

and I urge my colleagues to listen to this debate and to listen to those who are saying that only some science is good and we will be selective in which we choose to agree to. Statistical scientists say that sampling will help us get an accurate count. Is that not what we all should really be for?

I urge my colleagues to support the Mollohan-Shays amendment.

Mr. HASTERT. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from West Virginia and in opposition to the use of sampling.

I am a former statistics professor. I taught statistics at both the undergraduate and graduate level at several universities. I have respect for sampling, but sampling is used when you do not have enough time or money. What you really want to have is census information, statistics. When you use sampling, you have bias. You have non-sampling bias, and you have sampling bias.

In my first lecture on statistics both at the graduate level and the undergraduate level, I used to use this book, still available to buy in the book store. It is "How To Lie With Statistics."

Statistics can be manipulated in a variety of ways that can be legitimately defended. I do not trust statistics. I teach my students to be suspicious of statistics, to be cautious of the use of statistics. I used to make the statement, tell me the point you want me to prove, and I will prove it with statistics, because it can be done.

I know all the statisticians say sampling is great. Statisticians would not have a job if we did not have sampling. That is what statistics is based on. Statisticians are biased to start with.

I think we are doing a good job. What we need to do is do a good census. Dr. Riche is moving in that direction. Let us look at the examples of what took place in Milwaukee and what took place in Cincinnati. We can do a good census. Let us do the job right and not play around with sampling.

Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida [Mrs. MEEK].

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

Mrs. MEEK of Florida. Mr. Chairman, first of all, I do not trust statistics any more than the rest of my colleagues. But I trust even less the belief that everyone is going to be counted fairly.

If we look at the history of this, we have never had an accurate count. The under-count has been shown more in African Americans than it has in any other group. Do we want this repeated? Then we are sending a message that we do not want a fair census count.

This country does not look like it did in 1990. You better look around and see that it is different. You see more mi-

norities. There will be even more. So you may as well learn that you have to count them accurately. You cannot count them accurately by the kinds of enumeration that you are doing or that you expect to do.

So it tells me that the issue is that because you know there are more of them than there are of you, that you do not want an accurate count. They are going to be there. They are going to be under the bridges. They are going to be in the homeless shelters. There are going to be people who do not return those things to the census.

All I am saying to you is, it is fruitless, it is crazy, it is a waste of money, but you would rather do that politically and for power than to go to a sampling which the Mollohan amendment is asking us to do. You would rather take that useless method because you do not want to count everybody. You want to go back to the time when there was a serious undercount.

It will repeat itself. It was in 1990, as you see from this chart. It is going to be in the year 2000, because you are going to insist on counting every head.

Mr. Chairman, they cannot enumerate and count every head because they are not going under the bridges, they are not going on the highways and byways of this country to find these little people and count them. If that is the way you want it, then you will not support the Mollohan amendment.

I support the Mollohan amendment because it is fair. African-Americans will be counted. It has got to be done.

Mr. HASTERT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

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

Mr. HYDE. Mr. Chairman, this is a fascinating debate. I listened to my good friend, the gentleman from Texas [Mr. STENHOLM], talk about the scientists. I do not think you have to be a scientist, rocket or otherwise, to read the plain language of the Constitution: "The actual enumeration," those are not tough words, "shall be made within 3 years after the first meeting of the Congress."

And then a constitutional scholar, the gentleman from North Carolina [Mr. WATT], brought in the entire text. He said, "in such a manner as they," meaning Congress, "shall by law direct."

Well, you cannot by law amend the Constitution. You cannot pass a statute and erase the first three words of article I, "the actual enumeration."

It is a stretch to ask us to trust the sampling of the population to an administration that has shown, at best, a reckless disregard for the letter and the spirit of the law.

It goes beyond the Constitution. We have a statute. Title 13, section 195, says, "Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the sec-

retary shall, if he considers it feasible, authorize the use of the statistical method." It specifically excludes counting by sample, by guess, a determination, "for the purposes of apportionment."

We want to count everybody. If they are under the bridges, go down there and count them. You are getting paid to count them. Why is that less accurate than guessing how many people are under the bridge? Your administration does not exactly wear a T-shirt saying, "trust me," and engender an awful lot of confidence to have you count how many people there are and where they are and what the districts shall be in the next 10 years.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. MILLER of Florida) assumed the chair.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2203) "An Act making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes."

The SPEAKER pro tempore. The Committee will resume its sitting.

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

The Committee resumed its sitting.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, because sampling equals one vote and good science and good constitutional support, I rise to support the Mollohan-Shays amendment.

Mr. Chairman, I rise in support of the Mollohan-Shays amendment to H.R. 2267, the Commerce-Justice-State appropriations. This amendment if adopted would add language prohibiting use of any 1998 funds to make irreversible plans or preparations for the use of sampling or any other statistical method, including statistical adjustment, in taking the census for purposes of congressional apportionment. This same language is included in the Senate-passed version of the bill.

This amendment would also create a Board of Observers for a Fair and Accurate Census, 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—through sampling, statistical adjustments, or otherwise—in any way that biases the results in favor of any geographic region, population group, or political party.

The constitutional requirements for the census are simple. Article I, section 2 clause 3, as amended by the 14th amendment, provides that the Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State.

It has come to my attention that the revised language in the rule regarding the census which would be automatically incorporated into the bill does not as reported provide for an expedited judicial review to determine the legality and constitutionality of sampling for purposes of apportionment or redistricting.

The critical test which would authorize judicial review is standing. From precedents we can be strongly counseled that the conferral of standing, especially in its definitional design of injury in fact, would be inadequate to authorize judicial review until the occurrence of the injury, the calculation of population figures showing the gains and losses of seats in the House of Representatives.

The case law makes it clear that this authorization, if enacted, would run afoul of constitutional barriers to congressional conferral either of standing or ripeness or both.

This would leave Congress in a poor light judicially, because we lack the power to create a definition of standing or of the imminent likelihood of injury giving standing that would infringe the constitutional requirement of standing of injury in fact or of the imminent likelihood of injury. This is not where this body should leave the issue of an accurate census for our Nation.

Under article II, of the Constitution for a litigant to have standing, he must allege an injury in fact to himself or to an interest; if the injury has not yet occurred, he must allege a strong basis for fear that the injury will happen, that there is a real danger of the injury being felt. The quoted provisions purport to confer standing far beyond this constitutional requirement.

If I recall correctly, in the last Congress, a number of proposals came forward which failed to limit the terms of those who serve in this body. Now, that the Census is upon us as a natural mechanism to creating turnover in the House we want a judicial challenge to the use of sampling that most believe is an accurate and reliable means of counting the population of this country.

The legal issue is sampling. Sampling and statistical adjustment of the decennial population census taken for the purpose of apportioning the Representatives in Congress among the States, have become increasingly controversial during the past two decades.

According to a Congressional Research report, the constitutional and statutory language relevant to sampling and statistical techniques appears to be clear, but never the less have been the subject of competing interpretations which would either permit or prohibit sampling and other statistical techniques in the census for apportionment. Although no court has ever decided the issue squarely on point, several courts have expressed opinions in dicta.

Today, some Members of the House of Representatives have declared a political and philosophical Jihad on the use of sampling for the 2000 census.

As a Member of the House Committee on Science, I am here to state clearly that this is not a matter of political philosophy, but scientific fact.

In 1990, the city of Houston, TX, was undercounted by 3.9 percent during that year's census which only recorded 1,630,553 residents. Based on sampling that was prepared for that census, but never used it is estimated that over 66,000 Houstonians were missed by the 1990 census.

It is impossible to count every resident of this country in the time allotted, for the census with the funds which have been appropriated. I am aware of the work done by three separate panels convened by the National Academy of Science which have recommended that the Census Bureau use sampling in the 2000 census to save money and improve census accuracy.

The National Academy of Sciences is a private, nonprofit, self-perpetuating society of distinguished scholars engaged in scientific and engineering research, dedicated to the furtherance of science and technology and to their use for the general welfare.

It is a fact that despite the gains made by the Bureau of the Census in address list development, form design, pre-notice and reminder mailings, and various outreach efforts, exclusive reliance on physical enumeration of all households cannot be successful in 2000. Based on the results of the 1990 census, it is highly unlikely that the Census Bureau can carry out this type of decennial census with acceptable accuracy within the current expected levels of funding.

The ability to use sampling during the 2000 census will ensure that any undercounting which may occur in this census because of sparsely populated regions of States like Texas or more densely populated cities like Houston, and Dallas can be held to a minimum. Undercounting the results of the 2000 census would negatively impact Texas' share of Federal funds for block grants, housing, education, health, transportation, and numerous other federally funded programs. The census, as you know, is also used in projections and planning decisions made by States, counties, and city governments.

I would ask that all of my colleagues support the Mollohan-Shays amendment to the Commerce-Justice-State appropriations.

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Mr. MOLLOHAN. Mr. Chairman, I yield 1¼ minutes to the distinguished gentleman from California [Mr. BECERRA].

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

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

I want to read from a document entitled "How To Use The Language of the 21st Century" by a pollster often used by a number of Members, mostly Republican Members. It states as follows, regarding Hispanic Americans:

"Our majority is at stake.

"Republicans barely maintained their congressional majority in 1996, and a major reason their support dropped from 1994 was the utter collapse of the Hispanic vote. In all the large key States, California, Texas, Florida and New York, the Hispanic percentage of the total vote is significant and growing.

"We do not need a majority of Hispanics to win a majority of the vote. In areas of heavy Latino concentration, any Republican who

wins more than a third of the Latino vote will be elected. It is that simple. But if we allow our percentage among Hispanics to fall below 25 percent, the Bob Dornan loss in California will be repeated again and again."

We do not want to have a census that counts us all accurately because if we do there is a good chance that we will catch all those Hispanics that were not counted in the 1990 census. And if we look at the 1996 election, we will see that Hispanics are not voting Republican because of all the assaults on the Hispanic community by this Republican majority.

Does it make any sense for the Republicans to want to count all Latinos in this country when they are not voting for Democrats? Is anyone surprised that we do not want to see an accurate count come out of the 2000 census and count the one community that was most undercounted in the 1990 census?

It makes perfect political sense. Unfortunately, we should not be driven by politics in deciding what the Constitution has called one of the most important activities in this country, and that is counting every single American. Unfortunately, with this bill, we do not count every American. If we had the Mollohan-Shays amendment, we would.

We should vote for that amendment because it is the right thing to do. It is not the political thing to do.

Mr. HASTERT. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. WICKER].

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

Mr. WICKER. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in the strongest possible opposition to the Mollohan amendment and to the concept of census sampling.

This vote goes to the heart of the question: Will our Nation carry out an honest, accurate and complete census in the year 2000? And, beyond that, to the question: Will the United States have a fair congressional reapportionment in the year 2002?

As my other colleagues have said, my opposition to sampling is based on a variety of reasons. The guessing scheme is unconstitutional, it is contrary to statutory law, it is unreliable, and it is subject to abuse. The Constitution calls for "actual enumeration," and actual enumeration means actual counting. It says count the "whole number" in the 14th amendment. The United States Code specifically precludes the use of sampling for determining congressional reapportionment.

The chairman of the subcommittee is right. This may be one of the most significant and far-reaching votes of this entire Congress. The Constitution requires an actual count. Vote "no" on the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from North Carolina [Mrs. CLAYTON].

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Chairman, I rise in the strongest possible support of this amendment and also for sampling. It is the fair way to count, it is a proven way to count, and it is scientific. This is the fair way to make sure everybody is included in a democracy.

Mr. Chairman, I am strongly in favor of this important amendment. The impartial, outside experts—including GAO and the National Academy of Sciences agree that sampling must be used in the next census for it is the best method as well as the most cost-effective method.

Undercounting hurts those who are already hurting—the poor, children, rural area, and urban areas. If there is a method that gives them fair billing, why not use it—why use a method that we know, that we know undercounts people. The census numbers are critical for it is upon their foundation that most Federal dollars are distributed.

The census undercount is not just an inner city, minority problem. Rural communities are undercounted, too. And poor rural areas are undercounted to a greater degree than the country as a whole.

The net undercount for the Nation in 1990 was 1.6 percent, or about 4 million people. That's the difference between the 10 million people who were missed and the 6 million who were counted twice, errors that don't cancel each other out because people who are missed don't tend to live in the same neighborhoods as those who are likely to be counted more than once.

By contrast, the undercount of rural renters in 1990 was 5.9 percent. Owner/renter status is a proxy for income, so the proportion of poor rural people who were missed was far greater than the Nation as a whole. Ninety percent of the rural renters missed were not minorities.

Mr. Chairman, in the South, in 1990, the undercount of white renters was 6.23 percent, representing more than 10 percent of the total national undercount. For American Indians living on reservations, the 1990 undercount was more than 12 percent.

