

minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, during the time it takes me to give these remarks today, two American children will lose their health insurance. One minute, two children. Three thousand three hundred every day of the year added to the ranks of the uninsured. Children are losing their health insurance at twice the rate of adults. This is truly a national crisis.

Last weekend in Hershey, PA, Members of the Congress from both sides of the aisle came together for a bipartisan retreat. We talked about the importance of working together and finding common ground on important issues that face American families.

Surely we can all agree that there is no issue more important to our families than our children, for they are the future of this Nation. Let us pledge to work together, Democrats and Republicans, to see that every child in America has basic health care coverage. Let us come together and pledge to strengthen our families and to put the expansion of health care for children at the top of our legislative agenda.

#### TRIBUTE TO ROBERT PASCHAL

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

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to pay tribute to a great man and a great institution, Robert Paschal, the founder and owner of Paschal's Motor Hotel and Restaurant, who recently passed away.

Mr. Paschal moved to Atlanta at a young age and opened a soda fountain and a hot dog stand. The small stand grew into an Atlanta institution, an establishment famous for its fried chicken. He helped build a business the old-fashioned way, the hard way, through hard work.

My first meal in Atlanta was at Paschal's during the civil rights movement. This man practically fed the entire movement. Paschal's was one of the few places blacks and whites could socialize and discuss the order of the day. It was there we talked about the Selma march, the Poor People's Campaign, and the Mississippi summer project. It was there we checked the pulse of the movement. Paschal's was referred to as the Paschal precinct, and to this day it is a meeting place, a gathering place for all Atlanta.

So when Robert Paschal left us, we lost a part of Atlanta, part of our history and our hearts. He will be missed by our city and our State.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to

suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

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

#### WAIVING CERTAIN PROVISIONS OF TRADE ACT OF 1974 RELATING TO APPOINTMENT OF U.S. TRADE REPRESENTATIVE

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 5) waiving certain provisions of the Trade Act of 1974 relating to the appointment of the U.S. Trade Representative.

The Clerk read as follows:

S.J. RES. 5

Whereas paragraph (3) of section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)(3)) became effective on January 1, 1996, and provides certain limitations with respect to the appointment of the United States Trade Representative and Deputy United States Trade Representatives;

Whereas paragraph (3) of section 141(b) of the Trade Act of 1974 does not apply to any individual who was serving as the United States Trade Representative or Deputy United States Trade Representative on the effective date of such paragraph (3) and who continued to serve in that position;

Whereas Charlene Barshefsky was appointed Deputy United States Trade Representative on May 28, 1993, with the advice and consent of the Senate, and was serving in that position on January 1, 1996;

Whereas paragraph (3) of section 141(b) of the Trade Act of 1974 does not apply to Charlene Barshefsky in her capacity as Deputy United States Trade Representative; and

Whereas in light of the foregoing, it is appropriate to continue to waive the provisions of paragraph (3) of section 141(b) of the Trade Act of 1974 with respect to the appointment of Charlene Barshefsky as the United States Trade Representative; Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of paragraph (3) of section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)(3)) or any other provision of law, the President, acting by and with the advice and consent of the Senate, is authorized to appoint Charlene Barshefsky as the United States Trade Representative.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. ARCHER] and the gentleman from New York [Mr. RANGEL] each will control 20 minutes.

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

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on Senate Joint Resolution 5.

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

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of Senate Joint Resolution 5.

I strongly support Ambassador Barshefsky's nomination as USTR. In her capacity as Deputy USTR, Acting USTR and USTR-Designate, she has served the United States admirably, forging a number of important trade agreements which opened markets for U.S. exports.

Unfortunately, because of a provision adopted last Congress that amends the Trade Act of 1974, we must take action in the House today in order to permit Ambassador Barshefsky to serve as USTR. In very vague terms, current law bans the nomination of anyone as USTR or Deputy USTR if that person has ever aided, represented, or advised a foreign government in a trade negotiation or trade dispute. We must seek this waiver today because Ambassador Barshefsky had a minimal advisory role to the Canadian Government a number of years ago and would therefore be automatically precluded from serving as USTR despite this very, very minor role.

