserve the attention of the public, and they deserve fair and accurate reporting by the media.

Mr. Speaker, I include for the RECORD a document entitled ''Report to Members of Congress, Laborers' International Union of North America's Ethics and Disciplinary Program: 41 Months of Progress.''

REPORT TO MEMBERS OF CONGRESS—LIUNA'S ETHICS AND DISCIPLINARY PROGRAM: 41 MONTHS OF PROGRESS

A BOLD EXPERIMENT

One of the most under reported stories in today's labor movement concerns a union, with a proud past that was sadly tarnished by corruption, that has taken matters into its own hands, ridding itself of wrongdoers and eradicating criminal influences.

Uner an historic Oversight Agreement signed on February 13, 1995, the Laborers' International Union of North America (LIUNA) continues to work with the U.S. Department of Justice to initiate widespread internal reforms. Over the past three years, our union has implemented model ethics, disciplinary and democracy programs that stand second to none in safeguarding the rights of every union member. We have succeeded in moving our union into a new era.

The Laborers' International also successfully conducted the first rank-and-file election for General President in December 1996, under the supervision of an Independent Election Officer. In our next election, we will implement direct membership votes for all union officers.

LIUNA's reform programs have been cited as a model for future reform efforts, and in a March 24, 1998 letter to the National Legal and Policy Center, the Department of Justice stated that it believed that our internal reform process has ''resulted in considerable success.''

This is not to imply that the Justice Department believes our programs are perfect, nor do we. But as we learn, we continue to progress. Indeed, our success thus far—and the fact that work remains to be done—is why we and the Justice Department extended our unique Oversight Agreement for another year. Under this agreement, the Justice Department retains the unilateral power to take control of our union if it feels we are making insufficient progress in rooting out corruption and safeguarding our members' rights. We view the extension of the Oversight Agreement as a clear vote of confidence in our reform efforts.

THE POLITICAL ATMOSPHERE

The innovative nature of the Laborers' self-reform movement—and the facts about its genesis and achievements—should merit both bipartisan and nonpartisan support. Unfortunately, this has not been the case.

Over the course of the Agreement, our reform programs and our union have been the subject of relentless attacks by anti-labor opponents and right-wing extremists. Those who have the most to fear and the most to lose from reform have tried to sabotage this process and undo LIUNA's progress. And some in Congress and in the media have given these people an uncritical hearing and platform.

Media outlets, such as The Wall Street Journal and The American Spectator, continue to publish articles, editorials and guest columns that repeat—like a broken record—misconceptions, falsehoods and unsupported allegations about our union, our officers and our reform efforts. They do not, however, have the journalistic integrity to publish the evidence of our progress or to take an unbiased look at how our union is changing for the better.

A NEW APPROACH

LIUNA's Cooperative Agreement is a model for the kind of reform the Justice Department and FBI have been working toward in private industry—requiring private organizations to assume principal responsibility for policing themselves. Among its many benefits, the Agreement has: Saved taxpayer dollars by having LIUNA—not the government—responsible for cleaning its own house; promoted private initiative and accountability, rather than relying on the government to fix what is, in essence, an internal matter; and kept LIUNA under the democratic control of its members, averting a government takeover of a private organization.

LIUNA's General Executive Board (GEB) is firmly committed to the success of the Ethics and Disciplinary Program. Our experience has only added to our commitment for this unique experiment in self-policing, and it has deepened our resolve to permanently change this union for the better. LIUNA is unequivocally committed to advancing internal reforms and to making this the most democratic union for our members.

Another priority continues to be implementation of hiring hall reforms. LIUNA's General Executive Board adopted a new set of job referral rules and hiring hall practices to protect all LIUNA members' rights and eliminate any possibility of violations. In 1996, we also established a Job Referral Committee which works with the independent GEB Attorney on an ongoing basis to deal with complex local issues and to improve policies governing these matters. LIUNA officials and members are receiving the necessary education and instruction to put these reforms in place.

A third priority is educating members on our election reform rules so that all members can be confident of their right to participate fully in fair and open elections, and in union affairs and governance.

HIGHLIGHTS OF THE REFORM PROCESS

The Laborers' Ethics and Disciplinary Code and internal reform program work because they are now an established part of our union's Constitution and because they are enforced by a team of fully independent officers. These officers do no answer to the General President, General Executive Board or the General Counsel of the Laborers' Union; they answer only to our members and the U.S. Department of Justice.

When the Inspector General's investigators discover conduct that might constitute grounds for discipline, they bring the matter to the attention of the GEB Attorney, and he commences prosecution, if warranted. Such cases have succeeded in eliminating some of the most significant sources of corruption within the union.

Officials at all levels of LIUNA have resigned their positions when confronted with disciplinary charges or the prospect of being required to give sworn testimony in connection with investigations. The resignations eliminate sources of corruption swiftly and effectively, and allow the Inspector General and GEB Attorney to focus efforts on other high priorities. The ease of these victories in no way detracts from their value.

The following actions, compiled by the Inspector General's Office as of August 1998, are testament to the ongoing success of LIUNA's innovative reform process:

Removed 189 individuals for criminal or ethical violations, or ties to criminal elements, through convictions, terminations or suspensions.

Filed charges and complaints against 132 individuals for alleged wrongdoing. Some focus on individual members or officers. Others are aimed at broader patterns of misconduct committed by LIUNA District Councils or Local Unions.

Prompted the resignations of 47 individuals who were targets of investigations.

Suspended eight individuals pending resolution of criminal charges.

Referred 25 criminal matters to federal or local law enforcement authorities.

In addition to these activities, we should note that the Laborers' have succeeded in using trusteeships and suspensions to rid our most problem district councils and local unions of all vestiges of corruption.

For example, the Mason Tenders District Council of Greater New York this year concluded its first officers' election since a trusteeship was imposed in 1994. The trusteeship has recovered $12 million of the $15 million in assets lost by the membership because of malfeasance.

The Mason Tenders Investigations Officer, Michael Chertoff, who also served as Majority Counsel to the Senate Whitewater Committee, has expressed his confidence in our aggressive efforts to prevent organized crime from ever regaining influence there.

Our Independent Officers have also imposed trusteeships over Local 210 in Buffalo and the Chicago District Council, which had historically been controlled by organized crime. Law enforcement authorities pursued both locals for many years with minimal success, but our internal reform process got results expeditiously and fairly.

In all, 19 trusteeships have been imposed, 17 in the U.S. and two in Canada, where all officers were removed and 10 supervisions have been established where the majority of officers were removed.

LIUNA'S ANTI-CORRUPTION TEAM

Our Inspector General, W. Douglas Gow, is the former Associate Deputy Director for Investigations at the FBI. He is charged with investigating and resolving disciplinary matters arising under LIUNA's Constitution or Ethical Practices Code, and supervising the union's compliance program that is designed to prevent and detect wrongdoing. He has assembled a first-class team of high-ranking, former FBI agents and law enforcement officers. This team is charged with pursuing every credible lead of possible wrongdoing.

We have taken extra steps to make it easier for union members to raise their complaints, questions or concerns through a toll-free 800 telephone number that goes directly into the Inspector General's Office. All calls are treated in the strictest of confidence.

Our General Executive Board Attorney, Robert Luskin, is the former Special Counsel for the Justice Department's Organized Crime and Racketeering Section. He serves, in effect, as the union's chief disciplinary official.

All internal hearings are held before the Independent Hearing Officer, Peter F. Vaira, a former director of the President's Commission on Organized Crime and a former U.S. Attorney for the Eastern District of Pennsylvania. W. Neil Eggleston, a former Chief Appellate Attorney for the U.S. Attorney's Office for the Southern District of New York, serves as the Independent Appeals Officer.

A FINAL NOTE

As we stated earlier, our reform process is not perfect, but it has made more progress in the last 41 months in ferreting out corruption and identifying wrongdoings than any other union. We are proud of what we have accomplished, and we will continue to work hard to make our union the strongest, cleanest and most democratic for our members.

□ 2010

GREEDY PLAYERS, GREEDY OWNERS, AND PUTTING AMERICA FIRST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, we are all reading the reports about economic troubles all over the world. We are also being told that these problems are already starting to affect the economy here in this country. Yet at the same time a small group of people who are averaging over $2½ million a year are getting ready to go on strike. I am talking of course about the NBA.

Today professional sports has become filled with greedy players and greedy owners, and nowhere is this more obvious than in pro basketball. Last year one of my sons told me that one little-known player had signed a 6-year, $123 million contract, 20½ million dollars a year. I told my son that the sports world has simply gone berserk.

I hope the NBA players and owners cannot work out their differences. I hope the whole season is lost. If they do play, I wish people would just refuse to watch and instead go to college or high school games.

I remember a couple of years ago hearing about a major league baseball player signing for 3 years for $6 million a year. The average person in this country today makes less than $25,000 a year. If a person worked for 40 years at 25,000 a year, he would make $1 million for his whole career. If he was way above average, making 50,000 a year, he would make $2 million over a 40 year career. A person would have to average $150,000 a year for 40 years to make $6 million.

These pro sports salaries are simply out of whack. I do not support giving government more money because so much of it is wasted, and turning money over to government is the least efficient way to spend money and the least efficient way to create jobs that you could find. But with these ridiculous salaries as high as they are now and especially if they continue to escalate, then we should lower the taxes on middle-income people and make it up by raising the taxes on these athletes and movie stars who are making millions of dollars a year.