We cannot pretend this does not affect large groups of citizens, Mr. Chairman. Vote "yes" on the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as she may consume to the gentleman from Connecticut [Ms. DELAURO].

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

Ms. DELAURO. Mr. Chairman, I thank the gentleman for yielding me this time, and rise in support of the Mollohan-Shays amendment.

A sampling has been verified, it is a practice in the business community, it is the direction we should go.

Mr. MOLLOHAN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. SAWYER]. Along with the gentleman from New York [Mrs. MALONEY] the gentleman from Ohio has been extremely active on this issue. He is knowledgeable and has done an extremely good job.

Mr. SAWYER. Mr. Chairman, I thank the gentleman for yielding me this time.

The Romans had a phrase that captured the essence of intellectual corruption: "Video" meliora proboque deteriora sequor. It means: "I see the better course of action and approve it, but the worse path is the one I take." It could describe our work today.

Before us is a plan to count the Nation. It is legal, it is constitutional and supported by the broad consensus of science. The alternative will doom the census, the underpinning of our democracy, to failure. It will not be above reproach if we follow the language in the bill, it will be below respect.

The heart of the argument is over the use of sampling, which has been a part of the census for seven decades. Now, some say that the Constitution requires "an actual enumeration", and I agree, it does. However, as in so many things, history is important and instructive.

Madison and Sherman, in framing the great compromise, struggled to find a formula for proportional representation. Slave State delegates favored property as the rule for representation. They felt their slaves would be included as a measure of wealth and a useful substitute for population. Free States were hostile to slavery as a basis for any form of democracy and argued for an actual measurement of the number of inhabitants, not some measure of wealth as a partial substitute for population. Hence the term "actual enumeration" of people as opposed to some other method.

So we ask, what is an actual enumeration as determined by law, by the Congress? Well, in 1790, Thomas Jefferson sent out 600 Federal marshals. It took 8 months and he missed a million people. So in the 1800's they hired tens of thousands of temporary workers, who brought their disparate lists back to Washington where an army of "census girls" added them up by hand. In the end of the century, that took over 8 years to complete.

So in 1890 they used a punch card machine to record and tally results untouched by human hands. By 1940 they introduced sampling and have used it ever since. And in 1960 the census used the mails to deliver and collect forms, counting people without ever having knocked on their doors, and they still do today.

In short, as the Nation changes, techniques of actual enumeration have changed, but we still count population, not something else, as the Constitution requires. Still, it has gotten harder, so after the problems of 1990, the Congress did the right thing. We asked the General Accounting Office and the inspector general and the National Academy of Science's National Research Council and panels of outside experts who, to a one and without exception, said build on traditional methods, of course; use the most intensive mail and door-to-door techniques ever tried; and then supplement them with an expanded use of scientific sampling to test and improve the count.

Will that work? Well, let us listen to Speaker GINGRICH, as I have. I have read his book and I have listened to the tape of his course. In both he cites the work of W. Edwards Deming in the use of statistical quality control methods as one of his five pillars of American civilization.

And what does Deming say? He says, in his magnum opus on the topic, that the census is the earliest and largest and most successful full-scale application of statistical quality control, far beyond the dreams of private organizations, attributable to effective statistical work for continual improvement of quality and productivity.

The Speaker knew then what he knows now. Statistical measurements help produce a better result. Because Deming's principles are more valid and compelling today than ever before, ignoring them, failing even to test them next spring, as this bill would prevent, will produce a far worse and much more expensive census.

If Deming were alive today, he would be ashamed of us. He would say shame on us. He would tell us, "I taught you the better course of action, but the lesser path is the one you take." I prefer we do the best we can in counting the Nation. Anything less is a step toward intellectual corruption and a debasement of our democracy.

The Mollohan-Shays amendment will produce the finest count of which this Nation is capable. We have little choice, if we are to respect the constitutional mandate, but to follow it.

Mr. HASTERT. Mr. Chairman, I yield 1 minute to the gentleman from Texas, [Mr. BRADY].

Mr. BRADY. Mr. Chairman, America is so large, I always marvel at the challenge we face each census to count every person in this country. But because we have been conducting a census every 10 years since our Nation was founded, it is remarkably accurate. Even the harshest critics admit the last census was nearly 99 percent accurate.

But as good as that is, nearly 99 percent accurate is not nearly good enough because we rely on our census for a lot of our community goods, our funding and how large a voice we have in our local government, State legislatures and Congress.

As we have heard tonight, the census is so important it is enumerated in the very first article of the Constitution. It is insisted that we count every person in America, not estimated, not guessed at, and not determined by some algorithm of a subset of the percentage of the combined data collection error minus the rostering factor multiplied by the inmoving/outmoving ratio or something complicated.

Sampling is not constitutional. Like all statistics, it is easily manipulated. It is based on lowering our census accuracy to 90 percent and then guessing the rest. The Republican approach is constitutional, it is proven, and it counts real live human beings.

Mr. MOLLOHAN. Mr. Chairman, may I ask how much time remains?

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] has 9½ minutes and the gentleman from Illinois [Mr. HASTERT] has 15¼ minutes remaining.

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

Mr. HASTERT. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Chairman, I rise in strong opposition to this amendment, and I bring to it some level of experience. From 1983 to 1990 I enforced the Voting Rights Act in Arizona, and in 1990 I represented the Arizona legislature in reapportionment.

Mr. Chairman, no less than the integrity of this Nation is at stake in this amendment. This is not a difficult issue. My colleagues have accurately pointed out that both the United States Constitution specifically requires an actual count and so does Federal law.

This is not a question that is in doubt, but let me urge my colleagues to consider the consequences of what is being proposed by this amendment. Never, I repeat, never in the 200-year history of this country has there been a deliberate attempt to count less than the entire population.

Contrary to what we just heard on that side of the aisle, what the census proposes in this sampling idea is to deliberately count only 90 percent of Americans and then to stop at that point and estimate the rest. Until 1990, the Census Bureau rejected sampling and said it was unconstitutional.

I call on my colleagues to imagine the incentives we are creating. If we tell America we are only going to count, actually count, until we get to 90 percent, and then we are going to sample from that point on, what motive is there for a single American to send in the form; and what faith will they have in this system?

The Constitution says enumerate one-by-one and do an actual count. This is a bad idea and is at the heart of integrity in our government.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FAZIO].

[Mr. FAZIO of California asked and was given permission to revise and extend his remarks.]

Mr. FAZIO of California. Mr. Chairman, I rise in strong support of the Mollohan-Shays amendment which will allow the Census Bureau to conduct a fair and accurate census in the year 2000.

I rise today to urge you to support the Mollohan-Shays amendment which will allow the Census Bureau to conduct a fair and accurate census in the year 2000.

The limited use of sampling is a crucial part of an accurate count and serves only as a supplement to the Census Bureau's aggressive direct counting effort.

The decennial census provides the cornerstone of knowledge about the people of our Nation.

State and local governments use census data to draw legislative districts of equal population.

The Federal Government uses census data to distribute billions of dollars in grants according to population-based formulas.

Federal, tribal, State and local officials study the patterns of detailed census data before constructing hospitals, highways, bridges, and schools.

And businesses use census data when deciding where to locate production facilities and retail outlets.

Ten percent of the count in 1990 was inaccurate, and GAO estimates an error rate of 26 million.

Contrary to popular belief, an undercount affects not only those in urban centers, but also those who live in remote rural areas.

Children and minorities were disproportionately undercounted, resulting in vital Federal services being underallocated for those who need them most.

The 2000 census is an unprecedented effort by the Census Bureau to ensure that all Americans are accounted for wherever they live, and I urge you to support the Bureau's innovative plan for the 2000 census, including sampling, and vote for the Mollohan-Shays amendment today.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. MILLENDER-MCDONALD].

(Ms. MILLENDER-MCDONALD asked and was given permission to revise and extend her remarks.)

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise in strong support of the Mollohan-Shays amendment ensuring that each American is fairly counted.

Mr. Chairman. I rise today in support of the Mollohan-Shays amendment, a bipartisan measure to allow the Census Bureau to use the scientific method of sampling to conduct the decennial census in the year 2000. The current system is inefficient and expensive and needs to be fixed. There are various undercount problems that need to be solved before the numbers are delivered to the Congress—problems that affect congressional representation. These numbers also affect fundamental Federal community programs for the impoverished. In 1990, the differential undercount, where the census inadvertently omits a higher proportion of the minority population than the majority, was the highest it has been since the 1940's—4.4 percent of blacks, 5.0 percent of Hispanics, 2.3 percent of Asians and Pacific Islanders, and 4.5 percent of American Indians were unaccounted for, compared with only 1.2 percent of non-Hispanic whites.

Sampling is not a new technique. Especially in conducting the census. The method used to develop socio-economic profiles of the U.S. population employs extensive use of sampling. For instance, the Census Bureau's long form is sent to only one in six households. It is used to obtain most of our information about income, educational attainment, ancestry, and housing stock, just to name a few categories.

Sampling methods are not just limited to the Census. Tax legislation is written using data collected by sample surveys. Health legislation is based on the national health, examination, and nutrition survey. Even the consumer price

index, whether it is ever reformed or not, will be calculated from two different sample surveys—the point of purchase survey and the consumer expenditure survey. And we rely on scientific sampling and analysis to improve the CPI's accuracy.

All the Census Bureau wants to do is to expand its capabilities to adjust for the undercount before its deadline to report the numbers. Under the Constitution, these are the numbers we use to reapportion our congressional districts. These data are also used for revenue-sharing purposes. So, to oppose sampling methodology to produce one single, accurate figure to be reported, makes no sense. I ask you, is there some reason my colleagues don't want the census results to be accurate? Is there some reason they don't want the more transient among our population—the minorities, immigrants, low income, and impoverished counted in the official numbers? You tell me, because I can't figure it out. But I agree with a statement by Barbara Baylar, vice president for survey research at the National Opinion Research Center. She explained that:

Oftentimes the pressures are not to produce data to support some position but not to produce data. All of us can name examples—income data, poverty data—that exerted [such] pressure. Not to produce this data in a timely and efficient manner is a brand of know-nothing-ism that we cannot afford to tolerate in the era of the information age, at the dawn of the new millennium.

This is a serious issue. The 1990 numbers undercounted the United States population by 4 million people. That's 1.6 percent. In the State of California alone, the nonsampling method missed 834,000 people. That's 2.7 percent. The Mollohan-Shays amendment would allow the Census Bureau to conduct its research more accurately and inexpensively, and should be supported by Members on both sides of the aisle. I encourage all of my colleagues to vote "yes" on this amendment.

Mr. HASTERT. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

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Mr. CUNNINGHAM. Mr. Chairman, one of the most damning things about this body is the partisan deceit that takes place, partisan deceit for political gain.

This bill allows a 35 percent error rate within a district. Yeah, can you make it up nationally. But look in the past in the gerrymandering and reapportionment. Do you have any doubt where that 35 percent is going to take place? In individual Republican districts.

No, I do not trust. Why? If this body had operated in a bipartisan way, look at the White House union issue with the White House directing money. Look at the FBI files. Look at the INS keeping registration. And in San Diego, they kept Republicans from registering new Members of this body, of this country. Look at China and the Trie and the Huang and the Riady. Look across-the-board at the political manipulation.

My mom told me, "If you tell enough lies, you are going to go to hell." Well,

I want to tell my colleagues something: On Medicare, Medicaid, education and the environment, the Democrat leadership is going to need a big fan when they die.

Do we trust the President? Absolutely not. Vote no on this amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. HASTERT] has 12¾ minutes remaining, and the gentleman from West Virginia has 9½ minutes remaining.

Mr. HASTERT. Mr. Chairman, I have only two speakers left.

Mr. MOLLOHAN. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I am not a great fan of calling amendments by Members' names. My general view is if we have campaign finance reform to call it the bipartisan bill for campaign finance reform and not attach a Member's name to it. But I want to say to my colleagues that I take tremendous pride today in having this be the Molohan-Shays amendment.

I really believe that the gentleman from West Virginia [Mr. MOLLOHAN], the gentleman from Ohio [Mr. SAWYER] and others, frankly, on that side of the aisle are right and most of my colleagues on my side of the aisle are wrong.

I believe, with all my heart and soul, that the Census Bureau needs to test intensive door-to-door surveys, it needs to test outreach programs, it needs to test advertising, it needs to test hiring practices and who they hire, it needs to test telephone responses, it needs to test multiple site form distributions, it needs to test polling by mail, and yes, it also needs to test and review the results of statistical sampling.

What most on my side of the aisle want to do is deny the Commerce Department and the Census Bureau the opportunity to prove the validity of statistical sampling. The issue here is not whether we will do it for the year 2000 census, the issue is will we be able to test to prove its validity. Sadly, on my side of the aisle, too many simply do not want that to even be proven.

Now, that is true because my colleague, the gentleman from Illinois [Mr. HASTERT], has decided to come in with an amendment that, basically, says we cannot even test for statistical sampling until the court has made a decision. But it is not the same thing.