□ 1415

Now I agree we should not have individuals in positions of authority over our trade policy if there is any doubt of their loyalty to the United States and commitment to trade policies that benefit our economy, businesses and workers. However, I believe that this provision is an intrusion into the current confirmation process, which already permits Congress to consider the background of candidates and whether prior representation is relevant to the ability of an otherwise qualified individual to carry out the tasks of any of these positions. Indeed, it severely limits the pool of qualified candidates for these positions in a way that may well be unconstitutional.

In fact, when the provision was being considered last year, the Justice Department wrote to the gentleman from Illinois [Mr. HYDE] of the Committee on the Judiciary that the provision raises serious constitutional concerns because it limits the President's constitutional prerogatives to nominate persons to a senior executive position, particularly in the trade area, a letter that I am submitting for the RECORD today.

Accordingly, I urge my colleagues to support the waiver of this provision for Ambassador Barshefsky's nomination as USTR. I believe she has done a good job in her other capacities, and I think she will do a good job in the future.

Mr. Speaker, I include the following for the RECORD:

#### AGENCY VIEWS

U.S. DEPARTMENT OF JUSTICE,  
OFFICE OF LEGISLATIVE AFFAIRS,  
Washington, DC, November 7, 1995.

Hon. HENRY HYDE,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This provides the views of the Department of Justice on S. 1060, the "Lobbying Disclosure Act of 1995," as passed by the Senate. We understand that the House may act on this legislation later this year.

The Department strongly supports the purpose of this bill and its central provisions. It will ensure that federal officials are aware of the outside sources of information and opinion made available to them and will significantly enhance public understanding of the lobbying process.

Certain features of the bill, however, present difficulties that can and should be remedied.

First, the Department has constitutional concerns about the role the bill gives to the Secretary of the Senate and the Clerk of the House; the bill's disqualification of certain persons from serving as United States Trade Representative or Deputy United States Trade Representative; and the specific manner in which the bill seeks to protect the exercise of religion, a goal with which the Administration strongly agrees.

Second, the Department has policy concerns about the relationship between the bill and the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §611 et seq. (FARA).

Accordingly, we recommend that Congress pass this legislation with certain changes to ensure that it is both constitutional and effective.

#### Constitutional concerns

1. The bill provides that lobbyists would need to file disclosure statements with the Secretary of the Senate and the Clerk of the House of Representatives. If those officials determined that a lobbyist's statement did not comply with the law, they would notify the lobbyist. If the lobbyist did not correct the deficiency to their satisfaction, they could forward the matter to the United States Attorney for the District of Columbia, who could bring an action for a civil file. See §§4-7, S. 1060. The bill would define a civil offense consisting of the knowing failure to "remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives." See §7(2).

This arrangement would raise serious constitutional problems. Congress may not provide for its agents to execute the law. *Bowsher v. Synar*, 478 U.S. 714, 726, 733-34 (1986); see also *Metropolitan Washington Airports Authority v. Citizens for the Abatement of Aircraft Noise, Inc.*, 501 U.S. 252 (1991). Here, in contrast to the current law that gives agents of the Congress the responsibility only to collect and publish information, see 2 U.S.C. §§261-70, the bill would provide that an action for one type of civil offense could be initiated against a lobbyist only if the congressional agents, pursuant to their interpretation of the statute, issued a notice finding the lobbyist's filing to be deficient.<sup>1</sup> The Secretary of the Senate and the Clerk of the House of Representatives thus would be performing executive functions of *Buckley v. Valeo*, 424 U.S. 1, 140-41 (1976) (executive functions include giving "advisory opinions" and making "determinations of eligibility for funds and even for federal elective office itself"), even though Congress may vest such functions only in officials in the executive branch.

2. The bill would forbid the appointment, as United States Trade Representative or Deputy United States Trade Representative, of anyone who had ever "directly represented, aided, or advised \* \* \* a foreign [government or political party] in any trade negotiation or trade dispute with the United States." This provision, too, would raise serious constitutional concerns. The Depart-

ment of Justice has long opposed broad restrictions on the President's constitutional prerogative to nominate persons of his choosing to senior executive branch positions. The restriction in the bill is particularly problematic because it operates in an area in which the Constitution commits special responsibility to the President, who "is the constitutional representative of the United States in its dealings with foreign nations." See, e.g., *United States v. Louisiana*, 363 U.S. 1, 35 (1960). The officers in question perform diplomatic functions as the direct representative of the President, a fact that Congress itself has recognized by providing that they should enjoy the rank of ambassador, 19 U.S.C. §2171(b). Regardless of whether the President would, as a policy matter, be willing to accept this particular restriction, Congress would exceed its constitutionally assigned role by setting such a broad disqualification. See, e.g., *Civil Service Commission*, 13 Op. Att'y Gen. 516, 520-21 (1871).