Mr. Speaker, if we are about to hit some hard economic times, then we need to try even harder to see that we use our money and spend our money in the wisest ways possible. We need to give people more incentives to save and more incentives to invest especially in companies that create manufacturing and industrial jobs, good paying jobs. We need to stop giving tax breaks and spending huge sums of public money for pro sports companies so they can raise the salaries of athletes who are already being paid obscene amounts already.

While I am discussing inefficient, unfair ways of spending public money, I should mention that unfortunately we are about to give many billions more to the International Monetary Fund in this end-of-the-year omnibus appropriations bill. We will be doing this against the advice of people like George Schultz, the former Treasury Secretary; Jack Kemp, a former leader in this body; James K, Glassman, the Washington Post financial columnist and many others. Mr. Glassman wrote this past Tuesday that:

> The IMF bears responsibility for Asia's troubles. With the U.S. Treasury in 1995, it delivered unprecedented sums to bail out banks and investors who made reckless loans to Mexico. That rescue then encouraged investors to make riskier extensions of credit to Asia, Russia and Latin America. That led to over capacity and to the current crisis.

In other words, we are taking billions from lower and middle income Americans to send to foreign countries to bail out rich investors, banks and multinational companies for bad investments overseas and in some cases to help keep factories going in other nations which are taking jobs from American workers. Our Founding Fathers never would have believed this. We are told we have to do this because if we do not, other countries will not be able to buy as many American products, and some American workers will lose their jobs. What we would really be doing though is sending billions of American tax dollars to other countries so that we can get a portion of it back.

Already our balance of payments deficit, our trade deficit is at record levels. We will lose about 3 million jobs to other countries because of a trade imbalance this year alone. If we kept all of these billions here instead of giving it to the IMF, some multi-national companies and international bankers and investors might be hurt. But this money would not disappear if we simply kept it here. More of it would then go to the benefit of American workers and small American businesses that do not do much or any business overseas.

Mr. Speaker, as I have said on this floor before, we need to start putting our own workers and our own businesses first once again. We need to start putting America first once again, even if it is not politically correct or fashionable with liberal elitists to do so.

SEMI-ANNUAL REPORT PURSUANT TO THE CUBAN DEMOCRACY ACT OF 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. SHIMKUS) laid before the House the following message from the President of

the United States; which was read and, without objection, referred to the Committee on International Relations, and ordered to be printed:

To the Congress of the United States:

This report is submitted pursuant to 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6) (the ''CDA''), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114 (March 12, 1996), 110 Stat. 785, 22 U.S.C. 6021–91 (the ''LIBERTAD Act''), which requires that I report to the Congress on a semiannual basis detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.

The CDA, which provides that telecommunications services are permitted between the United States and Cuba, specifically authorizes the President to provide for payments to Cuba by license. The CDA states that licenses may be issued for full or partial settlement of telecommunications services with Cuba, but may not require any withdrawal from a blocked account. Following enactment of the CDA on October 23, 1992, a number of U.S. telecommunications companies successfully negotiated agreements to provide telecommunications services between the United States and Cuba consistent with policy guidelines developed by the Department of State and the Federal Communications Commission.

Subsequent to enactment of the CDA, the Department of the Treasury's Office of Foreign Assets Control (OFAC) amended the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the ''CACR''), to provide for specific licensing on a case-by-case basis for certain transactions incident to the receipt or transmission of telecommunications between the United States and Cuba, 31 C.F.R. 515.542(c), including settlement of charges under traffic agreements.

The OFAC has issued eight licenses authorizing transactions incident to the receipt or transmission of telecommunications between the United States and Cuba since the enactment of the CDA. None of these licenses permits payments to the Government of Cuba from a blocked account. For the period January 1 through June 30, 1998, OFAC-licensed U.S. carriers reported payments to the Government of Cuba in settlement of charges under telecommunications traffic agreements as follows:

AT&T Corporation (formerly, American Telephone and Telegraph Company)	$12,795,658
AT&T de Puerto Rico	292,229
Global One (formerly, Sprint Incorporated)	3,075,733
IDB WorldCom Services, Inc. (formerly, IDB Communications, Inc.)	4,402,634
MCI International, Inc. (formerly, MCI Communications Corporation)	8,468,743
Telefonica Larga Distancia de Puerto Rico, Inc	129,752
WilTel, Inc. (formerly, WilTel Underseas Cable, Inc.)	4,983,368
WorldCom, Inc. (formerly, LDDS Communications, Inc.)	5,371,531
	39,519,648

I shall continue to report semiannually on telecommunications payments to the Government of Cuba from United States persons.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 8, 1998.*

HONORING HENRY B. GONZALEZ FOR 4½ DECADES OF SERVICE TO THE HOUSE AND THE PEOPLE OF THE 20TH CONGRESSIONAL DISTRICT OF TEXAS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas (Mr. GREEN) is recognized for the balance of the Minority Leader's hour, approximately 51 minutes.

Mr. GREEN. Mr. Speaker, I rise tonight and requested this special order and share it with a number of our colleagues to pay tribute to our friend and colleague and the Dean of the Texas Congressional Delegation, the distinguished Congressman from 20th Congressional District of Texas, HENRY B. GONZALEZ. It is an honor to be associated with such a great man, and we wish him well in his retirement.

Texas has many colorful and distinguished leaders, some of which have reached the level of legend. HENRY B. GONZALEZ worked in Congress and his dedication to his constituents places him that top category. HENRY B. has been noted as being the last great populist. His tenacity marks his good works. He has been a voice and not a echo, and he has also been known as a fighter.

And I will go on, Mr. Speaker, but I would like to yield to the incoming Dean of the Texas Democrat delegation, my colleague from Dallas, MARTIN FROST.

Mr. FROST. Mr. Speaker, I rise today to honor my friend and colleague, the Dean of the Texas Delegation, HENRY B. GONZALEZ of San Antonio. HENRY is leaving Congress, but in doing so he is leaving behind a legacy of nearly four decades of service to this House and to the people of the 20th Congressional District of Texas.

When HENRY first came to Congress in 1961, he tacked a sign to the door of his office which said, ''This office belongs to the people of the 20th Congressional District of Texas.''

Throughout his career both here and in Washington and in Texas, HENRY has been a man of the people and a tireless advocate for the less fortunate among us. He has stood tall for the people of the 20th District of Texas by championing affordable housing for all Americans, especially the poor, equal rights for every American regardless of their heritage, and above all decency and honesty in his actions as a public servant.

HENRY is, however, a man of great independence, and he has demonstrated time and again this willingness to take a stand regardless of which way the political winds might be blowing. He has never been afraid to stake out his own position and defend it regardless of how unpopular it might make him. He is a man of great integrity, and he will be missed.

HENRY B., as he is affectionately known to our delegation and to his constituents, has been in San Antonio for much of this Congress recovering from an illness that may have slowed him down but could not stop him. I am so grateful he has joined us again for these last days of the 105th Congress so that we can all pay tribute to a truly great American.

HENRY, I salute you and wish you well as you return to San Antonio. I know that just because you are not in Congress that your voice will not be silenced. I expect to hear that you have once more found a way to stand up and defend those who cannot do so for themselves.

Via con Dios, mi amigo.

Mr. GREEN. Reclaiming my time, Mr. Speaker, Congressman GONZALEZ' outstanding 45 year career of public service and his 38 year career demonstrates his deep commitment to public service and his constituents and his thorough knowledge of the House procedures in his dedication to this House of Representatives. Prior to his election to the House of Representatives in 1961, HENRY B. served as a member of the San Antonio City Council and as City Mayor Pro Tem. He was subsequently elected to the Texas State Senate where he is remembered as a champion of the people. He is revered, known, for leading a 36 hour filibuster against legislation which sought to uphold and facilitate the principles of segregation.

□ 2020

HENRY B. held the floor of the Texas Senate for 22 hours and 2 minutes finishing shoeless and exhausted but victorious in the late 1950s. He made such an impression on the Texas State Senate that his portrait hangs in the chamber in Austin, Texas. Only one other Member of Congress has ever had their portrait hung in the Chamber of the Texas Senate, the late Barbara Jordan.

HENRY B. was elected to Congress in 1961, and his legislative agenda included housing, the need for lower interest rates, education, adequate energy supply at a reasonable price, more industry for San Antonio, increases in minimum wage, not only as a State Senator in Texas in the 1950s, but also a host of other issues that are important to the people in his community and the people in the State of Texas but also the people of our Nation.

Throughout his service in Congress, HENRY B. has made his mission to force the chief executive to justify any military action. In 1983, Congressman GONZALEZ was the only Member calling for the withdrawal of U.S. troops from Lebanon.

He introduced the resolution to this effect and continued to speak out on this issue. Congress should have listened to him, because 3 days after his last statement on the subject, the Beirut bombing occurred.

HENRY B.'s greatest accomplishments are in the area of affordable housing. He insisted on protecting the rights of low income citizens instead of ganging up on them like some people do.

Mr. Speaker, I will go on for a few minutes, but I would like to yield to both a good friend, but also a neighbor of the 20th district in San Antonio, the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, it is my privilege to be joining the gentleman from Texas (Mr. GREEN) and the gentleman from Texas (Mr. FROST) in this special order today.

We honor not only a colleague, we honor an American hero. It is my honor to offer this tribute on my behalf, on behalf of the San Antonians and the constituents of the 20th Congressional District and the behalf of Texas and the Nation.

Congressman HENRY B. GONZALEZ deserves our praise and has earned our respect and admiration. His story is one that has inspired generations and will likely inspire many more. We all know HENRY B. In San Antonio, all you have to say is HENRY B., and everyone knows who he is. The Honorable HENRY B. GONZALEZ of the 20th Congressional District. His name and his face are known in every household in San Antonio.