Here we ask for parliamentary inquiries and the Speaker entertains it. But we cannot ask the court for a parliamentary inquiry. We cannot ask them to decide the constitutionality of a particular issue before they have a case before them.

So just like the line-item veto, the court might hear something and say, "We cannot decide, so we will never have a decision." In effect, my colleague, the gentleman from Illinois [Mr. HASTERT] will have achieved his objective. Statistical sampling will not even be allowed to be reviewed for determination on whether it works.

Now, the bottom line, as far as I am concerned, is that the science, not the politics, but the science proves that the National Academy of Science, the Inspector General, Commerce Department, the General Accounting Office, the American Numerical Statistical Association, and others, believe, with all their heart and soul, that the best way and the fairest count is to use statistical sampling after we have gone four times into the community and after we have reached 90 percent of the households.

One of my colleagues stood up and talked in great faith about how it was important to go from house to house. What do we do when someone leaves at 6 in the morning and does not get home until 12 at night? What do we do? Are we going to wait for them at 1 o'clock in the morning? No. We are just not going to count them.

What are we going to do, be standing at the door? We go four or five times to that apartment and no one is there.

The bottom line is we will undercount people in rural areas if we do not have statistical sampling, we will undercount people in urban areas if we do not have statistical sampling; and, yes, most of them, sadly, will be minorities.

I believe that we should allow the Census Bureau to do its job, and I believe we should not interfere. I know we have the protection to make sure that statistical sampling is applied fairly. We would have an appointment from the Republican side and an appointment from the Democrat side to review this. We would have the Comptroller General, who, by the way, is appointed by the President, but only from three nominations made by four Republicans and four Democrats. I hope and pray that this amendment passes.

Mr. HASTERT. Mr. Chairman, I yield myself 15 seconds.

When we cannot find those folks in the apartment houses and the homeless shelters, we do like people in Milwaukee did, we hire the homeless folks to go and seek them out. We also go out and work and hire postal employees to deliver the mail on weekends to find out where these people are. It can be done, and has been done, and should be done.

Mr. Chairman, I yield 4¾ minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, former Treasury Secretary William Simon has said that "People use statistics like drunks use lampposts, for support rather than illumination." He would feel right at home on the other side tonight.

Somebody else would feel right at home on the other side tonight who wrote 132 years ago in a book on Alice. As Lewis Carroll had them saying, "Then you should say what you mean," the March hare went on. "I do," Alice hastily replied; "at least, at least I mean what I say. That's the same

thing, you know." "Not the same thing a bit," said the Hatter. "Why, you might just as well say that 'I see what I eat' is the same thing as 'I eat what I see.'"

Mr. Chairman, this is a debate on the other side out of the "Twilight Zone." Let us look at reality. This administration, Mr. Chairman, has politicized the INS, the FBI, Department of Justice. We have seen Filegate, Travelgate. Let us not allow them to develop Censusgate.

If any administration has ever abused its power vested in it by the American people, Mr. Chairman, this administration has. Should the American people actually believe that this administration would not jump at the opportunity to use the census for its own political gain?

Fortunately, though, Mr. Chairman, our Founding Fathers envisaged that some day an administration would abuse its power and would attempt to manipulate the census. And Mr. Chairman, like they have done so many times before, thank goodness, our Founding Fathers predicted the error of our ways and saved us from our own demise; they provided us with a guide on how to run a democracy.

That guide, which too many Members ignore, is the U.S. Constitution. And on the issues of the census, it is unambiguous. The constitutional cornerstone of a representative democracy is the right to vote, and that is inextricably linked to the right to be counted.

The affirmed intent of the U.S. Constitution holds that the decennial census must be an actual count. Article I, section 2 of the Constitution states: "The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they," that is the Congress, "shall by law direct."

In 1868, as part of the 14th amendment, there was further clarity, stating in part: "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State."

Three key principles arise from a study of the Constitution on this issue. First, the decennial census must be an "actual enumeration." Second, the "actual enumeration" must be "a counting of the whole number of persons in each State." And third, the decennial census must be conducted "in such a manner as they (Congress) shall by law direct."

The first challenge to the actual count came at the Constitutional Convention itself, when my own State of Georgia sought additional representation based on expected population growth. This was not allowed. The Framers' intent was that congressional apportionment must be based on actual count at the time of the census-taking.

Even though census figures are used for many determinations, the only constitutionally mandated purpose for the

census is the determination of the U.S. population in order to apportion congressional seats. And for this purpose, the Constitution's requirements are crystal clear and they are mandatory.

In the 1950's, a small group of statisticians proposed the use of statistical sampling and adjustments as a gap filler for the decennial census. Wary of the potential for data manipulation, Congress enacted a statutory provision (13 U.S.C. Sect. 195) restricting the use of the statistical sampling and adjustments, stating: "The Secretary of the Commerce shall, if he considers it feasible, authorize the use of sampling except for the determination of population for purposes of apportionment of Representatives."

Mr. Chairman, the Clinton administration is on the verge of creating a virtual America based on virtual people, but based on a very real violation of law and of our Constitution. Congress has not waived, nor can it waive, the constitutional requirement that the decennial census must be an "actual enumeration," and the "counting of the whole number of persons of each State" is a requirement.

Mr. Chairman, no administration should have the ability to alter the census for any reason, especially for political gain. This administration has proved it will do and say anything in the name of politics. Congress must not allow them to politicize the census. It is here that we must draw the line and defeat this amendment.

#### PARLIAMENTARY INQUIRY

Mr. LEWIS of Georgia. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman from Georgia [Mr. LEWIS] will state his parliamentary inquiry.

Mr. LEWIS of Georgia. Mr. Chairman, I wonder whether my colleague from Georgia [Mr. BARR] still believes that the Constitution suggested that a black person is only three-fifths of a person and that the Constitution also supported slavery. Does it still support slavery?

The CHAIRMAN. The gentleman from Georgia [Mr. LEWIS] has not stated a parliamentary inquiry.

Mr. MOLLOHAN. Mr. Chairman, I yield 15 seconds to the gentleman from Ohio [Mr. SAWYER] to speak to the Milwaukee representations made by the gentleman from Illinois [Mr. HASTERT].

Mr. SAWYER. Mr. Chairman, my colleague, the gentleman from Illinois [Mr. HASTERT], I think justifiably lauded the effort that the city of Milwaukee and others made in 1990. With that effort, they were able to keep their undercount to about 2.2 percent. The national average, however, was 1.6 percent, a 30 percent higher undercount, despite their numerous effort.

Mr. MOLLOHAN. Mr. Chairman, I yield as much time as he may consume to the gentleman from New York [Mr. ENGEL].

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

Mr. ENGEL. Mr. Chairman, I rise in strong support of the Mollohan-Shays amendment.

I rise to give my strong support to a fair and accurate Census 2000 which can be accomplished through the use of statistical sampling. This issue should not be caught up in cynical partisan sniping.

Three separate panels of experts convened by the National Academy of Sciences have recommended the use of sampling. Sampling in the 2000 Census has also been endorsed by the American Statistical Association, the American Sociological Association, the National Association of Business Economists. These are groups for whom the census is a matter of science and not politics.

The fact is that no matter how hard the Census Bureau reaches out (and during the 2000 Census they will be using more methods than ever before to reach every American) we simply cannot count every person.

The 1990 Census failed to count 1.6 million. The majority of those who were missed were minorities, and residents of poor rural communities.

During the last Census, African-Americans were six times more likely to be uncounted than Non-Hispanic White Americans. Hispanic American were seven times more likely to be undercounted than Non-Hispanic White Americans.

These are groups who are shut out of the workings of our Government in so many ways. By opposing the use of sampling we are further alienating these people who deserve to be counted and need to be counted.

In undercounting these groups we are denying them their apportionment of Federal funding which the Census determines.

Some of my colleagues have characterized sampling as guessing. The Census Bureau will not be making numbers up. Sampling is a well-tested method of following-up on those households which have not responded.

The Department of Justice under the administrations of Presidents Carter, Bush, and Clinton have all concluded that sampling is Constitutional.

We should not tie the hands of the Census Bureau because we are afraid of the political ramifications, or for any other reason.

If we want a fair census, if we want an accurate census, then we ought to let the Census Bureau conduct a professional census by using any method they deem necessary for accuracy, including statistical sampling.

Mr. MOLLOHAN. Mr. Chairman, I yield as much time as he may consume to the gentleman from Michigan [Mr. CONYERS].

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

Mr. CONYERS. Mr. Chairman, I rise in support of the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 2¼ minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished minority whip.

Mr. BONIOR. Mr. Chairman, I thank the gentleman from West Virginia [Mr. MOLLOHAN] for yielding me the time.

Mr. Chairman, it is important to remember that an accurate census forms the foundation of our representative government and that every American has a right to be counted. Sampling is

the most efficient, the most cost-effective, and the most accurate means of conducting a census. Sampling has the backing of the National Academy of Sciences, the American Statistical Association, the General Accounting Office, and even the census director under the Bush administration.

So the question then is, why are my Republican colleagues opposing sampling? They are afraid of the truth. They are afraid that an accurate count might include the 4 million Americans who were not counted in the last census, mostly children, minorities, and people living in rural areas.

□ 1930

My distinguished colleague from Ohio reminded me that half of that 4 million that was not counted in the last census were children.

My colleagues, we are obligated under the Constitution to conduct an accurate census of all Americans, all Americans. Sampling allows us to do that. The Republican efforts to undermine the census for political gain is an insult to voters. It is also an insult to the Constitution that we, as Members, are sworn to uphold.

I cannot help but notice on this day that the pattern in this bill and the case of the gentlewoman from California [Ms. SANCHEZ] is the same. First, they do not count the people, and if that is not good enough, they do not count their votes.

Mr. Chairman, I urge my colleagues to vote for the Mollohan-Shays amendment.

Mr. HASTERT. Mr. Chairman, I yield 7¾ minutes to the gentleman from California [Mr. THOMAS].

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

Mr. THOMAS. Mr. Chairman, up until the last speaker, I thought we were doing pretty well focusing on the issues in front of us. A lot of people think the census, and I quote from a letter that I got, the census is the only source of reliable, comparable, small-area data on income, occupation, and labor force participation, educational attainment, household structure, and other key demographic and economic data. And many Members have said, I think quite correctly, there is only one reason why we have the census constitutionally. It was that grand experiment the Founding Fathers decided to try: government by the people.

Mr. Chairman, I know the gentleman, Mr. WATTS, indicated and others propounded on, the fact that the actual enumeration in article I, is the manner by which Congress shall pose. I say, "It's how you do it, not what you do," and I noticed every one of those individuals did not then turn to the 14th Amendment, as has been done on this side. After that great conflict it was determined that all people, I tell my friend and colleague from Georgia, that all people were to be counted, not three-fifths of a person, when all people



were to be counted. The second clause of the 14th amendment says "whole number of persons," "whole number of persons."

I noticed also that as the minority side propounded its constitutional arguments; that is, that it is constitutionally permissible to sample, I never heard the Supreme Court mentioned once. I heard the Department of Justice under Democrats, I heard the Department of Justice under Republicans. I never heard the Supreme Court. What we are proposing to do is to say all right.

Now I tell my friend from West Virginia, the problem is not bad science the folks are concerned about, it is science. When we statistically sample, we must necessarily adjust. Adjustment means changing the numbers. Inevitably when we adjust, we take numbers from real people that were counted and substitute them for people who have not been counted. The Constitution does not say that can be done. We will be subtracting real people and counting people who have not been counted. That is the fundamental basis of adjustment.

Frankly, to tell me that professional statisticians are in favor of statistical adjustment is like going to a cattlemen's association annual convention and having two items on the menu, beef and fish. Guess which one they will choose?

Statistically, I guess we could say this is a bipartisan amendment; three Republicans will support it. That is the problem with statistics. But, as my colleagues know, we do concede that America is a mobile society and that information that we were talking about is useful and valuable. What we find, as has been pointed out by colleague after colleague, in the statute in section 195 says, "You can sample. You can statistically adjust. You can over that 10-year period attempt to make the numbers reflect where the people are." But it says, "When you count for enumeration, you count, you do not estimate."

Technology can help us and creativity can help us be a lot more effective in our count. The gentleman from West Virginia and the gentleman from Ohio said, correctly, the 1990 census was only 1.6 percent off. Why in the world, if we were only 1.6 percent off, do we back up to count, as the gentlewoman from New York said, only 90 percent? Why do we not focus on that 1.6 percent that we did not count? We have been told who was not counted. Great. Let us go count the ones we are told were not counted. If it takes more money, put more money in.

Every day somebody visits those households, they know where they are. Why have people who do not know the neighborhood do the counting? My colleague from Illinois mentioned mail carriers. Those people are available. We should use them.