3. Section 3(8)(B)(xviii) would exempt lobbying contacts by churches and other religious organizations from the registration requirements. The Administration supports the strongest possible protection for the exercise of religion. We are concerned however, that the exemption now included in the bill could be susceptible to valid constitutional challenge in the courts. The Supreme Court has held that the Establishment Clause of the First Amendment prohibits the government from singling out religious organizations for especially favorable treatment, whether in the form of an exemption from a government requirement or in the form of a direct benefit. See, e.g., *Board of Educ. of Kiryas Joel v. Grumet*, 114 St. Ct. 2481, 2487 (1994) (plurality opinion) invalidating creation of a special school district for religious community) (Establishment Clauses requires that the government "pursue a course of neutrality toward religion, favoring neither one religions over other nor religious adherents collectively over nonadherents") (internal quotation omitted). In *Texas Monthly v. Bullock*, 489 U.S. 1 (1989), for instance, the Supreme Court held that the Establishment Clause prohibits a state from exempting certain periodicals distributed by religious organizations, and no other periodicals, from its sales and use tax.

At the same time, the Court has permitted the government in certain circumstances to provide an exclusive "accommodation" to religion. See *Corporation of Presiding Bishop v. Amos*, 483 U.S. 327 (1987) (upholding exemption of secular nonprofit activities of religious organization from Title VII prohibition on employment discrimination based on religion). The accommodation doctrine permits the government to provide religion with an exclusive exemption from a regulatory scheme when the exemption would "remov(e) a significant state-imposed deterrence to the free exercise of religion" *Texas Monthly*, 489 U.S. at 15 (plurality opinion); see also *Amos*, 483 U.S. at 335 (government may act to "alleviate significant governmental interference" with religious exercise). Under the Court's accommodation doctrine, section 3(8)(B)(xviii) would be far less susceptible to constitutional challenge if it were rewritten to apply only when the operation of the Act would in fact burden the exercise of religion. Specifically, we recommend the following language, which tracks the standards enunciated by the Supreme Court and incorporated in the Religious Freedom Restoration Act, 42 U.S.C. 2000bb-4:

(B) The term "lobbying contract" does not include a communication that is \* \* \*

(xviii) of such a nature that its coverage under this Act would substantially burden any person's exercise of religion. In deter-

mining whether coverage under this Act of any lobbying contact would substantially burden a person's exercise of religion, the standards of the Religious Freedom Restoration Act, 42 U.S.C. 2000bb-2000bb-4, shall apply.

The bill could also include a provision that "any regulation promulgated hereunder shall incorporate the maximum protection under the Constitution and laws of the United States for the exercise of religion by lobbyists or clients."

Alternatively, a more general exemption, reaching non-religious as well as religious organizations, would not raise Establishment Clause problems. See *Texas Monthly*, 489 U.S. at 15-16 (plurality opinion); id. at 27-28 (Blackmun, J., concurring). The Establishment Clause would be implicated by a provision permitting churches and religious organizations to use the narrower definition of lobbying contained in 26 U.S.C. §499(d), which would relieve them of some of the burdens of the legislation in a manner similar to that afforded other non-profit organizations.

#### Relationship to Foreign Agents Registration Act

In addition to these constitutional concerns, we are concerned about the relationship between the bill and FARA set forth in sections 3(8)(B)(iv) and 9(3) of S. 1060. Exempting from registration under FARA all agents of foreign principals who register under this bill would significantly reduce public disclosure about such agents. It would also reduce the Department's receipts under its FARA user fees program, which may implicate the "Pay-As-You-Go" provisions of the Omnibus Budget Reconciliation Act of 1990.

FARA reflects a judgment that broad disclosure is particularly important with respect to foreign influences on the political process. Accordingly, the extent of disclosure with respect of activities, receipts and disbursements, including political contributions, required of agents of foreign principals under FARA is significantly more detailed than that required of all lobbyists under S. 1060. FARA also covers a broader range of political activities than this bill, including advertising, public relations activities and political fund-raising. The result of enactment of section 9(3) of the bill would be to exempt many agents of foreign principals from the wider and more detailed disclosure of their activities FARA intended, whenever they make a covered "lobbying contract" under this bill.