In my family, my father would always call him El Compadre GONZALEZ. He was our compadre because we admired him. We respected him, and we knew he had us and our neighbors in his thoughts and his actions. He was like one of our households.

He was also known and we also recognize Congressman GONZALEZ as the first Hispanic from Texas elected to this body. In those days, in San Antonio, it was very much smaller than it is today, and the 20th Congressional District included the entire city of San Antonio.

Let me tell my colleagues that, in those days, as a Mexican-American, to be elected out of San Antonio was an extraordinary action. Those were the days when we were required to have a poll tax and had to pay in order to participate in the elections.

HENRY B. GONZALEZ was an extraordinary man. We know him as the man who stands his ground, who does not shy away from dispute, who holds fast to his values. In so many ways Congressman GONZALEZ's life represents the American dream.

His parents were immigrants from Mexico who fled the violence in the 1911 revolution in Mexico. He worked hard and obtained a college degree and, as my colleagues recall, it is even difficult now for Hispanics to be able to get a degree. At that time, it was more extraordinary because he did it so many years ago.

HENRY B. helped his father and his business and then turned to public service as a probation officer and then as a deputy director of the San Antonio Housing Authority. His passion for the poor and his passion for fighting for equity, his fierce sense of justice became his landmark.

In the early 1950s, HENRY B. made a name for himself in San Antonio as a city councilman, then as a State Senator. In the Texas Senate, he is known as holding the longest filibuster in Texas history, a record that still stands.

His career reflects his passion for civil rights, his fight for the American ideals of equal justice for all. He fought against segregation in the 1950s and helped lead the struggle to pass civil rights laws in the 1960s.

He even dared to oppose the now discredited House Committee on Un-American Activities. As a distinguished member and then chairman of the Committee on Banking and Financial Services, HENRY B. made his mark as a champion of the less fortunate and crusader against corruption. The 71 bills he managed as chair included legislation to protect depositors and punish those who sought to cheat the system.

We could list the amount of legislation of his accomplishments, but it would take hours. Our Congressman HENRY B. GONZALEZ represents more than just a list of achievements. He represents those values that we espouse and cherish but rarely realize ourselves. HENRY B. stands for honesty and independence and he embodies the passion for his constituents.

My colleagues, take note, Congressman GONZALEZ has served more than 37 years in this House, and I will tell my colleagues why, because he believes and he stood for those beliefs. He spoke his mind even when it was unpopular to do so. He stood by his constituents even when he faced great challenges. As a song from Frank Sinatra goes, he did it his way.

HENRY B. boasts one other great accomplishment, and we should take note of this. He and his wife Bertha will be celebrating their 58th wedding anniversary next month. They are blessed with 8 children, more than 20 grandchildren, and 3 great grandchildren.

I look forward to working next year with Charlie Gonzalez when he joins us as a representative of the 20th Congressional District.

Compadre GONZALEZ, I am honored to serve in this great House with you. We will miss you, and I know that we will not forget you. You will be in our minds.

I want to take this opportunity to quote a couple of items from the gentleman from Texas (Mr. Ortiz) as he has given me a couple of things to say.

One of the items that he mentions is he remembers HENRY B. GONZALEZ, both not only in terms of as we recognize him tonight, but as a lifetime of service to this country.

We must admire a man who hails soft and punches a fellow in his face in a restaurant because he has called him a Communist. HENRY B. tells it like it is. He has been a bur on the saddle of the Presidents that have gone before us.

He has occasionally annoyed his colleagues with his never-give-up attitude. He is much loved. He has been much loved throughout his career by his constituents friends and those of us who have had the privilege of serving with him.

Congressman ORTIZ continues by saying I remember a friend telling me that she was a little girl whose mother worked with HENRY B. on his first campaign, and she recalled the raw excitement about the campaigns that HENRY B. used to have, and elated about the victory.

She was also so proud when she and her mother was invited to Washington to see him sworn in. She did not make it, and she said she still had little, was a little angry because they were not able to attend. But she recalls she came up here to Washington in the 1980s at a dinner one night and talks about the fact that, as she went up to Congressman ORTIZ, he asked her, you know, who would you like to meet, the President of the United States, the Speaker of the House, a movie star. Well she just said and looked, I would just want to meet HENRY GONZALEZ. She finally got to meet HENRY. And as she recalls, she had tears in her eyes.

With that, I just want to just indicate, Congressman GONZALEZ, you have been a role model to me and for many others I know. I admire you for your integrity, your convictions, your strong work ethic, your dedication to your constituents.

□ 2030

Thank you for your service and your dedication. Muchas gracias.

Mr. GREEN. Mr. Speaker, reclaiming my time, I would like to recognize that our good friend and colleague, HENRY B. GONZALEZ, has joined us on the floor of the House, and tonight, a number of Members are using the remainder of this hour to talk about his achievements and pay both honor and respect to him for his many years in service, not just in Congress, but also to the people of Texas as a city council member, a State senator, and later on this evening I will read from some articles that we have received over the years on HENRY B.

As Chairman of the Committee on Banking and Financial Services, he led the efforts to repair the savings and loan industry and help stop the crisis from spreading to our banks by overhauling the deposit insurance system. Congressman GONZALEZ has been a burr under the Federal Reserve saddle for many years. He is responsible for the Fed's shift to a restricted money policy and for the release of monetary policy proceedings.

HENRY B. GONZALEZ has been a crusader on behalf of our environment. In

1990, the American General Insurance Company wanted to build a $2.5 billion tourist attraction on the Padre Island National Seashore, which we consider a Texas treasure. Through intense lobbying, they attempted to exclude Padre Island from the protection of the Coastal Barrier Act, known as our Wetlands Act. HENRY B., using his influence and power of persuasion, saved this beachfront for its natural beauty for the next generations of Texans.

I find it awkward, Mr. Speaker, for me to be standing here as a third-term Member of Congress, because as a State House member in the 1970s and the 1980s, I used to consider HENRY B. the king of the Special Orders, because I watched him many times extolling the problems that he saw for our country. Again, just like I mentioned earlier, in requiring the President to get the permission of Congress before having our troops in foreign military action in the case of Lebanon, he introduced a resolution, and again, Congress should have listened to him because 3 days after Congressman GONZALEZ' last statement was the loss of lives of the marines in Beirut.

I have a lot I would like to talk about this evening, but I would like to yield to my colleague, another colleague from Texas, Congressman JIM TURNER, who again served with me in the State senate and enjoyed the portrait in the State Capitol. I mentioned earlier there are only 2 State senators who have their portrait in the State Capitol: HENRY B. GONZALEZ, this gentleman from Texas (Mr. TURNER), and also Barbara Jordan, who is your contemporary and whom you served with.

I would like to yield time to my colleague from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I thank the gentleman from Texas (Mr. GREEN) for leading us in this Special Order this evening honoring our dear friend and colleague, HENRY B. GONZALEZ. I, much like the gentleman from Texas (Mr. GREEN), as I was a younger man and I heard the name, HENRY B. GONZALEZ, a name that always stood for a man who worked hard in the Congress for little people.

I know that HENRY comes from a background where he understood how important it is for someone to have affordable housing. He came from a background that understood that quality education was the key to moving up in life. It is an honor for me to stand here tonight as a freshman member of this body and honor a colleague and friend who has served over four decades in these halls.

HENRY B. had what many might consider a very daunting and difficult task in that he served as dean of the congressional delegation from Texas, oftentimes a rowdy group. But my colleague from Texas rose to that occasion and led because of his many years of experience in these halls.

The congressional career of HENRY B. GONZALEZ is indeed a distinguished one, both in terms of his longevity and in terms of his accomplishments. He was first Mexican-American elected to serve the State of Texas in the United States House of Representatives, the son of Mexican immigrants. HENRY B. GONZALEZ served Texans in the Texas State Senate as well as in the U.S. House, and he went on to serve three terms as chairman of the Committee on Banking and Financial Services. His work to overhaul the deposit insurance system and to repair the savings and loan industry were instrumental to the banking industry and to the consumers of this country.

He was a vocal advocate for affordable housing, and he worked for many, many years for lower income American families to ensure that they had access to safe quality housing. He knew how important it was for someone to have a place that they could call home, a place that they could live in with pride. He knew what it meant for American families to be able to enjoy the benefits of homeownership.

HENRY B. GONZALEZ has always been a fighter. He never turned his back when he knew there was an issue of importance that he needed to stand up for. He had that kind of reputation in this Congress; he had that reputation in Texas; he had that reputation in his community.

I salute a great American, a great Texan, Congressman HENRY B. GONZALEZ. I thank you, HENRY, for your years of service, for your leadership, for your compassion on behalf of the issues that you knew were important to the little people in this country. For the people who did not have a voice, you spoke for them. For that, we are eternally grateful.

We are sorry to see you leave our ranks. We will miss you as a friend, we will miss your leadership in this body, and I share with my colleagues our congratulations to you for your distinguished service, and we wish you well in your new ventures along the way.

Mr. GREEN. Mr. Speaker, I thank the gentleman, and reclaiming my time, as Democratic Members of the House, we are well aware of HENRY B.'s efforts on behalf of the Democratic party for many years. He was an articulate spokesman in presidential politics since 1960 when he served as the national cochair of the Viva Kennedy campaign.

