

battles of the Revolutionary War, through the bloody Pacific landings during World War II, and from the campaigns in the snowy mountains of Korea, to the steamy jungles of Vietnam, and the parched deserts of Kuwait, the Marine Corps has an unquestionable tradition of serving our Nation in the finest and bravest manner.

The U.S. Army, which was not well served by Secretary Lister's comments, has its own distinguished record of valor and service to our Nation. For those of us who just returned from Veterans Day programs back home, our words are still fresh in our minds. We reminded all Americans that if it were not for the brave service of the men and women of the U.S. Marine Corps, Army, Navy, Air Force, and Coast Guard, America would not be a free nation today.

Unfortunately, the comments of Secretary Lister are another example of the lack of respect with which our armed services and those who serve in uniform receive from some within this administration. As I have said time and again, our all volunteer force deserves far better. They at least deserve the respect of those who have been appointed by the President to provide civilian leadership over our services.

This is the same administration that has demonstrated a cavalier willingness to send our troops into harms way on a moments notice to make a bold statement or accentuate its foreign policy. These deployments throughout the world and with increasing regularity are ordered with little regard for our national interest or the cost of such deployments.

Mr. Speaker, there are many ironies about Secretary Lister's comments. It is ironic that she made them just 2 days after the Marines celebrated another birthday and just 1 day after we as a nation honored those who have served our Nation in the uniform of the U.S. Marine Corps and all the services. Perhaps most ironic, though, is that the battles the Marine Corps have fought and won have been those to protect our Nation's most treasured freedoms and liberties. And there is no more basic American freedom than the freedom of speech. Yet, the President and our civilian leadership at the Pentagon cannot allow an appointee to continue to serve after showing such grave disrespect for every marine who has ever served in uniform.

When the President gives the order to "Send in the Marines", no one questions their character then. History has established that they are the force we turn to as a nation to be first on the scene, first to fight, and first to win.

Some of our Nation's greatest Army generals, who unlike Secretary Lister have seen marines in action, have acknowledged the spirit of our marines who have fought shoulder to shoulder with their brothers in the Army. Gen. John Pershing, during World War I, Gen. Douglas MacArthur, during the Korean conflict, and Gen. Norman Schwarzkopf, during Operation Desert Storm all agreed with MacArthur's comments from the outskirts of Seoul in 1950, that "there is not a finer fighting organization in the world" than the U.S. Marines.

Mr. Speaker, the marines who stand watch tonight on lonely outposts throughout the world, and those who are in training for their next mission wherever and whenever it may be, probably have not even heard about Secretary Lister's remarks. All they know is that they have chosen to wear the uniform of a

U.S. Marine to defend and protect our great Nation. May their service and sacrifice stand as the greatest testament, making all other words ring hollow.

Semper Fidelis.

The SPEAKER pro tempore (Mr. BLUNT). The question is on the motion offered by the gentleman from New York (Mr. SOLOMON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 197.

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

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

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

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the distinguished gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule makes in order the fiscal year 1998 Commerce, Justice, and State conference report, the final appropriations bill for fiscal year 1998. This is the standard rule for conference reports, waiving points of order against the conference report and its consideration. The rule also provides that the conference report be considered as read.

That is it. Another great rule from the Committee on Rules under the leadership of the gentleman from New York [Mr. SOLOMON] to get the job done.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague, the gentleman from Florida [Mr. GOSS] for yielding me this time.

As he has described, this resolution, House Resolution 330, is a rule that waives all points of order against the conference report on H.R. 2267. This is a bill that makes appropriations for the Departments of Commerce, Justice and State, and related agencies. It is with great relief that I address this House on this, the last of the 13 regular appropriation bills. It is the one measure standing between us and the conclusion of the session this year.

The conference report contains major increases in funding for law enforcement programs, especially those aimed at preventing juvenile and drug-related crimes. The measure provides about \$4 billion for the State Department, which is an increase above the levels in the House and Senate bills, but still less than the administration's request. This money is necessary to extend America's diplomatic presence abroad and assist with vital international peacekeeping efforts.

The conference contains a compromise which does not bar using statistical sampling in the Year 2000 Census. This will permit the Census Bureau to give statistical sampling a small-scale test. A commission will report on the results of the test. Unfortunately, this compromise also includes objectionable language calling on the House general counsel to file a civil suit to block sampling.

Mr. Speaker, I do not support everything in this bill, but we are already 6 weeks into the fiscal year. We should have wrapped up this process a long time ago. I urge adoption of the rule. Let us do our job and pass the bill, and let us go home.

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

Mr. GOSS. Mr. Speaker, I have no requests for time. The rule is not controversial. We are prepared to yield back as soon as the gentleman is.

Mr. HALL of Ohio. Mr. Speaker, I have 3 or 4 speakers that I know of.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the Commerce, Justice, and State bill is fatally flawed, and because of that, later today I will urge my colleagues to vote against it.

Earlier today we changed the House rules so that the Republican leadership could create a new subcommittee to investigate the census. Is the reason that we need this new subcommittee, is it because the current one is so overburdened that it cannot get all of its work done? No. There has been only one hearing in this Congress on the census, and that hearing had only two witnesses.

This new subcommittee is the latest effort by the leadership to politicize the census and make sure that millions

of minorities and poor are left out of the count. They try to hide behind the Constitution, but they do not care whether sampling is constitutional or not.