How about this: Create a lottery. The ticket for the lottery is one's filled in

form. I think we will have a couple of drawings that will increase the numbers significantly. Educate. School kids, "just say no on drugs," was a very useful message started in the schools. Let us get some programs going about how important it is to count. It just seems to me that there are any number of ways that we can assist.

But I want to spend the final minute or 2 on this business of politics. This amendment offers us a board of observers to ensure fairness. Now remember, under the Constitution, the only reason we have the census is to make sure that the People's House is based upon people, that it is the House of Representatives. The proposed board of observers says the President gets one vote, the House and the Senate together get one vote, and the Presidential appointment gets the third.

Hey, we do not have the President, that is OK. In the next census, if we are lucky, we will be able to elect a President, and we might have the 2 to 1 ratio. Read the fine print. This board dissolves itself in 2001. After it is done, they are dissolved.

But fundamentally, my colleagues, the Founding Fathers knew what they were doing. They knew what politics was all about. They knew what power was. Go back and reread *Federalist 10*. They knew perfectly well the use and abuse of power. That is why they said, with clear intent, an actual enumeration.

A noble experiment, government by the people, this is embodied in the Constitution. Count whole people. The fundamental distribution of power in this society is to be based upon real people, not estimated people, but less than 10 years after that was propounded and agreed to, then Gov. Elbridge Gerry of Massachusetts figured out a way to beat the system. They went ahead and took the census, and then they drew districts that were not fair, and I guess as a place in history, it is now known as the gerrymander.

For more than 150 years, when we did a fair census, it was taken away from the people by politics. For more than 150 years, we did not have real representation by the people. And then the Court acted. The Court said one man, one vote. How ironic. When we finally have buried the gerrymander, the census 2000 proposes to leave us, if the Mollohan amendment is adopted, the Clintonmender.

Honor the Founding Fathers' wisdom. For representational purposes. Count. Do not estimate.

Vote "no" on the Mollohan amendment.

The CHAIRMAN. All time of the gentleman from Illinois (Mr. HASTERT) has expired.

The Chair recognizes the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I yield the remainder of my time to the distinguished minority leader, the gentleman from Missouri (Mr. GEPHARDT).

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

Mr. GEPHARDT. Mr. Chairman, let me urge Members to vote for this bipartisan amendment, and let me start by saying that the Census Bureau and a number of other important objective authorities have supported the targeted use of statistical sampling for the 2000 census to improve accuracy and to eliminate, as best we humanly can, the problem of undercounting.

This tool of sampling is to be used through the whole period that we are actually trying to count our citizens. As I understand it, the Census Bureau is intending to have the most aggressive, elaborate, door-to-door, human count that can possibly be made. Everybody wants that; everybody expects that; everybody anticipates that.

But what the experts are telling us who are going to do this is that they need statistical sampling as a tool throughout the period so they can target problems and then direct people to go out and make a better count so that we can get the best possible human count we can get at the end of the day.

Mr. Chairman, all the scientific evidence points to sampling as the best way to ensure the best count. Leading experts such as the National Academy of Sciences support the use of statistical sampling as the best way. The Department of Justice under Presidents Carter, Bush, and Clinton all issued opinions supporting the constitutionality and legality of using sampling in the census. Every Federal court that has addressed the issue has held that the Constitution and Federal statutes allow sampling. Barbara Bryant, the Republican appointed director of the 1990 census, supports sampling in the year 2000 census as consistent with the work she began back in 1990. Every authority that has talked about this, the agency that is supposed to do it, is saying that they can do a better job than they did 10 years ago if they are allowed to use statistical sampling.

Now at the end of the day, we have to ask why in the world would we not want to support this amendment to see that this important census, which is to ensure one person, one vote, the thing that James Madison fought hardest for in the constitutional convention, is not realized.

I urge Members to vote for this amendment. It is a bipartisan amendment; it is a sensible amendment; it is based on science; it is based on all the authorities. We know that the last time we had an undercount of anywhere between 4 million and 10 million people, and we are having all the experts tell us they can do much better than that if they are allowed to properly use statistical sampling.

Vote for the Mollohan-Shays amendment. It is the best way to get this done right.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in support of the Mollohan-Shays amendment.

Seldom is an issue debated on this floor that is as clear in its importance and value to

the American public as the upcoming Census 2000. An accurate, reliable, and inclusive census count is undeniably in the best interests of the American people, and allowing the Census Bureau to use statistical sampling is the best way to achieve that goal.

Census data on family status, housing, employment, and income levels gives the country a sense of who we are and where we are headed in the future.

For American businesses, census data is a valuable tool that helps them better understand their changing client bases and effectively plan for continued growth and economic well-being.

For Federal, State, and local governments, census data is critical for developing effective public policies that meet the future needs of Americans throughout the country. Census data is also the basis upon which \$150 billion in Federal dollars is distributed to State and local governments each year.

As a result, a census undercount could have a devastating impact on States whose needs go unrecognized. Those with large urban and rural populations are especially vulnerable. For example, the 1990 census had a national undercount of 10 million people. In my home State of California, with an estimated undercount of 1.2 million, Californians were denied a stronger voice in determining public policy and lost millions of critically needed dollars for public facilities and services.

Mr. Chairman, history does not have to repeat itself.

The Census Bureau's proposal to use statistical sampling in Census 2000 is fiscally and scientifically sound. The National Academy of Sciences and a host of other reputable organizations and local government associations have recommended the use of statistical sampling to achieve an accurate count.

In addition, the Department of Justice under the Carter, Bush, and Clinton administrations, as well as every Federal court addressing the legality of statistical sampling, have held that the Constitution and Federal statutes permit its use.

Given the benefits of sampling and the fact that experts recommend its use, why are we having this debate?

Mr. Chairman, it is purely political. Although there is no evidence to support their assumption, many in the majority party fear that a statistically adjusted census will result in their party being disadvantaged.

We must put the American people first.

I, therefore, ask my Republican colleagues to abandon this ill-advised political gamesmanship and allow the Census Bureau to use statistical sampling for a more accurate and inclusive census that is indisputably in the best interests of all Americans.

Mr. ABERCROMBIE. Mr. Chairman, today I rise in support of the Mollohan-Shays amendment. The amendment removes the bill's current provision that is an impediment to provide for a fair and accurate census in the year 2000. This issue is very important to the people in my district. In fact, this is an issue that is important to all my House colleagues. We must work to ensure that all individuals are counted so that their voices may be heard.

The 1990 census missed at least 4 million people because, as the Bush administration's Census Director at the time said, "enumeration cannot count everybody." We in Congress must take steps to resolve and correct this sit-

uation. The Mollohan-Shays amendment seeks to address the issue and make the 2000 census more accurate.

The National Academy of Sciences and virtually the entire statistical profession, including the American Statistical Association, has endorsed sampling as the best and most efficient way to achieve an accurate census count.

The Justice Department under the Reagan, Bush and Clinton administrations has consistently held that sampling is constitutional.

Opponents of the amendment claim that sampling opens up the census count to political manipulation. In response, the sponsors of the amendment went out of their way to address that issue. An independent board of experts will monitor every aspect of the census to guard against any bias or manipulation. This safeguard creates a more effective barrier against fraud and error than under the present system.

The Congressional Research Service analyzed the Hastert census language that is currently in the bill, and it is quite clear that this language will not work. According to the memorandum, "The case law makes it clear that this authorization, if enacted, would run afoul of constitutional barriers to congressional conferral either of standing or of ripeness or both." The memorandum goes on to say " \* \* \* it appears extremely likely that the Supreme Court would either strike down the provision, or disregard it." If my House colleagues are concerned about constitutionality they cannot support the Hastert language.

The Mollohan-Shays amendment works toward a fair and accurate census. I urge my colleagues to support the Mollohan-Shays amendment.

Mr. RODRIGUEZ. Mr. Chairman, in the 1990 census, the census missed an estimated 4.7 million people, 1.58 percent of the population. We are bound to have some undercount; but the undercount of minorities and inner city populations is unacceptably out of proportion to the national average. For minorities, the undercount was nearly tripled: The census missed 4.4 percent of the African-American population and 4.9 percent of the Hispanic population.

We need an accurate census. A count that does not leave minorities and inner city and rural populations behind. Without accurate census information, minorities, inner cities, and rural areas do not receive equal political representation or distribution of government resources. State and local governments with missed populations lose millions of dollars in Federal aid.

Sampling is not a new issue. In 1991, Congress passed a law requiring the Census Bureau to determine improved census methods and to consider the use of sampling to get a more accurate count of the population. Sampling is simply a way to get the most accurate census from available information. Based upon detailed analysis of areas that the Census Bureau counts by hand, it can quite accurately determine the population of similar places for which inaccurate or incomplete data was collected.

We all agree that we need an accurate count. Why do Members on the other side of the aisle oppose sampling? Because they fear it would mean counting more Democrats? Since its beginning, the Census Bureau has abstained from political posturing and continues to remain independent. We must let the

Census Bureau do its job and use the method that is most accurate, and that avoids unfair undercounts. That is the American way.

Ms. MINK of Hawaii. Mr. Chairman, I rise in support of this amendment to restore credibility to the 2000 census. Unless we approve this amendment, the year 2000 census will again undercount millions of Americans.

The traditional methods of physical enumeration does not yield an accurate and honest count of Americans as required by the U.S. Constitution. Statistical sampling is a tested technique, refined to a level of great accuracy. It has been reviewed and studied by three separate panels of experts convened by the National Academy of Sciences, the independent inspector general of the Commerce Department, and the GAO. These prestigious groups of scientists have all recommended the use of sampling and endorsed the Census Bureau's plan.

The Mollohan-Shays amendment does not mandate sampling. It simply allows the use of the most advanced methodologies to obtain a more accurate count of the American population. If we limit the Census Bureau's ability to use all of the scientific tools at its disposal the accuracy of the census count could be compromised.

An accurate count of our population has enormous political and social consequences. The apportionment of our elected offices is affected. The allocation of Federal and State funds is affected. And if people of color and the poor are not accurately counted, their voice in our Government will be even more muted. The Mollohan-Shays amendment will achieve a more national profile of America as she lives and where she lives.

We are here today to say that everyone counts—whether you are a person of color, poor, or elderly, whether you are a recent immigrant or a citizen, whether you live in an urban or rural area. Support the Mollohan-Shays amendment. Tell the American people we want all to be counted in the next census.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of the Mollohan amendment, which would provide full funding to the Census Bureau to conduct a fair and accurate census. It seems amazing, but the Republican leadership will stand in this chamber and do anything they can to stop fair representation for all people in this country. Not long ago, minority communities were prevented from being represented through violence and repression. Today, the methods being used are far more subtle.

During the last census, 26 million people were either missed, counted twice or counted in the wrong place. The biggest losers as a result of this undercount are minority and poor rural communities. In 1990, over 1 million Latinos were not counted. In poor rural communities, 1 out of every 16 people was missed. But the Republican leadership says that's okay.

But this is really not a debate about the way we should conduct the census. This is a debate about whose voice will be heard and whose voice will be silenced. By not counting minorities and the poor, opponents of a fair census can justify slashing resources to these communities. By pretending that millions of people don't exist, political representation is denied at every level—from school boards all the way up to Presidential elections.

We cannot allow fair representation to suffer at the hands of partisan politics. Expert after



expert has made it clear that using sampling will produce the most accurate count. Yet our opponents are desperate to continue to force the Census Bureau to use inaccurate, unfair methods of conducting the census. Earlier this year, they were willing to allow flood victims in the midwest to suffer in their attempts to prevent an accurate count. Now, they are trying to slash the Census budget by two-thirds in order to carry on this attack against poor and minority communities. The Molohan amendment would restore that funding so the Census Bureau can do their job properly.

We must make sure that every person living in this country is counted in the census. We must not allow anyone to pretend that minorities and the rural poor do not exist. We will continue to expose these efforts for what they are—partisan attempts to silence the voice of minorities and the poor. Who is willing to stand here and tell the American people that the poor don't deserve proper representation? Who is willing to stand here and tell the American people that Latinos and African-Americans don't deserve proper representation? This is a matter of basic fairness and democracy, and it is something that we will continue to fight for.

I strongly urge a yes vote on the Molohan amendment.

Ms. PELOSI. Mr. Chairman, I rise in support of the Molohan-Shays amendment prohibiting the use of fiscal year 1998 funds to make irreversible plans for the use of statistical sampling in the 2000 census.

The Census Bureau has acknowledged that at least 4 million Americans were not counted in the 1990 census. Twenty percent of these undercounted individuals reside in California. California is home to 12 percent of all U.S. residents. An undercount in the census places a disproportionate burden on our State. Scientific sampling is a necessary tool to achieve the most accurate census in the most difficult to reach areas and populations.

We all know that some population groups are missed in the census far more than others. African-Americans are 7 times as likely to be missed as whites. In 1990, children accounted for 52 percent of the undercount.