I first remember reading about Congressman GONZALEZ because I admired him so long before I met him. In 1956, he was elected to a 4-year term in the Texas State Senate, becoming the first Mexican-American to gain a seat in that body in 110 years. He soon attracted international attention when, with a colleague, he staged the longest filibuster in the history of Texas. There were 10 race bills under consideration in which Senator GONZALEZ at that time opposed. He said at the time, and I quote, ''It may be some kind of chloroform for their conscience, but if we fear long enough, we hate, and if we hate long enough, we fight.''

Eight of the bills were defeated because of Senator GONZALEZ. One of those passed was later declared unconstitutional, and in 5 years in the Texas Senate, he clearly identified with the poor, opposing sales taxes and rising tuition costs, while favoring some clearance and controls on lobbyists long before it was in vogue.

I am proud to honor HENRY B. GONZALEZ. When I was running for Congress in 1992 in my district in the east end and north side of Houston, I had a number of people who had served as precinct judges for many years in my community, and they would come up to me and say, if all you ever do is walk in the shadow of HENRY B. GONZALEZ and walk in his footsteps, that is the kind of Congressman we want you to be.

☐ 2040

That was such a great honor. I say to the gentleman from Texas, HENRY B., I have some constituents who are the gentleman's longtime friends, A.V. Almos is still a precinct judge, and Cruz Injos and his family. We have a group called the Old Timers Club which has been meeting for many years, and they were part of the nucleus of the group in 1961 when you ran for the U.S. Senate and made it a close race.

With that, I tell the gentleman from Texas (Mr. GONZALEZ), we are glad to share this night with him.

Let me talk about one of HENRY B. GONZALEZ's famous stands. He wanted to be a voice and not an echo. On a recent Friday afternoon, HENRY B. GONZALEZ received a standing ovation from his colleagues who not only heard his speech, but they cheered him afterwards. HENRY was caught by some tricky parliamentary maneuver. A Republican Member of Congress, angry at the Democrats' tactics, unexpectedly moved to adjourn. Now in the minority, we understand how that happens, Mr. Speaker.

With his speech in hand, our Texas congressman demanded a rollcall. Surprised colleagues showed up and voted 213 to 99 to let Congressman GONZALEZ speak. When the Chair finally recognize him, Congressman GONZALEZ responded, ''Mr. Speaker, overwhelmed by the popular demand to be heard,'' and the Chamber was filled with laughter.

Before launching into his attacks lambasting President Reagan for his actions in Grenada, Congressman GONZALEZ explained why he spoke so frequently, often several times a week. A House member, he said, has only two real powers: one is to register his vote, and the other one is his voice. Congressman GONZALEZ has been a voice and not an echo.

Congressman GONZALEZ at that time assured his colleagues that speechmaking did not evolve after House activities becoming televised. In fact, he claims the heart of his district was still without cable, because at that time it was only cable coverage. Now

we have C–Span, but back at that time there was only cable.

Mr. Speaker, I yield to the gentleman from Austin, Texas (Mr. DOGGETT), who also served in the State Senate. It is almost an alumni club. In fact, the gentleman was in Senate when Congressman GONZALEZ's portrait was hung in 1976.

Mr. DOGGETT. I was, indeed, Mr. Speaker. We will soon have enough for kind of a quorum here of the Texas State Senate, as we gather here not on the banks of the Colorado but on the banks of the Potomac, to honor someone whose effects on Americans has stretched across this great Nation.

It is certainly fitting that we would gather here to do that on what is called Special Orders, because I know even in my short time here in Congress, I have seen Congressman GONZALEZ come and make use of special orders to convey a message, perhaps to a few Members assembled at the moment here in the House, but to convey a message all across America to alert the country to some particular problem on which we needed additional focus, and to remind the Members of their duty to the ordinary people of this country who have made it the greatest land in the world.

I think that it is undoubted that the gentleman from Texas (Mr. HENRY B. GONZALEZ) is leaving an indelible mark, not only on this institution, the United States House of Representatives, but on our entire country.

Some would point, as my colleague, the gentleman from Texas (Mr. GREEN) has done, in providing leadership here tonight for this special order, to his triumphs in banking and housing. Others remember him as a champion of open government, and our friend, the gentleman from Massachusetts (Mr. BARNEY FRANK), refers to his demystifying, if that can be done, of the Federal Reserve Bank more than anybody in history. It is still a little bit of a mystery, but he has made some good headway on it.

All of us know that HENRY B. Is a man of extraordinary principle, unparalleled courage, and of dogged determination. Some would probably say if it is dogged determination, it is bullheaded determination. But he was in there, willing to do what was right, no matter whether there was anybody else willing to stand with him or not.

In 1994, in recognition of his courage, the prestigious Profile in Courage award was presented to Congressman GONZALEZ as a shining example of public service that was epitomized in the book ''Profiles in Courage,'' that the late President Kennedy authored, described as one ''. . . whose abiding loyalty to their Nation triumphed over all personal and political considerations, who showed the real meaning of courage, and a real faith in democracy.'' I think that is a good summary of the career of Congressman GONZALEZ. It expresses our feelings, I know, from Texas about him.

He received this award for initiating a series of spectacular hearings on the savings and loan crisis, and writing sweeping legislation to try to clean up the chaos and reform this industry.

He was also honored by this award for his courageous investigation into the sale of U.S. arms to Iraq by top officials of the Reagan and Bush administrations. It took courage to stand and do that when many others were trying to brush the lies and the conspiracy aside, and he did that, and all of America is the beneficiary.

As one previous recipient of the Profiles in Courage award remarked, ''For the scientist, the moment is the Nobel; for the journalist, it is the Pulitzer; the actor, the Oscar; but for those in government, it is the Kennedy, and it is with that high award that Congressman GONZALEZ has received special recognition.

When placed in the context of his total public service career, beginning with his successful campaign as a college student to bring public housing to San Antonio, it is almost impossible to determine which accomplishment is the most significant.

But knowing him as we do from Texas, I think we have to agree that one accomplishment that we have not yet discussed tonight ranks very high in a very special way. That is that he was able to balance his service to other people's families and other children around this country with being a good father and having a family of some eight children.

What can be more fitting than the legacy of HENRY B. GONZALEZ, that as he departs Washington, one of his sons will be coming to join us in this body. Charlie GONZALEZ I knew as a Member of the Texas judiciary during my service on the Supreme Court, and prior to that time. I know that he has been a teacher, a legal aid worker, and a district judge, and that, like his father, he is passionate about public service.

I salute Congressman GONZALEZ for the role that he has played, not only as a public servant but as a father and a family leader who lived the values that he has preached and recognized from this forum and across the country.

When we look back on his career, as the gentleman from Texas (Mr. GREEN) has done in reminding us of what Texas was like in the 1950s, and how very tough it was to go as the first Mexican-American into what was an all-male and all-Anglo Texas Senate, and in one of the times of that Senate which is not one in which we can see any particular pride, when there were some people there who were unwilling to accept opportunity for all of our citizens, who were insistent on passing a set of laws to oppose the whole concept that the Supreme Court had advanced of equality of opportunity in our school system, that Congressman GONZALEZ stood and would not let that tide of bigotry overwhelm him and overwhelm the people of Texas, but he stood as one force for the people, for equality, for equal opportunity.

As we reflect on his historic role in Texas and in this entire country, I think it is important to remember that he never forgot that while he pulled himself up by his bootstraps, that there were many other people out there who had no boots.

He has fought for those people, he has fought for America. He is a man with the courage of his convictions to do what is right, and Texas will lose not only the dean of our delegation with his departure from Washington, but we will lose someone who has set the very highest standards for integrity, for determination, and for making government work for all of us.

''I do not know where we will be without HENRY B.,'' is I am sure something that is being said in many parts of Texas. But we know that he will provide, by his example of leadership, a model that we will follow and emulate in the years ahead.

I want to thank the gentleman from Texas (Mr. GREEN) for his leadership in doing this tonight, because I think it is really historic to record the accomplishments and the contributions of our colleague, HENRY B. GONZALEZ. I consider it one of my greatest honors here in Congress to serve with a man of his caliber and character.

Mr. GREEN. Mr. Speaker, I would like to thank my colleague from Travis County, Austin, Texas, and a great friend. We served together, and I was a State representative when he was in the State Senate in 1976, when Congressman GONZALEZ portrait was hung.

Let me quote: At that time Governor Dolph Briscoe called Congressman GONZALEZ a truly dedicated public servant, and said he is gaining more influence yearly in the Texas delegation. He said, there are two types of Congressmen, and to this day that is still true. One is a show horse and the other is a workhorse, Governor Briscoe said, and certainly Congressman GONZALEZ is a workhorse. I think that is a tribute not only in 1976, but also in 1998 to Congressman GONZALEZ.

There are lots of great stories on HENRY B. that I have learned over my lifetime in Texas. One of them is his first run for Congress in 1961.

Coming off the Viva Kennedy cochair on a national basis, at that time Vice President Lyndon Johnson insisted he would not become involved in trying to tell the Baird County voters how to vote.

☐ 2050

And after that, he issued a strong endorsement of Congressman GONZALEZ's candidacy in the San Antonio Express. The doors slammed shut for all practical purposes on Congressman GONZALEZ' Democratic opponent. Vice President Johnson then neutralized the other opponents by his endorsement.

So, again, HENRY B. you run with lots of folks in Texas who I have admired for many years, including Vice President and President Lyndon Johnson.