Look at this quote from one Republican leader. He admits that they do not care if sampling is constitutional, and then later he says if the court says it is constitutional, we simply will not fund it.

During the negotiations over the census language in this bill, the White House lawyers tried to improve the language to assure that the case would make it to the Supreme Court. Those improvements were rejected by the same people who claim to be worried about a constitutional census. Their concerns are not constitutional; they are political.

The scientific and professional support for sampling is overwhelming. Over 175 studies from the General Accounting Office, the Commerce Department, the National Academy of Sciences, and the Census Bureau have shown that sampling gives results that are more fair and accurate. Still, the Republican leadership opposes it. Why? They fear the political consequences of a fair and accurate census.

The opponents of sampling say they are worried about the administration using sampling to manipulate the numbers. However, when the gentleman from West Virginia [Mr. MOLLOHAN] proposed a blue ribbon commission to guard against manipulation, they rejected it on a party-line vote.

The opponents of sampling have raised one false claim after another to try and discredit sampling because they do not want a fair and accurate census. The language in the Commerce-Justice-State bill is one more attempt to stop a fair and accurate census.

This time, their tactics are to tie the Census Bureau up in the courts, to force them to run two censuses at once, and to confuse the public by issuing four sets of numbers instead of one. This will not work and we should not let it happen. I urge my colleagues to vote against the Commerce-Justice-State conference report, but to vote for the rule.

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to reluctantly oppose this conference report. I agree with all of the good things that we have heard and will continue to hear about.

However, I have some serious concerns regarding the census component. The so-called census compromise leaves several loopholes which could seriously hamper the ability of the Census Bureau to utilize sampling as a technique to conduct the 2000 Census. In essence, this compromise allows opponents of sampling an opportunity to disrupt, discredit, and dismantle an accurate census.

The census is far too important to become so politicized. I would like to

support this agreement. However, it does not ensure a fair and accurate census count. In this democracy every American must be counted in order to count. In the last census we missed over 4 million people.

This agreement bestows upon the Speaker the unprecedented power to file a lawsuit on behalf of the House to challenge sampling. If we allow this agreement to go forward, African Americans, Hispanics, Asian Americans and other minorities can expect to have significant numbers of their population undercounted. Therefore, these communities will be underrepresented, not only in the halls of Congress but throughout government. I believe that every person must count; therefore, every person must be counted.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman New Jersey [Mr. PASCARELL].

Mr. PASCARELL. Mr. Speaker, I have a prepared statement which I will present. Mr. Speaker, this is serious business. For a moment I would like to address the Members of the other side.

□ 1815

Every time that I have come to the well or up here, I have tried to make my comments as nonpartisan as possible. I think the RECORD will indicate that. I came here to build bridges. We are making a very, very serious mistake on the language agreed to in the conference committee on the census and sampling.

I have in my hand here the materials that go back to 1994, 1995, 1996, concerning the city that I was mayor of, in Patterson, NJ, the third largest city in New Jersey. We were one of three communities that agreed to try out the new techniques of the U.S. Census. Sampling was used. Not only was it used, but it was proven to be very effective in that the city statistics for Patterson were changed by 8,000.

I ask the other side to please listen. I have here the letter from the U.S. Census which is dated September 12, 1995. In that letter, it specifically says that because of the work that we did in the city of Patterson, the letter was sent to us by Martha Farnsworth Rich, Director of the Census, the population change had been made officially to the city of Patterson. Not only do most scientific organizations in the United States support scientific sampling, but more important than that, in the areas that this was tried, it worked.

We talk on the other side about austerity and tightening our belts. We would agree with that. Do Members know how much money we spent to do this test in 1994 and 1995? This Government, through the Congress, spent \$35 million. So now we want to shift to the dress rehearsal of 1998, and regardless of what comes out in that dress rehearsal, the leadership has said they are going to kill it in 1999.

I ask Members in good conscience, how can they accept that? In 1970, in

1980, in 1990, towns went to court against the census and the Department of Commerce, spent millions of dollars, lawyers got rich. All this document is going to do, this conference report, is make lawyers richer, put more antagonism on the floor of this House, and throw in the face of science what has already been proven.

What will we have accomplished? We are already past, way past, the time when one person-one vote is a reality. It is supported by the law. There are undercounts in small towns as well as large towns. All we want is an honest count. I ask Members, this conference report, while it has many good things in it, deserves to be sent down the tubes because of this unreasonable attempt to fly in the face of the state of the art and science.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. ROHRBACHER], who has done extraordinarily good work on 245(i).

Mr. ROHRBACHER. Mr. Speaker, I rise today to bring everyone's attention to a provision in this pending bill which will eventually phase out section 245(i) of the Immigration and Nationality Act, 245(i), which is a loophole for the sole benefit of illegal aliens.

For the 3 years this provision has existed, 245(i) has allowed anyone in the world to come to the United States illegally, find a sponsor, and then pay the Immigration and Naturalization Service a \$1,000 fee to have their illegal status changed to legal. Sixty-two percent, 62 percent, of those who benefited from 245(i) came to the United States by sneaking across our borders. The rest came here on temporary visas and overstayed them.

With 245 intact, we have been talking about enforcement of our laws out of one side of our mouth and, with the other side, encouraging people to break our laws. This is what George Orwell called doublespeak in his classic novel "1984."

