

failed to count 1.4 million African-Americans.

I do not think anyone in this country wants an undercount. They want the very best. They want everyone counted. It appears that the only way that can be done is to do sampling. History has proven this undercount, so why should we go back to some of the same flaws that we had in the 1990 census?

It also failed in 1990 to count 2.6 million whites, but the percentage of blacks that was not counted in 1990 was 5.7 percent, more so than with whites. It was much larger than the percentage of whites not counted; 1.3 percent more were not counted during the 1990 census.

Not fully counting African-Americans in the census originated a long time ago with the Constitution. Article 1, section 2 of the Constitution that was ratified in 1788 provided African-Americans as three-fifths of a man. As a result, we were not counted correctly, even back then. But that was changed, so now we do have that corrected, the earlier misconception of the census.

But this is really a debate about political power. We do not want the undercount to happen again. This was repealed in 1868 by the 14th amendment. We must continue now to be sure that this old legacy that was brought to us a long time ago does not repeat itself.

Failing to count certain groups is not limited to blacks. I am appealing to the Congress, to the chairman and to the Members to be sure that the undercount we had in 1970, that we had in 1980, that we had in 1990, will not be repeated in the year 2000. We want everyone counted.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. SMITH], the distinguished chairman of the Subcommittee on Immigration and Claims of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the subcommittee for yielding me this time.

Mr. Chairman, I rise in strong support of H.R. 2267, the 1998 Commerce-State-Judiciary appropriations bill. My colleague, the gentleman from Kentucky [Mr. ROGERS] and my colleague, the gentleman from West Virginia [Mr. MOLLOHAN] have worked hard to draft a fair bill, and I commend them for their efforts.

As chairman of the Subcommittee on Immigration and Claims, I would like to highlight just a few of the specific programs which this bill funds within the Immigration and Naturalization Service and which I strongly support.

First, the bill, for the second year, provides funding for 1,000 additional Border Patrol agents for fiscal year 1998 instead of the 500 requested by the President. These new Border Patrol agents are vital to efforts to stem the flow of illegal drugs, aliens, criminals, and terrorists into the United States.

The bill also recognizes that the Border Patrol is not the only key to appre-

hending and removing illegal and criminal aliens. Additional funds need to be applied to interior enforcement: more investigators and special agents to apprehend illegal and criminal aliens, additional funding for the alien removal process, the expansion of detention space to hold aliens waiting to be removed, and additional funding of the special criminal alien removal program designed to remove criminal aliens as soon as they are released from prison.

All of these functions need to be better executed by the INS. I share the hopes of the chairman of the Subcommittee on Commerce, Justice, State, and Judiciary that by providing the INS with these additional funds, as this bill does, there should no longer be any doubt that these programs are top priority matters to Congress and should also be top priority matters to the INS.

The bill also recognizes and responds to the serious problems within INS's naturalization program. The program, known as Citizenship U.S.A., gave citizenship to criminals and aliens who were in deportation proceedings. These results were clearly the result of bad procedures and insecure fingerprint checks.

H.R. 2267 eliminates non-law enforcement entities who formerly were able to take fingerprints. Businesses such as Pookies Parcel and Post and Juanita's Beauty Salon should not be in the business of taking fingerprints used to obtain the most valuable thing the United States could give, that of citizenship.

The bill also requires that criminal checks be completed before naturalization takes place, a procedure too often overlooked in the first years of Citizenship U.S.A. I support this requirement. I also hope that as the naturalization procedures are improved and electronic fingerprint checks are implemented, items which my colleague, the gentleman from Kentucky [Mr. ROGERS] has agreed to fund, that the waiting time for processing naturalization applications is significantly reduced.

Also, the bill funds the Justice Department's audit of past improprieties in Citizenship U.S.A. and its efforts to denaturalize criminal aliens and aliens already in deportation proceedings. I thank my colleagues on the Committee on Appropriations for their great efforts on funding the INS, and I ask my colleagues to support this bill.

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 1815

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SOLOMON) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2267), making appropriations for the Departments of

Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

#### REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2266, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-267) on the resolution (H.Res. 242) waiving points of order against the conference report to accompany the bill (H.R. 2267) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 901, AMERICAN LAND SOVEREIGNTY PROTECTION ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-268) on the resolution (H.Res. 243) providing for consideration of the bill (H.R. 901) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands, which was reported to the House Calendar and ordered to be printed.

#### GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and that I may include tabular and extraneous material.

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

There was no objection.

#### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore (Mr. SOLOMON). Pursuant to House Resolution 239 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2267.

□ 1815

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House

on the State of the Union for the further consideration of the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, the gentleman from Kentucky [Mr. ROGERS] had 7 minutes remaining and the gentleman from West Virginia [Mr. MOLLOHAN] had 8½ minutes remaining.

The Chair recognizes the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to thank the distinguished gentleman from West Virginia [Mr. MOLLOHAN] for all of his hard work and the chairman of this committee as well.

Let me acknowledge the importance of the moneys that have been included in this particular bill for the juvenile prevention program or effort that was initially started by the Riggs-Scott amendment. Let me also acknowledge that we would like to see and hope to see Legal Services Corporation fully funded, and I will be looking to support the Fox-Mollohan amendment.

I also wanted to note that I look forward to working with both the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Kentucky [Mr. ROGERS] on the Senate version of this bill, which includes \$500,000 for the establishment of a National Center for Study and Prevention of Juvenile Crime and Delinquency, located at Prairie View A&M University, located near Houston, TX.

We believe that prevention is worth a pound of cure, if you will, if that is the correct metaphor, or in other words, it is worth spending money for juvenile crime prevention. So I thank the gentlemen for considering this funding for Prairie View A&M and working with me to make sure that these funds are funded.

I listened to my colleague, the honorable gentlewoman from Florida [Mrs. MEEK] and I have to also comment on the census. I am really disturbed that an amendment by the gentleman from Illinois [Mr. HASTERT] will ban sampling and is included in this legislation.

Statistical sampling is a scientific methodology that will make the 2000 census more accurate. Over 4,000 people were missed in the last census, particularly those living in rural areas, children, and minorities.

Mr. Chairman, this is not a political question "How many people will come

to the United States Congress?" This is a question of how many Americans will we be able to serve as we work in the climate of a balanced budget. How many do we know that are in need, that need scholarships, that need education? How should the Government do its business? By guessing? Or should it do it by accurate counting?

The Academy of Sciences, the American Statistical Association, the GAO, and the census director under the Bush administration have all recommended the use of statistical sampling to make the census more accurate.

I urge my colleagues to join me in signaling their concerns over this provision of H.R. 2267 by supporting the Mollohan-Shays amendment. This amendment strikes the language added late last night by the Committee on Rules and in its place adds language prohibiting use of any 1998 funds to make irretrievable plans or preparations for the use of sampling or any other statistical method in taking the census for purposes of congressional apportionment.

It is important to recognize that this amendment will also create a board of observers for a fair and accurate census charged with the function of observing and monitoring all aspects of the preparation and execution of census 2000 to determine whether the process had been manipulated in any way that biases the results in favor of any geographic region, population growth, or political party.

How fair can we get, Mr. Chairman? This is a fair amendment in the instance of having an oversight board. We are fair in the instance of treating the American people fairly by saying every single person deserves to be counted, the homeless person deserves to be counted, a child needs to be counted. How can we serve this country if we do not have the kind of results that sampling will bring about?

My colleagues, please vote to be able to have sampling in the year 2000.

Mr. Speaker, I rise today to share my thoughts and concerns regarding H.R. 2267, the Commerce-Justice-State appropriations bill.

Let me first raise my objections to the census provisions of this bill. Last night, the Rules Committee adopted a rule that automatically adopted into the text of this bill an amendment offered by Representative HASTERT that will ban sampling and make the Census Bureau's funding contingent on a full judicial review of its methods. My colleagues, statistical sampling is a scientific methodology that will make the 2000 census more accurate. Over 4 million people were missed in the last census, particularly those living in rural areas, children, and minorities. The Academy of Sciences, the American Statistical Association, the GAO, and the census director under the Bush administration have all recommended the use of statistical sampling to make the census more accurate.

I urge my colleagues to join me in signaling their concerns over this provision of H.R. 2267 by supporting the Mollohan-Shays amendment. This amendment strikes the language

added late last night by the Rules Committee and in its place adds language prohibiting use of any 1998 funds to make irretrievable plans or preparations for the use of sampling or any other statistical method in taking the census for purposes of congressional apportionment. This same language is included in the Senate-passed version of the bill.

Additionally, the Mollohan-Shays amendment will create a board of observers for a fair and accurate census, charged with the function of observing and monitoring all aspects of the preparation and execution of census 2000 to determine whether the process has been manipulated in any way that biases the results in favor of any geographic region, population group, or political party. The Mollohan-Shays amendment provides a fair and reasonable resolution to the controversy surrounding the 2000 census.

Further, I must raise my strong objections to the provisions in H.R. 2267 which cut funding for the Legal Services Corporation in half, leaving only \$141 million for the entire program. A cut of this magnitude would cripple the program and undermine the Federal commitment to ensure that all Americans, regardless of income, have access to the judicial system.

The third issue that I must raise with respect to H.R. 2267 is an amendment that I will offer requiring the Justice Department to contract with the National Research Council of the National Academy of Sciences to conduct a study of computer-based technologies and other approaches that could help to restrict the availability of child pornographic images through electronic media, including the Internet and on-line services. My amendment would also provide for the identification of illegal pornographic images with the goal of criminally prosecuting those purveyors of such photographic images to children.

The goal of this study is to understand the technological capabilities currently available for identifying digitized pornographic images stored on a computer, network, or other computer communication mediums by the use of software or other computer technologies.

While this amendment was not made in order by the Rules Committee, I hope that my colleagues will join with me in its support to eliminate the growing threat of pornographic images faced by our children today.

Finally, I hope to draw my colleagues' attention to funding for the establishment of a National Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University, located outside of Houston, TX. The Senate has included \$500,000 for this center in its version of the bill.

The National Center would fill some very important functions: First, conducting academic programs, including continuing education and training for professionals in the juvenile justice field; second conducting policy research; and third, developing and assisting with community outreach programs focused on the prevention of juvenile violence, crime, drug use, and gang-related activities.

Studies show that prevention is far more cost-effective than incarceration in reducing the rates of juvenile crime.

A study by the Rand Corp., titled "Diverting Children From a Life of Crime, Measuring Costs and Benefits," is the most recent comprehensive study done in this area. It is clear that juvenile crime and violence can be reduced and prevented, but doing so will require a long-term vigorous investment. The Rand study determined that early intervention programs can prevent as many as 250 crimes per \$1 million spent. In contrast, the report said investing the same amount in prisons would prevent only 60 crimes a year.