HENRY B. has been known for his tenacity. We know that because it has been said tonight about his tenacity on

special orders, but tenacity on issue after issue. It came as a surprise to some of us, but part of HENRY B.'s success and tenacity is that he introduced a bill in 1965 to provide $50,000 survivor's benefits for law enforcement agents and firemen killed in the line of duty. Eleven years later, after the riots in the 1960s, this became law.

HENRY B. has been derided by opponents for the speeches he makes to an almost empty Chamber of the House. The Congressman has made in the neighborhood of thousands of speeches. In 1984, he had given 2,200 speeches in the House at that time in 23 years, making him the most prolific speaker in the House. His speeches under special orders are duly recorded in the Congressional Quarterly and his newsletters to his constituents. That was before C-SPAN, before we had nationwide coverage. Congressman GONZALEZ was there making sure that his constituents were heard and he was representing his job as a Member of Congress.

He is productive by the number of bills that he passed in Congress. Many times other Members from Texas could not pass legislation, but Congressman GONZALEZ was the chief bill-passer in the State of Texas for Members of Congress. Again, that is a challenge some of us would like to be.

Congressman GONZALEZ, and again, my honor to him is he is considered one of the last great populists. It is a classic performance. A man better known as HENRY B. or simply as HBG. Depending on who you ask he is either feisty, colorful or combative, or an eccentric that is looked upon with tolerance.

But for his constituents in Texas, he has been a fighter and a populist for their needs and their desires for many years in Congress. We talked about his serving in the Senate and fighting the race-baiting bills in the late 1950s. But he also introduced the first minimum wage bill in the State Senate and it was 40 cents an hour in the 1950s. It is just an honor that I had the opportunity during my three terms of Congress to serve with him.

Congressman GONZALEZ' individuality has paid a price. Although widely revered in San Antonio and an icon in Texas, he is sometimes known in Congress as a loner and a maverick who charts his own course. And I do not think there is a better honor to you than that you are your own man, and you have been for 45 years in public service.

He speaks out on issues. He is one that never is hesitant to stand up for both his ideas, but also the people he represents.

Many years ago, and this has happened a number of times, I have admired him for being a fighter for his constituents. In 1963, there was a time when a Representative Foreman from Odessa was outside the House Chamber and accused Congressman GONZALEZ of being a ''communist'' and a ''pinko,'' and Congressman GONZALEZ challenged him. And those stories are endless.

I remember one story when I was in the House of Representatives in Austin when HENRY B. was in a restaurant in San Antonio and someone at the next table called him a communist and he got up and decked that person.

Obviously, he represents Texas very well and a lot of us have learned many things, both in his feistiness, but also in his beliefs. He will stand by his beliefs and fight for his beliefs. And he has done so many great things. Let me mention just one thing.

In 1968, I was in college and I had the opportunity to go to San Antonio. My wife and I were not married at that time, but both of us were University of Houston students. And, of course, at that time one would not go out of town overnight with their best girl. My wife and I got on a bus from Houston and took the bus from Houston to San Antonio Texas to go to the HemisFair, and HemisFair was in San Antonio because of Congressman GONZALEZ. And it brought international acclaim and literally opened up the city, and I am still proud to go to San Antonio today and see the HENRY B. GONZALEZ Courthouse that is in the HemisFair grounds that he triumphed back in his first years in Congress.

There are so many stories, Mr. Speaker, but not only Members from Texas but Members who served with Congressman GONZALEZ on the Committee on Banking, the Members of the Hispanic Caucus.

I am proud to honor a man who has worked and improved the quality of life for men and women not just in his district and not just in the State of Texas, but throughout our country. I have been fortunate and we have been fortunate to have a Member like HENRY B. GONZALEZ to serve as our colleague, our friend, and our Dean of the Texas delegation.

Before I close, I would like to mention his wife of 58 years, Bertha Cuellar Gonzalez, originally from Floresville, but 58 years of marriage. I thought my wife and I at 28 years had been married many years, but hopefully we will make 58. Fifty-eight years of marriage and love.

The reason HENRY B. could not come back earlier was because he knows who the boss is in our households, and his wife was making sure that HENRY B.'S health was well enough for him to come back and continue his duties as a Member of Congress. Both the love of your wife and family, and also the love of your fellow Members of Congress and your constituents is the best tribute more than we can ever say here on the floor of this House.

Mr. Speaker, I would like to close by saying that if I could just walk in his shadow and fill part of his shoes, I will consider myself to be a successful Member of Congress.

Mr. HINOJOSA. Mr. Speaker, it is a privilege to participate in today's tribute to the Honorable HENRY B. GONZALEZ.

A maverick, a pioneer, a man of conviction—there aren't too many people I would use these words to describe. The deal of our delegation, however, is one such individual.

Our distinguished dean came to the House of Representatives in 1961, before any other Hispanics were elected from the State of Texas.

He laid the foundation for those of us who have since followed.

For all you have done—for your constituents—for the Hispanic community—for the underprivileged—for all Americans—I want to say thank you.

In the brief time I have been in Congress, I unfortunately have not had the good fortune to be able to work closely with you. But I am well acquainted with your remarkable achievements.

It is because of the commitment you have always demonstrated that I know why it is so important to work tirelessly for the causes and issues we believe in.

You have taught us why we must be dedicated to the pursuit of excellence.

You have shown how goals are, indeed, attainable, but not always easy to achieve.

More importantly, you have shown that within each and every one of us there is the potential to make a real difference in the world we live in, but that to make such a difference, one must be involved.

Chairman GONZALEZ, you have made Congress a better place—you have made Texas a better place—and you have made America a better place.

I began my remarks by saying you were a maverick, a pioneer, a man of conviction. I want to close them by saying it would be more accurate to say you are indeed a legend.

Mr. CRANE. Mr. Speaker, I am especially pleased to join with my colleagues in honoring the renowned dean of the Texas delegation, the Honorable HENRY B. GONZALEZ of the Twentieth District of that great state.

My colleagues, as the long-time Chairman of the Banking Committee, HENRY was well known for his tough stance during the savings and loan investment scandals, and for his many attempts to consolidate banking regulations. His wide-ranging and perceptive special orders on international banking practices and malpractices could well constitute in themselves an indispensable textbook on the history of modern financial structures, consortia, monopolies, trusts, etc. Surely HENRY ought to be welcomed back to the University of Texas or to St. Mary's University in a special chair as professor of economics. Our present loss in his departure, then, would be a real gain for young Texas students.

The people of Texas can attest to HENRY's strong record in support of civil rights and especially in developing housing programs for the poor. His colleagues in Congress know that whatever this hard-working Texan was determined to do, it was done with dedication and a kind of dogged perseverance which could well be emulated by many of those of us who will remain in the House.

In many ways HENRY has been a kind of grand institution on this Hill, a genial father figure for many younger members; and those of us on the other side of the aisle have long come to respect him as a man of determined principle and especially as one whom we know to have served his district constituents admirably well. Obviously San Antonio will be

glad to see more of HENRY in his retirement, but we hope that we, too, will be able once in a while see him on the House floor renewing friendships and giving wise counsel to those of us still struggling with the complexities of legislation, and worrying, as he so often did, about what is best for all Americans.

HENRY, we wish you the very best in your sell-deserved retirement in that exciting city of San Antonio—your town—and we have to say that it has been more than a privilege to have been your colleague during all these interesting and important years, when your judgment and dedication contributed so much to what we all have accomplished. God bless, HENRY GONZALEZ, and Godspeed.

Mr. ORTIZ. Mr. Speaker, I thank these gentlemen for taking the time to honor a giant of Texas politics, HENRY B. GONZALEZ.

To see the future, you must stand on the shoulders of giants. I, and many Texans elected after HENRY GONZALEZ was elected, have seen the future—and the future promises more Hispanics to Congress from Texas.

This giant has been an inspiration for young men and women who aspire to excellence in public office. Young HENRY GONZALEZ, who learned business at his father's side, has spent virtually his entire life in public service.

He is a maverick who, while recognizing the significance of being the first Hispanic elected to national office from Texas, respectfully declined to be labeled only as a Hispanic during his term of service. Realizing the importance of being part of the mainstream in the United States, he wanted only to be known as a legislator, and as a Texan.

We remember him as both those things tonight, and we thank him for the lifetime of service he gave to our country. You must admire a man who hauls off and punches a fellow in the face in a restaurant because he called him a communist.

HENRY B.'s tell-it-like-it-is-style has been a burr under the saddle of presidents; he has occasionally annoyed his colleagues with a never-give-up-attitude; and he is much loved, and has been much lived, throughout his career by his constituents, friends and those of us who have been privileged to serve as his colleagues in this august body.

I remember a friend telling me that she was a little girl whose mother worked in HENRY B.'s first campaign and she recalled the raw excitement about the campaign, and the elation of the victory. She was so proud when she and her mother were invited to Washingon to see him sworn in. Well, she didn't make it and she said she's still a little mad at her mom for coming here without her.

She came up here to work in Washington in the 1980s and at dinner one night, I asked her who she would like to meet—the President of the United States, the Speaker of the House, a movie star—Well, she wanted to meet HENRY GONZALEZ. She finally got to meet HENRY GONZALEZ, and she had tears in her eyes after they spoke.

There is not a way to qualify your legacy, mi amigo. You served your country well and showed all of those who followed you the path to success. Thank you.

Mr. MARTINEZ. Mr. Speaker, I rise tonight to pay tribute to a friend, a colleague, and a great American. After a highly distinguished career in public service, representing San Antonio, Texas, HENRY B. GONZALEZ will be retiring from Congress at the end of the year.