Statistical sampling will improve accuracy in counting minorities, children and the poor, all traditionally undercounted during the census. California is home to the largest Hispanic and Asian Pacific Islander populations among all 50 States. Between 1989 and 1993, the number of poor children, age 15 to 17, increased from 894,000 to nearly 1.4 million. An undercount denied significant Federal funding for education, child care and housing programs, among others.

An undercount as significant as 1990's denies equal representation for people of color at all levels of Government, including this body.

The National Academy of Sciences, American Statistical Association, Population Association of America, National Association of Counties, National Conference of Mayors, Council of Chief State Schools Officers have all endorsed the use of sampling to account for households that do not respond to census questionnaires or visits.

Accountability in sampling is increased through the Molohan-Shays amendment, which creates a special board of observers to monitor the census process and protect it from any manipulation.

I urge my colleagues to support the most accurate census possible. Vote "yes" on the Molohan-Shays amendment.

Ms. DELAUNO. Mr. Chairman, I rise to support this amendment and urge the support of my colleagues as well. The key issue before us here is whether or not we will make a commitment to a fair, accurate census which counts everyone.

The Census Bureau's plan to sample is the only way to count those men, women and children who will otherwise be missed. Without sampling, the Census will cost more and be less accurate. Barbara E. Bryant, the Republican-appointed director of the 1990 Census, says that "I am very much in favor of the plan the Census Bureau has. It builds on work I started back in 1990."

Bryant began that work to try to improve the count during the 2000 Census. By most estimates, the 1990 Census, which used little sampling, missed at least 4 million people.

Scientists know that sampling can reduce the undercount—the people missed and uncounted—from 2% to one-tenth of one percent. A recent study by the National Science Foundation, the objective group of scientists to which Congress turns for scientific advice, concurs that sampling is a fair way to count people who would otherwise be left out. And business groups agree. That's why the most recent Business Week magazine ran an article that said that science, not politics, should settle this issue.

Objective Republicans and Democrats who have looked at the facts agree: sampling is more accurate, and more fair.

Let's put this question to the American people: we have two options. One will give us inaccurate information and cost more. The other will give us more accurate information, and cost less. More accuracy for less money—how can there even be a debate?

I urge my colleagues to support the Molohan-Shays amendment, and thank my colleagues for offering us this opportunity to correct a serious wrong.

Mr. LEWIS of Georgia. Mr. Chairman, I rise in support of this amendment, and in support of a fair and honest Census count in the year 2000. In 1990, the census missed an estimated 4 million Americans. Four million left out of our democracy, hundreds of thousands of Georgians not counted, silenced, voiceless, left out and left behind.

This amendment supports a fair and honest census through "sampling"—the best way we know to conduct a fair and accurate census. The experts support it, the Justice Department under the last three Administrations—under Presidents Reagan, Bush, and Clinton support it. In 1990, even the Speaker of the House supported it.

But what we are debating today is not what is the best policy, but instead the best politics, the best Republican politics.

The census is more than just a political football, it is about fairness for every American—whether they live in North Georgia or Northern California. Every American—rich or poor, young or old, black, white, yellow, red or brown—deserves to be counted. No one should be left out or left behind. It is time to stop playing politics with the census.

Support the best census in the history of the Nation. Support the Molohan amendment.

Mrs. MORELLA. Mr. Chairman, I rise today in strong support of the Molohan-Shays amendment

The Census Bureau needs the full \$381.8 million appropriation in fiscal year 1998 to prepare for Census 2000 now—not pending expedited judicial review. Preventing the Census Bureau from spending any money on planning, preparing, or testing for the use of sampling would jeopardize all components of census preparation, including the dress rehearsal and the preparation of the long form.

As Members of Congress, we depend on the accurate information provided by the census to give us insight into our changing communities and constituencies. If this amendment is not passed, and data is not collected in Census 2000, we will lose the only reliable and nationally comparable source of information on our population. Both the private and public sectors, including state, county, and municipal agencies; educators and human service providers; corporations; researchers; political leaders; and federal agencies, rely on the census long form.

The Molohan-Shays amendment is critical if we are to prevent the mistakes made in 1990. I served on the Committee on Post Office and Civil Service during the 1990 census, and I saw first-hand the mistakes that were made. According to the GAO, the 1990 Census got 10 percent of the count wrong. Over 26 million people were missed, double counted, or counted in the wrong place. Let me quote from the GAO Capping report on the 1990 census, which makes it clear that a straight count will not work:

GAO reported that " \* \* \* the current approach to taking the census needs to be fundamentally reassessed." "The current approach to taking the census appears to have exhausted its potential for counting the population cost-effectively." Historic methods of trying to gather data on each nonresponding household is costly both in dollars and accuracy. "Specifically, the amount of error in the census increases precipitously as time and effort are extended to count the last few percentages of the population. \* \* \*

There is strong scientific evidence that sampling will result in the most accurate Census possible. The experts agree that spending more money to go door-to-door will result in errors as large or larger than 1990 and that the 2000 census will be more accurate for all congressional districts than 1990, and 19 times more accurate for the nation.

As a result of the GAO evaluation and bipartisan direction from Congress, the Census Bureau turned to the National Academy of Science for advice. The first panel said " \* \* \* physical enumeration or pure 'counting' has been pushed well beyond the point at which it adds to the overall accuracy of the census."

The panel went on to recommend a census that started with a good faith effort to count everyone, but then truncate physical enumeration and use sampling to estimate the characteristics of the remaining nonrespondents.

Following those recommendations, the Census Bureau announced in February 1995 a plan for the 2000 Census which makes an unprecedented attempt to count everyone by mail, followed by door to door enumeration until reaching 90 percent of the households in each census tract. A sample of households is then used to estimate the last 10 percent. The GAO Capping Report pointed out that in 1990 nearly half of the 14 weeks of field work were spent trying to count the last 10 percent, and resulted in increased error rates.

The census plan has received overwhelming support from the scientific community including: National Academy of Sciences Panel on Census Requirements in the Year 2000 and Beyond; National Academy of Sciences Panel to Evaluate Alternative Census Methods; American Statistical Association; American Sociological Association; Council of Professional Associations on Federal Statistics; National Association of Business Economists; Association of University Business and Economic Research; Association of Public Data Users; and Decision Demographics.

And to close, I want to read a quote from the Blue Ribbon Panel on the Census, American Statistical Association, September 1996. "Because sampling potentially can increase the accuracy of the count while reducing costs, the Census Bureau has responded to the Congressional mandate by investigating the increased use of sampling. We endorse the use of sampling for these purposes; it is consistent with best statistical practice."

I hope that my colleagues will heed the advice of our nations' experts and join me in supporting the Molloy-Shays amendment. To do otherwise would jeopardize the content and accuracy of Census 2000.

Mr. PETRI. Mr. Chairman, I rise in support of this bill and the inclusion of provisions to require the Census Bureau to conduct, as the Constitution says, an actual enumeration rather than using the statistical technique known as sampling. Following the 1990 census we had a debate over whether to use the number resulting from the actual enumeration or a number adjusted by sampling. This time the Bureau does not even intend to try to count everyone. As I understand it, the plan is to try to count 90 percent of the people and estimate the rest.

I oppose the use of sampling for several reasons. It would leave the census numbers open to political manipulation and would tend to undermine the public's confidence in the census. We have seen various administrations manipulate the FBI, IRS, and reportedly even the Immigration and Naturalization Service for political gain. Once we move away from a hard count what guarantee do we have that this or a future administration will not manipulate the census numbers for partisan gains?

A Member of the other body has stated that we should all support sampling since we all rely on something similar, public opinion polls, to get elected. The problem with this thinking is that we may use polls to guide us but we don't let them determine the winner.

I would have no objection if the Bureau uses sampling to determine where there may have been an undercount, and then goes back in and redoubles its efforts to count those people. That would be analogous to the way we use opinion polls. To rely on sampling rather than a physical count is comparable to changing election returns if they are at variance with the polls.

Sampling is said to adjust for undercounts in major cities. But once you estimate how many people are in a given city, to what wards, neighborhoods, and precincts do they belong? How can State legislatures and school boards and city councils be apportioned if we don't know where these estimated people live? Is sampling really accurate enough to tell us if some small town has 3,300 people instead of the 3,000 from a hard count?

When a State, such as Wisconsin, has hundreds of towns of such size, will sampling ad-

just for an undercount there the way it might in Los Angeles or some other major city? In 1990 an entire ward in one town in my district was missed. The community leaders pointed this out during the post-census review and the mistake was corrected. For 2000 the Bureau will not do a post-census review presumably since no one can know what mistakes were made since everyone wasn't supposed to be counted anyway.

Will the undercount of Indian reservations, of which there are several in Wisconsin be corrected? My understanding is that the bureau plans to do a hard count on Indian reservations. Yet native Americans were among the most undercounted in the last census. So how can it be claimed that the reason the bureau wants to use sampling is to correct for past undercounts?

The main argument of those supporting sampling is that it will save money. Well that may or may not be true but that can't be the only basis for designing the census. The cheapest possible census would be if the numbers were just made up altogether. We obviously aren't going to do that but the point is that saving money is not the only goal. Fairness is a goal and sampling is unfair to smaller communities and rural States. Following the Constitution, which calls for an actual enumeration, is a goal and the Supreme Court has never ruled on the issue.

What happens if we complete the 2000 census using sampling to estimate 10 percent of the population and then the Supreme Court throws it out? Then we will have wasted the \$4 billion spent on the original census not to mention who knows how much in litigation. Rather than saving money, sampling could end up costing the taxpayers two or three times as much money as a hard count if we have to redo the whole thing. I believe a greater effort should be made to reach all Americans to provide an accurate hard count. Fifty percent of the undercount from the last census was caused by people never receiving the forms. Better mailing lists and better coordination with the Post Office and local governments can correct this problem. Approximately 32 percent of the undercount can be corrected through the use of easier to read forms and perhaps an 800 information number. The rest will have to be reached through better outreach. Instead the Bureau plans to spend less money on outreach, figuring that sampling can make up the difference.

I don't believe the bureau's plan will provide for the fairest and most accurate census. I encourage my colleagues to oppose this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

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

#### RECORDED VOTE

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 228, not voting 8, as follows:

[Roll No. 475]

AYES—197

Abercrombie	Gordon	Neal
Ackerman	Green	Neubauer
Allen	Gutierrez	Oliver
Andrews	Hall (OH)	Ortiz
Baessler	Hamilton	Owens
Baldacci	Harman	Pallone
Barcia	Hastings (FL)	Pascarella
Becerra	Hefner	Pastor
Bentsen	Hilliard	Payne
Berman	Hinchey	Pelosi
Berry	Hinojosa	Peterson (MN)
Bishop	Holden	Pickett
Blagojevich	Hoolley	Pomeroy
Blumenauer	Hoyer	Poshard
Bonior	Jackson (IL)	Price (NC)
Borski	Jackson-Lee	Rahall
Boswell	(TX)	Rangel
Boucher	Jefferson	Reyes
Boyd	John	Rivers
Brown (CA)	Johnson (CT)	Rodriguez
Brown (FL)	Johnson, E. B.	Roemer
Brown (OH)	Kanjorski	Rothman
Capps	Kaptur	Roybal-Allard
Cardin	Kennedy (MA)	Rush
Carson	Kennedy (RI)	Sabo
Clay	Kennelly	Sanchez
Clayton	Kildee	Sanders
Clement	Kilpatrick	Sandlin
Clyburn	Klink	Sawyer
Condit	Kucinich	Scott
Conyers	LaFalce	Serrano
Costello	Lampson	Shays
Coyne	Lantos	Sherman
Cramer	Levin	Sisisky
Cummings	Lewis (GA)	Skaggs
Danner	Lipinski	Skelton
Davis (FL)	Lofgren	Slaughter
Davis (IL)	Lowe	Smith, Adam
DeFazio	Luther	Snyder
DeGette	Maloney (CT)	Spratt
Delahunt	Maloney (NY)	Stabenow
DeLauro	Manton	Stark
Dellums	Markey	Stenholm
Deutsch	Martinez	Stokes
Dicks	Mascara	Strickland
Dingell	Matsui	Stupak
Dixon	McCarthy (MO)	Tanner
Doggett	McCarthy (NY)	Tauscher
Dooley	McGovern	Thompson
Doyle	McHale	Thurman
Edwards	McIntyre	Tierney
Engel	McKinney	Torres
Eshoo	McNulty	Towns
Etheridge	Meehan	Turner
Evans	Meek	Velazquez
Farr	Menendez	Vento
Fattah	Millender	Visclosky
Fazio	McDonald	Waters
Filner	Miller (CA)	Watt (NC)
Flake	Minge	Waxman
Foglietta	Mink	Wexler
Ford	Moakley	Weygand
Frank (MA)	Mollohan	Wise
Frost	Moran (VA)	Woolsey
Furse	Morella	Wynn
Gejdenson	Murtha	
Gephardt	Nadler	