The Department recommends, therefore, that agents of foreign principals who are required to register under FARA, and who in fact do so, be exempted from registration under the Lobbying Disclosure Act. This approach would maintain the higher scrutiny Congress has historically applied to foreign influences on the domestic political process. It also has the advantage of maintaining government "user fee" revenues, because FARA recovers the costs of the administration from the agent population, and the present bill has no comparable revenue producing mechanism.

In summary, we strongly support the laudable goals of S. 1060 and its central provisions. We stand ready to assist in the important effort to achieve reform in this area. Please do not hesitate to contact us if we may be of additional assistance in connection with this or any other matter. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

ANDREW FOIS,  
Assistant Attorney General.

Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois [Mr. CRANE].

<sup>1</sup> The Secretary of the Senate and the Clerk of the House of Representatives would also "develop common standards, rules, and procedures for compliance" with the Act.

Mr. CRANE. Mr. Speaker, I would prefer to let my distinguished colleague on the minority side take precedence over me.

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

Mr. Speaker, I rise in strong support of Senate Joint Resolution 5, legislation to waive certain provisions of the Lobbying Disclosure Act of 1995 with respect to the nomination of Ambassador Charlene Barshefsky to become the U.S. Trade Representative. This legislation is necessary to complete the nomination process of Ambassador Barshefsky. The Ambassador has broad bipartisan support and deserves to be our next Trade Representative.

Last week the other body approved her nomination and the waiver legislation before us today by overwhelming votes of 99 to 1 and 98 to 2, respectively. During her 4 years, nearly 4 years, of service at the Office of the USTR, first as Deputy USTR and since April of last year as Acting USTR, Ambassador Barshefsky has compiled an impressive record, opening foreign markets for U.S. exporters and defending U.S. trade interests. Recently, she concluded successful multinational agreements which will reduce or eliminate tariffs worldwide on trade and information technology products and which will open foreign markets for basic telecommunication services.

Last December, she concluded a bilateral agreement with Japan on insurance, which opens that market for United States insurance providers. Last year she also struck an agreement with China providing for stronger enforcement of United States intellectual property rights in that country.

Clearly, the Ambassador has shown that she is tough and a skillful negotiator internationally. More important, however, Ambassador Barshefsky understands that international trade and our Nation's trade policies have an impact on the lives and future of all Americans. For that reason she consults closely with Members of Congress and the public at large on her action, and she clearly recognizes that trade policy is a shared responsibility of the executive and legislative branches and carries her responsibilities out accordingly.

For those who have questions or concerns about this waiver, it must be noted that Congress has previously passed legislation to waive a statutory requirement on who may serve in a particular Government position with respect to a specific nominee. It should also be noted that as Deputy USTR, Ambassador Barshefsky was specifically exempt from the provisions in question in the Lobbying Disclosure Act. The Senate Finance Committee carefully studied her record in the private sector and agreed unanimously that a waiver was entirely appropriate for Ambassador Barshefsky.

Mr. Speaker, in the past several years I have come to know, admire, and work with Ambassador Barshefsky,

who is a tireless, dedicated person on behalf of the American people. I heartily endorse the legislation before us today and urge my colleagues to support it. Ambassador Barshefsky will be a U.S. Trade Representative of which all of us will be proud.

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

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

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

(By unanimous consent, Mr. SOLOMON was allowed to speak out of order for 1 minute.)

ANNOUNCEMENT OF AMENDMENT PROCESS FOR H.R. 1, THE WORKING FAMILIES FLEXIBILITY ACT

Mr. SOLOMON. Mr. Speaker, I ask for this time for the purpose of making an announcement.

Mr. Speaker, the Committee on Rules is planning to meet the week of March 17 to grant a rule which may limit the amendment process for H.R. 1, the Working Families Flexibility Act. The Committee on Education and the Workforce ordered the bill reported on March 5. Amendments should be drafted to the text of the bill as reported, which will be filed tomorrow, Wednesday, March 12. Copies are also available at the Committee on Education and the Workforce office should Members wish to view the bill today.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 12 noon on Monday, March 17, to the Committee on Rules, at room 312 in the Capitol. Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that amendments comply with the rules of the House.