In 1961, HENRY GONZALEZ began his congressional career with a bang—becoming the first Mexican-American elected to the U.S. House of Representatives from the State of Texas. HENRY never allowed this institution to shape his thoughts and actions. He was always his own man fighting the good fight.

Mr. Speaker, when I was first elected to the House in 1982, HENRY GONZALEZ had already made his mark on this august body. His leadership on a variety of national issues affecting his constituents, the Hispanic community in general, and the nation as a whole are legendary.

During his congressional tenure, HENRY served as chairman of the committee on Banking, Finance, and Urban Affairs from 1989 to 1994. In his capacity as chairman, HENRY successfully promoted legislation guaranteeing depositors a safe place to put their savings. He championed measures facilitating small business access to credit and strengthened the laws against money laundering and bank fraud.

Under his leadership, the Banking Committee held countless number of hearings on the Bush administration's pre-war Iraq policy. HENRY vigorously investigated the scandal, involving the Bank of Commerce and Credit International, and he took the lead in shedding light on the savings and loan debacle of the 1980's.

Throughout his distinguished public service, HENRY has championed the causes of urban and economic development, affordable housing and civil rights. I'm certain that HENRY must have broken the CONGRESSIONAL RECORD for endurance on special orders. I vividly remember how he would tirelessly take to the floor night after night exposing government incompetence, waste and abuse.

I salute you HENRY. I salute your integrity and leadership. You will be sorely missed.

Mr. TORRES. Mr. Speaker, I am proud to pay tribute today and participate in this special order for Representative HENRY B. GONZALEZ. From one retiring Member of Congress to another, I would like to wish him the best of luck in whatever lies ahead of him. May HENRY's life be in retirement as fruitful as it has been these last 37 years as a Member of Congress. HENRY B. GONZALEZ is an honorable man of impeccable character who has served as a role model for Latinos across the nation, including me. He served as Chairman of the Banking Committee and helped assure his constituency and Latinos across the nation were well served in his committee. Under his chairmanship, sound public policy, ranging from guaranteeing depositors a safe place to put their savings to reauthorizing federal housing laws were written and passed.

What can I say is the most remarkable thing about HENRY B? I can say that he had an unstoppable fighting spirit and a well developed sense of independence. HENRY B. will always stand for his causes, even if he stands alone. He will literally fight for what he thinks is right, and we all know that to be a fact. He is a great man to admire and emulate, and he will be missed.

HENRY B. GONZALEZ has been, to me and the other members of the Congressional Hispanic Caucus, what we call in Spanish a ''padrino,'' a godfather. In Mexican heritage a ''padrino'' is the person bestowed with the honor of looking after a child and be responsible for the good and moral upbringing of that child. As the ''padrino,'' HENRY B. is the one we came to for advise when we wanted to something, and the one we came to for help when we did it wrong. As a Member of Congress, I am what I am because of HENRY B., all his advice, and my secret desire to emulate him. HENRY, you raised us well. HENRY, I tried my best to emulate you and I hope you're proud of me.

HENRY, I wish the best of luck to you, Bertha, your children, grandchildren, and great-grandchildren. Goodby and godspeed.

HENRY B., we will miss you. We will miss your tenacity, your fighter spirit, your independence. But you have set a course for a lot of us who are now serving in Congress to try to follow in your footsteps.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BERMAN (at the request of Mr. GEPHARDT) after 8:30 p.m. on Thursday, October 8, and the balance of the week on account of a death in the family.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for Friday, October 9, and the balance of the week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CLAY) to revise and extend their remarks and include extraneous material:)

Mr. BLUMENAUER, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Ms. HARMAN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SKAGGS, for 5 minutes, today.

(The following Members (at the request of Mr. SAXTON) to revise and extend their remarks and include extraneous material:)

Mr. PITTS, for 5 minutes, today.

Mr. SANFORD, for 5 minutes, today.

Mrs. ROUKEMA, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. COBURN, for 5 minutes, today.

Mr. EHLERS, for 5 minutes, today.

Mr. TALENT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HYDE, and to include therein extraneous material, notwithstanding

the fact that it exceeds two pages and is estimated by the public printer to cost $1,108.

SENATE BILLS REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1970. An act to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds; to the Committee on Resources.

S. 2358. An act to provide for the establishment of a presumption of service-connection for illnesses associated with service in the Persian Gulf War, to extend and enhance certain health care authorities relating to such service, and for other purposes; to the Committee on Veterans' Affairs.

S. 2427. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work; to the Committee on Resources.

S. 2524. An act to codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States Code; to the Committee on the Judiciary.

S. Con. Res. 120. Concurrent resolution to redesignate the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., as the ''Eney, Chestnut, Gibson Memorial Building''; to the Committee on Transportation and Infrastructure.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight reported that that committee had examined and found truly enrolled bills, and a concurrent resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3694. An act to authorize appropriations for fiscal year 1999 for intelligence and intelligence related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 3790. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress.

H.R. 4194. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 4248. An act to authorize the use of receipts from the sale of the Migratory Bird Hunting and Conservation Stamps to promote additional stamp purchases.

H.J. Res. 133. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2022. An act to provide for the improvement of interstate criminal justice identification, information, communication, and forensics.

ADJOURNMENT

Mr. EHLERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until tomorrow, Saturday, October 10, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

11590. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Potato Research and Promotion Plan; Suspension of Portions of the Plan; Amendments of the Regulations Regarding Importers' Votes; and Clarification of Reporting Requirements [FV–96–703FR] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11591. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Dried Prunes Produced in California; Increased Assessment Rate [Docket No. FV98–993–2 FR] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11592. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mediterranean Fruit Fly; Removal of Quarantined Areas [Docket No. 97–056–17] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11593. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dimethomorph [(E,Z) 4-[3-(4-chlorophenyl)-3- (3,4-dimethoxyphenyl)—1-oxo-2-propenyl] morpholine]; Pesticide Tolerance [OPP–300740; FRL–6036–7] (RIN: 2070–AB78) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11594. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hexythiazox; Pesticide Tolerances for Emergency Exemptions [OPP–300720; FRL–6030–3] (RIN: 2070–AB78) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11595. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Paraquat; Extension of Tolerance for Emergency Exemptions [OPP–300726; FRL–6032–5] (RIN: 2070–AB78) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11596. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyromazine; Extension of Tolerance for Emergency Exemptions [OPP–300741; FRL–6037–1] (RIN: 2070–AB78) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11597. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hexythiazox; Pesticide Tolerance [OPP–300732; FRL–6035–2] (RIN: 2070–AB78) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11598. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Mancozeb; Pesticide Tolerances for Emergency Exemptions [OPP–300714; FRL–6029–5] (RIN: 2070–AB78) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11599. 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; Maryland; Withdrawal of Final Rule [MD068–3027; FRL–6174–3] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11600. 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; Pennsylvania; Approval of VOC and NOx RACT Determinations for Individual Sources [PA–4076a; FRL–6166–1] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11601. 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; Minnesota [MN52–01–7277a; MN53–01–7278a; FRL–6162–1] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11602. 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 Tennessee: Approval of Revisions to the Nashville/Davidson County Portion of the Tennessee SIP Regarding Control of Volatile Organic Compounds [TN–201–9828a; FRL–6169–6] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11603. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Alabama [AL–046–9826a; FRL–6168–4] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11604. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 80 of the Rules Concerning U.S. Coast Guard Vessel Traffic Services (VTS) Systems in New Orleans, Louisiana—received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11605. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Petition for Rulemaking of Ameritech New Media, Inc. Regarding Development of Competition and Diversity in Video Programming Distribution and Carriage [CS Docket No. 97–248 RM No. 9097] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11606. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration,

transmitting the Administration's final rule—Indirect Food Additives: Adhesives and Components of Coatings [Docket No. 98F–0183] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11607. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 106–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11608. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 117–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11609. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Norway [Transmittal No. DTC 132–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11610. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Algeria [Transmittal No. DTC 124–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11611. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed Technical Assistance Agreement with Spain [Transmittal No. DTC 115–98], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

11612. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Singapore [Transmittal No. DTC 104–98], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

11613. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Mexico [Transmittal No. DTC 96–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11614. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel [Transmittal No. DTC 126–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11615. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 131–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11616. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 127–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11617. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 120–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11618. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with United Kingdom [Transmittal No. DTC 108–98], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

11619. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11620. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Performance Ratings (RIN: 3206–AH77) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

11621. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Western Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 092298B] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11622. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 092298A] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11623. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Trawl Vessels Using Nonpelagic Trawl Gear in Bering Sea and Aleutian Islands [Docket No. 971208298–8055–02; I.D. 092898A] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11624. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Trawl Vessels Using Nonpelagic Trawl Gear in Bycatch Limitation Zone 1 of the Bering Sea and Aleutian Islands [Docket No. 971208298–8055–02; I.D. 092898E] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11625. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna [I.D. 092298C] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11626. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Adminstration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker/Rougheye Rockfish in the Eastern Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 092998C] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11627. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Adminstration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Ocean Recreational Salmon Fisheries; Closure and Reopening; Queets River, Washington, to Cape Falcon, Oregon, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11628. A letter from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule—Suspension of Deportation and Cancellation of Removal [EOIR No. 124I; AG ORDER No. 2182–98] (RIN: 1125–AA25) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11629. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Eligibility Reporting Requirements (RIN: 2900–AJ09) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee of Conference. Conference report on S. 1260. An act to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes (Rept. 105–803). Ordered to be printed.