NOES—228

Aderholt	Buyer	Doolittle
Archer	Callahan	Dreier
Armey	Calvert	Duncan
Bachus	Camp	Dunn
Baker	Campbell	Ehlers
Ballenger	Canady	Ehrlich
Barr	Cannon	Emerson
Barrett (NE)	Castle	English
Barrett (WI)	Chabot	Ensign
Bartlett	Chambliss	Everett
Barton	Chenoweth	Ewing
Bass	Christensen	Fawell
Bateman	Coble	Foley
Bereuter	Coburn	Forbes
Bilbray	Collins	Fowler
Bilirakis	Combest	Fox
Bliley	Cook	Franks (NJ)
Blunt	Cox	Frelinghuysen
Boehlert	Crane	Gallely
Boehner	Crapo	Ganske
Bonilla	Cubin	Gekas
Bono	Cunningham	Gibbons
Brady	Davis (VA)	Gilchrest
Bryant	Deal	Gillmor
Bunning	DeLay	Gilman
Burr	Diaz-Balart	Goode
Burton	Dickey	Goodlatte

Goodling	Livingston	Royce
Goss	LoBiondo	Ryun
Graham	Lucas	Salmon
Granger	Manzullo	Sanford
Greenwood	McCollum	Saxton
Gutknecht	McCrery	Scarborough
Hall (TX)	McDade	Schaefer, Dan
Hansen	McHugh	Schaffer, Bob
Hastert	McInnis	Sensenbrenner
Hastings (WA)	McIntosh	Sessions
Hayworth	McKeon	Shadegg
Hefley	Metcalfe	Shaw
Herger	Mica	Shimkus
Hill	Miller (FL)	Shuster
Hilleary	Moran (KS)	Skeen
Hobson	Myrick	Smith (MI)
Hoekstra	Nethercutt	Smith (NJ)
Horn	Neumann	Smith (OR)
Hostettler	Ney	Smith (TX)
Houghton	Northup	Smith, Linda
Hulshof	Norwood	Snowbarger
Hunter	Nussle	Solomon
Hutchinson	Obey	Souder
Hyde	Oxley	Spence
Inglis	Packard	Stearns
Istook	Pappas	Stump
Jenkins	Parker	Sununu
Johnson (WI)	Paul	Talent
Johnson, Sam	Paxon	Tauzin
Jones	Pease	Taylor (MS)
Kasich	Peterson (PA)	Taylor (NC)
Kelly	Petri	Thomas
Klim	Pickering	Thornberry
Kind (WI)	Pitts	Thune
King (NY)	Pombo	Tiahrt
Kingston	Porter	Traficant
Klecza	Portman	Upton
Klug	Pryce (OH)	Walsh
Knollenberg	Quinn	Wamp
Kolbe	Radanovich	Watkins
LaHood	Ramstad	Watts (OK)
Largent	Redmond	Weldon (FL)
Latham	Regula	Weldon (PA)
LaTourette	Riggs	Weller
Lazio	Riley	White
Leach	Rogan	Whitfield
Lewis (CA)	Rogers	Wicker
Lewis (KY)	Rohrabacher	Wolf
Linder	Ros-Lehtinen	Young (AK)

## NOT VOTING—8

Cooksey	Roukema	Yates
Gonzalez	Schiff	Young (FL)
McDermott	Schumer	

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So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments?

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

Mr. Chairman, before we go to final passage on this bill, about seven Members have requested colloquies that should consume maybe 15 minutes or so before we get to final passage. So for Members' interest in that question, that is about the length of time we expect.

Mr. Chairman, with that mind, I yield to the gentlewoman from Colorado [Ms. DEGETTE].

Ms. DEGETTE. Mr. Chairman, I thank the gentleman for yielding to me.

First of all, let me say, Mr. Chairman, I appear tonight on behalf of my colleague, the gentlewoman from the District of Columbia [Ms. NORTON] who was unavoidably detained at a speech in her district with some constituents. The gentlewoman and I are both concerned, as she is the former chair of the Equal Employment Opportunity Commission and I am a former employment lawyer. We would like to commend the chairman on the fine job he has done in putting together this bill. We believe

that this is fairly bipartisan and equitable.

However, we do have an area of concern, and we ask to bring this issue to the chairman's attention. The chair has a formidable backlog, caused in part by very new and very complicated jurisdictions. The commission is our Nation's principle enforcer of such landmark legislation as the Civil Rights Act, the Equal Pay Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act.

We are concerned that without an increase in funding for the EEOC, we will not be able to decrease this backlog in cases. The EEOC received roughly \$240 million in its fiscal year 1997 budget, and it has been appropriated the same amount for the fiscal year 1998 budget, but yet, we have an increase in backlog of cases. The President has requested \$246 million, which we feel is a modest increase, but which will help us attack the backlog of approximately 80,000 cases.

My colleague, the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, and I, as well as others, were prepared to bring an amendment to the floor tonight that would have brought the EEOC funding level to the President's request. However, in deference to the negotiations on this bill and the tight fiscal constraints, we would like to work with the chairman in conference to work out this discrepancy in funding.

Mr. ROGERS. Mr. Chairman, I thank the gentlewoman from Colorado, Ms. DEGETTE, and the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, as well for bringing this important issue to our attention.

As the Members know, I share the concern about the existing case backlog at the commission, and I will be happy to work with them and anyone else towards reaching the President's request to address this problem as the bill is considered in conference.

Mr. Chairman, I yield to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I appreciate the chairman's yielding to me.

Mr. Chairman, I would like to take this opportunity to engage in a brief colloquy with the chairman of the subcommittee.

First, I want to thank the chairman for the increase he has given to the National Weather Service in its base operating account. As we know, the NOAA proposal to eliminate important staff positions at the hurricane center in South Florida during the past year caused enormous anxiety throughout Florida. Forecasters as well as their support personnel are vital to the safety of coastal areas like my district in the event of a hurricane, and my district goes from mid Miami beach all the way up to north of Palm Beach to Juno Beach at the south end of Jupiter.

Mr. ROGERS. Mr. Chairman, as the gentleman knows, the bill provides \$642 million for the National Weather Serv-

ice, and including a \$15 million increase over fiscal year 1997 appropriated levels for base operations, and a \$17 million increase over fiscal year 1997 appropriated levels for modernization activities.

Mr. SHAW. Mr. Chairman, I am grateful for the increase. I am, however, concerned that these funds can be raided by other divisions at NOAA.

Mr. ROGERS. I understand the gentleman's concern. The funds that are appropriated to the National Weather Service cannot be removed and used for other non-Weather Service activities in NOAA without prior consultation with our subcommittee. Under section 605 of this Act, all agencies must notify the committee through our reprogramming procedures prior to any shift in funds.

Mr. SHAW. I thank the chairman for clarifying the position of the National Weather Service. This information should be of great comfort to all residents in hurricane-prone areas, whether they be in Florida or elsewhere. I know in my district this issue is an especially important one, as hurricanes threaten our coastlines on an annual basis.

Mr. ROGERS. Mr. Chairman, I yield to the gentleman from Texas [Mr. BRADY].

Mr. BRADY. Mr. Chairman, I thank the gentleman for yielding to me. I and many of my colleagues on both sides of the aisle are very concerned about the funding provided in this bill.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. ROGERS] has expired.

Mr. ROGERS. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Texas [Mr. BRADY].

Mr. BRADY. Mr. Chairman, I and many of my colleagues on both sides of the aisle are concerned about the funding provided in this bill for the Maritime Administration, and specifically, the six State maritime academies. This year the report to accompany the House Commerce-Justice-State appropriations bill has not provided the specific funding level for the State academies. At the level provided for the overall operations and training account, it is likely this would threaten the ability of the academies to carry out their Federally-mandated mission of educating and training our Nation's licensed merchant mariners.

Mr. Chairman, the Texas State Maritime Academy has a ship for its use called the *Texas Clipper*. The ship's sole purpose is to meet the Federal mandate for training U.S.-licensed merchant mariners. Adequate funding is needed not only for this training but for the annual drydocking, fuel costs, retrofitting requirements, and general upkeep.

To conclude, Mr. Chairman, the Senate report makes available approximately \$9.5 million for the State academies. The Senate language is also clear that the training ships where this money is used are Federal ships training U.S. maritime officers, and that is a Federal responsibility.

As we move to conference with this bill, I urge the chairman on behalf of our State Maritime Academies and on behalf of the maritime industry to work with the Senate to fully fund these academies.

Mr. ROGERS. Mr. Chairman, I yield to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. I thank the chairman for yielding to me.

Mr. Chairman, I, too, am concerned about the viability and sustainability of our six State maritime academies under this bill's funding level for MARAD operation and training accounts. These six academies currently provide 75 percent of our Nation's licensed mariners at approximately one-third the cost of the U.S. Merchant Marine Academy. In addition, the graduates enjoy an impressive press 100 percent job placement upon graduation.

Mr. Chairman, it is because of this great return on our investment that I am concerned about adequate funding. The report language notes that additional funding may be available for State Academies via the sale for scrap of vessels in the National Defense Reserve Fleet. However, EPA regulations currently prohibit such scrapping.

I would like to work with the chairman to resolve this problem, but in the meantime, I urge the chairman and Members of the subcommittee to work with the Senate in conference to ensure adequate funding for the State Maritime Academies.

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Mr. ROGERS. Mr. Speaker, I would like to thank the gentleman from Texas and the gentlewoman from New York for bringing up this important issue.

Funding requirements for the State Academies have been somewhat reduced because two of the five State Schoolships are now funded out of the Ready Reserve Force Program. In addition, MARAD has used the Vessel Operations Revolving Fund and unobligated balances to provide additional support for State Academies during the past year. A provision is currently pending in the defense authorization conference that would provide another source of revenue through the scrapping of vessels in the National Defense Reserve Fleet.

As we move into conference with the Senate on this bill and we receive additional clarification about the availability of these and other resources for the State Academies, I will be happy to work with you and other Members to address your concerns.

Mr. ROGERS. Mr. Chairman, I yield to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, first of all, I want to congratulate the gentleman on his thoughtful and effective leadership of this important appropriations subcommittee. It is a pleasure to work with him.

At this time I wish to engage him in a colloquy with regard to the Women's Business Center program and the National Women's Business Council, both administered by the Small Business Administration. I strongly support these programs.

Over the last decade, the growth in women's business ownership has created an enormous demand for the type of business training and technical assistance that is provided by the women's business centers. Within the last year alone, women's business centers have assisted approximately 17,500 women start and grow their businesses. I am joined by many of my House and Senate colleagues in supporting this program.

The Women's Business Centers program is unique because it builds upon a private-public partnership that is, in itself, unique. Once the Federal funding cycle is complete, which is only 3 years, the centers become self-sustaining in their local communities. They are able to do so because the programs are designed locally by women, for women, to meet each community's needs.

Women business owners have played a large role in the economic expansion that the United States is currently enjoying, and the country has a stake in seeing these businesses succeed and grow. The centers' training and technical assistance programs are an important part of the infrastructure that supports women-owned businesses.

The second and vital aspect of this infrastructure for women entrepreneurs is the National Women's Business Council. The council serves as an independent advisory body to Congress and the President with approximately 8 million women business owners in the United States today. The council provides this growing constituency a voice with the Government and a direct conduit to the Congress to learn its views.

This week, the House passed a bill which would increase the authorized funding levels for these programs. On that note, I want to express my hope that funding can be increased for the Women's Business Center program and the National Women's Business Council.

Mr. ROGERS. Mr. Chairman, the bill now includes \$3 million for the women's business centers and \$194,000 for the National Women's Business Council. Given the strong support within the Senate and the worthy goals of both programs, I am committed to working with the gentlewoman to ensure that these programs receive the necessary funding as the bill moves through conference.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for his time and for his consideration of this worthy program.

Mr. ROGERS. Mr. Chairman, I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I want to commend the gentleman and the

gentleman from West Virginia [Mr. MOLLOHAN] for the excellent job they did with this very complicated and difficult bill. I rise to engage in a colloquy with the distinguished chairman of the subcommittee.

Mr. Chairman, the Senate included in its bill language which I introduced in this body, language to require that the Legal Services Corporation include only the income of the client when determining the eligibility for services in cases of domestic violence only.

Out of deference to the gentleman, Mr. Chairman, and his desire to keep this kind of authorizing language off his appropriations bill, I chose not to offer the amendment at the time of the bill. But it is important. More than 4 million women each year are abused by their husbands or partners. Eligibility for legal services is now determined by household income, leaving open the frightening possibility that victims of domestic violence would be denied legal assistance because the abuser's income exceeded the threshold for household income requirements.

The Senate provision ensures that legal aid clinics will not be forced to turn domestic violence clients away based on the income of their abusers. Today I seek the gentleman's assurance, Mr. Chairman, that we can work together to address this issue during conference. We must ensure that no victim of abuse will be refused legal assistance based upon the economic status of the abuser.

Mr. ROGERS. Mr. Chairman, I thank the gentlewoman for her leadership on this issue. I understand the importance of providing access to legal services for victims of domestic violence and look forward to working with her and her colleagues on this important issue in the conference.

Ms. PELOSI. Mr. Chairman, I thank the gentleman.

I would like to also express interest in this issue on behalf of the gentleman from New York [Mr. SCHUMER] and will include his statement in the colloquy for the RECORD, except to just add that Legal Services Corporation's programs handle more than 50,000 cases involving clients seeking protection from abusive partners. This is a very important provision that we are asking for. I thank the chairman for his cooperation.

Mr. Chairman, I include for the RECORD the following statement:

Mr. SCHUMER. Mr. Chairman, I rise to express support for this important provision. Last year, Legal Services Corporation programs handled more than 50,000 cases involving clients seeking protection from abusive partners. This language is essential to ensure that women in poverty have equal access to these legal services, and to continue our fight against domestic violence.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. ROGERS] has expired.

Mr. ROGERS. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Texas [Mr. BENTSEN] for a colloquy with the gentleman from Texas [Mr. SMITH].

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

Mr. BENTSEN. Mr. Chairman, I had intended to offer an amendment to this bill to assist the Shriners Hospital for Children in my district that provides free orthopedic medical care for indigent children from the southwest United States and northern Mexico. The Shriners offers free patient care to children who suffer from diseases of bones, joints, muscles, and burns.

The Shriners Hospital in Houston has a service area which includes northern Mexico. The patients which they accept for treatment would not be able to receive comparable care in Mexico, and the Shriners completely cover the costs of their travel and treatment to Houston, Texas.

Regrettably, the visa processing fee, as provided in the Foreign Relations Authorization Act for fiscal years 1994 and 1995, that is required to be charged on all immigrants entering the U.S. causes an undue hardship for these children, their families, and in particular the Shriners who volunteer their time and funds to assist them.

My amendment would have prohibited the use of funds contained in this bill to enforce the visa processing fee for children entering the U.S. for prearranged medical care at a charitable hospital such as Shriners as well as for their accompanying parents and guardians. My office has been successful in obtaining an INS waiver of the border crossing fee they charge for these children and their parents or accompanying guardian.

As the State Department apparently does not have the authority to waive the visa processing fees under the Foreign Relations Authorization Act, it is my hope that the Subcommittee on Immigration and Claims will take this matter under consideration, in particular, providing for the authority to waive such fees when special situations such as the case of Shriners Hospital for Children in Houston warrants it.

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

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

Mr. SMITH of Texas. Mr. Chairman, I appreciate the point my friend from Texas is making. I am sure the subcommittee will be happy to consider the proposal and to evaluate the gentleman's situation. I thank him for calling it to my attention.

Mr. BENTSEN. Mr. Chairman, I thank the gentleman for his consideration of this.

Mr. ROGERS. Mr. Chairman, I yield to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I want to commend both the gentleman from Kentucky and the gentleman from West Virginia [Mr. MOLLOHAN] for their leadership on this bill. There is growing concern, Mr. Chairman, over developments in Albania, and there are those that believe that Albania could become the next Bosnia.

Mr. Chairman, earlier this month there was an assassination attempt made on a Democratic Party member, a member of the minority in Albania. The attempt was made by a member of the Socialist Party of the Parliament. Since taking power, the Socialist Party, the old Communist Party, has denied members of the opposition freedom of speech, freedom of assembly, and freedom of the press.

I am asking that the committee insert report language in the conference report directing the State Department to investigate the allegations that the Albanian Socialist Government has denied freedom of speech, freedom of the press, and freedom of assembly to both Albanian citizens and to the opposition Democratic Party, and to report back to this appropriations subcommittee on these matters in a timely manner.

Mr. ROGERS. Mr. Chairman, we will work with the gentleman to obtain the language that he seeks in the statement of the managers.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word, and I yield to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member very much.

I would like to thank the gentleman from West Virginia [Mr. MOLLOHAN], and as well I would like to thank the chairman of this committee for listening and providing assistance on the issue of the Prairie View A&M University Juvenile Prevention Center.

Many of my constituents are involved in this university and particularly are interested in ways of preventing juvenile crime. This center has been designated by the State legislature in Texas to assist training individuals who would be involved in preventing juvenile crime, teachers, professionals, and probation and other professionals dealing with this issue. I was delighted to be able to support the Riggs-Scott amendment that heavily relied upon prevention as opposed to incarceration of our juveniles.

The Senate mark on this bill does have provisions in funding for the Prairie View A&M University Juvenile Crime Prevention Center. I would hope that both the ranking member and the chairman, who worked so very hard on this very strong bill on the issue of prevention, would look to provide support to this particular center as it will serve not only the citizens of Texas and those citizens who reside in the 18th Congressional District, but as well citizens throughout the Nation who are interested in being trained or preventing juvenile crime.

Mr. Chairman, I rise today to draw my colleagues' attention to the question of 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.

I have worked during the appropriations process with many of my colleagues in an effort to find such funding in the Commerce-Jus-

tice-State appropriations bill. While we were not successful in getting that funding into the House version of the bill, the Senate has included in its version, \$500,000 for the establishment of the Prairie View center. And it is my understanding, through conversations my staff has held with committee staff, that Chairman ROGERS and Ranking Member MOLLOHAN agree that funding for the juvenile justice center at Prairie View could be incorporated into the conference report. I would like to thank both Chairman ROGERS and Ranking Member MOLLOHAN for their support of this important project.

The National Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University will 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.

The importance of such a center is evidenced by the fact that across America, violent crime committed by and against juveniles is a national crisis that threatens the safety and security of communities, as well as the future of our children. According to a recently released FBI report on crime in the United States, law enforcement agencies made an estimated 2.7 million arrests of persons under 18 in 1995.

Studies, however, 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 in 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 short-term and long-term 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.

I would again like to thank both the chairman and the ranking member for their support of the National Center for the Study and Prevention of Juvenile Crime and Delinquency and to encourage that funding for this center be included in the conference report.

The CHAIRMAN. Are there further amendments?

Hearing none, the Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998".

Mr. FAZIO. Mr. Chairman, I implore the House Conferees on the Commerce, Justice, State and Judiciary Appropriations Bill for Fiscal Year 1998 to maintain the House silence on the issue of splitting the Ninth Circuit Court of Appeals. The Senate made a hasty decision to include a provision in their version of the bill which would split the Ninth Circuit without the appropriate and necessary study, and the Senate language would mandate that the split occur immediately, with only two years to wind up the circuit's administrative matters. The proposed split would not solve the backlog of cases, as some proponents argue; in fact, it would serve only to delay the cases currently on the docket even more.

There is overwhelming opposition to splitting the Ninth Circuit, both among the legal community in the Ninth circuit and national organizations, such as the Federal Bar Association. The Judicial Council of the Ninth Circuit, the circuit's governing body, has repeatedly voted in opposition to division of the circuit. H.R. 908, which was passed on a voice vote by the House on June 3, 1997, calls for a commission to investigate structural alternatives for the Federal Court of Appeals. It is crucial that a costly and precedent-setting move such as splitting the Ninth Circuit Court of Appeals be carefully considered prior to implementation. No circuit has ever been divided without careful study and the support of the judges and lawyers within the circuit.

Splitting the Ninth Circuit would create the only two-state circuit in the country and would take away the important federalizing function of the court of appeals. Additionally, judges would be disproportionately allocated between the two new circuits—the 15 judges in the new Ninth Circuit would have a 44 percent higher caseload per judge than the 13 judges of the newly-created Twelfth Circuit.

The House Judiciary Committee and the Administration oppose the Senate language on the grounds that it constitutes legislating on Appropriations. I urge the House/Senate Conferees on the Commerce, Justice, State Appropriations bill to maintain the House position on this matter and call for further study on the issue before taking such decisive and potentially damaging action.

Mrs. MORELLA. Mr. Chairman, I would like to begin by congratulating Chairman ROGERS for his subcommittee's work to fully fund the National Institute of Standards and Technology [NIST].

NIST is the Nation's oldest Federal laboratory. It was established by Congress in 1901, as the National Bureau of Standards [NBS], and subsequently renamed NIST.

As part of the Department of Commerce, NIST's mission is to promote economic growth by working with industry to develop and apply technology, measurements, and standards. As the Nation's arbiter of standards, NIST enables our nation's businesses to engage each other in commerce and participate in the global marketplace.

The precise measurements required for establishing standards associated with today's

increasingly complex technologies require NIST laboratories to maintain the most sophisticated equipment and most talented scientists in the world. NIST's infrastructure, however, is failing and in need of repair and replacement.

NIST currently has a maintenance backlog of over \$300 million. In addition, NIST requires new laboratory space that includes a higher level of environmental control—control of both vibration and air quality—than can be achieved through the retrofitting of any of its existing facilities. In order to meet this pressing need, NIST must construct an Advanced Measurement Laboratory [AML].

As part of the sums appropriated for NIST, H.R. 2267 includes \$111 million for construction, renovation and maintenance for NIST's laboratories. Of that total, \$94 million is reserved until NIST, through the Department of Commerce, submits its construction plan to Congress.

The Report accompanying the bill specifically states:

The Committee has included funding above the request to address NIST's facilities requirements identified in this plan, but has included language in the bill providing for the release of the \$94,400,000 increase only upon submission of a spending plan in accordance with section 605 of this Act. This spending plan should reflect the priorities identified in a long-term facilities master plan.

Mr. Chairman, the AML is indeed NIST's number one new construction priority. In NIST's just released "NIST Laboratory Facilities: Planning Status Report," NIST states that "all of the analysis leading to the new [construction] plan has verified the need to construct an Advanced Measurement Laboratory [AML] in Gaithersburg." It is my expectation that when the construction plan is finally released by the Department of Commerce and the Office of Management and Budget, the AML will top the list of construction projects for NIST.

I would like to again thank Chairman ROGERS for his support of NIST and its facility needs.

Mr. ETHERIDGE. Mr. Chairman, I rise in opposition to final passage of H.R. 2267, the Commerce-Justice-State appropriations bill, despite my strong support for certain provisions of the bill. I fully support most provisions in H.R. 2267 which provides funding for the Commerce, Justice, and State Departments, the judiciary, and other related agencies. However, as the Representative for a rural, tobacco growing district in North Carolina, I oppose final passage of this legislation.

I support those provisions in H.R. 2267 addressing crime, environmental protection, and technology advancement. Specifically, of the \$30 billion included in the bill, I favor the \$5.3 billion for the Violent Crime Reduction Trust Fund, the \$497 million increase for the Immigration and Naturalization Service which would provide for 1,000 new border control agents and 2,700 more detention cells, the increase by \$129 million for the Drug and Enforcement Administration, \$112 million more for the National Institute of Standards and Technology, \$250 million for the Legal Services Corporation [LSC], including more thorough oversight by the Congress of the LSC without overburdening its effective administration, the Advanced Technology Program [ATP], National Endowment for Democracy, and increase by \$1 million for fiscal year 1998 funding for the

Office of the U.S. Trade Representative to equip the agency to defend national, state, local and territorial law adversely affected by international agreements.

The bill also contains an important provision passed by amendment which I co-sponsored, the Hoyer-Cardin-Etheridge amendment, to add \$3 million to the National Oceanic and Atmospheric Administration's [NOAA] National Ocean Service Account to respond effectively to pfiesteria and pfiesteria-like conditions throughout the Eastern Seaboard. NOAA has the mechanisms in place to study and assess the causes of pfiesteria and how we can begin to control it. Our natural resources and waterways are simply too valuable for us not to act to protect both them and the public health. I hope this marks the beginning of a strong federal-state partnership to protect North Carolina's citizens and our waterways.

There are two provisions however to which I am strongly opposed: the Doggett amendment included in the bill and the bipartisan Mollohan-Shays amendment which is not. The Doggett language prohibits the use of funds in the bill to promote the sale or export of tobacco or tobacco products, and prohibits funds in the bill to be used to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products. I also strongly oppose the bill's language on statistical sampling as part of the 2000 Census. Statistical sampling will provide a more accurate census of the population and demographic groups of our country, including rural areas such as the Second District of North Carolina and save millions in taxpayer dollars.

I am hopeful the conference committee will correct these two provisions in the bill which hurt my district so that I may vote in favor of the crime, environmental, and advanced technology provisions I wholeheartedly support.

Mrs. MINK of Hawaii. Mr. Chairman, I rise today to express my deep disappointment that the Fiscal Year 1998 Commerce-Justice-State House Appropriations bill once again eliminates all funding for the East-West Center in Honolulu, Hawaii.