Although I am pleased that the Commerce-Justice-State conference has drafted a bill that will end 245(i) in the future, I still have concerns about the agreement that the conferees have come up with. The new compromise still allows all those who have been living in the United States illegally or those around the world who want to come to the United States illegally to pay \$1,000 to become legal. All they have to do is find a sponsor to petition the INS within 60 days of the time this bill is signed into law.

I would like to remind my colleagues that there are currently 5 million illegal aliens living in the United States. News of the 60-day grace period has already sent them the message that they must quickly find a sponsor, go to the nearest INS office, and file a petition that puts them on the 245 illegal alien amnesty list. Just last week, crowds of illegal aliens in southern California stood in line for hours at packed INS offices because they heard on television that, for a limited period of

time, they can become legal permanent residents.

In addition to illegal aliens who are already here, this grace period sends a message to prospective illegal aliens around the world that the U.S. borders are wide open for the next couple of months. All that is required is a sponsor and \$1,000.

Mr. Speaker, there is also a provision in this conference agreement which allows anyone to come here on a temporary visa and overstay it for up to 6 months. Even after violating the terms of their visa, these people will become permanent legal residents without having to return to their countries and go through the proper process. We are once again compromising the integrity of our immigration process for those who have broken our laws.

These provisions do not go far enough with this compromise to uphold the integrity of the Illegal Immigration Reform Act that we passed last year. Let us make sure this is the last time that we have to compromise on this measure. Let us make sure we stick to our guns, because if we ever, ever compromise again on this issue of illegal aliens coming in here and then getting their status adjusted, no immigrant will ever trust our word again. We will have floods of illegal immigrants into our country.

Mr. HALL of Ohio. Mr. Speaker I yield 7½ minutes to the gentleman from California [Mr. BECERRA].

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

Mr. Speaker, I urge all of the Members of this House to vote against this rule today for a number of different reasons. I want to first say that a number of things that did come out of this rule are good, and there are actually many good provisions in this. One is the section 245(i) that my friend and colleague, the gentleman from California [Mr. ROHRBACHER], just railed against.

I will say to the gentleman from California [Mr. ROHRBACHER], the 230-some-odd Members, bipartisan Members in this House, who voted to preserve section 245(i) did it for a number of reasons: First, because it preserves the integrity of our families; U.S. citizens are involved in this. Also, because the business community said they did not want to see a disruption of services, and also the opportunity for people to be employed. So section 245(i), fortunately, we did something good on that.

Where we did something very wrong was on the census. I would like to concentrate my comments on the census with regard to the Commerce-Justice-State appropriations bill. As much as it involves so many other things, let me focus on the Census.

Mr. Speaker, if Members recall, back in the 1990 census, we did a dismal job of counting the people of the United States of America, dismal because some 5 million people in America were

not counted, 5 million people who were absent, 5 million people who disappeared for purposes of political representation in this body and for purposes of the distribution of tax dollars which they contributed to the Federal Treasury, which never went back to their communities, because they were not counted and they were not in the formulas that determined how much money would go back to these communities.

If we take a look at what we have in the census, we find that a State like California, which probably had an undercount of some 1.2 million people, probably will suffer worse consequences if we do not act upon a system for the Bureau of Census which will allow it to have the most accurate count of the people of the United States of America.

The Bureau has said that based on what the experts have told it, statistical sampling, a methodology used by technicians and the experts in the field, and they have talked to the National Academy of Sciences that has done research on this, that the experts are saying that statistical sampling is what is needed to try to give us the most accurate count possible.

If we take a look at the language of the bill, let me read one of the findings that we are supposed to support in this legislation under the census.

Finding No. 7 says, "The Congress finds that the use of statistical sampling or statistical adjustment in conjunction with an actual enumeration to carry out the Census with respect to any segment of the population poses the risk of an inaccurate, invalid, and unconstitutional Census."

Now, this finding is just what it says, it is a finding. It is not conclusive, nor is it constitutionally binding. But what we see is a manifesto here. This is a document which is being created by the majority to construct the ability to wage a campaign. This is a document to allow the majority and those opposed to statistical sampling to wage a campaign, both in the courts and on the streets, against the use of the most accurate method to count all of America.

Why? Because there is a fear that the politics will turn against them if all Americans are counted. Why? Because most of the people who are missed are people who are poor, are people who are minorities, people who do not often have a chance to vote. There is a fear that we will empower them if we do count them.

How do we empower them in this manifesto? Well, one, we give anyone in this country the right to sue the Government of the United States, to say we are being injured by the use of statistical sampling, and we bootstrap this by saying, you can go directly to the court, and even go directly to the Supreme Court on an appeal in this matter.

Not only that, but read this. It says that the Speaker, unilaterally, without

ever having taken a vote of the 435 Members of this body, can file a suit to oppose the statistical sampling. Not only can the Speaker unilaterally file a suit, but the Speaker can employ the House counsel, at our expense, and of course at the taxpayers' expense, to do this litigation. Not only that, but the Speaker unilaterally could hire outside counsel to do the work.

So we are going to be using taxpayer dollars to let the Speaker, without ever having a vote in this House, hire attorneys to do the litigation for all of us, even though we may never even be asked to vote on that issue.

