

PRAYER

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

We pray this day with the words of Psalm 100:

*Make a joyful noise to the Lord, all the lands!
Serve the Lord with gladness!
Come into his presence with singing!
Know that the Lord is God!
It is he that made us, and we are his;
we are his people and the sheep of his pasture.
Enter into his gates with thanksgiving,
and into his courts with praise!
Give thanks to him, and bless his name!
For the Lord is good;
his steadfast love endures forever,
and his faithfulness to all generations.*

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas [Mr. SMITH] come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of Texas led the Pledge of Allegiance as follows:

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

CONGRESS MUST CHANGE THE BURDEN OF PROOF IN TAX CASES

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

Mr. TRAFICANT. Mr. Speaker, an IRS agent testified under oath that taxpayers who fight back are told, and I quote, "Sue us; go right ahead, sue us and prove that we are wrong."

Think about it. After our taxpayers are hit with unnecessary tax bills, heavy enough to cause a hernia for the Jolly Green Giant, they are told, "If you don't like it, sue us."

This is not hearsay, this is not rumor, this is an exact quote of an IRS agent who also said, "Beware, Congress. The IRS will tell you these are isolated incidents. That's not true. This is, in fact, standard policy."

Beam me up. I say it is time for Congress to shove these illegal tactics right up the assets of the IRS. The IRS has been created by Congress. Congress caused this problem, Congress must solve this problem, and Congress must change the burden of proof in the tax case, or else the IRS will keep saying, "Prove it, sucker, prove it. Prove we're wrong."

I yield back all the balance of these illegal tactics.

PASS THE MARRIAGE TAX ELIMINATION ACT

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

Mr. WELLER. Mr. Speaker, let me ask a very simple and basic question. My colleagues, does the average American feel that it is fair, is it fair, that our Tax Code imposes a higher tax, a tax penalty, on marriage? Do Americans feel it is fair that the average married couple, 21 million average married working couples, pay \$1400 more in taxes than a working couple living together outside of marriage? That is wrong, that is immoral, my colleagues. We need to repeal and eliminate the marriage tax penalty on marriage.

Let me quote an editorial in the Kankakee Daily Journal, a daily in my own congressional district:

The marriage tax is an unfair imposition. The Code should be rewritten to eliminate it. Laws should encourage rather than discourage marriage. They should encourage rather than discourage couples from staying together.

It is an issue of fairness, my colleagues. That is why it is so important we pass the Marriage Tax Elimination Act, legislation that is now enjoying the bipartisan support of almost 190 Members of this House.

Next year when we move forward with another balanced budget, in 1998, let us make the centerpiece of next year's budget elimination of the most unfair and immoral portion of our Tax Code, and that is the marriage tax penalty.

SENDING A CLEAR MESSAGE TO OUR CHILDREN

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

Mr. BLUMENAUER. Mr. Speaker, one of the joys of serving in the House is being able to bring young visitors here to the floor, but when I bring children on the House floor, they are often surprised to see Members of Congress smoking here in the Chamber.

My young guests ask if it is against the rules to smoke in the House, and I tell them there are some areas one can and some areas one cannot. I have no good answer as to why the rules are not enforced or why smoking is permitted here at all.

I am concerned about this message we are sending to our children. We tell them not to smoke, and they watch smoking here in the House, the people's Chamber.

A bipartisan group of Members and I have proposed House Resolution 247 which protects our guests from tobacco smoke. This prohibition would include the House floor, passageways and rooms leading to the floor, and the Rayburn Room.

We need to lift the cloud hanging over the House and send a clear mes-

sage to our children. It is time to have Congress join the rest of America and provide a smoke-free environment, especially for our young visitors.

IN RECOGNITION OF THE NATIONAL LEAGUE CENTRAL DIVISION CHAMPION HOUSTON ASTROS

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

Mr. BENTSEN. Mr. Speaker, I rise today to honor the Houston Astros from my district for winning the National League Central Division. Fittingly, the division winning game came 11 years to the day after the Astros won their last division title when pitcher Mike Scott threw a no-hitter against the San Francisco Giants.

In winning the Central Division title, the Astros have displayed the grit and determination that are the hallmarks of Houston's brand of baseball. With all-stars such as first baseman Jeff Bagwell, second baseman Craig Biggio, pitchers Darryl Kile and Billy Wagner, the Astros have played exciting baseball, displaying their explosive offense and stellar defense throughout the season.

I would also like to praise the rookie manager for the Astros, Larry Dierker. A former Astros pitcher during the 1960's and 1970's, Larry gave up his highly respected job as a color commentator for the Astros radio and television broadcasts to become the new manager of the team last October.

As Houston is known as the city of champions, my bet is with the Astros to bring the World Series title home in October.

APPLAUDING THE ATRA FOR SETTING ASIDE LAST WEEK AS NATIONAL LAWSUIT ABUSE AWARENESS WEEK

(Mrs. NORTHUP asked and was given permission to address the House for 1 minute.)

Mrs. NORTHUP. Mr. Speaker, I rise today to thank the American Tort Reform Association for setting aside last week as the National Lawsuit Abuse Awareness Week to remind the American public of the problems and the promise of our legal system.

Last week served as a reminder that Congress and the President have a real opportunity to do something about those abuses this year by passing and signing the Federal product liability legislation. Reform legislation can go far in curbing abuses, spurring economic development, and helping consumers, particularly women, who have been harmed by the current legal system.