Mr. GOSS: Permanent Select Committee on Intelligence. Investigation into Iranian Arms Shipments to Bosnia (Rept. 105–804). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 588. Resolution providing for consideration of the bill (H.R. 4761) to require the United States Trade Representative to take certain actions in response to the failure of the European Union to comply with the rulings of the World Trade Organization (Rept. 105–805). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 589. Resolution waiving a requirement of clause 4(b) of Rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes (Rept. 105–806). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1965. Referral to the Committees on Ways and Means and Commerce extended for a period ending not later than October 16, 1998.

H.R. 3055. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 16, 1998.

H.R. 3511. Referral to the Committee on Commerce extended for a period ending not later than October 16, 1998.

H.R. 3828. Referral to the Committees on Veterans Affairs and Commerce extended for a period ending not later than October 16, 1998.

H.R. 3829. Referral to the Committees on Government Reform and Oversight, the Judiciary, and National Security extended for a period ending not later than October 16, 1998.

H.R. 3844. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 16, 1998.

H.R. 4377. Referral to the Committee on Commerce extended for a period ending not later than October 16, 1998.

H.R. 4567. Referral to the Committee on Commerce extended for a period ending not later than October 16, 1998.

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 Mrs. MORELLA (for herself, Mr. BARCIA of Michigan, Mr. LEACH, Mr. KUCINICH, and Mr. LAFALCE):

H.R. 4756. A bill to ensure that the United States is prepared to meet the Year 2000 computer problem; to the Committee on Science.

By Mr. GILMAN (for himself, Mr. HAMILTON, Mr. BEREUTER, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. BERMAN, Ms. ROS-LEHTINEN, Mrs. MEEK of Florida, Mr. GALLEGLY, Mr. DIAZ-BALART, Mr. HASTINGS of Florida, Mr. BILIRAKIS, Mr. DAVIS of Florida, Mr. MICA, Mr. YOUNG of Florida, and Mr. WEXLER):

H.R. 4757. A bill to designate the North/South Center as the Dante B. Fascell North-South Center; to the Committee on International Relations.

By Mr. EVANS:

H.R. 4758. A bill to amend title 38, United States Code, to improve access of veterans to emergency medical care in non-Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

By Mr. OXLEY (for himself and Mr. HALL of Texas):

H.R. 4759. A bill to require the Federal Communications Commission to repeal redundant reporting and record keeping requirements, and for other purposes; to the Committee on Commerce.

By Mr. BARCIA of Michigan:

H.R. 4760. A bill to require the United States Fish and Wildlife Service to approve a permit required for importation of certain wildlife items taken in Tajikistan; to the Committee on Resources.

By Mr. CRANE (for himself, Mr. SMITH of Oregon, Mr. THOMAS, Mr. STENHOLM, Mrs. JOHNSON of Connecticut, Mr. WATKINS, Mr. COMBEST, Mr. KOLBE, Mr. HERGER, Mr. HOUGHTON, Mr. TANNER, Mr. BARRETT of Nebraska, Mr. CAMP, Mr. EWING, Mr. SAM JOHNSON of Texas, Mr. NUSSLE, Mr. RAMSTAD, Mr. COLLINS, Ms. DUNN of Washington, Mr. LEWIS of Kentucky, Mr. POMBO, Mr. PORTMAN, Mr. CHRISTENSEN, Mr. ENGLISH of Pennsylvania, Mr. WELLER, and Mr. BERRY):

H.R. 4761. A bill to require the United States Trade Representative to take certain actions in response to the failure of the European Union to comply with the rulings of the World Trade Organization; to the Committee on Ways and Means.

By Mr. ADERHOLT (for himself, Mr. NEY, Mr. REGULA, Mr. WALSH, Mr. TRAFICANT, Mr. DICKEY, Mr. ENGLISH of Pennsylvania, Mr. EVANS, Mr. HOLDEN, Mr. BROWN of Ohio, and Mr. KUCINICH):

H.R. 4762. A bill to impose a temporary ban on the importation of certain steel products from Japan, Russia, and Brazil, and for other purposes; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 4763. A bill to declare certain Amerasians to be citizens of the United States; to the Committee on the Judiciary.

By Mr. ADERHOLT:

H.R. 4764. A bill to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce; to the Committee on the Judiciary.

By Mr. BLILEY (for himself and Mr. GINGRICH):

H.R. 4765. A bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4766. A bill to require the Secretary of Education to conduct a study and submit a report regarding the availability of educational instruction in the English language to student citizens in the Commonwealth of Puerto Rico; to the Committee on Education and the Workforce.

By Ms. DEGETTE:

H.R. 4767. A bill to amend titles XIX and XXI of the Social Security Act to improve the coverage of needy children under the State Children's Health Insurance Program (SCHIP) and the Medicaid Program; to the Committee on Commerce.

By Mr. ENGEL:

H.R. 4768. A bill to designate the United States Courthouse located at 40 Centre Street in New York, New York, as the ''Thurgood Marshall United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. ENGLISH of Pennsylvania:

H.R. 4769. A bill to require the Secretary of the Treasury to prepare a report on the current Federal program costs, and Federal revenues, attributable to the Commonwealth of Puerto Rico and on other matters relating to the taxation of residents of the Commonwealth of Puerto Rico; to the Committee on Ways and Means.

By Mr. FAWELL:

H.R. 4770. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Education and the Workforce.

By Mr. HEFLEY:

H.R. 4771. A bill to direct the Secretary of Health and Human Services to waive the penalty for late enrollment under part B of the Medicare Program for certain military retirees and dependents, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL:

H.R. 4772. A bill to amend the Federal Election Campaign Act of 1971 to prohibit disbursements of non-Federal funds by foreign nationals in campaigns for election for Federal office; to the Committee on House Oversight.

By Mr. MCDERMOTT (for himself, Mr. MORAN of Virginia, Mr. BLUMENAUER, Mr. JEFFERSON, and Mr. MATSUI):

H.R. 4773. A bill to provide for assistance by the United States to promote economic growth and stabilization of Northern Ireland and the border counties of the Irish Republic; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas (for himself, Mr. TIAHRT, Mr. SNOWBARGER, and Mr. RYUN):

H.R. 4774. A bill to designate the facility of the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the ''Clifford R. Hope Post Office''; to the Committee on Government Reform and Oversight.

By Mr. MORAN of Kansas:

H.R. 4775. A bill to amend title 36, United States Code, to grant a Federal charter to The National Teachers Hall of Fame in Emporia, Kansas; to the Committee on the Judiciary.

By Mrs. MYRICK:

H.R. 4776. A bill to make it a Federal crime to use a weapon of a State or local law enforcement officer in the commission of a crime against the officer; to the Committee on the Judiciary.

By Ms. NORTON (for herself and Mr. NADLER):

H.R. 4777. A bill to expand authority for programs to encourage Federal employees to commute by means other than single-occupancy motor vehicles to include an option to pay cash for agency-provided parking spaces, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. PITTS (for himself, Mr. FAWELL, Mr. HOEKSTRA, Mr. SOUDER, Mr. PETRI, Mr. TALENT, Mr. NETHERCUTT, Mr. BARRETT of Nebraska, Mr. RAMSTAD, Mr. CUNNINGHAM, and Mr. MANZULLO):

H.R. 4778. A bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption for houseparents from the minimum wage and maximum hours requirements of that Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SALMON:

H.R. 4779. A bill to provide block grant options for certain education funding; to the Committee on Education and the Workforce.

By Mr. SALMON:

H.R. 4780. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses of attending elementary and secondary schools and for contributions to charitable organizations which provide scholarships for children to attend such schools; to the Committee on Ways and Means.

By Mr. BOB SCHAFFER:

H.R. 4781. A bill to amend the Federal Election Campaign Act of 1971 to require the national committees of political parties to file pre-general election reports with the Federal Election Commission without regard to whether or not the parties have made contributions or expenditures under such Act during the periods covered by such reports; to the Committee on House Oversight.

By Mr. THOMPSON:

H.R. 4782. A bill to amend the Internal Revenue Code of 1986 to make the dependent care tax credit refundable and to increase the amount of allowable dependent care expenses, and for other purposes; to the Committee on Ways and Means.

By Mr. LIVINGSTON:

H.J. Res. 133. A joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes; to the Committee on Appropriations.

By Ms. PELOSI (for herself, Mr. LANTOS, Mr. BONIOR, Mr. TORRES, Mr. YATES, Mr. RUSH, Mr. BARRETT of Wisconsin, Mr. BLAGOJEVICH, Mr. BROWN of California, Mr. MCGOVERN, Mr. OBERSTAR, Mr. MINGE, Mr. SABO, Mr. HINCHEY, Mr. KLECZKA, Mr. MARKEY, Mr. ENGEL, Mr. FARR of California, Mr. DELAHUNT, Mr. OLVER, Ms.

KILPATRICK, Mr. MEEHAN, Mr. STARK, Mr. FROST, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. SANDERS, Ms. RIVERS, Ms. WATERS, Mr. LEACH, Mr. PRICE of North Carolina, Ms. ESHOO, Mr. MCDERMOTT, Ms. WOOLSEY, Ms. SLAUGHTER, Ms. MILLENDER-MCDONALD, Ms. LOFGREN, and Mr. DAVIS of Illinois):

H. Con. Res. 347. Concurrent resolution expressing the sense of Congress regarding measures to achieve a peaceful resolution of the conflict in the state of Chiapas, Mexico, and for other purposes; to the Committee on International Relations.