What else does this do? It gives a board that will be created the power to oversee what the Census Bureau does. What is the problem there? For the first time, I believe, in the history of conducting the census, a body will be given access to private documents. For the first time, I believe, in the history of this country taking the census, and we have done it since we have become a Republic, a body that is not affiliated directly with the Census, which is under strict confidentiality requirements, will have access to every single bit of data that the census Bureau collects.

Remember, Mr. Speaker, this is the utmost of private information which we tell Americans that will not be disclosed, and not even the FBI and CIA in lawsuits have been able to obtain some of this data. Yet this board will be able to take every single piece of information that the Census Bureau collects. What is wrong with that? This board, under this legislation, must share this with congressional bodies, committees.

□ 1830

We just voted today with strong opposition from the Democrats to create another subcommittee of the Committee on Government Reform and Oversight to look into the census. What is wrong with that? Well, that committee can disclose some of this information. Even though there are privacy concerns, for the first time there will be an opportunity to disclose information, because this legislation will provide that committee, that with body of Congress, with that opportunity.

All of that is to say that we are licensing with this manifesto a campaign, if not legally, then certainly politically, on the streets against statistical sampling. And what will be done is this, I guarantee: In the next year or so after we do the dress rehearsal where we test all the statistical sampling, we will see a comparison of the actual numbers of people counted to those that we created as a result of an actual count with statistical sampling, and hundreds of thousands, if not millions, of dollars will be spent to say, look, the count was not much different between the two. Let us not go with what we speculate will be the real count through statistical sampling. Let us go with what we know will be the count.

And, of course, that message will be directed to the State that will see their population shrink or not grow, because those are States that may lose representation in this body as a result of shifts in the demographic population of this country. The result, we are going to have an uproar of people saying, "You mean to tell me that the census will use some sampling method to say that this is the number of people beyond what we actually counted, and that might cost me a representative?" No way.

And we are going to have a political fight in our land which we cannot overcome because it will be difficult to ever convince the American people that what we have done is actually done the best job of providing an accurate census.

We heard many Members on the majority side of the aisle say we cannot let this go. I heard one Member say this is the Republican Jihad, religious war. There is a fear that if there is a count, if this is allowed to occur, if we get that accurate count, those minorities, those poor will be counted, and they may start to get engaged in the political process. Heaven forbid. That is where we are heading.

So, as much good as was done by the chairman and ranking member on this Committee on Appropriations, I must ask Members to vote against this rule.

Mr. GOSS. Mr. Speaker, in a moment of uncharacteristic optimism, I felt earlier that there was a possibility we might actually debate the rule. And since it is such a good rule and really not controversial, I thought we could dispose of it rather quickly. However, some very fine words have been uttered, and some of the provisions of the measure that the rule carries forward, and it seems that we are in a debate. So I yield 5 minutes to the distinguished gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Florida [Mr. GOSS] for yielding me the time.

My colleagues, a Republican Jihad? What kind of language is that? What kind of insinuation is that? But I tell my colleagues something. If we want to take a diversion from what this country has done for over 200 years, and that is to count the men and women and children in this country one by one, in a very methodical way, and say, instead of doing that, we are going to guess how many people are in this country, we are going to make some assumptions, and we are going to put some equations in place, and then we are going to put numbers in that equation, and if that equation does not meet the assumptions that we want, then we are going to do a statistical adjustment to make sure that the numbers that did not come out the way we want will meet the assumptions we put in the first place.

My colleagues, I think that this Congress has a responsibility first of all to itself, secondly to the Constitution,

third to the taxpayers of this country that when we do the census, we do it right. What this bill has done, and of course the White House has worked with this to make sure that that language is in place and is fair and serves the interest of all people, that, number one, we do a test, we do a dress rehearsal; and in that dress rehearsal there will be enumeration, and there will be statistical sampling and statistical adjustment. And when we are done with statistical sampling, we have some transparencies. So we know what the numbers are. We know what the science is. We know what the technology is. And this Congress has the responsibility to do the census, has the ability to make good judgments.

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

Mr. HASTERT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Two questions quickly. One is has the Bureau of the Census and Department of Commerce and the White House all signed off on this proposal?

Mr. HASTERT. Reclaiming my time, that is correct.

Mr. ROGERS. Mr. Speaker, if the gentleman would further yield. Number two, in the history of the United States of America, have we ever in the census done anything like they are proposing, sampling or statistical adjustment? Had we ever done that before?

Mr. HASTERT. Never in the history of this country.

Mr. PASCRELL. Mr. Speaker, will the gentleman from Illinois [Mr. HASTERT] yield?

Mr. HASTERT. Mr. Speaker, I will not yield.

What I would like to do is also say, on my time, that one of the things that the gentleman said over on the other side of the aisle is that, my gosh, the Congress wants to look at these private numbers. These are not private numbers. These are numbers that belong to the people of this country, numbers that we need to take a look at, numbers that we need to judge with.

Let me tell my colleagues, I put together a map or two in my political life, and I could tell them, when we go down to census blocks, the very most simple geographical components of map-making that we have to have, we have to have very accurate numbers.

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

Mr. HASTERT. I will not yield.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New Jersey is not recognized. All Members will show courtesy to Members who are speaking.

The gentleman from Illinois [Mr. HASTERT] has 2 minutes remaining and may proceed.