Again, I call my colleagues' attention to, if they want amendments considered to this legislation, they must prefile them with the Committee on Rules prior to noon on Monday, March 17.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today in support of Senate Resolution 5, which waives certain provisions of the Trade Act of 1974. This resolution would grandfather Ambassador Charlene Barshefsky from the application of certain restrictive provisions of the Lobbying Disclosure Act of 1995. The Senate has also done this on occasion when there has been an outstanding candidate before them also. I would like to note, however, that this resolution applies only to Ambassador Barshefsky and in no way modifies the statute, nor does it have implications for any other prospective nominee to serve as the U.S. Trade Representative.

As a member of the Committee on Ways and Means, I have indeed been

fortunate to work with Ambassador Barshefsky and know very much how well she carries out her duties. Ambassador Barshefsky has been instrumental in developing and pursuing a strong international trade policy and has successfully completed many negotiations, but what I like best about the ambassador is she is able and willing to get up from the table and walk away when nothing is being offered. Given her tenacity and resolve on behalf of our country's trade interests, I firmly believe Charlene Barshefsky to be capable and well prepared. I have worked with few people who possess the ability to discuss the minimal, little, arcane, terribly, terribly difficult to understand details of a trade pact and then could look at the whole picture and explain it to people who have to understand it.

I am confident that the ambassador will continue to pursue a strong and fair trade agenda that seeks to promote our national interests. We could not be better represented than having this woman as our USTR.

Mr. CRANE. Mr. Speaker, I yield 1 minute to our distinguished colleague, the gentleman from California [Mr. MATSUI], the ranking minority member on the Subcommittee on Trade.

Mr. MATSUI. Mr. Speaker, I thank the gentleman from Illinois, the chair of the Subcommittee on Trade for yielding me this time. Of course I thank the ranking member of the committee as well. I appreciate this. This is in the spirit of Hershey and bipartisanship.

Mr. Speaker, I would only like to support Senate Joint Resolution 5 as well. I think that this resolution is vitally needed given the fact that we need a waiver and a grandfather specifically for the next U.S. Trade Representative, Ambassador Charlene Barshefsky. As everyone knows, Ambassador Barshefsky has been the Deputy USTR now for 4 years, and she has been perhaps one of the greatest representatives we have had in terms of overseas negotiations.

Most recently under her leadership as acting USTR, the United States completed a multilateral agreement, the Information Technology Agreement, which will cover over \$500 billion in global trade, and just recently, in the last month, she and her staff have completed the basic Telecommunications Services Agreement, which will actually cover over 90 percent of the global population and perhaps have an additional to \$600 billion worth of trade, and so I urge that we adopt Senate Joint Resolution 5 to make Charlene Barshefsky the next U.S. Trade Representative.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. SMITH].

(Mr. SMITH of Oregon asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of Senate Joint Resolution 5. As chairman of the Committee on Agriculture, I believe it is vital that the person representing the United States in trade negotiations and resolutions of disputes recognize that agriculture is an extremely important and essential issue to be considered in all trade negotiations and resolutions of disputes. American farmers and ranchers, the most productive in the world, can prosper only where there is free and fair world trade.

In fact, in 1996, Mr. Speaker, agricultural exports totaled \$60 billion, and the agricultural trade surplus exceeded \$26 billion. There is nevertheless ample opportunity for expansion. It is incumbent upon the administration, through the Office of Trade Representative and the Department of Agriculture, to make sure that opportunities exist for trade expansion and that trade disputes are resolved in a timely manner.

I had the opportunity to meet Ambassador Barshefsky, and she assures me that her knowledge of agriculture and her commitment to ensuring the proper emphasis will be on agriculture export issues. In our discussion we agreed that agriculture is the No. 1 high technology export and that it is also the No. 1 priority with the U.S. Trade Representative. In my discussions with the Ambassador, she assures me that agriculture will be her top priority, and that is why I support Senate Joint Resolution 5 and the waiver needed to assure that she will be indeed the next U.S. Trade Representative.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY].

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

Mr. OXLEY. Mr. Speaker, I rise in support of Senate Joint Resolution 5 regarding the appointment of Charlene Barshefsky as U.S. Trade Representative. I had the opportunity to work closely with the Ambassador and Deputy Trade Representative Jeff Lang during negotiations on the WTO Telecommunications Agreement, and I must say that I was pleased with her determination to consult regularly with Congress during these talks, and I do mean regularly. They were most helpful.