By Mr. SCARBOROUGH (for himself, Mr. ARMEY, Mrs. JOHNSON of Connecticut, Ms. CARSON, Mrs. MINK of Hawaii, and Mr. ABERCROMBIE):

H. Res. 590. A resolution recognizing and honoring Hunter Scott for his efforts to honor the memory of the captain and crew of the U.S.S. INDIANAPOLIS and for the outstanding example he has set for the young people of the United States; to the Committee on Government Reform and Oversight.

By Mr. MEEKS of New York (for himself, Mr. CONYERS, and Mr. JACKSON of Illinois):

H. Res. 591. A resolution expressing the sense of the House of Representatives that the Supreme Court of the United States should improve its employment practices with regard to hiring more qualified minority applicants to serve as clerks to the Justices; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ORTIZ:

H.R. 4783. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel GRIEFSWALD; to the Committee on Transportation and Infrastructure.

By Mr. YATES:

H.R. 4784. A bill for the relief of Marin Turcinovic, and his fiancee, Corina Dechalup; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. PRICE of North Carolina, Mr. STUPAK, Ms. LEE, Mr. COYNE, Mr. MURTHA, and Mr. VENTO.

H.R. 44: Ms. ROS-LEHTINEN.

H.R. 167: Ms. ROS-LEHTINEN.

H.R. 168: Ms. ROS-LEHTINEN.

H.R. 371: Mr. DELAHUNT, Mr. CONYERS, Mr. SOUDER, and Mrs. BONO.

H.R. 616: Mr. SHERMAN.

H.R. 836: Mr. SHAYS and Ms. MCCARTHY of Missouri.

H.R. 900: Mr. BECERRA, Mr. WATT of North Carolina, Ms. MCCARTHY of Missouri, and Mr. THOMPSON.

H.R. 1059: Mr. HILL.

H.R. 1073: Ms. ROS-LEHTINEN.

H.R. 1111: Mr. DRIER and Mr. HALL of Ohio.

H.R. 1126: Mr. STRICKLAND.

H.R. 1232: Mr. KLECZKA and Mr. ABERCROMBIE.

H.R. 1261: Mr. PETERSON of Minnesota.

H.R. 1354: Mr. LANTOS and Mr. GEJDENSON.

H.R. 1401: Mr. ACKERMAN.

H.R. 2009: Mr. ROEMER.

H.R. 2273: Mr. JENKINS.

H.R. 2397: Mr. WISE and Mr. BLAGOJEVICH.

H.R. 2465: Mr. LIPINSKI.

H.R. 2524: Mrs. CAPPS.

H.R. 2560: Mr. HASTERT, Mr. GALLEGLY, and Mr. MURTHA.

H.R. 2635: Mr. MINGE and Mr. JOHNSON of Wisconsin.

H.R. 2715: Mr. NEY and Mr. INGLIS of South Carolina.

H.R. 2733: Mr. CUMMINGS.

H.R. 2908: Mr. HOEKSTRA.

H.R. 2938: Mr. VISCLOSKY.

H.R. 2950: Mr. BURTON of Indiana.

H.R. 3008: Mr. GILLMOR.

H.R. 3033: Mr. DEUTSCH.

H.R. 3279: Mr. DEFAZIO.

H.R. 3514: Mr. BLUMENAUER, Mr. RODRIGUEZ, and Mr. LEVIN.

H.R. 3572: Mr. BUYER.

H.R. 3637: Mr. FATTAH.

H.R. 3702: Mr. STRICKLAND.

H.R. 3720: Mr. HOSTETTLER, Mr. ADERHOLT, Mr. NORWOOD, and Mr. CALVERT.

H.R. 3766: Mr. LEWIS of Kentucky and Mr. BLUMENAUER.

H.R. 3779: Mr. BOB SCHAFFER, Mr. DEUTSCH, Mr. SAWYER, and Mrs. WILSON.

H.R. 3794: Mr. BLUMENAUER.

H.R. 3833: Mr. UNDERWOOD.

H.R. 3879: Mr. EWING.

H.R. 3946: Mr. DOYLE, Ms. SANCHEZ, and Mrs. CAPPS.

H.R. 3949: Mr. THOMAS and Mr. DICKEY.

H.R. 3956: Ms. BROWN of Florida and Mr. ABERCROMBIE.

H.R. 4019: Mr. SPRATT and Mr. DOYLE.

H.R. 4035: Mr. HILL, Mr. MOAKLEY, Mr. BUNNING of Kentucky, Mr. CHAMBLISS, Ms. ROYBAL-ALLARD, Mr. PALLONE, Mr. GEJDENSON, Mr. BLUNT, Mr. MASCARA, Mr. POSHARD, and Mrs. NORTHUP.

H.R. 4036: Mr. HILL, Mr. BAKER, Mr. MOAKLEY, Mr. BUNNING of Kentucky, Mr. CHAMBLISS, Ms. ROYBAL-ALLARD, Mr. MARKEY, Mr. PALLONE, Mr. FALEOMAVAEGA, Mr. GEJDENSON, Mr. DICKS, Mr. BLUNT, Mr. PARKER, Mr. SHAW, Mr. PASCRELL, Mr. MASCARA, Mr. POSHARD, Mr. BORSKI, Mr. WHITFIELD, Mr. SPRATT, Mr. LATOURETTE, Mr. PETERSON of Pennsylvania, Mr. SCARBOROUGH, Mr. DIAZ-BALART, and Ms. MILLENDER-MCDONALD.

H.R. 4126: Mrs. LINDA SMITH of Washington.

H.R. 4127: Mr. SANDERS.

H.R. 4130: Mr. DEFAZIO.

H.R. 4153: Mr. CAMP.

H.R. 4154: Mr. NORWOOD.

H.R. 4291: Mr. MALONE of Connecticut.

H.R. 4358: Mr. ROTHMAN.

H.R. 4383: Mr. DEAL of Georgia, Mr. WYNN, and Mr. NORWOOD.

H.R. 4415: Mr. SCARBOROUGH.

H.R. 4449: Mr. JOHNSON of Wisconsin and Mr. HINOJOSA.

H.R. 4467: Mr. BROWN of California, Mr. BONIOR, and Ms. DELAURO.

H.R. 4492: Mr. SANDLIN, Mr. MCHUGH, Mr. METCALF, and Mr. BLUMENAUER.

H.R. 4513: Mr. REDMOND.

H.R. 4545: Mr. PALLONE.

H.R. 4546: Mr. CUNNINGHAM, Mr. MILLER of Florida, Mr. MCCRERY, Mr. SNOWBARGER, Mr. STEARNS, Mr. MCINTOSH, Mr. HOEKSTRA, Mr. BOB SCHAFFER, Mr. PORTER, Mr. TALENT, Mr. DEAL of Georgia, Mr. DUNCAN, and Mr. CHAMBLISS.

H.R. 4552: Mrs. MALONEY of New York.

H.R. 4553: Mr. BEREUTER and Mr. BOB SCHAFFER.

H.R. 4581: Mr. OBERSTAR.

H.R. 4628: Mr. FARR of California.

H.R. 4648: Mr. MARKEY, Mr. KENNEDY of Massachusetts, and Mr. MEEHAN.

H.R. 4653: Mr. FILNER, Mr. TRAFICANT, and Mr. HINCHEY.

H.R. 4683: Mr. SANDERS, Mr. SHERMAN, and Ms. SLAUGHTER.

H.R. 4686: Mr. FORD.

H.R. 4709: Mr. YOUNG of Florida.

H.R. 4717: Ms. MCCARTHY of Missouri, Mr. GIBBONS, and Mr. ADERHOLT.

H.R. 4727: Mr. MURTHA, Mr. STUPAK, and Mr. PALLONE.

H.R. 4733: Mr. BENTSEN.

H.R. 4737: Ms. ESHOO.

H. Con. Res. 122: Ms. SLAUGHTER.

H. Con. Res. 229: Ms. GRANGER, Mr. LATOURETTE, and Ms. ROS-LEHTINEN.

H. Con. Res. 274: Mr. GOSS and Ms. ROS-LEHTINEN.

H. Con. Res. 286: Mr. OBERSTAR and Ms. MCKINNEY.

H. Con. Res. 314: Mr. CANADA of Florida.

H. Con. Res. 325: Mr. CONYERS.

H. Con. Res. 328: Ms. SLAUGHTER, Mrs. EMERSON, Mr. CHAMBLISS, Mr. OBEY, Mr. TANNER, Mr. HOEKSTRA, and Mr. BENTSEN.

H. Con. Res. 335: Mrs. MORELLA.

H. Con. Res. 345: Mr. MCCOLLUM, Mr. HEFLEY, Mr. FORBES, Mr. BACHUS, Mr. KNOLLENBERG, Mr. WATTS of Oklahoma, Mr. GREEN, Mr. FOX of Pennsylvania, Mr. GIBBONS, Mr. SCHUMER, Mr. COOK, Mr. SESSIONS, Mr. ADERHOLT, Mr. TALENT, Mr. MILLER of Florida, Mr. HAYWORTH, Mr. SNOWBARGER, Mr. TIAHRT, Mr. ROHRABACHER, Mr. WELDON of Pennsylvania, and Mr. BURTON of Indiana.

H. Res. 406: Mr. HASTINGS of Washington.

H. Res. 483: Mr. SAWYER, Mr. BONIOR, Mr. OWENS, and Mr. MEEKS of New York.

H. Res. 519: Mr. GOODLING.

H. Res. 561: Mr. PORTER.

H. Res. 571: Mr. GRAHAM and Mr. ABERCROMBIE.