

McHale	Portman	Smith (MI)
McHugh	Poshard	Smith (NJ)
McInnis	Price (NC)	Smith (OR)
McIntosh	Pryce (OH)	Smith (TX)
McIntyre	Quinn	Smith, Adam
McKeon	Radanovich	Smith, Linda
McKinney	Rahall	Snowbarger
Meek	Ramstad	Snyder
Menendez	Rangel	Solomon
Metcalf	Redmond	Souder
Mica	Regula	Spence
Millender-	Reyes	Spratt
McDonald	Riggs	Stabenow
Miller (FL)	Riley	Stearns
Minge	Rivers	Stenholm
Mollohan	Roemer	Stokes
Moran (KS)	Rogan	Stump
Moran (VA)	Rogers	Sununu
Morella	Rohrabacher	Talent
Murtha	Ros-Lehtinen	Tanner
Nethercutt	Rothman	Tauzin
Neumann	Roybal-Allard	Taylor (MS)
Ney	Royce	Thomas
Northup	Rush	Thornberry
Norwood	Ryun	Thune
Nussle	Salmon	Thurman
Oberstar	Sanchez	Tiahrt
Ortiz	Sandlin	Trafficant
Owens	Sanford	Turner
Oxley	Saxton	Upton
Packard	Scarborough	Velazquez
Pappas	Schaefer, Dan	Walsh
Parker	Schaffer, Bob	Wamp
Pastor	Schumer	Watkins
Paul	Sensenbrenner	Watt (NC)
Paxon	Serrano	Watts (OK)
Payne	Sessions	Weldon (FL)
Pease	Shadegg	Weller
Peterson (MN)	Shaw	Weygand
Peterson (PA)	Shays	White
Petri	Sherman	Whitfield
Pickering	Shimkus	Wicker
Pickett	Shuster	Wise
Pitts	Sisisky	Wolf
Pombo	Skaggs	Wynn
Pomeroy	Skeen	Young (AK)
Porter	Skelton	Young (FL)

## NOT VOTING—26

Baesler	Gekas	Roukema
Berman	Gonzalez	Sabo
Bonilla	Greenwood	Sanders
Burr	Gutierrez	Schiff
Buyer	Hastings (FL)	Taylor (NC)
Cooksey	Hunter	Vento
Flake	Hyde	Weldon (PA)
Foglietta	Markey	Wexler
Frost	Martinez	

□ 1402

Mr. THUNE and Ms. HOOLEY of Oregon changed their vote from "aye" to "no."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

#### PROVIDING FOR CONSIDERATION OF H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 239 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 239

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 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. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 or 6 of rule XXI are waived. Before consideration of any other amendment it shall be in order to consider the amendment numbered 1 in part 2 of the report of the Committee on Rules, if offered by the Member designated in the report, which may amend portions of the bill not yet read for amendment. The amendments printed in part 2 of the report of the Committee on Rules may be offered only by a Member designated in the report and, except for the amendment numbered 1, may be offered only at the appropriate point in the reading of the bill. The amendments in part 2 of the report of the Committee on Rules shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment numbered 2 in part 2 of the report of the Committee on Rules are waived. Points of order against the amendments numbered 1 and 3 in part 2 of the report of the Committee on Rules for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good friend, the gentleman from Dayton, OH [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. DREIER asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. DREIER. Mr. Speaker, this rule makes in order H.R. 2267, the Departments of Commerce, Justice and State, and related agencies appropriations bill for fiscal year 1998 under an open rule. It waives all points of order against provisions of the bill as amended by this rule, containing unauthorized appropriations or constituting legislation in appropriations bills.

The rule self-executes the adoption of an amendment contained in the Committee on Rules report providing for judicial review of census sampling. It also makes in order three additional amendments contained in the report and provides the appropriate waivers. The rule also contains the standard procedures for priority recognition of amendments and the rolling of votes on amendments, as the reading clerk has outlined.

Mr. Speaker, this is a very reasonable rule that allows the House to work its will on a number of very contentious issues. It provides several options for dealing with the issue of reimbursing individuals paid by the Clerk of the House for legal expenses in conjunction with an unjustified Department of Justice prosecution.

It provides for the consideration of compromise language in the form of an amendment by the gentleman from Indiana [Mr. BURTON], the chairman of the Committee on Government Reform and Oversight, dealing with the Legal Services Corporation.

The rule also provides for a Mollohan-Shays alternative on funding for Census 2000 and the use of funds for activities related to sampling.

At the request of the minority, the Committee on Rules increased the debate time on that amendment from 30 minutes to 80 minutes.

Mr. Speaker, we have every right to be concerned about the Census Bureau's proposal to use statistical sampling to determine our Nation's population, especially since our U.S. Constitution very specifically states actual enumeration should take place. Statistical sampling is fraught with the potential for abuse.

One can only imagine how an administration policy which has actually led to the registration of noncitizens with criminal records to vote could also potentially lead to the abuse of statistical sampling.

I would like to commend the gentleman from Kentucky [Mr. ROGERS], the chairman, for his tremendous effort in putting together a bill that reflects our Nation's values and priorities. It provides additional funding for State and local law enforcement, juvenile crime control, State prison grants and drug enforcement, including efforts to stop drug trafficking across our borders.

The bill recognizes the ongoing financial burden that States bear for incarceration of illegal aliens. States such

as my State of California and others heavily impacted by illegal immigration will be able to finally get additional relief from those burdens.

The bill also contains very important funding for the National Endowment for Democracy, which has played a key role in the peaceful transitions to democracy in Poland, Chile, and South Africa. On a budget of just \$30 million, Mr. Speaker, the National Endowment for Democracy works in over 90 countries helping democratic forces. Countries like China, Cuba, Burma, Iraq, the Sudan, Nigeria, and the Republics of the former Yugoslavia have benefited from programs of the National Endowment for Democracy.

In China, the International Republican Institute, an organization with which I am happy to be affiliated, has made tremendous strides in bringing real democratic reforms in village elections across that country. By educating over 500 million Chinese people in the principles of democracy, the International Republican Institute and the National Endowment for Democracy are creating the foundations for a more prosperous and democratic China.

Mr. Speaker, since history shows that nations living under freely elected democracies are not military aggressors, spending a few million dollars for democracy building today will save billions of dollars later in defense spending because there will be fewer threats to our national security or our interests.

The bill also reduces funding for the Department of Commerce while maintaining the necessary resources to monitor and enforce our trade agreements, preserve core scientific programs, and refocus the Department toward its basic functions of trade promotion and public safety.

Mr. Speaker, this rule does not attempt to hide the fact that there are a number of, as I said earlier, contentious issues in this bill, but it deals with those issues in a fair and balanced way that allows all sides to be heard, and ultimately the House will work its will.

□ 1415

So, Mr. Speaker, I urge my colleagues' support of both the rule and of the bill.

Mr. Speaker, with that 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 California [Mr. DREIER] for yielding me the time. This is an open rule. It will allow full and fair debate on H.R. 2267, which is a bill that makes appropriations for the Department of Commerce, Justice, and State and related agencies.

Under the rule, germane amendments will be allowed under the 5-minute rule and the normal amending process in the House. All Members on both sides of the aisle will have the opportunity

to offer amendments as long as those amendments do not violate House rules.

Also the rule itself executes an amendment by the gentleman from Illinois [Mr. HASTER] substituting new language for a provision in the bill regarding statistical sampling in the 2000 census.

In addition, the rule waives points of order against three proposed floor amendments. One of these, to be offered by the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Connecticut [Mr. SHAYS], is a bipartisan effort to resolve a conflict over statistical sampling in the census. I appreciate the Committee on Rules making this amendment in order. Unless this amendment passes to change the bill's census provision, the administration will consider vetoing the bill.

Also, the rule also makes in order an amendment by the gentleman from Illinois [Mr. HYDE] concerning the payment of litigation expenses when a defendant prevails in Federal prosecution. The administration also here has threatened to veto the bill if this amendment is included because of the chilling effect it could have on Federal prosecutions.

I want to point out that the bill includes \$2 million for Small Business Development Center defense economic transition initiatives. This assists small businesses that make the transition to a peaceful economy after the end of the cold war. And one of the centers is located in Kettering, OH, which is in my district. It has a very successful record of helping former employees of the Defense Electronics Supply Center of Kettering which was closed through the defense base closure process. It has also helped with transition of the Energy Department's Miamisburg Mound plant which shut down its nuclear weapons operation.

Mr. Speaker, the Committee on Rules reported this rule in a voice vote, and I would urge adoption of this open rule and of the bill.

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

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER], my very good friend from Lincoln, the chairman of the Subcommittee on International Economic Policy and Trade.

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

Mr. BEREUTER. Mr. Speaker, I do rise in support of the rule, and I thank the gentleman for yielding me this time, but I wanted to take this opportunity to speak about a subject that will be covered by the legislation which this rule makes in order, and that is the growing problem of alien smuggling facing Nebraska and other Midwestern States.

Mr. Speaker, Nebraska and Iowa are a major destination today for illegal aliens and alien smugglers due to ex-

tremely low unemployment rates, the number of meat packing plants and other labor-intensive industries, and the two major interstate highways which cross our two States, I-80 and I-29. The Immigration and Naturalization Service, the INS district office in Omaha which covers all of Nebraska and all of Iowa, has responded to 25 alien smuggling cases, and I say responded because there are many that they have not been able to respond to, and they have arrested 754 illegal aliens since October 1, 1996. As I said, they could not respond to some approximately 55 possible instances of alien smuggling involving 382 suspected illegal aliens in Nebraska and Iowa because the resources needed to respond were unavailable.

The INS Omaha district office has a staff of 19 special agents who handle all the enforcement responsibilities in the States of Iowa and Nebraska. The INS office in Denver has, on the other hand, 44 special agents, and the INS office in Kansas City has 32 special agents. While several of the larger districts in the INS central region have anti-smuggling units in place, the district covering Nebraska and Iowa does not.

September 3 to September 5 the INS district office responded to 2 cases of suspected alien smuggling, apprehending 2 groups, one containing 33 illegal aliens and one containing 18 illegal aliens. However, it did not respond to a third incident concerning 14 suspected illegal aliens. The reason given by the INS district office was to respond to groups of illegal aliens smaller than 15 is discretionary, given its limited capability, and on that day the Omaha office did not have the necessary staff available due to the fact that some of those personnel from the Omaha office were on assignment in Guatemala, El Salvador, and south Texas.

This is a prime example, I believe, of the limitations placed on this district office's enforcement duties because of limited resources. It is clear that the Omaha INS district office needs more personnel and specifically designating an antismuggling unit; this problem is not being addressed.

In closing, this statement is intended to provide additional information explaining the reason for a colloquy that will be conducted with the chairman of the appropriation subcommittee, the gentleman from Kentucky [Mr. ROGERS], by the gentlemen from Iowa, Nebraska. It is an important issue for my constituents and the States of Nebraska and Iowa, and it cannot be overlooked.

I thank the gentleman for yielding me this time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I simply want to make certain that Members on both sides of the aisle understand that if they are interested in either party's position on the census question and on sampling, there is absolutely no reason

whatsoever to vote against this rule. The rule provides on a self-executing basis for the insertion of what will be considered the Republican preference on the issue. It also provides a straight opportunity for the gentleman from West Virginia [Mr. MOLLOHAN] to offer an amendment which would in essence allow sampling to go forward, as is the Democratic preference.

So, on either side of the aisle there is no reason to oppose this rule. Both sides have been accommodated fully.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Sanibel, FL [Mr. GOSS], the chairman of the Subcommittee on Legislative and Budget Process and, of course, the chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from greater San Dimas, CA, and the surrounding metropolitan area, the gentleman from California [Mr. DREIER], the vice chairman of the Committee on Rules, for yielding time. I rise in support of this open rule. This continues a trend of fair and responsible rules to get us through this year's appropriation process in an orderly fashion despite perhaps what some might call some dilatory tactics now and then.

I would like to begin by congratulating the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] for their work on this important package. It is not a perfect bill, as we all know, but given some very fiscal and political constraints that are real I think they have done an extraordinary job.

This appropriations bill, probably more than any other that we have, demonstrates the importance of making tough choices when we are spending our precious tax dollars. There are obviously many national priorities housed in the agencies and programs funded by this particular legislation. Fighting crime, winning the war on drugs, representing our interests overseas, securing our national borders are just prime among many others. There are also clearly some wasteful programs and agencies that come under the Commerce-Justice-State label that need to be trimmed back, perhaps phased out altogether, something we shall no doubt discuss through the debate under this open rule.

As a starting point for that discussion this bill does a good job of increasing our commitment in the highest priority areas while scaling back expenditures on what many consider lower priority items. For example, the bill provides \$300 million for a new juvenile crime block grant that helps States attack a growing threat of crime in our communities. I think that will be well received. The incredible rise in crimes committed by young people is known everywhere. This trend has hit hard in my district, too, in southwest Florida. These dollars will enable local folks to develop local solutions, and they seem to work.

I am especially pleased that the bill provides a \$100 million increase for the State criminal alien assistance program. By fully funding this program we have acknowledged the dilemma that States like Florida face every day in a big way, how to pay for the incarceration of criminal illegal aliens, and unfortunately we have too many in Florida. Securing our borders is a Federal responsibility. So when we fail to do that, live up to that responsibility, we need to face up to the consequences and provide the States with the necessary resources to do the job we could not do in Washington.

The bill also makes a strong case about our commitment to winning the war on drugs rather than just accepting stalemate. I am fully supportive of the \$34 million allocation for a new Caribbean antidrug initiative as part of the overall increase in funding for drug enforcement.

Mr. Speaker, we know this bill is not perfect. The Economic Development Administration, a relic of what I would call the Great Society, remains intact despite mountains of testimony to its ineffectiveness, and to that end I support the gentleman from Colorado [Mr. HEFLEY] in his effort to scale back the EDA to the Senate-passed level.

But overall this is a good bill, it deserves our support, and as we have heard testimony from both sides of the aisle, there is no reason not to support the rule. So let us pass the rule and get on with the debate and finish this appropriations bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Speaker, I thank the gentleman from Ohio for yielding this time to me.

Mr. Speaker, I rise in support of the rule. I would like to take this opportunity to thank the distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], and the distinguished ranking member, the gentleman from Massachusetts [Mr. MOAKLEY], for their fair consideration of the issues and for this rule. I am pleased that the Committee on Rules recommended an open rule for consideration of this bill that allows all Members on both sides of the aisle the opportunity to debate these serious issues thoroughly.

Although this rule self-executes the Hastert amendment related to judicial review of the 2000 census, it also makes in order a substitute to be offered by myself and the gentleman from Connecticut [Mr. SHAYS]. While I am strongly opposed to the Hastert language, I appreciate the Rules Committee making the Mollohan-Shays amendment in order and providing for such a generous time for debate. Let me also thank my chairman, the gentleman from Kentucky [Mr. ROGERS] for supporting my request for the Committee on Rules. It is in keeping with his overall constructive approach to legislating.

I will not address the details of the sampling amendment at this time; however, I do want to let my colleagues know that both Chairman ROGERS and I worked diligently in good faith to try to reach an acceptable compromise on this issue. However, in the end we were unable to reach an agreement, and the Hastert language has at least two fatal flaws which have forced us to offer this substitute Mollohan-Shays amendment.

It is important to note that the President's senior advisers will recommend that he veto this bill if it is passed in its current form. The new fiscal year is almost upon us, Mr. Speaker, and it is time that we pass this bill and send it to the President for his signature. If the Mollohan-Shays amendment is not adopted, we jeopardize the future of all funding provided in this important measure.

The rule before us today also allows for a consideration of an additional amendment that I, along with the gentleman from Pennsylvania [Mr. FOX], intend to offer. It will increase funding for Legal Services by \$109 million, and I urge my colleagues to support this amendment. It is very similar to the one that was proposed and adopted last year.

In conclusion, this is a fair rule which allows for an open debate on the merits of sampling on the floor, and other important issues, and I urge my colleagues to support the rule, Mr. Speaker.

Mr. GOSS. Mr. Speaker, we do not at this time have any additional speakers. I do not know what the status of the other side is.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I stand to support the Mollohan-Shays amendment and the rule.

Today I think this is a good rule. It permits the Census Bureau to continue planning for use of sampling.