Mr. HASTERT. Mr. Speaker, when we put together these census blocks for most simple geographical areas, the test that was done on this statistical sampling, or statistical guessing, in

1995 had a plus or minus 35 percent accuracy, plus or minus 35 percent accuracy. That means, if there is a census block and it could be 100 people in it, well, it could be 65, or it could be 135. We do not know. But when we put those census blocks together and they become the building blocks for any representative district, whether it is county board, school board, city council, State representative, State Senate seat, we have to have accurate building blocks to put these together, because I tell my colleagues, when we go to the Federal court, they choose what program they are going to take on what maps are most accurate, which map has the least deviation.

In Illinois, in 1991, the Federal Court said that the map that they chose was because 19 out of the 20 districts had a zero deviation, and one district, the southernmost district in Illinois, had plus 2. That takes pretty accurate measurement. That takes pretty accurate block-building, census block by census block.

Now, if we wanted to use statistical sampling and say, guess how many people are in the United States, 277 million, we probably would get a pretty accurate number; or how many people lived in a State, 15 million people, we would probably get a pretty accurate number; or how many people are in a city, 3½ million, we probably would get a pretty accurate number.

When we get down to census block and census block, we need to put a name and address with a place and census block so that we can start to put together those legislative and representative districts that bring people to this body. The taxpayers of this country, the Constitution of this country, expects the very best, and that is what we should give them.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentlewoman from California [Ms. WATERS].

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

Ms. WATERS. Mr. Speaker, I would first like to thank the gentleman from West Virginia [Mr. MOLLOHAN], the gentleman from Ohio [Mr. SAWYER] and the gentlewoman from New York [Mrs. MALONEY] and all of those who have worked so hard to try and make sense out of all of this. I know it has been difficult. I know that they were trying to do everything that they possibly could to see to it that we get a better count, because we have had an undercount, almost 4.8 million people undercounted, and we all know and believe that sampling could correct that. I understand what they had to do.

But what I think most people do not understand is this: In an attempt to work out the fact that there are people who want sampling, people who do not want sampling, none of us have realized that really sampling would help us all. It would help Democrats. It would help Republicans. We would get a better count. This would inure to

everybody's benefit. But because Republicans are so afraid of sampling and getting a better count, they were willing to literally go into the back room and form a deal that, in the final analysis, is not in their own best interest, and they do not even know what the deal is.

The fact of the matter is what has been agreed upon is that there will be a way by which we can do sampling in the rehearsal, and they will not interfere with that, in exchange for some bad language that we allowed them to have that basically said that sampling is unconstitutional maybe, and that somehow it is not in the best interest of the American people. And then we gave standing to the Speaker, or his representative, to go into court and the money to go along with it to say, now they can go and fight us, and we are going to let them fight us because we believe we can beat them in the court.

Well, in my estimation, it is a bad deal for everybody. I do not like these schemes. I do not like these schemes because I think this bad language that we allow them to put in the bill could be used as intent language in the court, and they could say, "Well, they voted for something that they said you thought that it was not constitutional." I do not like this language, because I do not like the idea of giving the Speaker all the resources he would like to have in order to go in and fight us on sampling.

But let me tell my colleagues some other things I do not like. I do not like the way this board is constructed. I do not like the idea that we are about to set up and design a confrontation. We are going to give the board resources and the ability to have confidential information. We are going to kick up the arguments. And the debate and confrontation, all of the radio talk shows are going to be talking about sampling versus nonsampling. What we are going to have is a great big nasty fight in America over sampling. And we have one side, my side, who is saying, "Trust me, we could beat them in court." And we have the other side saying, "Give me standing, and we will beat them in court."

Let me tell my colleagues what I think. I think that the Supreme Court has ruled on this more than one time, and the Supreme Court said sampling is fine. But further, the Supreme Court has said that the Secretary has the right to use any statistical method he or she deems necessary in order to get a good count.

If it was left up to me, I would let my colleagues do whatever they would want to do, and I would take the findings of the court, and I would go in court and I would proceed, and I would defend my position in court, and I would enjoin any language that they would attempt to have legislatively to say that it interferes with my ability as Secretary to get the job done. I would fight them head on. I would not have this diabolical scheme where

most Republicans do not know what is in the deal, most Democrats do not know what is in the deal, and we have good people who are guessing at this and saying, "Trust me, trust me, trust me."

I do not want to lose, and I think a head-up fight is a good fight. I think we take all of the schemes out of it, and we go at it in court straight up. I would ask for a no vote on this. I do not like the deals that were made in the back rooms that Republicans should be afraid of and Democrats alike.

The SPEAKER pro tempore. The Chair would advise all Members that the gentleman from Florida [Mr. GOSS] has 20½ minutes remaining, and the gentleman from Ohio [Mr. HALL] has 8 minutes remaining.

Mr. GOSS. Mr. Speaker, if that is the case, I yield such time as he may consume to the distinguished gentleman from California [Mr. CUNNINGHAM], the Duke.

Mr. CUNNINGHAM. Mr. Speaker, why not sampling? Why not sampling? My parents always told me to cut to the quick. And two times in a political environment, people dance around the issue. It is because we do not trust you. And I will be specific. We do not trust the liberal leadership of the Democrat Party. The partisanship that has existed since we have taken the majority in every single case, we do not trust you. You want to guess. We want to count. For the first time in 200 years, you want to guess.