Children hurting children on the streets of our Nation is costly for the moral fabric of our society and the burden on our government. Public safety is now becoming one of the most significant factors influencing the cost of State and local governments. We can begin to bring those costs down and make both shortterm and longterm positive differences in the lives of our young people by targeting the prevention of juvenile crime.

In Texas, the historically black colleges and universities are forging ahead. The Juvenile Justice Center at Prairie View A&M University will become a State and national resource. It will perform a vital collaborative role by focusing on measures that target the prevention of juvenile violence, crime, delinquency, and disorder. The university will provide comprehensive teaching, research, and public service programs. There is no single answer to this problem, but this center will be a start to bridging the programs that work for the State of Texas and other States.

It is my understanding, through conversations that my staff have held with committee staff, that Chairman, ROGERS and ranking member MOLLOHAN agree that funding for the Juvenile Justice Center at Prairie View should be incorporated into the conference report. I would like very much to thank both the chairman and the ranking member for their support of this important Juvenile Justice Prevention Center.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MCCOLLUM], the very able and hard working chairman of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman from Kentucky [Mr. ROGERS] for yielding me the time, and I want to take the opportunity to commend him on the bill that the gentleman has produced along with the gentleman from West Virginia [Mr. MOLLOHAN].

Overall, it is an excellent product. I particularly am concerned and happy with the portion of it that deals with the criminal justice system and specifically want to talk for a few minutes about the juvenile crime moneys that are in this bill.

For the very first time, there is a new program being created that is going on in concert with H.R. 3, that

was passed by this body in May, to help repair the juvenile justice systems that are broken in this country in the very States.

This is a \$300 million grant program which is in this bill that would go to the States to use as they see fit to work with their juvenile authorities and to spend what they need for more detention centers or for more prosecutors or judges or whatever they want to, prevention, whatever it might be that is involving the juvenile justice system itself.

What we have seen all too much in the last few years is that juveniles are committing a lot of the violent crime in this country. In fact, they are the highest, as a group, the highest percentage of violent crimes committed by juveniles. More murders by 18-year-olds, more rapes by 17-year-olds, and a lot of shocking numbers on the increase in violent crime in this group.

The experts have told us that the reason why a lot of this is occurring right now is because there are no consequences in most of the juvenile justice systems around the country. Kids will go and commit misdemeanor crimes, vandalism, going into the homes or stores or spray painting graffiti on a warehouse wall. And then because of an overworked juvenile justice system, in many, many jurisdictions, they do not get the kind of punishment that they should be getting for that, community service or whatever it may be. In fact, many times the police do not even take the kids in before the juvenile justice system because they know nothing is going to happen to them.

So repairing this broken system is very, very important. What we have proposed in the underlying law is that if you pass muster, if the State assures the Attorney General of the United States that they have done four things, then they can get this money to spend as they want to on their juvenile justice system.

Those four things are very simple: That they assure the Attorney General that if a juvenile is 15 years of age or older in that State and has committed a murder or a rape or an assault with a gun, that they will permit, not require, but permit the prosecutor to prosecute the juvenile as an adult; No. 2, and I think this is the most important thing, that the State has established a system of graduated sanctions and that it will punish juveniles for the very first delinquent act and for every one thereafter in a graduated sanction fashion to put consequences back into the system; that the State assures the Attorney General that it will have a recordkeeping system if the juvenile has committed a felony and it is the second offense the juvenile has committed so we can keep those records instead of destroying them and know if the juvenile is a really bad apple, as unfortunately many of them are; and that there is a system to assure the accountability of parents in terms of

those orders the juvenile court may give to them to help supervise the child.

If that is the case, then, as I said, the \$300 million could be spent on just about anything that anybody wants to, for more prosecutors, or whatever it is.

I am just exceedingly pleased with this bill and this provision in the bill, and I strongly support it. Again, I want to thank the chairman for his work and thank him for the opportunity to let me speak about it tonight.

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise to add my voice of support for the Mollohan-Shays amendment. I think it is very important for us to examine the question of the census and the count that we do to ensure the constitutional mandate of an accurate census count.

Why would we be involved in a debate about whether or not we count or want to count all Americans? Why would we be in a debate about whether or not we would use the best method to do that? I certainly do not understand why anybody would want to deny the most accurate count as mandated by the Constitution of the United States.

It is no question that this is constitutional, that we can use this statistical method that has been used in the past. The Department of Justice, under Presidents Carter, Bush, and Clinton, have all concluded and it has been confirmed by our court system, that we can use sampling as a way of ensuring an accurate count.

Why do we need to use sampling? Because 10 percent of the count was wrong in 1990, an error rate of 26 million people who were either missed, counted twice, or counted in the wrong place. So it is very important that we do not repeat what happened in 1990, but we use statistical sampling so that we can get that accurate count that is mandated.

Then it is a civil rights issue. The undercount is unfair to some groups because some groups are missed more than others. The African-Americans are 7 times as likely to be missed as whites, and it showed in the undercount in 1990, the highest ever recorded of people missed or miscounted. Equal representation is extremely important for African-Americans because it is a civil rights issue. If in fact we are undercounted, we are not counted, we will not be able to exercise our rights under the law.

Three separate panels that were convened by the National Academy of Sciences recommended the use of sampling to supplement their traditional counting. Some may have concluded that this is a political question, that there are those who believe that if we do an accurate count, we are going to get those people in the cities, those people in the rural communities that some would rather not have counted. I just cannot imagine anybody that

would conclude it is in the best interest of America to have anybody not counted.

We know that in the final analysis, if we are about the business of justice, freedom, and equality, if we are about the business of wanting equal representation for all of our people, if we truly want to do the job that the Constitution mandates, we will do everything that we can to ensure an accurate count. One can only do that with sampling.

The CHAIRMAN. The Chair will inform Members that the gentleman from Kentucky [Mr. ROGERS] has 4 minutes remaining and the right to close and that the gentleman from West Virginia [Mr. MOLLOHAN] has 2½ minutes remaining.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Kentucky [Mr. ROGERS] for yielding. I very much appreciate the Commerce, State, Justice appropriations bill. There are several things in there of special interest to me.

One is \$5 million for the National Center for Missing and Exploited Children, which is truly critical funding for the Nation's primary resource for child protection.

Also, something else I was interested in is "no frills" prison language restricting Federal funds from being spent on prisoner amenities such as martial arts instruction, weight rooms, in-cell television, expensive electrical instruments.

I also appreciate the NOAA funding as it pertains to the Chesapeake Bay Restoration Program, which I think is vitally important for that area and some of the troubled water areas we have on the East Coast at the present time.

Finally, the manufacturing extension program, which is sort of a new program, but it is the program which has become I think a cost effective, Federal-State, public-private partnership that helps small and midsized American manufacturers to become modernized to compete in the demanding global marketplace.

These are just four different measures which this committee listened to and which I think can improve life in America. And I am very thankful to all the members of the committee who helped put this together.

□ 1830

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the distinguished gentlewoman from New York [Mrs. MALONEY].

The CHAIRMAN. The gentlewoman from New York is recognized for 2½ minutes.

Mrs. MALONEY of New York. I thank the gentleman for yielding me this time. Mr. Chairman, I rise in strong support of the bipartisan Mollohan-Shays amendment. I rise to talk

about and point out to this House what I think is the civil rights issue of the 1990's, the right to be counted in the census.

The majority leadership has expressed concern that the data obtained in the census might be manipulated. The Mollohan-Shays amendment addresses that concern by setting up a three-member panel which would ensure that the results are tamperproof.

The new language of the gentleman from Illinois [Mr. HASTERT] which was added last night, I must point out, is no solution. Allowing the Supreme Court to rule on Census 2000 may sound like a just resolution, after all, who can argue with the Supreme Court, but what might look like a fair compromise is really a wolf in sheep's clothing.

Even an expedited Court decision could take up to a year, and that is much too much time. When a year has passed and the Court rules, as courts have in the past, that statistical sampling is constitutional, it will be too late. When the Court was asked to make an expedited review on the line-item veto, it took 14 months. The flag burning expedited review took 10 months. An expedited review on the census would push preparations for the most fair and accurate count ever far past important deadlines.

My colleagues who oppose an accurate count know that a lengthy delay means certain death. A fair and accurate count is the cornerstone of our democracy. I urge my colleagues to support the bipartisan Mollohan-Shays amendment to ensure a fair and accurate census count for the year 2000.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for his consideration and also the gentleman from West Virginia [Mr. MOLLOHAN], the ranking member.

The fiscal year 1997 House report and conference report on Justice Department appropriations included language urging the Department of Justice within funds available for Byrne grants to give favorable consideration to funding for the community security program of the Local Initiative Support Corporation. As a result, Justice is now working with LISC to form partnerships in a number of communities in which local community-based organizations are willing to work with law enforcement officials to promote a more livable neighborhood. Using funds from private philanthropic organizations and corporations, LISC has had great success in promoting local community security efforts in New York and Seattle. There is great interest in this program in my State, and I am particularly pleased that LISC is working in Toledo, OH. It is my hope that Justice will once again be asked to give proposals from LISC favorable consideration.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Kentucky.

Mr. ROGERS. I thank the gentlewoman for bringing this to the attention of the committee. I support community-based initiatives to crime prevention and urge the Department to give favorable consideration to continue funding this program.

Mr. BROWN of California. Mr. Chairman, I rise in opposition to the amendment.

Over the last 3 years, the ATP and other public-private partnerships have been at the center of partisan legislative debates over the proper role of Government in technology development—despite the fact that the vast majority of these programs were begun in the Reagan administration and strongly supported in the Bush administration. In the past few months, we have once again returned to a consensus on the Advanced Technology Program [ATP]. This bipartisan consensus was clear in May of this year when the House passed a noncontroversial 2-year authorization of the ATP program as part of H.R. 1274, the NIST Authorization Act. This amendment, unfortunately, threatens to shatter consensus once again.

There was bipartisan agreement on the authorization bill because of a number of reforms made to the ATP. Some of these reforms were initiated by the Science Committee in the authorization bill and others were initiated by Secretary Daley in response to congressional concerns.

These changes include: First, putting more emphasis on joint ventures and consortia—this has advantaged small- and medium-size single applicants and deemphasized awards to large companies. Already almost half of ATP awards have gone to small business; and more than 100 universities are involved in about 150 ATP projects. Second, increasing the cost-share ratio for large, Fortune 500, single applicant companies to 60 percent—ATP now has one of the highest cost-share ratios of any Government/industry program. Third, ensuring that ATP does not fund projects which can be wholly supported by private capital. Fourth, encouraging State participation in ATP awards—ATP joint ventures can now be led by States and State-sponsored nonprofit institutions. Fifth, building upon the Experimental Program to Stimulate Competitive Technology—EPSCoT will improve technology development and diffusion in the 18 States underrepresented in Federal R&D funding.