For example, women are adversely affected by the near shutdown of contraceptive research in the United States due to the manufacturers' fears

of lawsuit. Those same fears are actually keeping women out of clinical studies.

Furthermore, women own 30 percent of all small businesses in America. That number is predicted to be at 40 percent by the turn of the century. Federal legislation will help remove unnecessary and unreasonable burdens on these job creators.

I applaud the ATRA for its work and look forward to working with my colleagues to see product liability reform legislation enacted into law this year.

COMMUNICATION FROM MINORITY STAFF DIRECTOR AND CHIEF COUNSEL OF THE COMMITTEE ON COMMERCE

The Speaker pro tempore laid before the House the following communication from Reid P.F. Stuntz, minority staff director and chief counsel of the Committee on Commerce:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 25, 1997.
Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that I have received subpoenas for documents and testimony issued by the U.S. District Courts for the Central District of California and the District of Columbia, respectively, in the matter of *Oxycal Laboratories, Inc., et al. v. Patrick, et al., No. SA CV-96-1119 AHS (Ex)* (D.D. Cal.) (a civil dispute between private parties that apparently arises out of an alleged breach of a settlement agreement).

After consultation with the Office of General Counsel, I have determined that the subpoenas appear, at least in part, not to be consistent with the rights and privileges of the House and, to the extent consistent with the rights and privileges of the House, should be resisted.

Sincerely,

REID P.F. STUNTZ,
Minority Staff Director and
Chief Counsel.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

PERMANENT ENTRY AUTHORITY FOR CERTAIN RELIGIOUS WORKERS

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1198) to amend the Immigration and Nationality Act to provide permanent authority for entry

into the United States of certain religious workers, as amended.

The Clerk read as follows:

S. 1198

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

SECTION 1. 3-YEAR EXTENSION OF SPECIAL IMMIGRANT RELIGIOUS WORKER PROGRAM.

(a) IN GENERAL.—Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking “1997,” each place it appears and inserting “2000.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 2. WAIVER OF NONIMMIGRANT VISA FEES FOR CERTAIN CHARITABLE PURPOSES.

(a) IN GENERAL.—Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended by adding at the end the following new sentence: “Subject to such criteria as the Secretary of State may prescribe including the duration of stay of the alien and the financial burden upon the charitable organization, the Secretary of State shall waive or reduce the fee for application and issuance of a nonimmigrant visa for any alien coming to the United States primarily for, or in activities related to, a charitable purpose involving health or nursing care, the provision of food or housing, job training, or any other similar direct service or assistance to poor or otherwise needy individuals in the United States.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 3. 6-MONTH EXTENSION OF DEADLINE FOR DESIGNATION OF EFFECTIVE DATE FOR PAPERWORK CHANGES IN EMPLOYER SANCTIONS PROGRAM.

(a) IN GENERAL.—Section 412(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public law 104-208; 110 Stat. 3009-668) is amended by striking “12” and inserting “18”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and the gentleman from California [Mr. CONDIT] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am happy to have played a role in the creation of the Religious Worker Immigrant Visa Program in 1990. I support these visas since they allow American religious denominations, large and small, to benefit by the addition of committed religious workers from overseas.

The visa program expires at the end of the fiscal year, September 30. This substitute amendment to S. 1198 extends the program for 3 additional years, until October 2000.

When the program was created, a sunset date was included because of congressional concerns about potential fraud. Recently, the Immigration and Naturalization Service and the State Department have strongly indicated that these earlier concerns about fraud have, in fact, proved warranted.

The State Department's assistant secretary of state for consular affairs wrote to me the Department has, quote, uncovered a troubling number of scams, both individual and organized, seeking to exploit this category to obtain immigration benefits illegally.

Most problematic are those cases that involved organized fraud rings in which documents or religious institutions in the United States are fabricated or when the applicant colludes with a member of a religious institution in the United States to misrepresent either his or her qualifications with the position to which the applicant is destined.

The American Embassy in Moscow discovered a fraud ring in New York which fabricated documentation of several religious denominations in New York City on behalf of applicants who had no religious training and no intention of taking up religious occupations in the United States. Several consular offices have reported suspicions that some churches in the United States have created fictitious positions solely to help an alien procure an immigration benefit, end quote.

Extending the program for another 3 years will allow for further investigation of the misuse of religious worker visas. We will have time to accomplish what the State Department considers prudent; that is, quote, to follow this program closely to see what new fraud patterns emerge and what new tools the Department may need to deter them, end quote.

It is in everyone's interest to combat fraud for, as the State Department notes, quote, for the first time we will reach the statutory limit of 5,000 religious worker immigrant visas this fiscal year. Any future growth in the use of the program will cause the development of a waiting list. This will mean that each visa fraudulently obtained will delay the issuance of an immigrant visa to legitimate religious workers, end quote.

This substitute amendment to S. 1198 also includes a provision added to the Senate bill by Senator HATCH. The provision would allow the Secretary of State to waive or reduce visa processing fees for aliens coming to the United States for purposes involving health or nursing care, the providing of food or housing, job training, or any other similar direct service or assistance to the poor and needy here in the United States.

Lastly, S. 1198 extends the time period last year's immigration bill gave