The census always fails, Mr. Speaker, to count some people, but the undercount is always higher among blacks and minorities, and if my colleagues can look at these data here which show the last six censuses and the undercount that occurred at that time, they will note here beginning in 1940 each census, in each census the undercount for blacks was more than 3 percent larger than it was for the whites.

□ 1430

The difference between the black undercount and the white undercount, Mr. Speaker, was greater, as you can see, in the 1990 census, which is here. In the 1990 census, 4.4 percent among blacks, more than any other census since the beginning of the count of the census. The 1990 census failed to count 1.4 million African-Americans. It also failed to count 2.6 million. So I am here

to say to Members that this particular rule hopefully will support later on a greater accountability in our census. But the percentage of blacks that were not counted in 1990, 5.7 percent, was much larger than the percentage of whites not counted in 1990, which was 1.3 percent, as we can see from the chart. If we look here, those of us who can see the chart here, it was much greater in 1990.

Not counting, Mr. Speaker, African-Americans in the census did not originate recently; it originated with the Founders of the Constitution when they put in Article I, section 2 of the Constitution, way back in 1788.

To summarize, I am showing here that more blacks than non-blacks have been missed in the census. This rule is a good rule. It is a rule that understands that every American should be counted. The undercount has been significant. Let us be sure this time that we have an appropriate count.

Mr. HALL of Ohio. Mr. Speaker, I yield two minutes to the gentleman from Oregon [Mr. BLUMENAUER].

Mr. BLUMENAUER. Mr. Speaker, I am here today to express my support for the rule that will in fact permit us to have hopefully a rational discussion dealing with the year 2000 census. I am afraid that part of this discussion that we have been subjected to is a very clear example of the cold hand of partisan politics on something that needs to be enshrined, I think, in a very positive and constructive fashion.

The census is clearly designed to get an accurate count of the Nation's population. But according to the director of the census under President Bush, the current enumeration methods fall far short and simply "cannot count everybody."

Minorities and low income populations in cities are often underrepresented as a result, meaning that people who often need help the most are often not counted by their Government and are denied their fair share of government funding. It means billions in States like Texas and California.

Rather than wasting taxpayer money and pouring millions of dollars into a census effort trying to deal with a head count which ultimately will in fact fail, we propose a commonsense solution to save the taxpayers money and come up with a more accurate count.

Under the sampling plan, 90 percent of the population would still be counted using traditional methods. Sampling would only be used in those areas where the census response rate is dramatically lower than normal, and any adjustment would rely as much as possible on existing statistical information.

The scientific community is overwhelming in their endorsement of this approach. The Justice Department in the last three administrations, Reagan, Bush, and Clinton, has held that sampling is in fact constitutional. If we rely on old census methods, millions of Americans will be missed in the next

census, tax dollars will continue to be wasted. Including census sampling in the next census will ensure we have the fairest, most accurate census in our Nation's history.

The irony is that the politicians, who when the chips are down spend hundreds of thousands of dollars based on sampling techniques, are not willing to allow this methodology to be used to guarantee an accurate and fair census. That is an outrage.

Mr. HALL of Ohio. Mr. Speaker, I yield one minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule because the rule allows this bill to be amended freely and this bill needs to be amended. It allows an amendment to increase funding for the Legal Services Corporation, which we need to do, and it allows an amendment to have a fair census, which we need to do.

We are going to hear arguments about which party benefits maybe from a revised census count, but this is not a partisan issue. It is really about fairness to every single citizen in the United States. And to the extent that we fail to count any one individual in our Nation, we do a disservice to our process.

We make it possible for some people to have greater representation than other people, and we should make sure that that does not happen.

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

Mr. Speaker, we continue to have no speakers from here, but I did want to point something out, that this is the debate on the rule, and we all agreed this was a very important subject, the question of how we do the census constitutionally and accurately. It matters to everybody in this country.

We had therefore almost tripled the amount of time at the request of the gentleman from the Commonwealth of Massachusetts [Mr. MOAKLEY], the distinguished ranking member of the Committee on Rules, my former chairman and good friend, and I thought we provided for ample debate.

I suggest we take this noncontroversial rule and support it and get it passed and then get to the orderly process.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I will be voting for the amendment offered by the ranking member of the subcommittee.

The effort to get a Supreme Court decision on the census before we take the census simply will not work. The American Constitution is very clear. For once I wish some of my colleagues paid more attention to the very clear writing of Justice Scalia. You cannot

by statute constitute the U.S. Supreme Court as an advisory body to tell us in advance of what happens.

There is an amendment that says you cannot go forward with the census sampling until the Supreme Court has decided it, but the Supreme Court will disregard this. Have we not learned from what happened with the line-item veto? The requirement that there be an actual case or controversy and an aggrieved party is something that is strictly enforced by the U.S. Supreme Court.

Mr. Speaker, if Members want to ban sampling, they ought to offer that as a vote. I would not be for it. But no one should console themselves that we can vote to have the Supreme Court by our instruction take a case which constitutionally they will not take and then have solved the problem.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Speaker, I thank the gentleman for yielding me time, and rise in support of the rule and the Mollohan-Shays amendment.

Mr. Speaker, we have never performed a census that did not contain an undercount. As long ago as George Washington, Thomas Jefferson lamented the inability to perform an accurate census. As a result, the Census Bureau has constantly reviewed the practices and worked with scientists to develop the most accurate census possible.

Years of work and years of scientific advancements have led this Census Bureau and the National Academy of Sciences to conclude that using sampling in addition to enumeration is the best possible option for an accurate census.

We spent in 1995 as a Nation \$33 million to test the value of sampling. Where is the logic in appropriating \$33 million to test the science of sampling, and then throw out the results afterwards? There is no logic. It is convoluted.

In my own City of Patterson, NJ, the census did a sampling and increased in 1995, because there were three cities involved, 8,000 the number of people there.

Think of how many people are undercounted throughout America. Think in those areas where there are overcounts as well. The experiment of 1995 proved quite clearly the value and necessity of sampling. We cannot count noses by simply counting noses.

Some have argued that sampling is unconstitutional. The counsels of three separate administrations have ruled to the contrary.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Hawaii [Mrs. MINK].

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the rule, because it will allow this body to have an opportunity to listen to the debate on the Mollohan-Shays amendment, which will rectify the severe injustice contained in the bill itself. I speak of the question of the census and the necessity of making it possible for the undercount that occurred in the last census to be corrected.

It was a very serious, inaccurate count, and requires that this body pay attention to it and correct it. Ten percent of the count of the census was wrong. GAO estimates an error rate of 26 million, including people who were missed, counted twice, or in the wrong place.

Equally disturbing is the undercount of the number of racial and ethnic groups in the last census that were not counted. Hundreds of thousands of Asian-Pacific Americans were not counted in the census, an estimated rate of 2.3 percent; for Hispanics, a rate of 5 percent; and African-Americans, a rate of 4 percent.

Mr. Speaker, I urge that this rule be adopted and a serious debate on the Mollohan-Shays amendment occur.

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

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

Mr. Speaker, I am willing to say that the majority is prepared to stipulate that this is a good rule; in fact, a very good rule. The majority is prepared to stipulate that it is noncontroversial. The majority is prepared to stipulate that we could get on with the debate and we will, therefore, reserve the balance of our time.

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

Mr. GOSS. 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 resolution was agreed to.

A motion to reconsider was laid on the table.

#### CONTINUATION OF EMERGENCY WITH RESPECT TO UNITA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-134)

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this pro-

vision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola ("UNITA") is to continue in effect beyond September 26, 1997, to the *Federal Register* for publication.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA pose a continuing unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolution 864 (1993) continues to oblige all Member States to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the Angolan peace process. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to UNITA to reduce its ability to pursue its aggressive policies of territorial acquisition.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 24, 1997.

□ 1445

#### MOTION TO ADJOURN

Mr. MILLER of California. Mr. Speaker, I have a preferential motion at the desk.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

Mr. MILLER of California moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. MILLER].

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 66, nays 348, not voting 19, as follows:

[Roll No. 434]

YEAS—66

Allen  
Andrews  
Barrett (WI)  
Becerra  
Berry  
Bonior  
Borski  
Brown (OH)  
Cardin  
Conyers  
Coyne  
Davis (FL)  
DeFazio  
DeLaunt  
DeLauro  
Dellums  
Deutsch  
Doggett

Eshoo  
Evans  
Fazio  
Filner  
Ford  
Frank (MA)  
Furse  
Gejdenson  
Gephardt  
Gutierrez  
Harman  
Hefner  
Hinchey  
Hostettler  
Hoyer  
Jefferson  
Johnson (WI)  
Johnson, E.B.

Kaptur  
Kennelly  
Kind (WI)  
Lampson  
Levin  
Lewis (GA)  
Lowey  
Martinez  
McDermott  
McGovern  
McNulty  
Miller (CA)  
Mink  
Moakley  
Neal  
Obey  
Olver  
Pallone

Pelosi  
Sawyer  
Slaughter  
Solomon

Abercrombie  
Ackerman  
Aderholt  
Archer  
Armey  
Bachus  
Baesler  
Baker  
Baldacci  
Ballenger  
Barcia  
Barr  
Barrett (NE)  
Bartlett  
Barton  
Bass  
Bateman  
Bentsen  
Bereuter  
Billbray  
Bilirakis  
Bishop  
Blagojevich  
Bliley  
Blumenauer  
Blunt  
Boehlert  
Boehner  
Bono  
Boswell  
Boucher  
Boyd  
Brady  
Brown (CA)  
Brown (FL)  
Bryant  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Campbell  
Canady  
Cannon  
Capps  
Carson  
Castle  
Chabot  
Chambliss  
Chenoweth  
Christensen  
Clay  
Clayton  
Clement  
Clyburn  
Coble  
Coburn  
Combest  
Condit  
Cook  
Cooksey  
Costello  
Cox  
Cramer  
Crane  
Crapo  
Cubin  
Cunningham  
Danner  
Davis (IL)  
Davis (VA)  
Deal  
DeGette  
DeLay  
Diaz-Balart  
Dickey  
Dicks  
Dingell  
Dixon  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
Engel  
English

Strickland  
Stupak  
Tauscher  
Tierney

NAYS—348

Ensign  
Etheridge  
Everett  
Ewing  
Farr  
Fattah  
Fawell  
Flake  
Foley  
Forbes  
Fowler  
Fox  
Franks (NJ)  
Frelinghuysen  
Frost  
Gallegly  
Ganske  
Gekas  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Goode  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Granger  
Green  
Greenwood  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hamilton  
Hansen  
Hastert  
Hastings (WA)  
Hayworth  
Hefley  
Herger  
Hill  
Hilleary  
Hilliard  
Hinojosa  
Hobson  
Hoekstra  
Holden  
Hooley  
Horn  
Houghton  
Hulshof  
Hutchinson  
Hyde  
Inglis  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
John  
Johnson (CT)  
Johnson, Sam  
Jones  
Kanjorski  
Kasich  
Kelly  
Kennedy (MA)  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kim  
King (NY)  
Kingston  
Klecza  
Klink  
Klug  
Knollenberg  
Kolbe  
Kucinich  
LaFalce  
LaHood  
Lantos  
Largent  
Latham  
LaTourette  
Lazio  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder  
Lipinski  
Livingston

Torres  
Towns  
Waxman  
Woolsey

LoBiondo  
Lofgren  
Lucas  
Luther  
Maloney (CT)  
Maloney (NY)  
Manton  
Manzullo  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McDade  
McHale  
McHugh  
McInnis  
McIntosh  
McIntyre  
McKeon  
McKinney  
Meehan  
Meek  
Menendez  
Metcalf  
Mica  
Millender-McDonald  
Miller (FL)  
Minge  
Mollohan  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nethercutt  
Neumann  
Ney  
Northup  
Nussle  
Oberstar  
Ortiz  
Owens  
Oxley  
Packard  
Pappas  
Parker  
Pascarell  
Pastor  
Paul  
Paxon  
Payne  
Pease  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pickett  
Pitts  
Pombo  
Pomeroy  
Porter  
Portman  
Poshard  
Price (NC)  
Pryce (OH)  
Quinn  
Radanovich  
Rahall  
Ramstad  
Redmond  
Regula  
Reyes  
Riley  
Rivers  
Rodriguez  
Roemer  
Rogan  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Rothman  
Roybal-Allard  
Royce  
Rush  
Ryun  
Sabo  
Salmon  
Sanchez  
Sanders  
Sandlin