These changes preserve the fundamental mission of the program—providing funding for the breakthrough ideas whose commercialization horizon often fails to attract the attention of capital markets. These changes make ATP stronger and more viable by encouraging a greater diversity of partnerships. And I want to stress that ATP always has been and will continue to be a wholly merit-driven program based on peer-review.

In short, the House has already voted to support the authorizing committee in reforming and strengthening the ATP. No amendments to reduce ATP funding were offered during either the committee's or the House's consideration of the authorizing legislation. An appropriations bill is not the place to destroy this carefully crafted consensus.

I urge my colleagues to vote no on this amendment.

Mr. CAPPS. Mr. Chairman, I rise in support of this bill, which includes increased funding

for crucial initiatives like the COPS program, juvenile crime and prevention programs, and Violence Against Women Grants.

But I am disappointed that the bill does not fully fund the President's request for the Federal Bureau of Prisons. This issue is particularly important to me because of a horrible tragedy that occurred in my district earlier this year.

On April 3, 1997, Correction Officer Scott Williams, a decorated marine who served in Desert Storm, was brutally attacked and killed at the U.S. penitentiary in Lompoc, CA. His death has forever changed the lives of his wife, Kristy, their two very small children, Kaitlin and Kallee, and this small hardworking community.

Scott's tragic death is a constant reminder to his fellow officers of the terrible danger in which they work every day. This Congress must do all that it can to ensure that these brave men and women are given the resources they need to do their jobs safely.

I have been out to the Lompoc penitentiary numerous times and I have spoken with Warden Rardin and many of the correctional officers and staff. We should be doing more to support these hardworking men and women who are charged with keeping America's most dangerous criminals locked up and off our streets.

These heroic men and women work in some of the most dangerous working environments in the country. We must pay them a decent salary, provide that there is a sufficient number of officers on duty at all times, and give them the tools to do their jobs in a safe and humane manner. To do otherwise is irresponsible.

As our prison population continues to rise, adequate funding for the salaries, benefits, and protection of correctional officers has never been more important. Scott and his fellow officers protected us and continue to protect us day after day. It is now our turn to protect them. I will continue to support these dedicated men and women and I urge my colleagues to do the same.

Mr. SANDERS. Mr. Chairman, I rise today in support of a provision within the fiscal year 1998 Commerce, Justice, State, Judiciary appropriations bill which provides full funding for the Small Business Administration's Small Business Development Center [SBDC] Program.

Mr. Chairman, it is clear that in my State of Vermont, and all across the country, small businesses are creating the lion's share of new jobs. And we should be doing more to help those who are most ready to create and invest here at home in our national economy.

The SBDC Program is one example where a small Federal investment has paid for itself many times over. With limited Federal funds, SBDC's have been able to leverage additional non-Federal funds in support of their mission and to forge very strong partnerships with State and local government, education, and business leaders to provide a unique array of local counseling, training, and financial services that would not otherwise be attainable in the private sector to small businesses, especially those employing fewer than 25 employees and the self-employed.

Ultimately, SBDC's pay off in the form of job creation and new economic development. The SBDC Program also generates increased revenues from a broader base of income and

sales tax returns from thousands of new or more profitable small businesses that are helped by SBDC's.

Mr. Chairman, the SBDC Program has been very successful in Vermont. In their 1996 annual survey of 1,400 clients, the Vermont SBDC revealed sales increases of almost \$83 million, and the creation of 1,750 jobs for Vermont—1,350 full-time and 450 part-time, at average hourly rates of \$9.85 and \$6.95. Reviewing the results of the survey, the Vermont tax commissioner validated a conservative return of over \$1.2 million directly into the State treasury in income and sales taxes. This equates to a 4-to-1 return on the Federal dollars.

Mr. Chairman, unfortunately earlier this year the President's budget proposed to cut funding for SBDC's by 24 percent—from \$73.5 million to \$57.5. This cut would have been particularly devastating for smaller States, such as Vermont, which barely have the resources to meet the current demand for services. I opposed this cut, and wrote a letter to Subcommittee Chairman HAROLD ROGERS, requesting that funding for the SBDC's be sustained at its current level, including a small adjustment for inflation. I am pleased to report that I was joined on my letter to the chairman by 94 Members of the House.

Mr. Chairman, I am especially pleased that the chairman and the subcommittee responded to this bipartisan effort by fully funding the SBDC Program for fiscal year 1998, including a \$2-million increase for inflation. I urge all of my colleagues to support SBDC's by supporting this provision during floor consideration of the Commerce, Justice, State, Judiciary appropriations bill.

Mr. ETHERIDGE. Mr. Chairman, I rise in support of the Hoyer-Cardin-Etheridge amendment to H.R. 2267, the fiscal year 1998 Commerce, Justice, State Appropriations Act. This amendment will add \$3 million to the National Ocean Service Account of the National Oceanic and Atmospheric Administration [NOAA] to respond effectively to Pfiesteria, and Pfiesteria-like conditions, along the Eastern Seaboard.

As you know, Pfiesteria is a single-celled organism which in certain stages, produces a toxin that kills fish and may have human health effects. In several cases now under investigation, individuals reported that they become ill after direct exposure to the organism's toxins. It was first linked to massive fish kills in North Carolina waters in 1988. In North Carolina alone, over a billion fish have been killed as a result of Pfiesteria. In light of recent findings, North Carolina has set up a toll-free hot line and organized a panel of experts to review how North Carolina should respond to future fish kills.

Chemical analysis is the key to other needed research that will answer more specific questions about health impacts. More funding is critically needed to augment the research that North Carolina has already begun on characterization and analysis of the Pfiesteria toxin. Presently, NOAA has the mechanisms in place to study and assess the causes and possible controls of Pfiesteria and Pfiesteria-like conditions.

Mr. Chairman, I urge my colleagues to support this amendment. It is a cost-effective measure, and it will enable NOAA to assist States from North Carolina to Delaware effected by this micro-organism.

Mr. ROGERS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that any amendment otherwise in order under clause 2(f) of rule XXI that affects a paragraph in title I, and the item Legal Services Corporation, be in order at a later point in the reading of the bill notwithstanding that the affected paragraph of title I may have been read.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the amendment printed in part 1 of House Report 105-264 is adopted and the bill, as amended, shall be considered as an original bill for further amendment under the 5-minute rule.

Before consideration of any other amendment, it shall be in order to consider amendment No. 1 printed in part 2 of the report, 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 may be offered only by a Member designated in the report and, except for amendment No. 1, may be offered only at the appropriate point in the reading of the bill. Amendments in part 2 shall be considered 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.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that has been printed in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 2267

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment made in order pursuant by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2, Amendment No. 1 offered by Mr. HYDE:

Page 116, strike line 16 and all that follows through line 2 on page 117 and insert the following:

**SEC. 616. ATTORNEYS FEES AND OTHER COSTS IN CERTAIN CRIMINAL CASES.**

During fiscal year 1997 and in any fiscal year thereafter, the court, in any criminal case pending on or after the date of the enactment of this Act, shall award, and the United States shall pay, to a prevailing party, other than the United States, a reasonable attorney's fee and other litigation costs, unless the court finds that the position of the United States was substantially justified or that other special circumstances make an award unjust. Such awards shall be granted pursuant to the procedures and limitations provided for an award under section 2421 of title 28, United States Code. Fees and other expenses awarded under this provision to a party shall be paid by the agency over which the party prevails from any funds made available to the agency by appropriation. No new appropriations shall be made as a result of this provision.

The CHAIRMAN. Pursuant to House Resolution 239, the gentleman from Illinois [Mr. HYDE] and a Member opposed will each control 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

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

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

Mr. HYDE. Mr. Chairman, one of the reasons for being proud to be an American, one of the reasons I ran for Congress, one of the reasons I studied law was to try and achieve justice for people. Justice is what is your due. It is not being cheated, it is not being defrauded, and it is certainly not being pushed around.

I have learned in a long life that people do get pushed around, and they can be pushed around by their government. I was very late coming to that decision, but I learned that people in government, exercising government power are human beings, like anybody else, and they are capable of error, they are capable of hubris, they are capable of overreaching, and yes, on very infrequent occasions they are capable of pushing people around. And so when something like that happens, it is doubly shocking because you have no place to turn. If the Government, your last resort, is your oppressor, you really have no place to turn.

I am one who is hopeful and optimistic about the Government. I am very proud of my government. I think on the whole it tries very hard to do justice for its citizens. But occasionally it lapses, as I say, because it is made up of human beings.

We have a law called the Equal Access to Justice Act, which provides in a civil case if the Government sues you, and you prevail, if the Government cannot prove substantial justification in bringing the suit, you are entitled to have attorney's fees and costs reimbursed. That is justice. I do not say the Government, when they bring a civil suit against anybody or everybody, has

to always win to be justified in bringing the suit, but if the suit was not substantially justified, in other words, if it was an abuse of process, if it was frivolous, if it was malicious, then the victim, the defendant who has prevailed, is entitled to attorney's fees, very modest, \$125 an hour. But that is the law, and it has been the law for 17 years. There are cases interpreting it, interpreting what substantial justification for the Government to bring the litigation is, and we have had 17 years of successful interpretation and reinforcement of that law.

Now, it occurred to me, if that is good for a civil suit, why not for a criminal suit? What if Uncle Sam sues you, charges you with a criminal violation, even gets an indictment and proceeds, but they are wrong. They are not just wrong, they are willfully wrong, they are frivolously wrong. They keep information from you that the law says they must disclose. They hide information. They do not disclose exculpatory information to which you are entitled. They suborn perjury. They can do anything. But they lose the litigation, the criminal suit, and they cannot prove substantial justification. In that circumstance, as in the Equal Access to Justice Act for civil litigation, you should be entitled to your attorney's fees reimbursed and the costs of litigation, again at the same modest rate. That, my friends, is justice.

If you were to take a piece of paper and sit down and say, what is the most unjust thing in all of the law, you would have to say when you are pursued by somebody, and you are ultimately vindicated, and you have to swallow what can be bankrupting costs. You mortgage your house, you mortgage your future, and you may have won the case, but you have really lost the war because you are bankrupt. So this simply says to Uncle Sam, look, if you are going to sue somebody, and civilly we have had that for 17 years, under my amendment criminally, and you cannot prove substantial justification after the case is over, and the verdict is not guilty, then the prosecution pays something toward the attorney's fees of the victim. That is justice. It may be rough justice, but it is substantial justice. That is what we are attempting to do.