Perhaps more to the point, I was deeply impressed by what was achieved in Geneva. The agreement covers 95 percent of rural telecom revenue, giving United States firms unprecedented access to markets in Europe, Asia, and Latin America, and covers some 70 countries in its sweep.

In my opinion, the agreement is proof that Charlene Barshefsky's reputation as a tough, stalwart negotiator is well-deserved, and I would certainly support the waiver. I am just sorry that we really have to have a waiver because I think the provision in current law is too xenophobic and unrealistic.

On a related matter I want to correct a continued misperception that was repeated on the floor of the other body during debate on this measure. The gentleman from South Carolina took a statement from the RECORD made by the chairman of the House Committee on Commerce, the gentleman from Virginia [Mr. BLILEY], and inferred from it that the administration, by inference USTR, asked this Member to amend section 310(b) of the Communications Act on their behalf.

□ 1430

This is simply not so. The statement alluded to our efforts during debate on the Telecommunications Act to satisfy the concerns of the executive branch regarding international investment in U.S. telecommunications firms. However, the chief changes made were in the area of national security, and we worked very closely with the FBI and National Security Agency and the CIA, and the effect was to tighten the law, not the loosen it.

The input we received from the executive branch came at the request of the cosponsor, the gentleman from Michigan [Mr. DINGELL], and the advice we received came primarily from the security agencies, as I recall, not from the Office of the Trade Representative.

Of course, I did consult with USTR on the effect my language would have on their negotiations, as any responsible legislator would, but these consultations came at my request, not the other way around, and I wanted to point that out for the record.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I oppose the resolution, I oppose the waivers.

Current law says that no one may be appointed as U.S. Trade Representative or Deputy Trade Representative if they have ever in their past represented a foreign government in a trade dispute or a trade negotiation with the United States. Now look, I think Charlene Barshefsky is a great woman, a great American, and may be doing a great job. However, one of the reasons we passed this legislation is some of these trade representatives, after they leave, go on the employ of some of these foreign governments and companies overseas.

Now, we just passed this law a year ago, and now we are about to waive it, with Japan approaching \$70 billion in trade surpluses, China approaching \$50 billion in trade surpluses. I have nothing against Charlene Barshefsky, but here is the question I pose to the Congress of the United States: Can we not find one qualified American to be the trade representative of our country that has never been in the employ of, represented a foreign interest, or had a connection in resolving or monitoring or negotiating or resolving a trade matter on behalf of a foreign country with our Nation? I think that is the issue.

I am certainly not going to ask for a vote, and I know this is going to pass overwhelmingly, but it is no surprise our young people are responding to ads in the newspaper box so-and-so where the job is in Mexico and overseas. There is not going to be a damn job left in this country.

The only thing that bothers me, I am beginning to wonder if we have anybody in the right circle that could actually apply for these positions that has never had a tie to a foreign nation. Beam me up, here. I am a "no." I am not going to ask for a vote, but I am opposed to this waiver, and I think the Congress should follow the laws that they pass that have some common sense attached to them.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. GOODLATTE). The Chair would remind all Members to refrain from the use of profanity in their speech on the floor.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Louisiana [Mr. TAUZIN].

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

Mr. TAUZIN. Mr. Speaker, let me say no one needs to be beamed up on this vote. This is a vote to confirm not only the appointment of Charlene Barshefsky, who is now our Deputy Trade Representative, to the Trade Representative, but also to pass a waiver that is necessary for that confirmation to be complete.

I want to first congratulate her on a near unanimous confirmation in the Senate and the near unanimous vote in the Senate on behalf of this resolution.

Let me point out that Charlene Barshefsky was already at USTR as Deputy Trade Representative when the law in question was passed last year. So this grandfathering is in fact a recognition of her already and continuous service at the USTR.

Let me also state that as chairman of the Subcommittee on Telecommunications and Trade of the Committee on Commerce, we have all been extraordinarily impressed with the caliber of service that this ambassador has already provided to this country. She has worked cooperatively with our committee in keeping us informed and interacting with us throughout all the WTO negotiations in Geneva that led to the successful passage of the recent agreement in Geneva on telecommunications and opening up those markets all over the world to U.S. investment.

That action alone is going to create opportunities for American jobs and businesses throughout the world in telecommunications. It is patterned very much after the 1996 Telecommunications Act that this House and the Senate so unanimously joined in just 1996 to create an open market for the United States in telecommunications.