The White House has bought off on that language. The White House. So I guess the White House is part of that Jihad that my colleague talked about. No. We want an actual count. Let us take a look at some of the issues. Anything goes to win. The end justifies the means.

□ 1845

There is a story about a turtle and a snake. The snake could not swim across a river and it was poisonous, so he jumped on the turtle's back and said, "If you take me across the river, I won't bite you." And the turtle says, "No, you're venomous. I'm not going to take you." The snake says, "I give you my word. I'm not going to bite you."

So the turtle takes the snake across. As soon as he gets on the other side, the snake bites the turtle and in his death throes the turtle says, "But you gave me your word you wouldn't bite me." The snake looks at him and says, "I don't know what your problem is. You knew I was a snake."

We do not trust you * * * all the way through since 1994 in partisanship. We do not trust you. Thirty-five percent error is allowed within sampling in each district. Where do you think that 35 percent error is going to take place? It is going to take place in Republican districts. Look at INS in San Diego. We had 2,000 new immigrants.

Mr. HEFNER. Mr. Speaker, I ask the gentleman's words be taken down.

Mr. CUNNINGHAM. I did not speak in respect to anybody specifically.

Mr. HEFNER. Snake-like tactics. That is not complimentary. That is not accurate. That is the gentleman's own opinion, and I ask that the gentleman's words be taken down when he referred to the snake-like tactics from duly elected Members of this body. I ask the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. LAHOOD). All Members will suspend.

Mr. CUNNINGHAM. I would say to the gentleman I have been very careful not to specifically mention anybody.

The SPEAKER pro tempore. The Chair would ask Members to suspend.

The Chair would ask the gentleman from California if he is withdrawing his words.

Mr. CUNNINGHAM. No, I will not withdraw. I have not spoken to anybody specifically.

The SPEAKER pro tempore. The gentleman will suspend.

The Clerk will report the words.

□ 1900

The SPEAKER pro tempore (Mr. LAHOOD). Does the gentleman from California seek recognition?

Mr. CUNNINGHAM. Mr. Speaker, if I may restate my words, the gentleman said it was really a deer and lion and not a snake and a turtle, and I did not mean to infer, and I was very careful not to mention anybody's name. So I will restate it. By "snakelike tactics" I mean in general, and I will be specific, but I will not apply to anybody specifically on it, but I will point out some instances with different departments within the Government that I think have used tactics that are, like was said, we may not trust either one, sampling or counting, and if the gentleman would accept that.

The SPEAKER pro tempore. Does the gentleman ask unanimous consent to withdraw the earlier words?

Mr. CUNNINGHAM. I ask unanimous consent, Mr. Speaker, to withdraw the earlier words.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman may proceed.

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, specifically what I was speaking to:

In San Diego, for example, there were 2,000 new citizens sworn in, 2,000. The Republican Party asked if they could have tables to register, and they were told by Mr. Reed, head of the INS, no, they could not. They went down to the ceremony itself, and there were 10 Democrat tables set up inside the building ready to go to register people.

That kind of tactic we disagree with, and we think it is unfair.

I look at the INS and the Sanchez case refusing to give documents up and apply and go toward the subpoenas. We think that was unfair.

I look at the Lincoln bedroom, the Vice President with the Buddhists, and the money to the DNC.

I look to Charlie Trie, and Riady, and Lippo Bank, and the DNC and dollars to that, Ron Brown, special deals with the buses, John Huang, the DNC illegal campaign contribution, the FBI files, the IRS attacking businesses, Secretary Babbitt up for deals with tribes to give money to the DNC, and the whole point is, if my colleagues want to guess instead of actually counting, we are not going to buy it. I think that if looking at all of the different history, if it was different, we probably would say, okay, let us take a look and let us see which one works better.

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

Mr. CUNNINGHAM. I yield to the gentleman from New Jersey.

Mr. PASCRELL. Is the gentleman from California aware that in the past four censuses that we did not have a nose count, that 85 percent of the people were counted through normal means and the rest was due to an adjustment?

Mr. CUNNINGHAM. Reclaiming my time, Mr. Speaker, I am very familiar because California underwent when we picked up many seats, and I understand exactly the process. But we are saying an actual count of individual noses is much fairer and more accurate than just guessing which allows for 35 percent error in each district, and we do not feel that that will be used on the up and up, and that is the reason why we oppose sampling.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentleman from Ohio [Mr. HALL] for yielding this time to me.

I want to say a word about the census and then about the Equal Employment Opportunity Commission. I hope that youngsters and students have not been listening to this debate about statistical sampling because, if so, they have had a royal miseducation about the science of statistics and statistical techniques.

I want to suggest an alternative constitutional theory, that if this body approves a method of taking the Census that deliberately gets an undercount, that raises a constitutional question, and because we know that statistical sampling is more accurate, that is the constitutional issue before the body.

Mr. Speaker, I am a former chair of the Equal Employment Opportunity Commission. I appreciate that in conference \$2.5 million was added to the EEOC's appropriation after the Women's Caucus wrote the conferees concerning stark underfunding of that agency. While this is \$4 million less than the President's request, this amount does represent an increase.

I am pleased that the \$7 million increase that was forthcoming from the Watt-Norton amendment last year actually helped reduce the backlog 30 percent, and we should continue to fund the agency so that it can continue to do that.

The Women's Caucus wrote the conferees in addition concerning committee report language that remains in the bill and that could have a chilling effect on EEOC's small litigation intervention program. Historically, the complaint has been that the EEOC does too little, not too much, litigation, and that is still the case.

In our letter, we express concern that the language could discourage the EEOC from intervening in cases like the notorious Mitsubishi case which protected the interests of hundreds of women who were not included in the private litigation.

The Women's Caucus has another concern as well. In 1994, the Women's Caucus supported and the Congress passed with strong bipartisan support the Violence Against Women Act. An important provision of that act allows for a suspension of deportation during a period in which an abused immigrant spouse is granted an exemption to pursue legal residency through self-petition.

Because the immigration section 245 provision in this bill does not contain that specific exemption for qualified immigrants, these battered spouses will be subject to deportation to obtain their green cards, making it harder for women and their children to leave dangerously abusive relationships with U.S. citizens. The women are often intimidated and reluctant to leave as it is. They may be subject to continuing abuse by their spouses and even to stalking if they return to their countries.

The immigration provisions of the Violence Against Women Act were written to provide a way out of violent relationships for battered immigrant women and children. We believe that it is a serious mistake not to include this exemption.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

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

Mr. ENGEL. Mr. Speaker, I rise in opposition to this rule for all the reasons that were mentioned in terms of the Census. But I also want to call attention to another very, very important issue, and that simply is the money that the United States owes in arrearages to the United Nations, which is not in this either and which is another reason why I oppose this.

Today our President is trying to reinvigorate the International Coalition Against Iraq so that our young men and women will not have to fight alone should the need arise. But just as we are readying the Nation for some kind of action in the coalition, Congress may take this disastrous step to undercut our ability to build a coalition of nations at the U.N. This makes no sense. If we do not begin today the effort to repay our arrearages to the U.N., our ability to forge a solid coalition against Iraq will be severely in jeopardy.

I want to be absolutely clear. I believe that in paying off our debt to the United Nations, it is in America's interest and it is justified on its own merits by the good work the U.N. does around the world. However, because of the threat emanating from the Persian Gulf, the danger of not paying our arrears is now much greater as American troops could be put at risk.

So I oppose this amendment, I oppose this rule, because of the Census and because of the U.N. arrearages.

Today, our President is trying to reinvigorate the international coalition against Iraq so that our young men and women will not have to fight alone, should the need arise.

I voted for the Gulf War and will support the President again if armed force is needed to reach Iraq a lesson.

But, just as we are readying the nation for military action, Congress may take a disastrous step to undercut our ability to build a coalition of nations at the U.N.

If we today do not begin the effort to repay our arrears to the U.N., our ability to forge a solid coalition against Iraq will be severely in jeopardy.

I want to be absolutely clear: I believe that paying off our debt to the U.N. is in America's interest and is justified on its own merits by the good work the U.N. does around the world.

However, because of the threat emanating from the Persian Gulf, the danger of not repaying our arrears is now much greater as American troops could be put at risk.

It is unfortunate that only a potential military crisis can reawaken the Congress to the need to pay what we owe to the world body.

Soon, the gentleman from Wisconsin [Mr. OBEY] will offer a motion to recommit this bill with instructions to waive the authorization requirement for the \$100 million repayment of the money the U.S. owes the U.N.

I urge my colleagues to support the motion and, by doing so, support our troops in the Gulf.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I do not know if there could be a more crucial determination than the one we might be making today. How sad it is that on the shadow of the closing of this first session, this important decision on how the census will be taken to count every American is now being forced upon those of us who have fought to assure that those who are homeless and those who are undercounted, those who are rural, those who are urban, those who are Hispanic, those who are African-American, those who are Caucasian and Asian, and those who are others would not be counted.

It is tragic that we would have individuals of our colleagues on the other side of the aisle begin to talk about snake tactics and accusations of mistrust when it is well known that the National Academy of Sciences has documented that sampling is the very best

way to ensure that all Americans are counted, rich or poor, black or white. And this is a tragic response to the need for counting.

Might I say that there are points in this bill that I applaud, the acknowledgment of the Peer Review Justice Center on Juvenile Prevention. But yet I come to disappointment, the disappointment that under 245(I) battered women who may be immigrants will be excluded and therefore will not be allowed to stay in this country while others with less concern will be.

But let me turn my attention to this census. How false to be able to acknowledge that sampling is not an accurate count. It is, and the Republicans know that it is, and the misguided language in this bill that suggests that it is risky to suggest that this Speaker of the House could threaten the sampling process and rush to the court system, this denial of the state of the law that says that sampling is accurate, this choice of these particular cities and the possibility that they may not give us the ability to judge sampling in its accuracy.

Mr. Speaker, on the last day of this session, do we not want to say to the American people that our business is their business, that this count can count all of them, that the resources of this Nation are intended to meet all of their needs and not be falsely misrepresented by Republicans who say, oh, we do not want sampling?

Mr. Speaker, we need to vote down this rule because it is not about the American people, it is about pure politics in this body. What a disgrace, a disgrace. Vote down this rule.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, this is the way it is.

Mr. Speaker, I thank the gentleman from Florida for yielding this time to me. The argument of sampling really boils down to this very simple chart. Under the United States Census called for by the Constitution, the way it has always been done, they go house to house, door to door, and they count. Go to the first house, 3 people; the second house, 7; third house, 6; and we come up with 16 people. Pretty clear, pretty explicit, very understandable.

Now, as the last speaker said, Democrats' sample-matics is all about politics. Go to the first house, 3 people; go to the second house, 7 people; go to the third house; and, really, they do not go because they do not feel like it, it is time to knock off for lunch or do whatever people do when they work for the Government. So then they say, well, how many do we really need? We need 15 to 25 people? Well, we will just do that because we did not go to the third house.

That is what this is all about. If my colleagues like sampling, how would they like it done in their election? If my colleagues like sampling, sample their next IRS return and see how their

administration backs them on that. Sample their golf score, sample their bookie; I do not know.

Mr. Speaker, this is the way to do a Census. Count it head by head, door by door.

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio [Mr. SAWYER].

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 2 minutes.

□ 1905

Mr. SAWYER. Mr. Speaker, I rise in deep gratitude for the passion and commitment of a number of the Members, including the gentlewoman from California [Mrs. WATERS], the gentleman from California [Mr. BECERRA], the gentleman from New Jersey [Mr. PASCRELL], the gentleman from Illinois [Mr. DAVIS], the gentlewoman from Texas [Ms. JACKSON-LEE] and others. They are absolutely right about sampling.

The gentleman from New Jersey [Mr. PASCRELL] is right when he says this is important. Several sampling techniques were evaluated in 1994 and 1995. Some were found to be woefully wanting; they were rejected. One enumeration method including sampling was selected, and now must be refined in the context of a full census-like environment known as a dress rehearsal.

This is not a reflection of a lack of confidence in sampling. It has been planned from the beginning of the decade. Like war game exercises, it is a needed step in preparing for this huge national undertaking.

When the gentleman from California [Mr. BECERRA] suggested that 5 million people were missed, I suggest that he underestimates. In fact, 10 million people were missed in 1990, 6 million were doubled, for a net undercount of 4 million, but an aggregate error of 16 million.

I am grateful for this support for sampling, and I share that support. I will vote differently on this bill. This bill is not a pretty piece of legislation. It is kind of a Rube Goldberg contraption. It is not a permanent victory for sampling; it is not a permanent defeat. The provisions regarding the census, however, reflect a clear victory for supporters of keeping sampling alive so it can be appropriately tested. There is no realistic chance for an injunction. Confidentiality is protected by current law.

I support this rule; I support going forward with sampling; I support keeping it alive until its accuracy can be verified in a census-like environment, in a dress rehearsal in 1998, and evaluated in 1999.

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

Mr. Speaker, I would simply say that actually this debate was supposed to be on the rule. I did not hear much objection to the rule. Actually I heard some praise for it. I think it is a fine rule, and perhaps we can get on with the de-

bate about the census, which I know we have all been waiting for eagerly.

I would like to compliment the gentleman from Louisiana, Chairman LIVINGSTON, and the gentleman from Kentucky, Chairman ROGERS, and the ranking member, the gentleman from Wisconsin, Mr. OBEY, for the fine work they have done through the appropriations process, which we now hope is drawing to a close.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

Without objection, the vote on the motion to suspend the rules and agree to House Concurrent Resolution 137 will be reduced to 5 minutes.

There was no objection.

The vote was taken by electronic device, and there were—yeas 285, nays 113, not voting 34, as follows:

[Roll No. 636]

YEAS—285

Ackerman	Clement	Gekas
Aderholt	Coble	Gibbons
Allen	Coburn	Gilchrest
Archer	Collins	Gillmor
Armey	Cook	Gilman
Bachus	Cooksey	Goode
Baesler	Costello	Goodlatte
Ballenger	Cox	Goodling
Barcia	Cramer	Goss
Barr	Crane	Graham
Barrett (NE)	Crapo	Granger
Barrett (WI)	Cunningham	Greenwood
Bartlett	Davis (FL)	Gutknecht
Barton	Davis (VA)	Hall (OH)
Bass	Deal	Hall (TX)
Bateman	Delahunt	Hamilton
Bereuter	DeLay	Hansen
Berman	Diaz-Balart	Harman
Berry	Dicks	Hastert
Bilbray	Dingell	Hastings (WA)
Bilirakis	Dixon	Hayworth
Bliley	Dooley	Hefley
Blunt	Doolittle	Hergert
Boehlert	Doyle	Hill
Boehner	Dreier	Hilleary
Bonilla	Duncan	Hobson
Bono	Dunn	Hoekstra
Boswell	Edwards	Holden
Boucher	Ehrlich	Horn
Brady	Emerson	Hostettler
Bryant	English	Hoyer
Bunning	Eshoo	Hulshof
Burr	Etheridge	Hunter
Burton	Everett	Hutchinson
Buyer	Ewing	Hyde
Callahan	Farr	Inglis
Calvert	Fawell	Istook
Camp	Fazio	Jackson (IL)
Campbell	Foley	Jenkins
Canady	Forbes	Johnson (CT)
Cannon	Fossella	Johnson (WI)
Castle	Fox	Johnson, Sam
Chabot	Frank (MA)	Jones
Chambliss	Franks (NJ)	Kanjorski
Chenoweth	Frelinghuysen	Kasich
Christensen	Gallegly	Kelly
Clayton	Ganske	Kennedy (MA)