Now, in the bill, the gentleman from Pennsylvania [Mr. MURTHA] having in mind the case of someone we all know who went through hell, if I may use the term, for many years of being accused and finally prevailed at enormous expense, one he will never get out from under, but that brought to mind these circumstances and what could we do about them. The gentleman from Pennsylvania [Mr. MURTHA] decided to put in the bill an amendment that said for a Congressman or a member of the Congressman's staff, if they are sued by the Government criminally and they prevail, the Government owes them attorney's fees.

I felt that was inappropriate. First of all, it is too narrow. It only covers

Congressmen and congressional staff. If it is good enough for them, it ought to be good enough for any citizen. Second, it was too broad, because you only had to win your case to be entitled to attorney's fees. It would seem to me that is not enough. You need a higher threshold. What you need is to have a case that was not substantially justified, one that should not have been brought. That finding is made by the trial judge who has heard the case. The Government must prove substantial justification or you get attorney's fees. It seems to me this is just.

The Justice Department does not like it, of course. Who would like having to prove substantial justification? But if you are interested in justice, if you are the defendant and you have this panoply of lawyers and resources and FBI against you, and not only are they wrong, but they have been substantially unjustified, they have been frivolous, there is no justification substantially for bringing the suit, I am not asking for damages, I am not asking that the prosecutor go to jail or be held in contempt of court, although were I the judge, I would be interested in hearing those arguments if the Government's case was not substantially justified, but we are asking that you repair the wound, the economic wound, somewhat by awarding attorney's fees. This is my amendment.

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

□ 1845

Mr. SKAGGS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, every Member of this body has enormous respect for the gentleman from Illinois and the chairman of the Committee on the Judiciary, but I must observe that this is an extraordinary matter of policy to attempt to bring up for the first time as an amendment to an appropriations bill and, I think, wholly out of the judicious character with which the gentleman typically manages the business of his committee. I believe it is correct that this has been subject to no hearings, no opportunity for representatives of the Justice Department or the criminal defense bar or anyone else to really explicate the implications, the consequences, the costs of a significant change in the way the United States of America would manage its criminal justice responsibilities. Whatever the underlying merits of finding some way to make whole persons that may be unjustly prosecuted by the Justice Department and the law enforcement agencies of the United States when rarely but occasionally that happens, to attempt in the context of a floor amendment on an appropriations bill to address this issue I think does enormous disservice to the kind of standards of careful and thoughtful and considered work that this House ought to be doing.



It is for that reason among other substantive reasons that the administration has in its statement of policy on this indicated that, were this amendment to be adopted and be part of the final forum of this Commerce-Justice-State appropriations bill when presented to the President, that he would veto the bill, and let me just read briefly from the administration's statement.

I quote:

Opposes the Hyde amendment that would require the United States to pay attorney fees and litigation costs to "prevailing parties" in Federal criminal cases unless the government can demonstrate the case was substantially justified. This provision would have a profound and harmful impact on the Federal criminal justice system.

And listen to this.

It would create a monetary incentive for criminal defense attorneys to generate additional litigation in cases in which prosecutors have in good faith brought sound charges, tying up the scarce time and resources that are vital to bringing criminals to justice.

Think, for instance, what this would mean in areas of the criminal law that are already particularly difficult matters for prosecutors to successfully bring to conviction: rape cases, child molestation cases, in which one runs into reluctant witnesses and all sorts of difficulty in evidentiary and proof matters, cases brought under the Violence Against Women Act in particular. Do we really want to set up a system in which we are giving incentive to successful criminal defendants who have prevailed against such prosecution to tie up the limited resources, and limited they are in the United States criminal justice system, tie up those resources with these kinds of cases?

I would stipulate that we need to address the question of injustice, as rare and occasional as it may be, that the distinguished chairman of the Committee on the Judiciary brings to the House underlying this amendment. But let us do it in the regular order, let us do it through the good offices of the gentleman's committee with an opportunity for interested parties to be heard, for the representatives of the Justice Department to make their case about the real consequences of this kind of very, very significant change in national policy. We cannot do justice to this in this setting this evening under these circumstances.

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

Mr. Chairman, my good friend, the gentleman from Colorado [Mr. SKAGGS], puts the best possible face on, in my judgment, a very untenable argument. He takes refuge in procedure, that this is the inappropriate vehicle to bring this forward. Injustice needs remedy and one seizes their opportunities when they come along. My amendment was just stated as a result of the gentleman from Pennsylvania [Mr. MURTHA] putting on this bill an amendment to reimburse attorney fees to

Congressmen and their staffs if they prevail in a criminal suit, and I said no, that is too narrow, it only takes care of Congressmen and their staffs. It ought to protect anybody who is abused by a suit that is not substantially justified.

Say, I would hope this would take some time and resources from the Justice Department. They might think twice about bringing cases for which there is no substantial justification. If someone is a prosecutor and they are going to wrench somebody out of their job and their home and put them on trial as a criminal, there ought to be enough in the case that it is substantially justified.

To say one does not want them to waste their resources on cases that are not substantially justified, what about the resources of the citizen who has been put through the hoops? What is the remedy, if not this, for somebody who has been unjustly, maliciously, improperly, abusively tried by the Government, by the faceless bureaucrats who hire a law firm or get a U.S. attorney looking for a notch on his gun.

And I am for law enforcement; I am about as law and order as one can get around here, but I have seen abuses, and I know people who think because it is public power it is being wielded in the public interest. No, not necessarily. But when they transgress they ought to help pay the attorney fees to make the innocent defendant partly whole.

I remember the former Secretary of Labor, Ray Donovan, who was prosecuted and again and again and again and won every time, and when it was all over he said to himself, "Where do I go to get back my reputation?" Well, one cannot get that back, but, at least, if the Government tries to bankrupt someone because of attorney fees, they ought to pay that.

I am for law enforcement, I am for criminals going to jail, I am for the Justice Department prosecuting criminals, but not without substantial justification, and if my colleagues are against my amendment, they are saying let the Government do whatever it wants, and if they cannot prove substantial justification, tough luck.

I do not buy that.

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

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

Mr. Chairman, just quickly and in response to the gentleman's point, and then I will yield time to the gentleman from Michigan, I think the gentleman proves too much. Were the words "malicious" and "abusive" in his amendment, and maybe those are criteria that also ought to be introduced, it would be a different matter. Those were not standards that are in his amendment although they were certainly the standards invoked in his rhetoric. But it is exactly those kinds of questions about which we need a more deliberative examination of this proposed change than is admitted this evening.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, I rise in opposition to this particular amendment, and while I join the gentleman from Illinois in several of his endeavors, including his concerns about forfeitures in this country and the business of the IRS, and have been on his bills in both Congresses, I do not agree with him on this particular issue.

Section 616 of the bill before us creates a new class of citizenship exclusively for Members of Congress and their staffs by extending to them the rights to reimbursement of legal expenses when a Justice Department prosecution fails to convict them. This would be alone among all American citizens, only Members of Congress and their staffs.

Now my distinguished colleague, the gentleman from Illinois [Mr. HYDE], proposes to replace that language in 616 with an amendment to extend these privileges to any defendant who is successful in defending themselves in Federal court. The claim is that this amendment will produce greater equity.

Mr. HYDE. Mr. Chairman, would the gentlewoman yield? I will give her some time if she yields on that point.

Ms. RIVERS. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I do not extend this protection to anybody who is successful in Federal court. They are successful and the Government cannot substantially justify. That is not a tough threshold, that is not a tough threshold under the Government to meet.

Ms. RIVERS. Mr. Chairman, I will speak to that threshold.

While the claim is that this amendment will produce greater equity by eliminating differences between the treatment of Members and ordinary citizens and greater efficacy within the Justice Department, I believe it will do neither. Frankly, I believe this new proposal, when distilled down, is nothing more than a variation on the protect Members theme that is already written into this bill. While the language of the gentleman from Illinois [Mr. HYDE] allows the court to deny reimbursement if it believes the prosecution's case is substantially justified, Members can and will claim that their prosecution was politically motivated.

The words of the gentleman from Illinois [Mr. HYDE] support the suspicion. He argued in his written testimony to the Committee on Rules that there is, quote, a legitimate fear that a prosecutor could become politically involved with the particular case, could feel so compelled to win that he forgets his duty is not to win but to ensure justice. But, Mr. Chairman, it is a rare defendant that could claim that his prosecution was politically motivated. Only Members and other public officials will travel the path that this amendment lays out.

Concerns that this bill is really about Members are heightened in that this proposal was not introduced in previous Congresses and only surfaced after the angry glare of public opinion focused on H.R. 2267 and its existing Member exemption language. But even if one can accept the arguments that this proposal is about protecting all Americans, it appears to be unnecessary.

Our judicial system already provides many protections to seal defendants from frivolous cases. The gentleman from Illinois [Mr. HYDE] speaks to the civil court system but not to the criminal court system. If a case has been prosecuted, a judge has already decided, most likely several times, that the prosecution's evidence was sufficient to warrant trial, and as the Justice Department points out in their letter to Mr. HYDE, in every Federal felony case a grand jury has already determined the adequacy of the prosecution's case.

Similarly, defendants are already protected by the greatest force of justice we have in this country, the U.S. Constitution. The fifth amendment requirement of probable cause provides abiding and unambiguous protection for criminal defendants. The proposal of the gentleman from Illinois [Mr. HYDE] offers nothing more in terms of deterring errant prosecution. It simply creates a forum for Members of Congress to argue that they have been unjustly targeted for political reasons.

Mr. Speaker, it is clear that this proposal is not only unnecessary, it is most likely harmful. Members must be mindful of the chilling effect legislation of this kind could have on Federal prosecutions. The gentleman from Illinois [Mr. HYDE] has argued that politics should not be a part of the prosecutorial calculus. Agreed, but should money, given that the money at issue here comes from the Justice Department, budget losses under this amendment would decrease the Justice Department's ability to pursue other prosecutions and weaken their resolve to pursue tough but sometimes very necessary cases.

Likewise, the potential of reimbursement creates a form of prosecutorial poker wherein wealthy defendants who can and do spend large amounts of money on dream team defense counsel can raise the stakes regarding their possible prosecution.

And last but not least, please consider the after-the-fact exercise required under this bill to determine justification for prosecution. As the Justice Department points out, justification may not be evident on the trial record. There may be evidence that was relied upon in good faith by the prosecution in coming to its decision to prosecute, but was later suppressed at trial; there may be disclosure or required disclosure and compromise of confidential sources or law enforcement techniques, particularly when the Justice Department is dealing with or-

ganized crime and conspiracy cases. Likewise, we could find situations where the Justice Department must compel testimony from children who have been victims of abuse or pornography because they did not originally testify, but the prosecution relied upon their information. Similarly, if we are dealing with espionage or national security, we could force disclosure of classified information or, worse yet, we could create a situation where Justice declines to prosecute for fear of having to reveal information of a classified nature, which in fact then gives those kinds of defendants a negotiating room that most defendants do not enjoy.