The Asia-Pacific Region is an emerging economic and military power of increasing importance to the United States economy and national security. The United States now trades more with countries in the Asia-Pacific Region than with NAFTA countries or the European Union. In addition to trade and security, the United States and Asian Pacific countries continually seek to learn from each other about education, health care, new technologies, and development of alternative forms of energy. We cannot undervalue the importance of continuing close ties with this Region. One important way to show our long-term investment in U.S. Asian-Pacific relations is through the East-West Center.

For almost four decades, the East-West Center has played a key role in strengthening relations between the governments and people of the Asia-Pacific Region and the U.S.

The Center helps prepare the United States for constructive involvement in Asia and the Pacific through education, dialogue, research and outreach. Over 43,000 Americans, Asians, and Pacific Islanders from over 60 nations and territories have participated in the East-West Center's programs.

In a region where nations and cultures have become more interdependent, the Center's



purpose is more important than ever. To carry out its mandate, the Center provides grants to undergraduate and graduate students, provides research and study fellowships, and sponsors conferences, workshops, seminars and meetings for training, research, and outreach purposes.

The East-West Center has already suffered a 58 percent reduction in direct federal support during the last two fiscal years. As a result, the Center overhauled its programs by re-examining their mission, prioritizing their activities, and streamlining operations. The Center has eliminated 122 of 255 staff positions as well as require research staff to raise 50% of their salaries from external sources.

To eliminate funding would be not only a blow to the center itself, but to our commitment to the Asian Pacific region. Elimination of all funding would ensure the closing of the East-West Center. We as a nation would be sending the message that the United States no longer cares about the Region and that U.S. Asian-Pacific relations are no longer a priority. Placing short-term goals of budget cutting ahead of long-term economic and international security in the Asia-Pacific is shortsighted and ill advised. I urge my colleagues to join me in supporting efforts to restore funding to the East-West Center in the final Commerce-Justice-State Appropriations bill.

Mr. FAZIO. Mr. Chairman, as the debate on the Commerce, Justice, State and the Judiciary Appropriations bill comes to an end, I would like to mention a small but vital Small Business Administration program—the National Women's Business Council. The Council was created by Congress in 1988, and it is charged with being an independent, bipartisan advisor to Congress and the President on women's entrepreneurship. The members of the Council are prominent women business owners and leaders of national women's business advocacy organizations, who are devoted to helping other women start and expand businesses.

Recent studies have shown that only 1.6 percent of the investments made by venture capitalists go to women-owned businesses despite the proven success of women's businesses, and this shows that we still have a long way to go in leveling the playing field for women-owned businesses. The National Women's Business Council is working to correct these and other inequities women's businesses face. The Council promotes bold initiatives, policies, and programs designed to foster women's businesses at all stages of development.

The National Women's Business Council seeks to become the nucleus of a national network of women business owners and their advocate to the executive and legislative branches. It helps provide information for women starting new businesses on how to access capital, credit training and technical assistance, and it distributes information on the success and innovation of women-owned businesses.

In my home district, in Sacramento, California, there are over 50,000 women-owned firms, employing over 85,000 people and generating over \$10 billion in sales. These firms represent thirty-nine percent of all firms in the Sacramento metropolitan area. The National Women's Business Council has been instrumental in helping many of these firms become the successes that they are.

We must continue to encourage women to start businesses and provide them the assistance they need to remain viable. I commend the members of the National Women's Business Council on their hard work, and I encourage my colleagues in Congress to do the same.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILLMOR) 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, pursuant to House Resolution 239, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

□ 2030

The SPEAKER pro tempore (Mr. GILLMOR). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. COLLINS. Mr. Speaker, I demand a separate vote on amendment No. 2 offered by the gentleman from Illinois [Mr. HYDE].

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Part II amendment printed in House Report 105-264:

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 2412 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.

Mr. ROGERS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BONIOR. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BONIOR moves to recommit the bill H.R. 2267 to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 227, nays 199, not voting 7, as follows:

[Roll No. 476]

YEAS—227

Abercrombie	Deal	Holden
Aderholt	DeLay	Horn
Archer	Diaz-Balart	Houghton
Armey	Dickey	Hoyer
Baesler	Dicks	Hulshof
Baker	Dixon	Hunter
Baldacci	Doyle	Hutchinson
Ballenger	Dreier	Hyde
Barr	Dunn	Inglis
Barrett (NE)	Ehlers	Jenkins
Barrett (WI)	Emerson	Johnson (CT)
Barton	English	Johnson (WI)
Bass	Eshoo	Kanjorski
Bateman	Everett	Kasich
Bereuter	Ewing	Kelly
Berman	Farr	Kim
Bilbray	Fawell	Kind (WI)
Bilirakis	Foley	King (NY)
Billey	Forbes	Kingston
Boehlert	Fowler	Klink
Boehner	Fox	Klug
Bonilla	Franks (NJ)	Knollenberg
Bono	Frelinghuysen	Kolbe
Borski	Gallegly	LaHood
Boucher	Ganske	Latham
Brady	Gekas	LaTourette
Brown (CA)	Gilchrest	Lazio
Bryant	Gillmor	Leach
Bunning	Gilman	Lewis (CA)
Buyer	Goode	Lewis (KY)
Callahan	Goodlatte	Linder
Calvert	Goodling	Livingston
Camp	Goss	LoBiondo
Canady	Granger	Loftgren
Cannon	Greenwood	Luther
Castle	Gutierrez	Matsui
Chambliss	Gutknecht	McCarthy (MO)
Christensen	Hall (OH)	McCollum
Coble	Hall (TX)	McCrery
Collins	Hamilton	McDade
Condit	Hansen	McHale
Cook	Hastert	McHugh
Cooksey	Hastings (WA)	McKeon
Cramer	Hayworth	Metcalf
Cubin	Hefner	Mica
Cunningham	Herger	Miller (CA)
Danner	Hobson	Miller (FL)
Davis (VA)	Hoekstra	Mollohan

Moran (VA)	Redmond	Stenholm
Morella	Regula	Sununu
Murtha	Reyes	Talent
Myrick	Riggs	Tanner
Nethercutt	Rogan	Tauzin
Ney	Rogers	Taylor (NC)
Northup	Ros-Lehtinen	Thomas
Nussle	Saxton	Thornberry
Ortiz	Schaefer, Dan	Thune
Oxley	Sessions	Tiahrt
Packard	Shadegg	Traficant
Pallone	Shaw	Upton
Pappas	Sherman	Visclosky
Parker	Shimkus	Walsh
Pastor	Shuster	Wamp
Paxon	Sisisky	Watkins
Pease	Skaggs	Watts (OK)
Peterson (PA)	Skeen	Waxman
Petri	Skelton	Weldon (FL)
Pickering	Smith (MI)	Weller
Pitts	Smith (NJ)	White
Porter	Smith (OR)	Whitfield
Portman	Smith (TX)	Wicker
Price (NC)	Snowbarger	Wise
Pryce (OH)	Solomon	Wolf
Quinn	Souder	Young (AK)
Rahall	Spence	
Ramstad	Stearns	

## NAYS—199

Ackerman	Gejdenson	Neumann
Allen	Gephardt	Norwood
Andrews	Gibbons	Oberstar
Bachus	Gordon	Obey
Barcia	Graham	Olver
Bartlett	Green	Owens
Becerra	Harman	Pascarell
Bentsen	Hastings (FL)	Paul
Berry	Hefley	Payne
Bishop	Hill	Pelosi
Blagojevich	Hilleary	Peterson (MN)
Blumenauer	Hilliard	Pickett
Blunt	Hinchey	Pombo
Bonior	Hinojosa	Pomeroy
Boswell	Hooley	Poshard
Boyd	Hottettler	Radanovich
Brown (FL)	Istook	Rangel
Brown (OH)	Jackson (IL)	Riley
Burr	Jackson-Lee	Rivers
Burton	(TX)	Rodriguez
Campbell	Jefferson	Roemer
Capps	John	Rohrabacher
Cardin	Johnson, E. B.	Rothman
Carson	Johnson, Sam	Roybal-Allard
Chabot	Jones	Royce
Chenoweth	Kaptur	Rush
Clay	Kennedy (MA)	Ryun
Clayton	Kennedy (RI)	Sabo
Clement	Kennelly	Salmon
Clyburn	Kildee	Sanchez
Coburn	Kilpatrick	Sanders
Combest	Klecicka	Sandlin
Conyers	Kucinich	Sanford
Costello	LaFalce	Sawyer
Cox	Lampson	Scarborough
Coyne	Lantos	Schaffer, Bob
Crane	Largent	Scott
Crapo	Levin	Sensenbrenner
Cummings	Lewis (GA)	Serrano
Davis (FL)	Lipinski	Shays
Davis (IL)	Lowey	Slaughter
DeFazio	Lucas	Smith, Adam
DeGette	Maloney (CT)	Smith, Linda
Delahunt	Maloney (NY)	Snyder
DeLauro	Manton	Spratt
Dellums	Manzullo	Stabenow
Deutsch	Markey	Stark
Dingell	Martinez	Stokes
Doggett	Mascara	Strickland
Dooley	McCarthy (NY)	Stump
Doolittle	McGovern	Stupak
Duncan	McInnis	Tauscher
Edwards	McIntosh	Taylor (MS)
Ehrlich	McIntyre	Thompson
Engel	McKinney	Thurman
Ensign	McNulty	Tierney
Etheridge	Meehan	Torres
Evans	Meek	Towns
Fattah	Menendez	Turner
Fazio	Millender	Velazquez
Filner	McDonald	Vento
Flake	Minge	Waters
Foglietta	Mink	Watt (NC)
Ford	Moakley	Wexler
Frank (MA)	Moran (KS)	Weygand
Frost	Nadler	Woolsey
Furse	Neal	Wynn

## NOT VOTING—7

Gonzalez	Schiff	Young (FL)
McDermott	Schumer	
Roukema	Yates	

## □ 2050

Messrs. COX of California, OWENS, ENGEL, GIBBONS, and RILEY changed their vote from "aye" to "no."

Mr. HERGER changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1171

Mr. KASICH. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Pennsylvania [Mr. MASCARA] be removed as cosponsor of H.R. 1171. He was added in error.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## PROVIDING FOR CONSIDERATION OF H.R. 244, SUBPOENA ENFORCEMENT IN CASE OF DORNAN V. SANCHEZ

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 253 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 253

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 244) demanding that the Office of the United States Attorney for the Central District of California file criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena under the Federal Contested Elections Act. The resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the resolution and the preamble to final adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on House Oversight; and (2) one motion to recommit which may not contain instructions and on which the previous question shall be considered as ordered.

The SPEAKER pro tempore [Mr. GILLMOR]. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, this resolution is a rule which provides for consideration of House Resolution 244. It is a resolution relating to subpoena enforcement in the case of Dornan v. Sanchez. The rule

provides for 1 hour of debate, divided equally between the chairman and ranking minority member of the Committee on House Oversight. The rule also waives points of order against consideration of this resolution.

Finally, the rule provides for one motion to recommit.

Mr. Speaker, the resolution this rule brings to the floor today is an attempt to express the will of this House relating to the proper enforcement of a subpoena issued under the Federal Contested Elections Act.

The House will be asserting, by voting on this resolution, that ignoring a valid subpoena issued under this act is an affront to the dignity of the House of Representatives and to the integrity of its proceedings.

We will hear from Members of the House on the Committee on House Oversight to explain the facts of the case during the debate on this resolution. But it is important to consider the relevant statutes in question at the onset of this debate, and I would like to take a minute just to make sure that we all understand those statutes.

As the debate on this resolution unfolds, which is likely to be acrimonious, at best, I would ask Members to keep in mind these important provisions of law: Members should also be aware of their constitutional responsibilities as they consider this very, very difficult issue.

First, Article I, Section 5 of the Constitution states that each House, that means the House and the Senate, shall be the judge of its own elections, of its own returns, and qualifications of its own Members. That is Article I, Section 5 of the Constitution of the United States. This provides the groundwork for the House to judge contested elections involving its seats, a responsibility the House has practiced since the early Congresses, 200 years ago.

Also, the Federal Contested Elections Act, enacted in 1969, sets forth the procedures for candidates to contest an election in this House of Representatives. The act provides for filing a Notice of Contest with the Clerk of the House, among other congressional procedures. Furthermore, the act sets forth procedures for subpoena for depositions.

The Contested Elections Act is also very specific in "allowing subpoenas to be issued by any party in the elected contest." That is a quote. We heard considerable testimony on that subject in the Committee on Rules for several hours last night.

As the Members are well aware, there is a contested election pending in the 46th district in California. On March 17, 1997, and this is important for the Members to understand, the United States District Court issued a subpoena under the Contested Elections Act for the deposition and records of Hermandad Mexicana Nacional. The Committee on House Oversight voted to modify the subpoena and require compliance by a date certain, that date