Clearly this is not the sort of proposal that we should pass after just 30 minutes of discussion. It would work a fundamental change in our legal system and, according to the Department of Justice, would pose a substantial obstacle to the accomplishment of their essential mission.

I would urge a "no" vote.

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

Mr. Chairman, first of all, the judge makes the decision; the U.S. attorney does not, the jury does not. The judge who has heard the case has heard all the evidence. Then, after the trial is over and the verdict is in, the judge then listens to the Government and says, "What was the substantial justification for bringing this suit?" So the judge decides.

As for yielding secrets and classified information, that has been taken care of in the courts for many years. The judge can hear the evidence in camera by himself. Nothing needs to be publicly disclosed.

Probable cause is not the same as substantial justification. The cases recite that. There are ninth circuit cases, there are all sorts of litigation in the Equal Access for Justice Act, 17 years of that which say that, "You may have probable cause, you may have an indictment, but you're not required as the prosecutor to produce exculpatory evidence, only evidence of guilt."

□ 1900

So the two concepts are dissimilar. So that does not count.

The gentlelady said the Constitution will protect us all.

The Constitution protects you, but it will not pay your bills. That Constitution you carry in your pocket, the landlord will not take that and your lawyer will not take that. They want to get paid with cash. When the Government sues you and, by the way, you seem to have sympathy for everybody in this picture but the victim, who has been sued and the Government cannot substantially justify the lawsuit. I really wish you had some imagination and could imagine yourself getting arrested, getting indicted, what happens to your name, to your family, and the Government has a case it cannot substantially justify. They do not need to defend against malice or hardness of

heart or anything like that, just substantial justification. They do not have to win.

The fact that I picked this time and we have not had hearings, that is just a dodge. This is about as simple a concept as there is. We have had it and we have been satisfied with it in civil litigation. I am simply applying the same situation to criminal litigation.

Ms. RIVERS. Mr. Chairman, will the gentleman yield?

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

Ms. RIVERS. Mr. Chairman, I just was responding to the gentleman's comment by I believe Mr. SKAGGS and I personally and wondered what information the gentleman had about whether we could or could not understand what it would be like to be a criminal defendant, whether we could or could not rely on any personal experience?

Mr. HYDE. Mr. Chairman, reclaiming my time, I do not know the gentleman's personal experience. Most people are not indicted by the U.S. attorney. But I can imagine, and I know people who have been, what a shattering experience it is.

Ms. RIVERS. Mr. Chairman, if the gentleman will continue to yield, what we know is most people are not indicted by a U.S. attorney. Of those that are and prosecuted, 87 percent are convicted. The question is why are we pursuing this particular bill and what indication there is—

Mr. HYDE. Mr. Chairman, there are 13 percent that were not, and if the litigation against them was not substantially justified, we are not talking about a lot of money to give them justice, are we?

Ms. RIVERS. Do we have any indication at this point how many of that 13 percent are substantially unjustified and whether or not there is actually a need for this kind of proposal? And would that not in fact come out in a hearing and help us all make better decisions?

Mr. HYDE. Mr. Chairman, reclaiming my time, let us pass this law and then we will have some experience and see how many cases are brought that they cannot prove substantial justification. To take the gentlewoman's version of things, every case is substantially justified. I am telling Members in the real world lives are ruined, people are bankrupted, and it is not just, and we have a chance to remedy it and we ought to.

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

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

Mr. Chairman, I really am perplexed. The gentleman who offers this amendment obviously feels deeply and strongly about the wrong to be righted by this proposal, which is obviously legislative language. The gentleman chairs the committee of jurisdiction.

We are in the ninth month of this session of Congress. If the gentleman believes that this is such an important



matter, the question obviously arises why, with his control over the jurisdiction of this committee, there has not been legislation introduced, hearings held and a bill reported, so that we would not be put to this very awkward business of trying to figure out the real practical implications, legally, in terms of cost and every other way by a proposal brought first to the floor of the House.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

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

Mr. HYDE. The only reason it is here now, I saw the Murtha amendment, it was coming to the floor, and I thought we could do it better. That is all. I am trying to improve someone else's amendment to make it fairer, to make it not too broad, and to give a standard. That is why we are here.

That is not to say we will not deal with it in the Committee on the Judiciary, I am sure we will, but there may be no need to after it passes.

Mr. SKAGGS. Mr. Chairman, reclaiming my time, if the gentleman is sure he will, I think he makes the point. Let us not do this fast, maybe wrong, and with ill consideration in the context of an appropriations bill.

The gentleman has indicated that if we defeat his amendment, and presumably later on defeat the Murtha language, this will be a matter taken up, as it should be, by the committee with jurisdiction over this kind of legislation, not a quick and possibly wrong resolution of the matter on an appropriations bill.

Mr. Chairman, I urge my colleagues to vote no on this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE].

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

Mr. SKAGGS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentleman from Illinois [Mr. HYDE] will be postponed.

The point of no quorum is considered withdrawn.

Mr. HULSHOF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had initially intended to offer an amendment that would have increased appropriations by \$2 million for the victim and witness program at the Department of Justice. However, in discussions with the gentleman from Kentucky Chairman ROGERS, I have decided that a colloquy would be the best way to address my concerns.

Mr. Chairman, I appreciate the opportunity to discuss with the gentleman from Kentucky Chairman ROGERS

the need to further address victims' rights, and I also want to commend the ranking minority member of the appropriations subcommittee for his commitment to offering valuable services such as victim coordinators, as well as a national notification system to those that have been the unfortunate victims of violent crime.

Mr. Chairman, the American criminal justice system has neglected victims for far too long. As part of its responsibility, U.S. Attorney offices from across the country have recently established victim and witness assistance programs to close the gap between prosecutors and victims.

I can tell you as a former prosecuting attorney in the State of Missouri, that as a result of increasing caseloads, prosecutors have been given the near impossible task of convicting the guilty, protecting the innocent, and providing much needed services to victims of crimes.

Coordinators help victims of domestic violence and child abuse, as well as telemarketing and securities fraud, which often targets seniors, and even victims such as those that suffered in the Oklahoma City bombing. Clearly, Mr. Chairman, more should be done to meet the needs of these incredibly sensitive cases.

Coordinators are an integral part in keeping victims at the center of the criminal justice system, rather than on the outside looking in. Victims deserve to be educated in the legal rights they have in the judicial system and deserve the emotional support that coordinators provide. As we here in Congress continue to crack down on criminals, the needs of victims should be equally elevated.

Additionally, victim and witness assistance programs will be implementing a national notification system that ensures victims are kept informed of case developments. It is imperative that victims of domestic violence, rape or child molestation be notified of a criminal's release back into society. It is my hope, Mr. Chairman, that the U.S. Attorneys' Offices across the country will be able to move quickly in providing this service to victims.

The victim and witness assistance program is important to ensure public confidence in our criminal justice system, to make sure that it continues to aggressively prosecute dangerous criminals, while at the same time servicing the rights of victims. It is my hope, with the gentleman from Kentucky Chairman ROGERS, that I can work with the gentleman on an agreement to increase by \$2 million the appropriation for the victim and witness assistance program in joint House and Senate conference negotiations.

It is my belief, Mr. Chairman, that individuals who have been tragically victimized by criminals should not be victimized a second time by our criminal justice system.

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

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

Mr. ROGERS. Mr. Chairman, I thank the gentleman for his statement, and for his concern for victims' rights. I realize the gentleman's commitment toward this cause and the background he brings to this body as a former prosecuting attorney from the State of Missouri as Attorney General.

I agree that every effort must be made to ensure that victims are not forgotten in the criminal justice system. The measures included in this year's appropriations bill send us in the right direction to meeting the needs of victims of serious violent crime. The subcommittee provided funds for 74 new victim coordinators and advocates and the development of a national notification system.

Mr. Chairman, I look forward to working with the gentleman during the conference deliberations on the bill to find additional monies for this very vital program.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

TITLE I—DEPARTMENT OF JUSTICE  
GENERAL ADMINISTRATION  
SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$76,199,000, of which not to exceed \$3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and \$7,860,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1997: *Provided further*, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and \$4,660,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, \$20,000,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: *Provided*, That funds provided under this heading shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, \$66,700,000.

VIOLENT CRIME REDUCTION PROGRAMS,  
ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as

amended, \$59,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$33,211,000; including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year: *Provided*, That up to one-tenth of one percent of the Department of Justice's allocation for the Violent Crime Reduction Trust Fund grant programs may be transferred at the discretion of the Attorney General to this account for the audit or other review of such grant programs, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322).

AMENDMENT OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOUDER:

Page 4, line 4, after the dollar amount, insert the following: "(increased by \$2,000,000)".

Page 19, line 2, after the dollar amount, insert the following: "(reduced by \$3,000,000)".

Mr. SOUDER. Mr. Chairman, I should say at the outset this amendment is cosponsored by the gentleman from Illinois [Mr. HASTERT], the chairman of the Subcommittee on National Security, International Affairs, and Criminal Justice of the Committee on Government Reform and Oversight with oversight over the INS.

Mr. Chairman, this amendment simply transfers the \$3 million from the Immigration and Naturalization Service and increases the Inspector General's office at the Justice Department by \$2 million to provide adequate resources for a thorough investigation of the abuses of the Citizenship USA program administered by the INS.

The Citizenship USA program was devised in 1995 to increase the speed and efficiency of the naturalization process. The problem is that speed was a priority and efficiency was forgotten. In 1996, the number of naturalizations tripled to 1.1 million, an upsurge well timed for the November election.

In the Subcommittee on National Security, International Affairs, and Criminal Justice of the Committee on Government Reform and Oversight, I chaired a number of hearings on the resulting chaos from this accelerated process. It was said at that time that the appropriations committee had increased the funding for this acceleration.

As I pointed out, the gentleman from Kentucky, Chairman ROGERS, and all of us in Congress certainly did not intend to not have background checks be done. The goal was to correctly bring people who were legal aliens into citizenship and welcome them in and accelerate that process. That was the reason the appropriations committee

increased the funding, not to bring people in without the proper background checks.

What we heard in those hearings was we heard from people who said that they had bound bundles of tests that were taken in the same pencil, in the same handwriting, and yet were being applied as individuals as opposed to groups that they were actually done by.

We heard from Dallas, for example, that they had boxes of forms that never went through FBI background checks; boxes, literally thousands in some of these offices.

We heard about the mass swearing in ceremonies, where often the green cards were dumped into bins without checking off where they were coming from and then reappeared in the streets.

We heard career INS employees telling how they were told not to ask questions and follow-up questions when people did not even know what city they lived in. This type of thing was not what was intended by Congress.

The accelerated activity resulted in 180,000 applications being approved without proper screening, according to Justice Department figures, and, of those, 10,800 had felony arrests.

On April 18, 1997, the Justice Department released a report conducted by KPMG Peat Marwick Company that made clear that the Justice Department had failed to take adequate corrective action. The report stated that because of the persistent problems in checking fingerprints of citizen applicants against FBI criminal history records, "we cannot provide assurances that INS is not continuing to incorrectly nationalize aliens without disqualifying conditions."

On April 28, 1997, the Inspector General of the Justice Department announced a wide-ranging special investigation by his office into allegations of mismanagement, misconduct and illegality in the controversial INS program to speed up the citizenship process.

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Yet still Attorney General Reno refuses to appoint an independent counsel to provide an objective and complete investigation.

I know that the gentleman from Kentucky [Mr. ROGERS] the chairman of the subcommittee, has held hearings on this subject, as we have done on the Committee on Government Reform and Oversight, and I thank the chairman for his leadership on this important matter.

I ask for my colleagues' support for a complete and objective investigation of illegal activity by the inspector general in order to restore the integrity and dignity of the naturalization process. Naturalization is a critical symbol of the American democratic experiment and the continuing contribution that immigrants make. The time has come to eliminate this blemish on the

immigration system and those, the majority of whom, the overwhelming majority of whom, who legally pursue their citizenship. We should not cheapen it.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I understood that we were going to accept this amendment without debating it. In the process of accepting the amendment for the purposes of the bill being considered on the floor here today, I just want it understood that all of the characterizations that the gentleman has made are not agreed to in the process of our accepting the amendment.

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

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

Mr. ROGERS. Mr. Chairman, the gentleman has made a very interesting point, and I am prepared to accept the amendment, because it gives additional oversight of the Immigration and Naturalization Service, an agency that I think is out of control.

I have to say this, if the gentleman will continue to yield. In this bill, in addition to the money that we hope is agreed to in the gentleman's amendment for additional oversight by the inspector general of the Department for INS, in the bill we make it illegal for the INS to waive the FBI criminal check before they grant citizenship to an individual.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. SOUDER] has expired.

(By unanimous consent, Mr. SOUDER was allowed to proceed for 3 additional minutes.)

Mr. SOUDER. Mr. Chairman, I would like to make it clear, I intend to make no additional statement.

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

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

Mr. ROGERS. So we make it illegal for them to waive the criminal check by the FBI before they grant citizenship, as they did last year in at least 180,000 cases, and we have 10,000, at least, felons walking the streets of America today because the INS waived the policy against requiring criminal checks by the FBI before they grant citizenship. We make it law now in this bill, not just policy. It will be the law.

No. 2, in this bill we also authorize and direct the Attorney General to fire on the spot any INS employee who violates the law or policy of the Department in relation to the naturalization process. We will not tolerate the selling of American citizenship for votes or anything else in this country, and this bill makes that plain.

Mr. Chairman, I accept the gentleman's amendment.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I do not want to prolong this, but as the ranking member of the Subcommittee on Immigration and Claims on the Committee on the Judiciary, I just want to make it clear that Peat Marwick has just finished the report and issued it. There were only 300 presumptively ineligible persons found out of 1.3 million, so this notion that there is some massive impropriety going on is just incorrect.

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

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

Mr. ROGERS. Mr. Chairman, INS at this very moment is processing 5,000 revocations of citizenship because they are criminals; 5,000, and they have just started counting. The gentleman is incorrect.

Mr. SOUDER. Mr. Chairman, I thank the gentleman for his leadership.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words, and I will not take the 5 minutes.

I think we are talking about two separate issues, and I am not taking issue with what the chairman says, but the gentleman from Indiana [Mr. SOUDER] in his comments made reference to a report from Peat Marwick. That report just out indicates only 300 out of 1.3 million people who were presumptively ineligible for citizenship, and that is a different issue than the issue the chairman is addressing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. SOUDER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

UNITED STATES PAROLE COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, \$4,799,000.

LEGAL ACTIVITIES  
SALARIES AND EXPENSES, GENERAL LEGAL  
ACTIVITIES

For expenses, necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; \$445,000,000, of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended; *Provided*, That of the funds available in this appropriation, not to exceed \$17,525,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: *Provided further*, That of the total amount appropriated, not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

AMENDMENT OFFERED BY MR. ACKERMAN

Mr. ACKERMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ACKERMAN:

Page 5, line 9, insert "(increased by \$300,000)" after "\$445,000,000".

Mr. ACKERMAN. Mr. Chairman, many of our colleagues may already know the deeply troubling situation that exists in the United States with regard to the veterans of the Nazi war machine.

About 8 months ago I discovered that thousands of former soldiers from Hitler's elite Waffen-S.S. corps, now living all around the world, some of whom may have participated in crimes against humanity, have been receiving monthly pensions from the German Government. These fairly generous pensions called, ironically enough, war victims' pensions, are given to Nazi SS officers who sustained injuries during World War II.

However, my concern lies with the fact that neither the German Government nor any other government has ever bothered to cross-check the list of applicants and recipients with the international list of known Nazi war criminals. This is unacceptable, particularly since we have learned that at least 3,300 recipients of these Nazi pensions live right here in the United States.

The situation becomes ironically intolerable when we realize that according to the American Jewish Committee, which has done a tremendous job in working on this issue, that well over 15,000 Jewish survivors of the Holocaust, and probably at least as many non-Jewish survivors living in Eastern Europe and countries of the former Soviet Union, have never received any compensation from that government for the horrors they were forced to endure in Nazi ghettos and concentration camps.

These survivors have been dubbed the "double victims," as they were first victimized by the Nazi nightmare and then again by the Communist governments that took over after the war. Perhaps we need to call them "triple victims" at this point since they are once again being victimized by a government who continuously refuses to offer them any compensation. Many of these survivors are also in desperate financial straits as well as in poor health.

Based on the information we received regarding the issue of pensions to former Nazi Waffen-SS officers, I wrote to German Chancellor Helmut Kohl requesting that he send us the list of those living in the United States so that the Office of Special Investigations in our State Department and in our Department of Justice could do the necessary cross-checking before the trail to Nazi war criminals grows cold.

To the credit of Chancellor Kohl and the German people, he quickly acceded to the request, and our Office of Special Investigations, OSI, under the superb leadership of its Director, Eli Rosenbaum, is currently poring over these lists.

Let me also stress that the work that they are doing now is extremely slow and a very tedious and laborious process. OSI continues to be undermanned and underresourced, and this additional major surprise project further strains those capabilities.

Therefore, this amendment would simply add \$300,000 to the Justice Department appropriation for the specific purposes of investigating the names on the lists that the German Government has provided us. I think this is a prudent and reasonable amendment, and I have been informed by the Director of OSI that this additional appropriation would allow them to hire the needed attorneys and historians in order to complete this list project effectively and efficiently and in a timely manner.

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

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

Mr. ROGERS. Mr. Chairman, the gentleman has worked very closely with us on his amendment. We believe this program has merit and is a good amendment, and we have no objection to it and support its adoption.

Mr. ACKERMAN. Mr. Chairman, I thank the chairman, the gentleman from Kentucky [Mr. ROGERS], for his cooperation and his decisive leadership in this matter, and I urge the adoption of this amendment in the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ACKERMAN].

The amendment was agreed to.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word to enter into a colloquy with the gentleman from Kentucky [Mr. ROGERS], the chairman of the subcommittee.

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

Mr. MILLER of California. Mr. Chairman, I was going to offer an amendment, along with the gentlewoman from Hawaii [Mrs. MINK], the gentleman from South Carolina [Mr. SPRATT], and the gentlewoman from Connecticut [Ms. DELAURO] for the Office of the United States Attorney to augment this fund by \$100,000 for additional resources for the Federal Victims' Assistance Program in the Commonwealth of the Marianas. However, I understand that the chairman of the subcommittee, the gentleman from Kentucky [Mr. ROGERS], is willing to engage us in a colloquy, and if I can do so, I would like to do that at this time, with the chairman's permission.

In lieu of offering that amendment, I understand that additional funds have already been provided in this bill that could accommodate the need for increased U.S. Attorneys' presence in the Commonwealth of the Northern Mariana Islands to address the increasing docket and strained resources for both the Federal district court and the Office of the U.S. Attorney located in Guam, which presently provides prosecution support to the CNMI.

The increased law enforcement of the Federal criminal statutes' victims protection and violations of the Occupational Health and Safety Act and the Fair Labor Standards Act will be furthered with additional U.S. attorney resources. This will also permit the increased cooperation between the Federal Government and the Commonwealth of the Northern Marianas in addressing any violation of workplace and housing laws.

What I would like to ask the chairman is will the chairman work to include the language in the statement of managers which directs the U.S. attorneys to provide an additional \$100,000 in resources in Guam for the use of the Commonwealth of the Northern Marianas to address these issues?

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

Mr. MILLER of California. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, let me compliment the gentleman from California [Mr. MILLER] for raising these concerns regarding law enforcement needs in the Northern Mariana Islands. We will work during the conference to include language to address the issue in the statement of managers.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman very much for his statement of support and his willingness to work with myself and the other Members, and I appreciate the gentleman agreeing to do this colloquy.

The reason we did this, I say to my colleagues, is I think that it is accurate to say that most Members of Congress, like most Americans, are unaware of the tens of thousands of workers who toil on American soil in the U.S. Commonwealth of the Northern Marianas Islands who are routinely subjected to gross violations of their human rights and other rights, while being provided few of the legal protections afforded the rest of us.

This widespread and intolerable abuse have been credibly documented by the U.S. Department of the Interior, the Justice Department, the Commerce Department, State, Labor; and news organizations, including the television program Inside Edition, Reader's Digest, the Honolulu Star Bulletin, the Pacific Daily News, the Dallas Morning News, the Washington Post, the Los Angeles Times; the report of the Committee on Resources Democratic staff, foreign consulates, church and human rights workers, and many others.

It is regrettable that until today, this Congress is one of the few places where we have been unable to gain even minimal discussion of these abuses. Inside Edition captured the horrific conditions in the Marianas on film and for this Nation to view. Now we in Congress must respond to the outrages that they have documented.

Indeed, instead of allocating the resources to providing greater protection for these exploited and abused workers, the Commonwealth of the Northern

Marianas Government has spent millions of dollars lobbying this Congress to allow these current practices to continue. The victims of this abuse are afraid to complain because they are impoverished and laboring in a foreign country, our country. They are bound by contracts and labor agreements that stifle the most minimum of constitutional and human rights. They know that complaining about the underpayment of wages, forced prostitution, and employer rape carries with it the risk of retaliation or immediate deportation, or actions against their families in China.

□ 1930

Mr. Chairman, thousands of these women toil in the garment factories owned by the People's Republic of China, and they are forced to sign shadow contracts with the Chinese Government before they are allowed to work here that stipulate that they are forbidden from practicing religion while in the United States, and may not engage in free speech. This is simply unacceptable.

Here perhaps is the most shocking fact. The products that this exploited labor work force, the products that they work on, are admitted to our national markets duty-free, quota-free, and with the label sewn by these indentured workers that says, "Made in the U.S.A."

We can no longer accept this practice. Additional funds for the Attorney General's office in the Northern Marianas are desperately needed. I thank the chairman again for entering into this colloquy.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 4 additional minutes.)

Mrs. MINK of Hawaii. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentlewoman from Hawaii.

Mrs. MINK of Hawaii. I thank the gentleman for yielding to me, Mr. Chairman.

I am really very, very excited about the idea that for the first time since my coming here to Congress in 1990, we have a chance to discuss this issue. Many of us have been really worried and concerned about it. We have done what we could in letter writing and contacting and exposing this whole issue before our constituents, before the people that have some power to do something about this. But this is really a very, very serious situation.

When we talk about the Northern Marianas, so many people think that this is a foreign country. Why should we care about what the conditions are that these people work under?

Let me remind this House that in 1975 we entered into a compact with the Northern Marianas, a covenant which gave the indigenous people of this territory U.S. citizenship status.

They are American citizens. They should abide by the fundamental laws of this country, but they do not.

The reason they do not was there was a provision in the covenant which yielded to their demands at that time to say that they should not have to apply or enforce the immigration laws of this country nor the labor laws. They argued that the immigration laws and labor laws would be too cumbersome, too many regulations. It would encumber the ability of this small place to prosper and become self-sufficient. So the Congress gave in and the covenant, therefore, excluded these two very vital provisions which safeguard people entering into the United States.

The Northern Marianas is part of the United States. Those people there are U.S. citizens. What they do is they comb across the Asian continent and they find unwitting, unsuspecting victims to lure to the Northern Marianas with promises of great prosperity, with promises that they will earn money and be able to send it back to their families so they can have a better life; that they would come to an American territory and really enjoy the benefits of a democracy.

What do they find? They sign a contract which requires that they repay thousands of dollars if they cancel it. They come to the Northern Marianas. They are really enslaved in these terrible warehouses, tens of thousands of foreigners impacted into this place. They do not have the protection of minimum wage. Oftentimes they work with no salary at all.

They cannot complain because if they want to break their contract, they have no money to give back to these people who hired them. They have no money to buy an airplane ticket. The women who come to this place are terrorized. They are brutalized. They are made into prostitutes. Young children, 14- and 15-year-olds, females, are put into bondage. It is the most disgraceful thing happening on U.S. soil.

Forget the fact that it is the Commonwealth of the Northern Marianas; it is a U.S. territory. The people with whom we signed the contract were U.S. citizens. It is our responsibility to make sure that these individuals are protected.

All we are asking this Congress to do is to pay heed to the victims who are brought there, tens of thousands, most of them women. One of them that I know in my State has been brought to the State of Hawaii as a victim. She came to Hawaii at age 14 and is now 16, and she cannot obtain justice. She has no funds with which to exist. There is no victim protection for her whatsoever. She was abused and raped and put into prostitution.

Mr. Chairman, if Members had an opportunity to witness this themselves and to talk to the people that have endured this system, Members would understand the rage and the furor that I feel about what is happening there.

And the products, Mr. Chairman, as the gentleman in the well has said, they come to the United States with a "Made in the U.S.A." label. That is heinous.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent for 3 additional minutes.

Mr. ROGERS. Reserving the right to object, Mr. Chairman, we have a great number of items to take up. I want us to air this fully, but I would hope that we could conclude.

Mr. MILLER of California. If the gentleman will yield, I thank the gentleman. The only reason we would do that is just so it could be in sequence. We did not know if they could strike the 5 minutes.

Mr. ROGERS. I have already agreed to do what the gentleman wants.

Mr. MILLER of California. I understand.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. DELAURO. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, I thank my colleague for giving us the opportunity to talk about these deplorable human rights abuses, as has been stated, right here on U.S. territory.

The report that was issued in July indicates that local government in the Northern Mariana Islands looks the other way as tens of thousands of low-paid and disenfranchised women, mostly from China and the Philippines, are forced to live and work in squalid, unsafe conditions. Guards, barbed wire have prevented them from escaping. The women suffer, the owners of the sweatshops prosper. Some, as my colleague the gentlewoman from Hawaii [Mrs. MINK] pointed out, have been forced into prostitution.

Whistle blowers are abused, troublemakers are sent back to their home countries, while the local government has turned a blind eye, leaving these women and young girls with little hope for protection. This kind of treatment is intolerable.

I happen to have a particular interest in this area because my mother was a garment worker. She worked in a sweatshop in New Haven, CT, as so many women did, where they worked for pennies. They worked in all conditions.

This is not the right thing to do. We made some changes here in the country. We tend to think that sweatshops do not exist any longer. In fact, they do, and right under our very eyes in territories under U.S. control.

I am pleased we have an opportunity to insert some funds here which will allow for there to be law enforcement efforts. This would allow U.S. Federal law officials to do the right thing.

More important, it would help thousands of women regain their dignity and their honor.

We responded immediately this past summer to discovering illegal sweatshops in New York City. Americans do know what is right in this area. Forced labor, entrapment into prostitution, are wrong. When we discovered the conditions in New York City, Americans were outraged. We demanded change, and it occurred. We should do the same for the women who are trapped in the Northern Marianas sweatshops.

Mr. MILLER of California. I thank the chairman and ranking member for their attendance to this problem.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed \$4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

#### VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, \$7,969,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

#### SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$84,542,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$70,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than \$14,542,000: *Provided further*, That any fees received in excess of \$70,000,000 in fiscal year 1998 shall remain available until expended, but shall not be available for obligation until October 1, 1998.

#### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental and cooperative agreements, \$973,000,000; of which not to exceed \$2,500,000 shall be available until September 30, 1999, for (1) training personnel in debt collection, (2) locating debtors and their property, (3) paying the net costs of selling property, and (4) tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 9,010 positions and 9,116 full-time equivalent workyears shall be supported from the funds appropriated in

this Act for the United States Attorneys: *Provided further*, That not to exceed \$6,000,000 for office moves, expansions and renovations shall remain available until September 30, 1999: *Provided further*, That not to exceed \$1,200,000 for the design, development and implementation of an information systems strategy for D.C. Superior Court shall remain available until expended.

#### VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 40114, 130005, 190001(b), 190001(d), and 250005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, and section 815 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), \$62,828,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

#### UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), \$107,950,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, \$107,950,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 1998, so as to result in a final fiscal year 1998 appropriation from the Fund estimated at \$0: *Provided further*, That any such fees collected in excess of \$107,950,000 in fiscal year 1998 shall remain available until expended but shall not be available for obligation until October 1, 1998.

#### SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, \$1,226,000.

#### SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, \$462,944,000, as authorized by 28 U.S.C. 561(i); of which not to exceed \$6,000 shall be available for official reception and representation expenses; and of which not to exceed \$4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system, and not to exceed \$2,200,000 to support the Justice Prisoner and Alien Transportation System shall remain available until expended: *Provided*, That, for fiscal year 1998 and thereafter, the service of maintaining and transporting State, local, or territorial prisoners shall be considered a specialized or technical service for purposes of 31 U.S.C. 6505, and any prisoners so transported shall be considered persons (transported for other than commercial purposes) whose presence is associated with the performance of a governmental function for purposes of 49 U.S.C. 40102.

#### VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of the Violent Crime Control and

Law Enforcement Act of 1994 (Public Law 103-322), as amended, \$25,553,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

#### FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, \$405,262,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

#### FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, \$75,000,000, to remain available until expended; of which not to exceed \$4,750,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed \$1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed \$4,000,000 may be made available for the purchase, installation and maintenance of a secure, automated information network to store and retrieve the identities and locations of protected witnesses.

#### SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, \$5,319,000 and, in addition, up to \$2,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: *Provided*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, \$23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

#### RADIATION EXPOSURE COMPENSATION ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, \$2,000,000. Further, for the foregoing purposes during fiscal year 1999, \$2,000,000.

#### PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, \$4,381,000. Further, for the foregoing purposes during fiscal year 1999, \$29,000,000.

#### INTERAGENCY LAW ENFORCEMENT

##### INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals

involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$294,967,000, of which \$50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

#### FEDERAL BUREAU OF INVESTIGATION

##### SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,094 passenger motor vehicles, of which 2,270 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, \$2,706,944,000; of which not to exceed \$50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed \$1,000,000 for undercover operations shall remain available until September 30, 1999; of which not less than \$147,081,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed \$98,400,000 shall remain available until expended; of which not to exceed \$10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which \$1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: *Provided*, That not to exceed \$45,000 shall be available for official reception and representation expenses: *Provided further*, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

##### VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended ("the 1994 Act"), and the Antiterrorism and Effective Death Penalty Act of 1996 ("the Antiterrorism Act"), \$179,121,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which \$102,127,000 shall be for activities authorized by section 190001(c) of the 1994 Act and section 811 of the Antiterrorism Act; \$57,994,000 shall be for activities authorized by section 190001(b) of the 1994 Act; \$4,000,000 shall be for training and

investigative assistance authorized by section 210501 of the 1994 Act; \$9,500,000 shall be for grants to States, as authorized by section 811(b) of the Antiterrorism Act; and \$5,500,000 shall be for establishing DNA quality-assurance and proficiency-testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210501 of the 1994 Act.

#### TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

As authorized by section 110 of the Communications Assistance for Law Enforcement Act (47 U.S.C. 1009), \$50,000,000 is appropriated for purposes of national security, without fiscal year limitation, to the Department of Justice Telecommunications Carrier Compliance Fund, for payments pursuant to section 401 of such Act (47 U.S.C. 1021).

#### CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; \$38,506,000, to remain available until expended.

#### DRUG ENFORCEMENT ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,602 passenger motor vehicles, of which 1,410 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; \$814,463,000, of which not to exceed \$1,800,000 for research and \$15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed \$4,000,000 for purchase of evidence and payments for information, not to exceed \$10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed \$2,000,000 for laboratory equipment, \$4,000,000 for technical equipment, and \$2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 1999; and of which not to exceed \$50,000 shall be available for official reception and representation expenses.

##### VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 180104 and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended, and section 814 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), \$310,037,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

#### CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; \$5,500,000, to remain available until expended.



Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 18, line 10, be considered as read, printed in the RECORD, and open to amendment at any time.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there amendments to that portion of the bill through page 18, line 10?

#### PARLIAMENTARY INQUIRY

Mr. ROHRABACHER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ROHRABACHER. Mr. Chairman, is all the debate passed for the time period that will be available to discuss what the gentleman from California [Mr. MILLER] had been proposing?

The CHAIRMAN. Would the gentleman from California [Mr. ROHRABACHER] restate his point of inquiry?

Mr. ROHRABACHER. On the Miller amendment, is all time passed when anyone can debate the subject matter of the amendment offered by the gentleman from California [Mr. MILLER]?

The CHAIRMAN. There was no debate. The gentleman did not offer the amendment.

Mr. ROHRABACHER. At this point, before we move on to another subject, is it permissible for this gentleman to strike the last word?

The CHAIRMAN. It certainly is.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the entire 5 minutes. Let me just note, there is a philosophical difference between some of the people who have been expressing what I would consider the worst possible picture, painting the worst possible picture of the Northern Marianas Islands, and those of us who look at the Northern Marianas Islands and compare them to other such areas of the world and see a totally different picture.

Yes, if we painted a picture of the United States as a developing country 25 or let us say 50 to 75 years ago, people would say the United States is a horrible place as compared to the United States today. But the fact is that the United States as compared to other countries in the world 75 years ago was a pretty good place. The Northern Mariana Islands as compared to other areas of similar development, other islands, especially even island territories of the United States of America, is a pretty good place. They have had a great deal of reform, free enterprise reform, in the last 5 years that has totally turned around their economy.

I realize that there are people on the other side of the aisle who believe that government should regulate economic activity to improve the standard of living of the people of a given area. I do not think that works. What has happened in the Northern Marianas, when

they were counting on handouts from the Federal Government, when they were counting on the United States government here in Washington, D.C. to provide them subsidies, the standard of living of everyone in those islands was going downhill.

Today, when they have developed a new strategy for the development of their little islands, the standard of living of their island people is going up. And of course, it is argued, my goodness, they have all of these guest workers who are working in terrible situations, they are getting less than the minimum wage in the United States, et cetera.

However, even those individuals, by and large the vast majority of those individuals, perhaps 90 percent of those individuals are living better than they would if they would not have jobs. That is why they came to the Northern Marianas.

My good friend, the gentleman from California [Mr. GEORGE MILLER], I do not know if he would prefer to have these people unemployed in the Philippines or unemployed in the various countries they come from, or if he would rather have them working and going back after 2 years with several thousand dollars in their pockets.

Mr. Chairman, I have as much objection as my good friend, the gentleman from California [Mr. MILLER] does to people who break their contracts with guest workers. That was a problem in the Northern Marianas. That is no longer a major problem, because the people and the government of the Northern Marianas have committed themselves to solving that problem, and preventing the poorest of the poor people who come in as guest workers from being exploited to the point that their contracts are not being honored.

I went there. I talked to many, many guest workers. I went to various enforcement agencies that are there, who said yes, there was a problem 5 years ago, but now we are forcing these employers to honor their contracts. Thus, these contract laborers are living better than they would if they were stuck in China or the Philippines.

I will tell the Members, the people of the Northern Marianas, their standard of living is going up, not down. That is compared to all these other island possessions of the United States which are relying on handouts from the American people, and those island economies are on the way down. So the Northern Marianas has found something successful.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of California. Mr. Chairman, I appreciate the gentleman yielding. We do not want to belabor the point. The chairman wants to move on. Hopefully we will have other opportunities to debate this.

The gentleman mentioned people from the Philippines. Let me just say,

what we are asking for is the same thing that the Philippine government has petitioned the Northern Marianas for these people, that they not be put into forced sex, young girls not be required to dance in bar clubs, and they not be put into prostitution, because that is going on today.

I appreciate what the gentleman is saying, except there is no independent validation of what the gentleman is saying with respect to the workers. Every independent group that has looked at this has found it to be just the opposite currently going on in the Northern Marianas.

Mr. ROHRABACHER. Mr. Chairman, no decent American or anyone else is going to turn the other way as young girls or any young person is exploited and a contract is not honored, or someone is being forced into a life style like the gentleman is suggesting.

But what I am saying here is the reason the Northern Marianas have been targeted, unlike New York City, which we have heard about just from our last speaker before I got up, is because the Northern Marianas, unlike other island possessions, are taking a free enterprise approach to development. It is increasing the standard of living of their people. Even the guest workers are better off than if they had no job at all.

The CHAIRMAN. The time of the gentleman from California [Mr. ROHRABACHER] has expired.

(On request of Mr. HALL of Texas, and by unanimous consent, Mr. ROHRABACHER was allowed to proceed for 2 additional minutes.)

Mr. HALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Texas.

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Mr. HALL of Texas. Mr. Chairman, I do not always agree with the gentleman from California [Mr. MILLER] on issues, but I have high regard and high respect for him. We seem to be in agreement today that more resources and efforts have got to be committed to the law enforcement in the Commonwealth of Northern Mariana Islands.

It is my strong recommendation that additional funds be transferred to the appropriate category for use in adding an additional Assistant District Attorney. That is what they tell me they need. Going over there and staying 4 or 5 days does not make me an authority.

I did not find the things that have been related here. But I know the gentleman from California [Mr. MILLER] is an honorable man who knows how to detect these things. I hope he will go with the gentleman from Alaska [Mr. YOUNG] early next year.

As I understand, the committee of jurisdiction should be the Committee on Resources. It is my understanding that the gentleman from Alaska [Mr. YOUNG] is going to lead a delegation there in January. I strongly suggest that the gentleman from California

[Mr. MILLER], who is a member of that committee, join the chairman in that group.

Hopefully, he will be persuaded, as I was, that there are many, many more people that are much better off because of the fact that they get an opportunity to leave the poverty of the Philippines and part of China and part of other areas, come there and work 2 years, go back very wealthy. And they have long lines to do that. And, of course, it is not perfect.

If there are any of the things that the gentleman from California [Mr. MILLER] has related going on there, none of us on this floor condone it. We just need to get the hard, cold facts out on the floor.

Mr. ROHRBACHER. Mr. Chairman, not only do we not condone it, I would applaud the gentleman from California [Mr. MILLER] that we should, as a country, make sure that we take the steps necessary to stop that.

But to condemn, basically to throw the baby out with the bath water and say this is part and parcel of this free-enterprise revolution that they have going on in the Northern Marianas is just an inaccurate picturing of what is going on in the lives of most people in the Northern Marianas.

I met with a lot of the reformers there from the churches who have been active in trying to correct the problems that the gentleman from California [Mr. MILLER] brought up, and they admitted to me that in the last 5 years things have gotten dramatically better because the decent people of the Northern Marianas, who, after all, in any area are decent people, have made a commitment to make those changes.

Mr. BRADY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a brief colloquy with the distinguished gentleman from Kentucky [Mr. ROGERS], chairman of the House Appropriations Subcommittee on Commerce, Justice, State, and Judiciary.

First, I want to thank the chairman for his work in providing \$600 million in total funding for the Senate Criminal Alien Assistance Program. This is \$100 million more than the Fiscal Year 1997 level and the Fiscal Year 1998 level requested by the President and recently passed by the Senate.

When this bill goes to conference, I urge the gentleman from Kentucky [Mr. ROGERS] to fight for the House-passed level. As the chairman is aware, language was included in the 1997 Commerce, Justice, State appropriations bill that allowed California to use its Violent Offender Incarceration and its Truth-In-Sentencing incentive grant awards to offset the cost of incarcerating criminal aliens. Such language is again included in the House committee-passed fiscal year 1998 appropriations bill.

Mr. Chairman, I believe that Texas, the State with the second largest criminal alien incarceration population, and other States with signifi-

cant numbers of incarcerated criminal aliens would greatly benefit if they were given similar latitude in the use of their VOI grant award funds.

In conference, I urge the gentleman from Kentucky [Mr. ROGERS], the chairman, to work for the House-passed level of \$600 million. However, if during negotiations that level is reduced, would the chairman be willing to work with us to provide some additional flexibilities to States like ours with high criminal alien incarceration populations in the use of their VOI grant award funds?

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

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

Mr. ROGERS. Mr. Chairman, I am very sympathetic to the needs of Texas and other States that have the highest criminal alien incarceration populations and believe that the additional \$100 million the House provides for in the program will alleviate most of the problems that my colleagues are encountering.

I recognize the need for those affected States to have greater flexibility in using their staff reimbursements. If we are not able to provide them this additional funding, I will work with my colleague and others to find a solution.

Mr. BRADY. I thank the gentleman from Kentucky [Mr. ROGERS], the chairman, for his leadership and assistance.

The CHAIRMAN: Are there further amendments to the bill through page 18, line 10?

If not, the Clerk will read.

The Clerk read as follows:

#### IMMIGRATION AND NATURALIZATION SERVICE SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police type use (not to exceed 2,904, of which 1,711 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility; \$1,609,441,000; of which not to exceed \$400,000 for research shall remain available until expended; of which not to exceed \$10,000,000 shall be available for costs associated with the training program for basic officer training, and \$5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; and of which not to exceed \$5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That none of the funds

available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of \$30,000 during the calendar year beginning January 1, 1998: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed \$5,000 shall be available for official reception and representation expenses: *Provided further*, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis: *Provided further*, That not to exceed 32 permanent positions and 32 full-time equivalent workyears and \$3,101,000 shall be expended for the Office of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: *Provided further*, That, during fiscal year 1998 and each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service may be used to accept, process, or forward to the Federal Bureau of Investigation any FD-258 fingerprint card, for the purpose of conducting criminal background checks for any benefit under the Immigration and Nationality Act, which has been prepared by, or received from, any individual or entity other than an office of the Immigration and Naturalization Service or State or local law enforcement agency and beginning on March 1, 1998 and each fiscal year thereafter only an office of the Immigration and Naturalization Service may accept, process or forward FD-258 fingerprint cards to the Federal Bureau of Investigation for any of these applications which require an interview: *Provided further*, That, during fiscal year 1998 and each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service shall be used to complete adjudication of an application for naturalization unless the Immigration and Naturalization Service has received confirmation from the Federal Bureau of Investigation that a full criminal background check has been completed, except for those exempted by regulation as of January 1, 1997: *Provided further*, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears: *Provided further*, That notwithstanding any other provision of law, during fiscal year 1998, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or Department Leadership on any matter.

AMENDMENT OFFERED BY MR. WEYGAND

Mr. WEYGAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows

Amendment offered by Mr. WEYGAND: