to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, 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 BILL, FISCAL YEAR 2000

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Illinois: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of Justice to provide a grant to any law enforcement agency except one identified in an annual summary of data on the use of excessive force published by the Attorney General pursuant to 210402(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14142(c)).

The CHAIRMAN. The gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that we offer today, the Davis-Meek-Rush amendment, merely requires that the Attorney General put into practice what is already existing law. It does not impose any new requirements or change existing law.

The 1994 Crime Control Act requires the Attorney General to collect data from State and local law enforcement agencies relative to complaints regarding the use of excessive force. We find it necessary to introduce this amendment because efforts to get this data from the more than 17,000 law enforcement agencies, to date, by the Attorney General have been less than satisfactory.

It is my understanding that there have been efforts that could have made this information available, but, instead of requiring that it be provided, it has been asked for on a volunteer basis. We find that totally unacceptable. It does not provide the information that is needed. We want to make sure that local authorities are providing the information relative to the level of complaints about police brutality and misconduct.

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

The CHAIRMAN. Does any Member seek time in opposition?

Mr. ROGERS. Mr. Chairman, I claim the time in opposition and would reserve my time.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I rise in strong support of this amendment, and the reason is very simple. The only way we can begin to solve the police brutality problem is to hold municipalities accountable for wrongdoings. This amendment would allow the Department of Justice to limit the funding of police departments if they do not give vital statistics on police brutality to the Department of Justice.

Through the current law, the Attorney General collects data and provides a summary. If they have a problem retrieving data from a police department which is cited in the summary, funds should not go to that municipality or that police department.

☐ 1830

As the cochairman of the Congressional Black Caucus on police brutality with the gentleman from Illinois (Mr. DAVIS), we have heard hours of testimony on the need to hold law enforcement departments accountable for egregious acts against citizens.

In every city, Chicago, Washington, D.C., and New York, and we will be traveling to Los Angeles, it is the same complaint. If we do not have cooperation from our police departments, we should not give them funding. We need some legislation with teeth to enforce the fact that we will not be blind to police brutality and misconduct.

This amendment is a step in the right direction. We demand and must have integrity of our government and integrity of the police department so that the good police officers are not branded with the bad. By making sure that these municipalities report the figures so that we can truly solve the problem, this is the way that we can combat that and resolve our problems with respect to to the police force.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Chairman, I rise in support of this amendment. As a Member of this body, I have heard victim after victim, attorney after attorney, family after family, express to me the severity of the problem of police brutality and misconduct in our Nation' cities and our Nation's towns.

In 1994, this Congress passed legislation requiring the Department of Justice to collect data on police use of excessive force. However, we failed to appropriate any funding for the data collection. Furthermore, this year the Department of Justice failed to even request the funding to collect police misconduct data.

Let me be clear, Mr. Chairman, I support law enforcement. People in the First Congressional District support law enforcement. However, I do not and cannot support police use of excessive force. To begin to treat the misconduct, we must, we should, gather the statistics.

This amendment simply requires that State and local law enforcement agencies report data regarding police use of excessive force to the U.S. Attorney General. By collecting this data, by examining this problem, we will be able to determine the severity of the problem, and we will be able to develop solutions to reduce police brutality and misconduct incidents.

I urge my colleagues to vote for this timely amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is clear that police brutality and misconduct are serious matters in many communities throughout America. The Congressional Black Caucus is seriously interested in and concerned about this problem. We simply want to have the information available so that the Attorney General can investigate practices and patterns that may involve police brutality and misconduct.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Kentucky (Mr. ROGERS), if I could.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I appreciate the Chairman's willingness to engage in this colloquy.

As the chairman knows, Section 210402 of the Crime Control Act of 1994 requires the Attorney General to acquire data about the use of excessive force by law enforcement officers, and shall publish an annual summary report.

I am concerned that this requirement is not getting the priority treatment within the Department of Justice that it needs to produce an effective report.

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

Mr. DAVIS of Illinois. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I want to thank the gentleman for raising this important issue. The committee recognizes the importance of collecting this data, and will work with the gentleman to raise this issue in conference.

I will also be happy to join with the gentleman and the ranking member in a letter to the Attorney General on this issue, and I look forward to working with the gentleman on it.

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman. We appreciate the gentleman's sensitivity to the issue. I also want to thank the gentleman from New York (Mr. MEEKS) and the gentleman from Illinois (Mr. RUSH) for joining me in this amendment.

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

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

Mr. SERRANO. Mr. Chairman, I want to thank the chairman for his colloquy, and I want to thank the gentleman from Illinois (Mr. DAVIS) for his fine presentation.

This is something that concerns me, and I am glad to hear that the chairman is willing to join the gentleman

from Illinois (Mr. DAVIS) in this effort. I want to be very much a part of this effort and make sure that this is something that we deal with.

Mr. Chairman, I have often said, my greatest concern is, throughout all of my years growing up in the Bronx, I always saw the older folks in my community very supportive of the police. Now I see a lot of those folks upset, terrified, nervous about the police. That in itself is a sign to me that we have to do something to make sure that we regain that confidence that we have lost.

So we are on the side of law enforcement. That is why we are doing what we are doing. I am glad that we can join together.

Mr. DAVIS of Illinois. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 5 OFFERED BY MR. CAMPBELL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CAMPBELL:

H.R. 2670

AMENDMENT NO. 5. At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. . None of the funds appropriated under this Act may be used to enforce the provisions of 8 U.S.C. 1534(e)(3)(F)(ii).

The CHAIRMAN. Under a previous order, the gentleman from California (Mr. CAMPBELL) is recognized for 5 minutes.

Mr. CAMPBELL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, there are 24 persons either in jail or otherwise facing deportation in the United States under a very unusual law. I am quoting from the Washington Post description:

''A little-known provision of immigration law in effect since the 1950s allows secret evidence to be introduced in certain immigration proceedings. The classified information, usually from the FBI, is shared with judges but withheld from the accused and their lawyers.

''Lately, the rarely used provision has fallen most heavily on Arabs, and their advocates say this is no coincidence.''

Mr. Chairman, this use of secret evidence, the evidence that the accused cannot see, has been held unconstitutional every time it has been challenged: the Ninth Circuit, the D.C. Circuit; just in the last year, three immigration judges. But the Department of Justice nevertheless continues to use secret evidence in the other circuits, where they can get away with it. This to me is unconstitutional.

It strikes the editorial boards of the Washington Post, the St. Petersburg Times, and the Miami Herald as unconstitutional, as well. The Washington Post, for example, says, ''The use of secret evidence in pursuing adverse judicial actions against people is a blight on our legal system that ought to be changed.''

The St. Petersburg, Florida, Times points out, in the case of Dr. Mazen Al-Najjar, ''If investigators have incriminating evidence against Al-Najjar, then let him, his family, and the rest of the Nation see it. Either Al-Najjar should be tried with evidence of his activities in plain view, or he should be set free. The U.S. Constitution calls for no less. He deserves no less.''

The Miami Herald concludes ''The INS and Justice Department must cease immediately this condemnation by innuendo, denial of liberty based on secret testimony, and destruction of reputation on the basis of guilt by association.''

Mr. Chairman, my coauthor in this effort is the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip. If he comes to the floor, I wish to reserve time for him. If not, I will have additional comments.

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

The CHAIRMAN. Who seeks time in opposition?

Mr. DIXON. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from California (Mr. DIXON) is recognized for 5 minutes.

Mr. DIXON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. KUCINICH).

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

Mr. KUCINICH. Mr. Chairman, I rise in support of the Campbell amendment.

Mr. Chairman, I rise today in support of the amendment to the Commerce-Justice-State Appropriations Bill offered by Mr. CAMPBELL. This amendment stops the funding for the use of secret evidence by the Immigration Naturalization Service.

In 1996 an amendment was added to the Antiterrorism and Effective Death Penalty Act, authorizing the INS to use secret evidence in barring or deporting immigrants as well as denying benefits such as asylum. However, this law restricts two rights Americans hold very dear: (1) the right to due process and (2) the right to free speech. This country has always and must continue to value the right to a fair trial and the freedom to hold and practice personal beliefs.

However, allowing the use of secret evidence undermines the rights and liberty of both citizens and legal aliens alike because it lessens the constraints of both Constitutional considerations and conscience on INS cases. The case of the Iraqi seven clearly illustrates the flawed use of secret evidence.

Seven Iraq individuals were among the many Iraqi Arabs and Kurds who were part of a CIA-backed plot to overthrow Saddam Hussein. While attempting to gain political asylum in the United States after their work in Iraq with 1,200 other Iraqis, these seven individuals were singled out and detained by the United States Immigration and Naturalization Service on the claim that they were a risk to national security. These seven individuals, who had worked with the U.S. in opposition to Saddam Hussein, were now seen as a threat to our national security based on secret evidence. Evidence that no one was allowed to see. Not the 7 Iraqis. And not their attorneys. Evidence that could be used to deny them asylum and deport them back to Iraq where they would surely meet their death.

After much pressure, 500 pages of this so-called secret evidence was released. Closer examination revealed the evidence was tarnished due to its faulty translations, misinformation and use of ethnic and religious stereotyping. There have been about 50 cases where secret evidence was used to detain and deport individuals. This is unAmerican. The cornerstone of our judicial system is that evidence cannot be used against someone unless he or she had the chance to confront it. The INS is relying more and more on the use of secret evidence. If we continue to fund the use of secret evidence against non-citizens, then soon secret evidence will be used against American citizens too. There will be no limit to its use.

So, I encourage my colleagues to support this amendment. I ask you to maintain and defend the civil rights of all citizens living in the United States under the U.S. Constitution. Vote ''yes'' on the Campbell amendment.

Mr. Chairman, I include material relating to this matter for the RECORD.

The material referred to is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
August 2, 1999.

DEAR COLLEAGUE, we invite you to join us in cosponsoring ''The Secret Evidence Repeal Act of 1999,'' a bill to repeal the use of ''secret evidence'' in Immigration and Naturalization Service deportation hearings.

Under the Anti-Terrorism and Effective Death Penalty Act of 1996, the INS is allowed to arrest, detain and deport non-citizens on the basis of ''secret evidence''—evidence whose source and substance is not revealed to those who are targeted or their counsel.

The right to confront your accuser, hear the evidence against you and secure a speedy trial are fundamental tenets of the American justice system. This violates our deepest faith in the right to due process, and violates our democracy's most sacred document, the United States Constitution.

We are very concerned about the arrest, imprisonment and even forced deportation of individuals here in the United States based on evidence that the individual is not afforded an opportunity to review or challenge. The use of such ''secret evidence'' directly contradicts our sense of due process and fairness.

The Bonior-Campbell bill would correct this injustice by ensuring that no one is removed, or otherwise be deprived of liberty based on evidence kept secret from them.

People should know the crimes with which they are being charged and should be given a chance to challenge their accusers in court. I am proud to join my colleague, Congressman David Bonior, in proposing legislation to end this practice.

Most affected by the INS and Justice Department's use of ''secret evidence'' are Muslims and perhaps the most egregious case is that of Dr. Mazen Al-Najjar of Tampa, Florida, arrested two years ago by INS agents.

Virtually all of the ''secret evidence'' cases have been directed at Muslims and people of Arab descent. This law is clearly discriminatory and unconstitutional, and we need to take a strong stand against it.

TOM CAMPBELL.
DAVID BONIOR.

IT'S UNTHINKABLE THAT IN AMERICA AN INDIVIDUAL COULD BE IMPRISONED WITHOUT SHOWING THAT PERSON THE EVIDENCE

OUR AMENDMENT WOULD BLOCK FUNDING ONLY FOR THIS SECTION:

''(ii) Restrictions on disclosure

A special attorney receiving classified information under clause (i)—

(I) shall not disclose the information to the alien or to any other attorney representing the alien, and

(II) who discloses such information in violation of subclause (I) shall be subject to a fine under Title 18, imprisoned for not less than 10 years nor more than 25 years, or both.''

AMENDMENT TO H.R. 2670, AS REPORTED OFFERED BY MR. CAMPBELL OF CALIFORNIA

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. . None of the funds appropriated under this Act may be used to enforce the provision of 8 U.S.C. 1534(e)(3)(F)(ii).

[From the LA Times, Dec. 15, 1997]

USE OF SECRET EVIDENCE BY INS ASSAILED

(By Jeff Leeds)

While a judge weighs a decision in his case, Ali Mohammed-Karim is still waiting to hear the evidence against him.

Along with hundreds of other Iraqis who worked with the Central Intelligence Agency in a failed effort to oust Saddam Hussein, he fled northern Iraq last year and sought political asylum in this country.

Upon his arrival, he and 12 other refugees were thrown in jail, accused by the Immigration and Naturalization Service of posing a ''danger to the security of the United States,'' an allegation the agency has refused to explain.

The case of the Iraqi refugees is the latest front in the widening legal battle over the INS use of classified evidence.

In the proceedings against the refugees, the INS has argued its case and questioned its witnesses—one of whom is employed by an agency it will not identify—behind closed doors. Lawyers for the refugees were not present. They had to put on a defense based essentially on guesswork.

''It's completely frustrating,'' said Niels Frenzen, an attorney with Public Counsel, who represents the eight Iraqi men who are jailed in San Pedro. ''How are we doing? We don't know. Have we guessed the secret evidence? We don't know.''

Both sides have rested their cases and are awaiting immigration Judge D.D. Sitgraves' decision. She has indicated that she may not rule until early 1998 on whether six of the men jailed in San Pedro are security risks.

Sitgraves already has ruled that two others are not, but they remain incarcerated while they seek political asylum. Another group of Iraqis faces similar proceedings in Northern California.

In a telephone interviews from the INS detention facility in San Pedro, Mohammed-Karim, 35, said he is a doctor who was excited about starting a new life with his family in the United States. He said he once treated an American CIA operative in Iraq for a migraine headache, and denied that he was an agent for Hussein.

''I was never a single agent,'' he said. ''How could I be a doubt agent?'' He added that the allegations against them are ''just illusions.''

Although the use of secret evidence is prohibited in criminal courts, the INS says its use of such information to deny political asylum is permitted under Supreme Court decisions dating from the 1950s. And under new legislation, the immigration service is allowed to use secret evidence to deport residents suspected of associating with terrorists.

David Cole, a Georgetown University law professor who is suing the federal government over its use of secret evidence in a New York immigration case, says the Iraqi men were evacuated and transported to this country by the government and are entitled to due process.

''Even the most minimal due process protection would invalidate the use of secret evidence,'' Cole said.

But the INS has refused to reveal the nature of its suspicions about the Iraqis. INS officials noted that national security is typically used as a basis for keeping out spies or potential terrorists, and has been used to block members of the Irish Republican Army from staying in the country.

Before being flown to the United States, the jailed Iraqi men worked for their country's two main resistance groups: the Iraqi National Congress and the Iraqi National Accord. Those groups produced newspaper articles and radio broadcasts critical of Hussein, and mobilized soldiers to battle his forces.

Many experts believe that despite the CIA's support, the resistance was never strong enough to pose a serious threat to the Iraqi leadership, in part because the groups were riven by internal political disputes. And even the resistance leaders concede that Hussein's spies may have infiltrated the groups.

In August, Iraqi military forces rolled into northern Iraq and crushed the resistance effort. U.S. forces evacuated more than 6,000 Iraqis and Kurds to a NATO air base in Turkey before flying them to Guam.

During their five-month stay in Guam, the refugees were taught American civics—including, Frenzen notes with irony, the right to face one's accuser in court. They also submitted to FBI interviews.

Frenzen contends that disgruntled resistance workers, motivated in some cases by petty personal disputes with his clients, intentionally misled the FBI about their backgrounds.

But because the FBI's reports of those interviews are classified, federal authorities will not disclose why the refugees are considered potential threats to national security. The INS has granted asylum to their wives and children.

The proceedings—at least the portion that was open to the public—have shed little light on the evidence. Sitgraves has repeatedly stopped the Iraqis' lawyers from probing too deeply into classified evidence, forcing them to essentially guess what in their clients' background raised red flags for the FBI.

In a typical exchange recently, FBI Agent Mark Merfalen testified that he interviewed one of the refugees about his experience with chemical weapons, his service in the Iraqi military before he deserted to join the resistance and his earlier request for political asylum filed in Saudi Arabia.

But Merfalen, a counterintelligence specialist assigned to the FBI's Oakland office, did not indicate what information led him to conclude that the man, Mohammed Al-Ammary, posed a security threat.

''I don't have enough facts'' to form an opinion about whether Al-Ammary represented a threat, Merfalen said at one point.

A key witness for the accused was Ahmad Chalabi, president of the Iraqi National Congress, who testified by telephone from an INS office in Arlington, Va.

''I do not believe that any of them is an agent for the Iraqi government,'' Chalabi said. He said the congress conducted background checks on its members, and that he was also assured that the men were not spies for Iran, Syria or Turkey.

''It is inconceivable to the Iraqi people why these people are jailed,'' he said.

[From the LA Times, Aug. 15, 1997]

SECRET EVIDENCE—A LOCAL PROFESSOR LANGUISHES IN JAIL, EVEN THOUGH HE HAS BEEN CHARGED WITH NO CRIME, THANKS TO A TROUBLING PROVISION OF A NEW ANTI-TERRORISM LAW.

In their zeal to protect U.S. citizens against acts of domestic terrorism, such as the World Trade Center and Oklahoma City bombings, President Clinton and Congress passed the Anti-terrorism and Effective Death Penalty Act of 1996. Unfortunately, the legislation undermines some of the constitutional rights that make America the free nation it is.

Nothing illustrates this dilemma better than the case involving Palestinian refugee Mazen Al-Najjar, a 40-year-old, American-educated engineer who taught Arabic part time at the University of South Florida in Tampa. He was not rehired after his visa was not renewed.

Al-Najjar has been in an Immigration and Naturalization Service holding facility at the Manatee County Jail since four agents grabbed him from his northeast Tampa home the morning of May 19. He has been denied bail based on ''secret evidence'' said to connect him with the Islamic Jihad, a notorious terrorist organization in the Middle East.

INS officials allege that the World and Islam Studies Enterprise, the USF think tank that Al-Najjar managed, is a fund-raising front for terrorists and that Al-Najjar is an Islamic Jihad shill. Troubles started for Al-Najjar and others connected to WISE on Oct. 26, 1995, when the head of Palestine Islamic Jihad was shot to death on the Mediterranean island of Malta. Days later, Ramadan Shallah, who had been an instructor at USF and a member of WISE, became the new leader of Islamic Jihad.

Authorities assumed they would find a terrorist cell at USF. But no convincing evidence to support that suspicion has been made public. After an internal investigation. USF President Betty Castor said: ''Was there illegal activity, subversive activity, terrorist activity? We don't have any evidence of that.''

Was USF's investigation incomplete? Were Castor's conclusions self-serving? If the government possesses evidence that the USF investigation missed, it isn't revealing it.

Yet Al-Najjar remains in jail. No formal charges have been brought against him. He is being held under an unconstitutional provision of the Anti-terrorism Act. The merit of the case notwithstanding, the anti-terrorism legislation allows the government to use informant testimony or other forms of secret evidence to imprison and deport legal immigrants suspected of terrorism without letting the suspects cross-examine their accusers.

Remember, the U.S. supreme Court has ruled that aliens have the same rights of due process that U.S. citizens enjoy. U.S. citizens should expect their government to take all reasonable steps to protect them from terrorism, both foreign and domestic. But officials have a responsibility to balance the need for security with the obligation to protect the constitutional rights of everyone.

If investigators have incriminating evidence against Al-Najjar, then let him, his family and the rest of the nation see it. Either Al-Najjar should be tried—with evidence of his activities in plain view—or he should be set free. The U.S. Constitution calls for no less. He deserves no less.

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

Mr. Chairman, there is certainly no one more distinguished here in the Chamber on constitutional law than the gentleman from California (Mr. CAMPBELL).

Mr. Chairman, I will be brief. In Jay versus Boyd, a U.S. Supreme Court decision, the court ruled that classified information could be used in an in camera or ex parte proceeding.

Now, there are clearly are constitutional grounds that do not exist for this. However, it is a policy issue. What this amendment says is that if an alien is being held for deportation and is going through a hearing process, one, that if the Justice Department does not disclose to him all of the facts in the case, or evidentiary material that they held against him, then he should be released from custody and obviously not deported.

I would point out first that these are not criminal proceedings. Therefore, the alien is not subject to the protection of the Sixth Amendment. These are administrative proceedings, and as I have indicated, under certain circumstances where the national security of our country is at risk, where disclosing the entire information to the alien would risk either sources and methods or individuals, as to how they obtained the information, I think it is appropriate for the court to allow ex parte hearing.

The gentleman from California (Mr. CAMPBELL) recognizes that this is very rarely used. In over hundreds of thousands of cases in the past 2 years dealing with deportation, there have been only 30.

But most importantly, this is a very complicated issue, and there are merits on both sides of the issue. It should not be decided on the State-Commerce-Justice bill. It should be, rather, examined quite thoroughly in the appropriate committees of the House and we then should make some recommendation.

Mr. Chairman, on those grounds I would oppose the amendment.

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

Mr. CAMPBELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. BONIOR), the Democratic whip.

Mr. BONIOR. Mr. Chairman, I want to thank my colleague for this amendment. This is a serious issue that needs to be addressed.

Our country was founded on the principles of individual liberty, and our Constitution deliberately and specifically protects the rights of individuals against the abuses of government. But unfortunately, we in this country have not always fulfilled this essential promise. It started out with Native Americans, affected African-Americans, it affected Japanese Americans, it affected German Americans during World War II, and now it is affecting Arab Americans and Muslim Americans in this country.

The anti-terrorism law that was passed in 1996 allows the Immigration and Naturalization Service to arrest, to detain, and to deport legal immigrants on the basis of secret evidence, evidence which is not revealed to the detainee. These legal immigrants are not charged with a crime, they are not allowed to see the evidence against them. Some of them are not even allowed to post bail.

In this country, if we can imagine, some of the detainees have not been charged with any crime, have been in jail for over 2 years, not knowing why, their attorneys not knowing why, languishing there, and their families not having any recourse to get them out or have them have a hearing.

The right to confront one's accuser, to hear the evidence against you, and to secure a speedy trial are fundamental tenets of the American justice system, and secret evidence violates our deepest faith in the right of due process, and violates our democracy's most sacred document, which is the Constitution.

The Washington Post said, ''Nothing is more inimical to the American system of justice than the use of secret evidence to deprive someone of his liberty.'' This practice is clearly discriminatory, it is unconstitutional, and we need to stand up here in this body and take a strong stand against it; if not tonight, certainly in the future.

Virtually all the secret evidence, as I said, in these cases are against Arabs and Muslims in this country, some of whom have lived here for years with their families and with their children. I would just ask my friends to pay attention to this issue.

I want to commend my colleague, the gentleman from California, for raising this tonight. I hope that we can address this issue tonight and in the months to come.

Mr. DIXON. Mr. Chairman, I yield one minute to the gentleman from Kentucky (Mr. ROGERS), the distinguished chairman of the subcommittee.

Mr. ROGERS. Mr. Chairman, I am opposed to this amendment. The Justice Department has supported this proceeding as a necessary tool to fight terrorism. They oppose the amendment, as does the gentleman from Texas (Chairman SMITH) of the Subcommittee on Immigration and Claims, as does the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, the gentleman from Florida (Mr. GOSS), the chairman of the Permanent Select Committee on Intelligence, and the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime.

We all urge a no vote on the amendment.

□ 1845

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from San Diego, California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. CAMPBELL) and thank him for his recognition that legal residents in our country have human and constitutional rights.

As his amendment shows, many changes to our Nation's immigration laws in 1996 have proven to be anti-American, denying those living in the United States the right to due process and judicial review of their cases. Remember, we are talking about legal immigrants, many who have been in the United States for most of their lives and are the primary bread winners for their families.

They are denied due process, denied bail, and cannot even see the evidence in many cases with which they are accused. We are deporting as criminals thousands of legal residents who committed minor crimes 20 or 30 years ago, served their sentences or probations and have become hard-working taxpayers, men and women with families. They are being ripped from those families, their children, their jobs, their businesses, and held without bail. This is not what America should be, Mr. Chairman.

I support this amendment to reinstate a little bit of sunshine into our deportation process. This House needs to go further and reverse many of the unintended consequences of so-called immigration reform bills of 1996.

Mr. CAMPBELL. Mr. Chairman, parliamentary inquiry. Do I have the right to close?

The CHAIRMAN. The gentleman from California (Mr. DIXON) has the right to close.

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

Mr. DIXON. Mr. Chairman, I do have the right to close. I am allowing anyone who wanted to speak on this issue, not necessarily for or against; and I have two speakers. I am wondering if the gentleman from California (Mr. CAMPBELL) will yield to one of those speakers.

Mr. CAMPBELL. Mr. Chairman, I have a minute left. I would like a half a minute to close.

Mr. DIXON. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. MEEKS).

Mr. CAMPBELL. Mr. Chairman, I yield 30 additional seconds to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I want to thank the gentlemen for giving me this time.

I rise to support the amendment of the gentleman from California (Mr. CAMPBELL) because this amendment will withhold funds when enforcing provisions that deny legal immigrants evidence on why they were arrested, detained, or deported.

This secret evidence provision is unfair. As a former prosecutor, I am a firm believer of the discovery period and due process. When all the facts are presented, only then will the court of law be able to adequately decide if a person is innocent or guilty.

The American justice system is built on the fundamental tenets of a fair

trial and innocent until proven guilty. The current provisions under the Antiterrorism and Effective Death Penalty Act of 1996 violates an individual's constitutional right to know why they are being charged. Noncitizens who are legal immigrants who are detained by the INS are individuals who have the same rights as U.S. citizens. Why are they punishing legal immigrants?

What if the U.S. citizens visiting a foreign country were unjustly charged and detained without any evidence provided? As Members of Congress, we would be outraged and demand intervention by the State Department. In fact, we would probably reevaluate our relationship with that nation, whether that nation be friend or foe.

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

Mr. Chairman, it is unthinkable that in our country people are in jail tonight based on evidence that they could not see. That is not my country. I would hazard to guess that most of us are shocked that that is the law. But it is the law, and it should be changed.

I want to thank the gentleman from Texas (Mr. SMITH), the chairman of the subcommittee, who has agreed to hold a one-panel hearing on this subject.

Mr. RODRIGUEZ. Mr. Chairman, I rise in support of the Campbell amendment. I think in this day and age it is unfair to hold anyone with secret evidence.

I have met with families of some non-citizens who have been held.

It is very frustrating when you have people held in such a manner.

These are people with families and ties to the community here. Some have fled and sought asylum. None have been shown to be a threat to society.

But, neither the individual nor the lawyer can see the evidence. So they wait in jail, with no country to go to.

I urge adoption of this amendment so the INS would be forced to disclose evidence on these people it continues to detain.

I thank the gentleman for his work on this issue.

Mr. CAMPBELL. Mr. Chairman, in recognition of the kindness of the gentleman from Texas (Mr. SMITH) I ask unanimous consent to withdraw the amendment.

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

There was no objection.

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

Mr. Chairman, I yield to the gentleman from Illinois (Mr. PORTER) for a colloquy.

Mr. PORTER. Mr. Chairman, I thank the distinguished gentleman from Kentucky (Mr. ROGERS), the chairman of the subcommittee, for the opportunity to very briefly discuss the funding level for Radio Free Asia.

I realize the tight budget constraints the subcommittee is under, but I am concerned that if RFA receives only $22 million, last year's funding level, it may have to reduce its broadcast hours to China from 24 hours a day to 18 hours a day. A funding level of $23.1 million, by contrast, would fund inflationary costs, and allow Radio Free Asia to retain its current programming and continue to provide timely and accurate news to those who would not otherwise receive it.

As the bill goes forward to conference, I ask that the gentleman from Kentucky (Mr. ROGERS) work with me to ensure that Radio Free Asia is funded at a level sufficient to maintain its current programming.

Mr. ROGERS. Mr. Chairman, I thank the gentleman from Illinois for expressing that concern. The funding level of Radio Free Asia is, indeed, a reflection of the tight budgetary circumstances facing my subcommittee, and we will endeavor to fund RFA at a level sufficient to maintain current programming.

AMENDMENT OFFERED BY MR. WYNN

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

The Clerk read as follows:

Amendment offered by Mr. WYNN:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. The amounts otherwise provided by this Act are revised by increasing the amount made available for ''Equal Employment Opportunity Commission—Salaries and Expenses'', and reducing each amount appropriated for ''DEPARTMENT OF STATE—Administration of Foreign Affairs'' that is not required to be appropriated by a provision of law, by $33,000,000 or 0.8462 percent.

The CHAIRMAN. Under the previous order, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

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

Mr. Chairman, this amendment is designed to restore $33 million to the Equal Employment Opportunity Commission budget as originally requested by the President.

Although we do not like to talk about it in this body, we do have a problem with race and ethnic diversity in America. Unfortunately, in addition, we found that we have a problem of racial discrimination in our own backyard, that being the Federal workplace.

This amendment is designed to restore funds so that EEOC can more effectively and more efficiently process those complaints.

My colleagues may ask, well, how bad is it? Consider the following fact: at EEOC from 1991 to 1997, the backlog from hearing requests from complainants increased 218 percent, from 3,100 to over 10,000. The backlog of appeals increased during this same period 581 percent, from 1,400 to over 9,000 appeal requests. In addition, requests for new hearings at EEOC increased 94 percent from 5,000 to over 11,000.

My point is this: we have a problem in this country with discrimination. People who suffer discrimination attempt to have their complaints in the employment arena resolved through EEOC. But the underfunding, the chronic underfunding of EEOC has resulted in these horrendous backlogs.

Now, whenever people talk about discrimination, the first thing we will hear is, well, we have sufficient laws already on the books to handle discrimination. The problem is, with this underfunding and these backlogs, justice delayed is justice denied.

Who is hurt because we underfund EEOC? Well, clearly employees are hurt. Their careers are hurt. They are hurt by discrimination, the lack of promotion, the lack of advancement. Their health is sometimes injured as a result of the frustration, anger, and anxiety they have to suffer. Their finances are hurt as they give up on the EEOC process and go hire lawyers.

The taxpayer loses. The employer loses the loss of good employees whose productivity declines, the loss of good employees who leave government as a result of discrimination, and finally the loss of productivity and lower moral as people become frustrated because they are discriminated against.

We can resolve this problem. We should fully fund EEOC so we can address the concerns of African-Americans, Hispanics, gays, women, and other minorities who suffer discrimination here in America.

For these reasons, I urge the passage of this amendment.

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

The CHAIRMAN. Does the gentleman from Kentucky seek to claim the time in opposition?

Mr. ROGERS. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) is recognized for 5 minutes.

Mr. ROGERS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in opposition. The amendment would give a 12 percent increase to EEOC. That would be on top of a whopping 15 percent increase for the current year. An increase of this magnitude would be totally out of place in this bill where the budgets of every single other related agency is frozen at best. Some are cut even beyond. Federal Communications Commission, frozen. Securities and Exchange Commission, frozen. Federal Trade Commission, frozen.

The President's budget request for EEOC for 1999 promised that, if we provided $279 million, the backlog of private sector discrimination charges would be reduced to around 28,000 by the end of fiscal 2000.

Well, we gave them $279 million, every penny. Guess what? The 2000 budget request said they really need $33 million more and 150 more staff to meet those very same targets they had earlier missed.

This indicates that it is time to take a step back and see how the commission is able to absorb and put to good use the big increase we provided for this current year. I wish them well. We

have confidence in the new chairwoman. But this is not the time for another huge funding increase.

The offsets the gentleman proposes are totally unacceptable to this Member. The amendment would cut $4.6 million from one of the top priorities of this country, and that is providing security for our personnel in the embassies overseas. This would require cutbacks in security measures undertaken in the wake of the East Africa bombings, I will not tolerate that, Mr. Chairman.

We pressed the administration to come forward with a request in their budget to address the security in the embassies. They have done so. We have made sacrifices in other parts of the bill to provide that money, the full amount requested to ensure that our personnel overseas are protected to the best we can from terrorist attacks.

This is a critical requirement with life and death consequences as we saw so tragically last fall. In addition, the amendment takes an additional $21 million from the base operating costs of the State Department that are already funded at a level that is minimally adequate to allow the Department to continue to function near current levels. This cut would effectively freeze the Department at current levels and raise the possibility of post closings and reduction in personnel at the State Department.

The amendment would take an additional $1.5 million from the educational and cultural exchange programs at a cap that is already reduced 14 percent from current levels.

For these reasons, I urge a rejection of the gentleman's amendment. I wish we had more funding to provide increases in a number of agencies in the bill. But I believe it would be a serious mistake to cut State Department security funds and operating funds to provide a huge increase for the EEOC.

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

Mr. Chairman, I would like to respond to the comments that were just made on several fronts.

First, with respect to the funding that was provided last year, I would thank the gentleman. But my colleagues will note in his comments, the chairman said this funding will allow us to have a backlog of only 28,000 cases, only 28,000 cases.

My point is this: those are the cases of American citizens who believe they have been denied fundamental opportunities and are trying to pursue their appropriate redress through the vehicle, the EEOC, which we provided to solve these problems. The fact that this backlog continues even with the funding which was provided last year suggests, as I indicated, that justice is being denied.

We believe that additional funding will help alleviate this problem, not just in the private sector, but in the public sector where we have even more complaints of discrimination among our own Federal workers.

So I think this is a question of priorities. Should we not take the time and should we not expend the funds to provide the true rights of all American citizens to those who are being discriminated against? I think we should.

But I am not unmindful of the gentleman's comments, and I certainly respect his efforts in this regard. The State Department cut would be serious with respect to embassy security. I think that is certainly a consideration that we cannot overlook.

In light of that fact and in consideration of conversations I have had with our own ranking member, it would be my desire and intention to withdraw the amendment at this time with the hope that, during the conference committee process, we can work to provide additional funds for EEOC.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. TAUZIN

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

The Clerk read as follows:

Amendment offered by Mr. TAUZIN:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to administer or enforce the Uniform System of Accounts for Telecommunications Companies of the Federal Communications Commission (47 C.F.R. part 32) with respect to any common carrier that—

(1) was determined to be subject to price cap regulation by the Commission's order in CC Docket No. 87–313, In the Matter of Policy and Rules Concerning Rates for Dominant Carriers (9–19–90), at paragraph 262; or

(2) has elected to be subject to price cap regulation pursuant to section 61.41(a)(3) of the Commission's regulations (47 C.F.R. 61.41(a)(3)).

The CHAIRMAN. Under the previous order, the gentleman from Louisiana (Mr. TAUZIN) is recognized for 5 minutes.

Mr. TAUZIN. Mr. Chairman, I ask unanimous consent to yield half of my time to the gentleman from Michigan (Mr. DINGELL), the cosponsor of the amendment.

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

There was no objection.

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

Incredibly, all of the businesses in this great country who file accounting papers, documents with the SEC, the IRS, all our Federal agencies file under one set of accounting, the generally accepted principles adopted by the Federal Accounting Standards Board.

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One set of companies only, one set of telephone companies only, your local telephone companies, have to file two sets of books. They have to do it because in 1935 our FCC adopted its own system of accounting and has required the local telephone companies to file under that system ever since.

Now, they have tried, to some degree, to adopt the general accounting standards, but they have not yet gotten there. The Senate just recently adopted a similar amendment saying to the FCC one set of books, one set of accounting for all the companies who file.

Incredibly, the local telephone companies' competitors file under the general accounting standards. All of the other companies in America do, but the local phone companies have to file two books. Arthur Andersen says it costs the government, the phone companies and American consumers $270 million, wasted dollars, to have this double book accounting.

Now, maybe we could make an argument for it when we used to regulate telephone companies on cost-base rates. Today, since 1991, we regulate telephone companies entirely differently, on price caps. With the new changes and modernization, it is time to deregulate this terribly regulatory burdensome double-book accounting system of the Federal Communications Commission. I urge my colleagues to adopt this amendment.

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

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to this amendment.

Mr. Chairman, we are in a telecommunications crisis out here on the floor. We are legislating on an appropriations bill. An emergency. A telecommunications emergency. And who is declaring the emergency? The chairman of the authorizing subcommittee. It is an emergency.

We do not have time to introduce a bill, we do not have time to have any hearings, we do not have time to give any consumer groups an audience so they can complain about this bill. By the way, the Consumer Federation of America opposes the bill, as does the Consumer Union, as does the National Retail Federation. Every business in America opposes it, as do the States, by the way, my colleagues. This is quite a coalition.

But we do not have time because we are in a telecommunications emergency. And I can tell my colleagues why. Because Senator ENZI from Wyoming attached this amendment over on the floor of the Senate. He is not a member of the Committee on Appropriations over there, he is not a member of the telecommunications committee over there. He attached this to a Senate appropriations bill, so we have to debate it with no time and no hearings. Thank God Senator ENZI has not gotten his own tax proposal. He would wrap this chamber in knots for weeks. We would have to consider what

Senator ENZI did on the Senate floor as an emergency.

I can tell my colleagues what the emergency is. Under the existing accounting standards the FCC found that the telephone companies, the monopolies in America, were hiding $5 billion worth of assets that they could not find, that they had on their books and were telling regulators were there for purposes of billing consumers across the country. That is their emergency. And this accounting standard that we are going to take off the books found that $5 billion.

We are concerned about tax breaks out here? Multiply that out by 10 years, my colleagues. We are talking chump change compared to most of the things we are talking about here. So that is the emergency, my colleagues. I look forward to the rest of the debate.

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

Mr. TAUZIN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, we did hold hearings. Every time the FCC has come up for authorization, we have discussed with them this topic. In 1985, the FCC agreed to go to the general accounting standards so that everybody had the same reporting requirements. The FCC agreed to do this in 1985 and still has not done it today. Instead, one set of telephone companies have to spend $270 million extra a year.

And what does that mean for the competitors? It means they can charge higher rates. The competitors do not want this to happen, because if it does, they suddenly have to charge lower rates for their services in competition with those local companies.

Mr. DINGELL. Mr. Chairman, I yield myself 45 seconds.

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

Mr. DINGELL. Mr. Chairman, the gentleman has demonstrated extraordinary outrage, but it does not have anything to do with the facts before us. Today, the local government requires local telephone service companies to keep two sets of books. The requirement no longer serves to protect consumers because the companies have been subject to price caps since 1991.

This amendment will leave the telephone companies responsible for general accounting principles and they will be required to function under that way. The law as it now is is simply obsolete, burdensome, and discriminatory, and costs consumers $270 million a year. None of the competitors to local phone companies, including industry giants such as AT&T, TCI and MCI WorldCom is required to keep two sets of books, nor should they have to.

What we are talking about here is a fair and even situation, one in which universal service and the benefits thereof could be made available more easily to American consumers by the $270 million that this will make available to them.

By this amendment, we will do away with so-called Uniform System of Accounts for companies that are not subject to traditional rate of return regulation. This system of accounting no longer serve to protect consumers. It is antiquated, obsolete, yet it costs over $300 million per year to maintain. Unfortunately, these unnecessary costs are borne by the public and they must be eliminated.

The Uniform System of Accounts date back to 1935. They certainly made sense when Ma Bell was subject to a different regulatory scheme—that is, traditional rate of return regulation. But rate of return regulation was done away with in 1991 for the Nation's largest telephone companies who serve over 90% of the public. This amendment simply repeals these highly burdensome accounting rules for companies that are no longer subject to this regulatory regime.

The amendment makes consummate sense. It will save Government, industry, and, most importantly, the American public, a tremendous amount of money. It will enable companies to use just one set of books—those which follow Generally Accepted Accounting Principles, or GAAP. After all, GAAP accounting systems are what Certified Public Accountants are trained to audit, and are required of all companies by the Internal Revenue Service and the Securities and Exchanges Commission. If it's good enough for the IRS, the SEC, Wall Street and the public at large, it certainly should be good enough for the FCC.

In fact, it is good enough for the FCC The FCC moved toward adopting GAAP in 1988. At that time, the FCC conformed about 90% of the Uniform System of Accounts to GAAP standards. The reason the FCC didn't go all the way in 1988 is because local telephone companies were still subject to rate of return regulation. But that is no longer the case. In 1991, the FCC permitted these companies to migrate from traditional rate of return to price cap regulation. Unfortunately, the FCC never finished the job of completely adopting GAAP accounting, even though they've had 8 years to do it.

There is no mystery about this amendment and its effect on consumers. Since these companies are now subject to price cap regulation, consumers are protected by a ceiling on what telephone companies can charge. Costs are no longer relevant, and so the minute cost detail that is maintained in a second set of books is no longer necessary. It's that simple. This amendment simply finishes the job the FCC set out to do in the first place.

Who opposes this amendment? Companies that for competitive reasons want to keep incumbent local telephone companies tied up in red tape. The companies who oppose are not required to keep two sets of books. But they certainly want the competition to suffer that burden. They resort to rhetoric about the need to keep these obsolete rules in place, such as ''local telephone rates will go up,'' or ''universal service will be jeopardized.

None of this is true. Local rates are set by the States and will not be affected by this amendment at all. The FCC can continue to collect all the data it needs for universal service calculations. However, the truth is the FCC doesn't even use actual costs, GAAP or otherwise, for calculating universal service requirements. It uses a theoretical costing model that has been the subject of much dispute for four years now, and should be the subject of another debate on another day.

Who benefits from the amendment? The Government, industry, and consumers alike. All will share in costs savings that result. The goal of the Telecommunications Act of 1996 was to create more competition and consumer choice. We must unburden the players in the market and create a level playing field if that is to occur. I cannot think of a more irrelevant, burdensome, and discriminatory regulation than the Uniform System of Accounts.

When we passed the Telecommunications Act of 1996, the vast majority of us, on both sides of the aisle, praised it as being ''deregulatory.'' As many of you know, I don't believe it has worked out quite that way, largely due to misplaced priorities at the FCC. But this amendment is in keeping with the spirit of the act, and it is a small, but important, step in the right direction. I urge my colleagues to join me in voting yes on the Tauzin-Dingell amendment.

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

Mr. MARKEY. Mr. Chairman, can you tell me how much time is remaining?

The CHAIRMAN. The gentleman from Massachusetts (Mr. MARKEY) has 2½ minutes remaining, the gentleman from Louisiana (Mr. TAUZIN) has 30 seconds remaining, and the gentleman from Michigan (Mr. DINGELL) has 1¾ minutes remaining, and the gentleman from Louisiana (Mr. TAUZIN) has the right to close.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume, and hope they are consumed at the same rate of duration as the gentleman from Michigan's minutes.

Mr. Chairman, let me say that there has been no process here. There has been no opportunity to be heard. If I could, I would like to request from the subcommittee chairman that he engage in a colloquy with me, and I would request that the gentleman from Louisiana, the chairman of the subcommittee, over the next 6 weeks, call a subcommittee hearing on this issue so that witnesses of all sides could be heard on this subject.

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

Mr. MARKEY. I yield to the gentleman from Louisiana for a response to that request.

Mr. TAUZIN. Well, Mr. Chairman, let me say to my friend that this issue has already been engaged in. We have had discussions at authorization hearings with the FCC.

Mr. MARKEY. Reclaiming my time, Mr. Chairman, I would like to pose the question again. We have never had a hearing where consumer groups and the States have been able to testify on this issue. So I ask for a hearing not where the telephone monopolies are allowed to testify with their unhappiness with this accounting system that caught them bilking the public but rather with the consumer groups and the others who are also allowed to testify.

Mr. TAUZIN. If the gentleman will continue to yield, Mr. Chairman, I can answer with a statement. This amendment does not change the auditing by

the FCC. They can still catch any company, AT&T, MCI, any Bell company, doing anything wrong. This amendment does not change that.

Mr. MARKEY. Well, Mr. Chairman, I asked the gentleman if he would grant a hearing before the conference is completed.

Mr. TAUZIN. The gentleman prefaced his request with statements I disagree with. I would like to correct the record, if I could, if the gentleman will allow me.

Mr. MARKEY. I will reclaim my time requesting one more time if the gentleman would grant us a hearing.

Mr. TAUZIN. The answer is that the hearings, as the gentleman knows, are set by the chairman of the Committee on Commerce. I cannot commit to any dates nor time for that hearing. The gentleman knows that at this time.

More importantly, this issue is now enjoined. This will be in the conference committee and this is our chance to strike a single blow at deregulation at a commission with a 1930s attitude.

Mr. MARKEY. Reclaiming my time, Mr. Chairman, I will make this point. The United States Telephone Association has never contacted me, the ranking Democrat on the Subcommittee on Telecommunications, Trade, and Consumer Protection on this issue. There has never been a hearing where consumers or the States or the National Retail Association have been allowed to testify, and I think all Members should know that.

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

The CHAIRMAN. The time of the gentleman has expired.

Mr. DINGELL. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise to support this amendment.

In New York, our State's public service commissioner is on the verge of granting the local telephone company, Bell Atlantic, permission to enter the long distance market. If this happens, Bell Atlantic will probably be the first regional Bell operating company to enter into the long-distance market under the historic Telecommunications Act of 1996.

The reason they will be able to provide long-distance service is because competition is very much alive in New York, to the benefit of all consumers. This amendment continues that progress, protects the interests of all consumers and ensures the intent of the Telecommunications Act, which is to provide true competition.

With none of the competitors to the local phone companies required to conform to these accounting rules, if we do not adopt this amendment, consumers will suffer greatly.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT).

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

Mr. BLUNT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the Chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection, Mr. TAUZIN, and the Subcommittee's ranking member, Mr. DINGELL. This amendment would eliminate yet another needless, costly and burdensome regulatory requirement that has outlived whatever merits it may have once had. Local telephone companies, both large and small, must submit highly detailed financial accounting records on a continuing basis to both the IRS and the Securities and Exchange Commission. These records use an accounting method approved by the Financial Accounting Services Board. One could reasonably ask the question, ''If it's good enough for the IRS and the SEC, shouldn't it be good enough for the FCC?''

Mr. Chairman, this is not a complex issue. It is a simple case of unnecessary, archaic federal regulation that requires companies to spend millions of dollars to prepare two separate sets of regulatory accounting records for use by one agency of the government. This defies logic and common sense. I urge my colleagues to join me in supporting the Tauzin amendment.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. FOSSELLA).

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

Mr. FOSSELLA. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in favor of the amendment introduced by Mr. TAUZIN to start the process of getting rid of the FCC's so-called ''Uniform System of Accounts.''

It's become clear to me that what we have on our hands here is a 64-year-old dinosaur, a creature of the FCC, designed for an arcane accounting purpose, which has been rendered totally useless by time and progress but the price tag on American consumers continues. This has to end.

It has been estimated that allowing this accounting dinosaur to exist, and allowing the FCC to require telephone companies to follow it, is now costing American consumers and our economy as much as $300 million every year, that's more than a million dollars every working day. The good news, Mr. Chairman, is this is a situation we can banish to the business trivia history books today by supporting Mr. TAUZIN's amendment.

The truth is, Mr. Chairman, the FCC does not need to use this second, artificial system of accounting and it already uses the business world's so-called ''GAAP'' method of accounting, Generally Accepted Accounting Principles, throughout its operations.

And Mr. TAUZIN's amendment will in no way endanger the availability of low-cost ''universal'' telephone service. It also will not change the FCC's oversight role, it will only make FCC operations more cost effective.

Mr. Chairman, the only purpose the Uniform System of Accounts serves today is to uniformly penalize the American consumer and the rest of us all. Let's put this dinosaur out of it's misery, right now.

Mr. Chairman, in closing, I urge my colleagues to vote ''yes'' in support of the Tauzin amendment.

Mr. TAUZIN. Mr. Chairman, I yield 15 seconds to the gentleman from Texas (Mr. BONILLA).

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

Mr. BONILLA. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Louisiana. It is a big step toward cutting red tape for good, solid, reputable telephone companies. It is long overdue.

This is not 1934, it is 1999, and it is long overdue that we take action now.

Mr. DINGELL. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. FROST), the chairman of our caucus.

Mr. FROST. Mr. Chairman, I rise in support of the amendment by my good friend, the gentleman from Michigan (Mr. DINGELL).

I think the point has been adequately made that local telephone companies, like every other U.S. business, keep their books according to generally accepted accounting principles, yet they must also keep a second set of books developed by the FCC in 1935. It is time to change this process, this procedure.

Mr. DINGELL. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. GONZALEZ), whose father was my good friend.

Mr. GONZALEZ. Mr. Chairman, I will keep it brief, I do not want to consume the whole argument here with facts, but let us see what has happened in the recent past.

The FCC has basically changed its own rules, which it can, to presently conform to 90 to 95 percent of what is now the generally accepted accounting principles. They are almost there, but they are not quite there, and as a result it does result in the keeping of two sets of books.

The second set of facts is that this amendment leaves in place the FCC's ability to require information on costs from the local telephone companies. This is not an end run, this is simply regulatory reform, and we need it now. Please support the amendment.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. RUSH).

Mr. MARKEY. Mr. Chairman, may I inquire as to how much time is remaining in the debate?

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) has 15 seconds remaining, and the gentleman from Louisiana (Mr. TAUZIN) has 15 seconds remaining.

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

Mr. RUSH. Mr. Chairman, I rise in support of the amendment.

I rise today in support of the Tauzin-Dingell amendment. Today local telephone companies have to follow GAAP procedures for the IRS and the SEC, and the Uniform System of Accounts for the FCC. This unnecessary duplication costs the industry and its consumers $270 million each year, and serves no purpose.

The Tauzin-Dingell amendment eliminates unnecessary regulation and levels the playing

field for all telecommunications companies. I urge my colleagues on both sides of the aisle to support this amendment.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. BOUCHER).

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

Mr. BOUCHER. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the Tauzin amendment.

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Mr. DINGELL. Mr. Chairman, I yield such time as she may consume to the distinguished 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 stand in support of this amendment.

Mr. Chairman, I rise today in support of the Tauzin/Dingell amendment to the Commerce, Justice, State Appropriations bill. The Gentleman from Louisiana, Mr. TAUZIN and the Gentleman from Michigan, Mr. DINGELL have crafted an amendment that would prohibit the Federal Communications Commission from requiring persons to use accounting methods that do not conform to Generally Accepted Accounting Principles (GAAP).

Today, the Federal Communications Commission requires local telephone companies to keep two sets of books.

No other industry is required to do this and it is unfair for the government to treat one segment of the telecommunications industry differently than we do others. This current requirement serves no purpose and should be eliminated.

Local telephone companies keep their financial records according to generally accepted accounting principles (GAAP), the standard required by the IRS, SEC, and the investment community. In addition, they must also keep another set of records that follows the Uniform Systems of Accounts, developed by the FCC in 1935 to facilitate the Commission's oversight of the ''old'' AT&T. This costs customers $270 million.

The Tauzin/Dingell amendment would simply prohibit the FCC from requiring companies to provide financial records in a format other than what is generally accepted. The amendment also leaves in place the FCC's ability to require information on costs and to set depreciation schedules necessary for universal service calculations.

The use of GAAP will not jeopardize universal service. In today's market, rapid advances in technology drive the introduction of new products at an incredible pace. Costly and unnecessary regulations slow the pace and place certain companies on an unlevel playing field. The Tauzin/Dingell amendment *helps promote competition and levels the playing field among telecommunications companies.* Support the Tauzin/Dingell amendment and I yield back the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield 15 seconds to my dear friend, the gentleman from Virginia (Mr. GOODLATTE).

Mr. TAUZIN. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. GOODLATTE. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Louisiana (Mr. TAUZIN) and urge my colleagues to do likewise. By adopting this provision, we will be able to achieve several objectives.

First, we can save the American consumer and telephone industry a significant amount of money. Second, we can take a step towards further reducing government regulation. And third, we will be achieving competitive balance in the industry. We should support this amendment.

It has been estimated that this double-accounting regime costs the industry and consumers $270 million. That is money that could be reinvested in telephone infrastructure, and used to introduce new products and services so essential in today's rapidly changing telecommunications market.

The phone companies already keep one set of books for the IRS and SEC. Yet, the FCC makes them keep a whole other set of books for its accounting purposes. If the GAAP system is good enough for the IRS, it is good enough for the SEC, in fact is good enough for most of the American business world, it ought to be good enough for the FCC.

No other segment of the telecommunications industry is required to keep these books, and it is unfair for one sector to be singled out for different treatment. These costly and unnecessary regulations skew the balance among the companies, and slow the ability of the companies subject to the regulation to introduce new products and services.

Commissioner Harold Furchgott-Roth of the FCC has indicated that, and I quote, ''In today's increasing competitive telecommunications marketplace, the Commission should be focusing its efforts on transitioning to a more competitive environment. The amount of detailed information and regulatory scrutiny required under our accounting and ARMIS rules is inordinate and should be reduced.'' Mr. Speaker, that comes from one of the sitting Commissioners.

I urge my colleagues to vote in favor of Mr. TAUZIN's amendment, and eliminate unnecessary regulation, save resources, and level the playing field for all telephone companies. I thank the gentleman and yield back the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must remind all Members to refrain from characterizing actions of or in the Senate.

Mr. BARTON of Texas. Mr. Chairman, I would like to commend my fellow Commerce Committee colleagues on the amendment they are offering today. This should be an easy vote which will achieve real regulatory reform by requiring the FCC to take an action it should have taken years ago.

I doubt that many of our constituents would be shocked to know that the federal government has made certain industries duplicative, unnecessary, work since 1935. For the last 64 years, the federal government has required local telephone companies to keep two different sets of accounting books.

The Internal Revenue Service and the Securities and Exchange Commission both require a standard for all businesses to follow when keeping their books, which is according to the ''Generally Accepted Accounting Principles'' (GAAP). However, the Federal Communications Commission (FCC) makes local telephone companies keep a separate set of books in order to comply with the ''Uniform System of Accounts,'' which was put in place in 1935 in order to facilitate the Commission's oversight of AT&T.

Like many other aspects of the federal government that have remained in place for decades, the Uniform System of Accounts is unnecessary and needs to be changed. This needless system costs the industry and its consumers an estimated $300 million dollars every year. In addition, the FCC requires longer depreciation lives for high tech equipment that telephone companies need to provide advanced services to consumers. Slower depreciation may mean slower recovery of costs, which would reduce the incentives these companies have to deploy new technology.

I urge all Members to support this amendment. By following GAAP, the FCC will not be jeopardizing universal service, local competition or any other congressional policy. I urge a ''yes'' vote.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Louisiana (Mr. TAUZIN).

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

Mr. RYAN of Wisconsin. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 273, further proceedings on the amendment offered by the gentleman from Louisiana (Mr. TAUZIN) will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. CROWLEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. CROWLEY:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for joint training programs between the Royal Ulster Constabulary and any Federal law enforcement agency.

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

Mr. Chairman, my amendment would limit the funding from being expended for any joint training programs between the Royal Ulster Constabulary and any Federal law enforcement agencies here in the United States.

This year the FBI began joint training between the FBI and the Royal Ulster Constabulary, the RUC, the police force of Northern Ireland.

The purpose of this program is to address ''the new challenges that societal changes are having on law enforcement in the region.''

In a press release, the FBI said topics discussed between the FBI and the RUC included interaction between the police and the public in a new environment, human rights, recognition of the diversity and anti-terrorism strategies.

The FBI National Academy has long been a vital element in continuing the improvement of law enforcement standards around the world through knowledge, training, and cooperation.

Unfortunately, the RUC, in my opinion and in the opinion of many others, is not worthy of training with our best and brightest in the Federal enforcement field.

Mr. Chairman, I have the pleasure of serving on the Committee on International Relations and on this committee. Through the efforts of our fine chairman and my good friend, the gentleman from New York (Mr. GILMAN), we recently held a hearing on new and acceptable policing in Northern Ireland.

One of those witnesses who testified before us was one Diane Hamill. Diane is the sister of Robert Hamill, a Nationalist who was killed by a Loyalist mob in downtown Portadown in Northern Ireland in 1997 while the RUC stood by and watched.

Last year before the Subcommittee on Human Rights of my colleague the gentleman from New Jersey (Mr. SMITH), Northern Ireland defense attorney Rosemary Nelson testified that what she feared most from her work defending the Nationalist community in the north of Ireland was the RUC. She feared for her life because of the RUC's collusion with Loyalist militias and the history of lack of protection of the Nationalist minority in the six counties of Northern Ireland.

Sadly, Rosemary Nelson is not here with us today. She was killed by a Loyalist militia car bomb. Her death silenced the voice for human rights and justice for all people in the north of Ireland.

Mr. Chairman, these are just two examples of human rights violations and the RUC's history of collusion with Loyalist forces and lack of protection for the Nationalist community.

Mr. Chairman, let us also talk about diversity. The north of Ireland is roughly 55 percent Protestant, mostly Unionist, and 45 percent Catholic and mostly Nationalists. The makeup of the men and women in the RUC is 93 percent Protestant, presumably Unionist, not what I would call reflective of the population of Northern Ireland.

Mr. Chairman, we all know that the peace process has come to a virtual standstill in the north of Ireland. I and many of my colleagues and constituents are not happy about that.

One of the processes put into place by the peace process was the reformation of the RUC. This commission, called the Northern Ireland Independent Commission on Policing, is chaired by the Honorable Christopher Patten, the former British commissioner of Hong Kong. The commission is due to publish their report this fall.

Mr. Chairman, here are just a few of the suggestions to the commission that have already been reported to the press: the RUC must recruit more Catholics. The RUC must become a more representative police force of its community. And the RUC must protect all residents of Northern Ireland, both Nationalist and Unionists.

Mr. Chairman, I am not saying that we do not have problems with our own police forces here in the U.S. In fact, I encourage every police department, including those in my own city, New York, to take advantage of the FBI's resources and skills this fine law enforcement agency has to offer.

Mr. Chairman, what my amendment does say is that training programs with the FBI should be for legitimate police forces. The RUC is certainly, in my opinion, not a legitimate police force for Northern Ireland.

Mr. Chairman, I am looking forward to the publishing of the report from the Patten commission and ways to bring about a new police force in Northern Ireland, a force that represents the whole population and reflects the makeup of a diverse society.

Until that time, I do not believe that the RUC should be allowed to train with America's best and brightest in blue.

Let us move the peace process forward. Let us support fair representation of policing in the north of Ireland. Support an amendment endorsed by the Irish National Caucus and Irish-Americans from all around.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment even though I support the amendment.

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

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say, first of all, I want to commend the gentleman from New York (Mr. CROWLEY) and thank my good friend for offering this amendment. It is modeled after section 408 of my bill, which passed the House two weeks ago, the American Embassy Security Act and State Department bill, H.R. 2415.

Section 408 of my bill, which the gentleman from New York (Mr. KING) and I proposed as an amendment during the markup, seeks ''to end the intimidation of defense attorneys in Northern Ireland and to secure impartial investigations of the murders of two heroic defense attorneys, Rosemary Nelson and Patrick Finnucane.''

To accomplish this, we proposed cutting off U.S.-sponsored exchange and training programs between the FBI and the RUC until the President certifies that the Northern Irish police force, known as the Royal Ulster Constabulary (RUC), has cleaned up its act.

The gentleman from New York (Mr. CROWLEY) deserves credit for his efforts to raise this issue today in a way that hopefully will push the ball forward.

Let me just point out to my colleagues, Rosemary Nelson appeared before the Committee on International Operations and Human Resources on September 29, 1998 and gave riveting and chilling testimony as to how the RUC had intimidated her, had roughed her up, and then made death threats against her. She said that in open hearing. All those at the hearing listened to her with rapt attention—both the Members that were there and those interested citizens in attendance. She pointed out that while she feared for her life at the hands of the RUC, she was, nevertheless, totally committed to pursuing her human rights work in the north of Ireland. She was inspiring, courageous and smart.

Then, in an act of cowardly terrorism, she was assassinated by a car bomb. Astonishingly, the British Government had the audacity and insensitivity, to put the very people, the RUC, in charge of the investigation. And then they proceeded to use a minimal FBI presence as cover.

So we checked into it. It turned out the FBI had a very superficial role—a role used by the RUC for public relations purposes and, thankfully, none of us on either side of the aisle were deceived by it.

Secretary Mo Moland met with members of our Committee and immediately launched into how the FBI was on the job. I, for one was underwhelmed and unimpressed. So our amendment seeks to suspend a collaboration used to cover up possible complicity and collusion. And to get serious about honest policies. So until we get a transparent, honest investigation into both Pat Finnucane and Rosemary Nelson and real tangible protections for defense attorneys, it would be unseemingly and unethical for us to continue that collaboration between the RUC and the FBI.

I yield back the balance of my time

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

Mr. SMITH of New Jersey. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I just want to associate myself with the proposal of the gentleman from New York (Mr. CROWLEY) and the gentleman from New Jersey (Mr. SMITH).

Our committee conducted extensive hearings on the RUC problems. We have submitted that report to the British Government. We are hoping that they are going to reform the RUC. But until such time as they do, I would join with the gentleman from New York (Mr. CROWLEY) in asking that we stop assisting the RUC and training them by the FBI.

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

Mr. SMITH of New Jersey. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I appreciate the interest of the gentleman in this issue, obviously.

It is my understanding that the matter is being addressed in the State Department authorization bill, which recently passed the House. I hope that we can continue to allow the authorizers to address this issue and would hope that the gentleman, in that light, could withdraw his amendment at this time.

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

Mr. SMITH of New Jersey. I yield to the gentleman from New York.

Mr. CROWLEY. Mr. Chairman, I appreciate the comments of the chairman. And I recognize the considerable gains made in the State Department authorization bill.

Mr. CROWLEY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from New York (Mr. CROWLEY) is withdrawn.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. HANSEN) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

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

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

The Committee resumed its sitting.

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

Mr. Chairman, I yield to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, I want to thank the distinguished gentleman for yielding.

Mr. Chairman, I want to address to the chairman, as a father of two young daughters, on June 7 of this year, Mr. Chairman, the House overwhelmingly passed my bill, H.R. 1915, known as Jennifer's Law.

The bill was inspired by the disappearance in 1993 of a young Long Island woman named Jennifer Wilmer, who is still missing.

The bill would provide $2 million for grants to States to collect and input information on unidentified victims in a national database to assist in the location of missing persons, providing law enforcement officials with the tools to identify missing persons reported as unidentified and so as to close many unsolved cases.

I am wondering if I could ask the distinguished chairman of the committee if he would provide assistance in ensuring that we can fund this important program.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I thank the gentleman from New York (Mr. LAZIO) on his leadership on this issue.

I understand that the bill has a very good chance of being signed into law this year. My bill provides $60 million for grants authorized by the Crime Identification Technology Act of 1998 for grants to upgrade information and ID technologies.

I believe that the authorizing legislation would include information systems like Jennifer's Law when enacted that would be covered by this grant program.

I would be happy to continue to work with the gentleman from New York (Mr. LAZIO) on this issue.

Mr. LAZIO. Mr. Chairman, if the gentleman would continue to yield, I just want to thank the chairman for his pledge to collaborate. Based on his legislative skills and his reputation, I think we can take that to the bank.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Amendment offered by Mr. DINGELL:

At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a)(1) None of the funds provided under this Act for grants authorized by section 102(e) of the Crime Identification Technology Act of 1998 in the item relating to ''DEPARTMENT OF JUSTICE—Community Oriented Policing Services'' may be used to provide funds to a State that has not certified on a quarterly basis to the Attorney General that 95 percent or more of the records of the State evidencing a State judicial or executive determination by reason of which a person is described in paragraph (2) are sent to the Federal Bureau of Investigation to support implementation of the National Instant Criminal Background Check System established under section 103 of the Brady Handgun Violence Protection Act.

(2) A person is described in this paragraph if the person is described in paragraph (1), (2), (3), (4), (8), or (9) of subsection (g) or subsection (n) of section 922 of title 18, United States Code.

(b) The Attorney General may prescribe guidelines and issue regulations necessary to carry out this section.

(c) This section shall take effect on the date that is 180 days after the date of the enactment of this Act.

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

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

There was no objection.

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

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

Mr. DINGELL. Mr. Chairman, the amendment is simple. It will ensure that the National Instant Criminal Background Check System, NICS, will catch more criminals and it will ensure that the system works properly as the Congress intended.

The Instant Check System took 5 years to build and cost roughly a quarter of a billion dollars of the taxpayers' money. However, despite the time and money expended, the system is not working.

The FBI has stated that 1,700 prohibited purchasers have received firearms because the Federal system does not have all the records it needs.

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The New York Times reports that Colorado has stopped using the Federal system because it is incomplete. States are not carrying out their responsibilities under this. The amendment would fix these problems. Quite simply, it would require States to certify quarterly that 95 percent of all available records are in the national criminal database. By demanding accountability from the States, the Congress will ensure that FBI background checks will be complete, accurate and thorough. If that can be accomplished, fewer criminals will slip through the cracks and the national system of instant checks will work.

I would like to think of my amendment as putting ''instant'' back into instant check. There will be more records, better records and citizens will not face unnecessary delays. This is how the Congress intended it to work.

Mr. Chairman, I yield to the distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I would simply say that I very much agree with the intent of the gentleman's amendment and I hope that it can be accomplished.

Mr. DINGELL. I thank my good friend for his comments.

Mr. Chairman, I am happy to yield to my distinguished friend from New York.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise to stand with the gentleman from Michigan and to express my support for improving the National Instant Check System.

Just this week the State of Colorado announced its intention to return to a State-based instant check system because of a deadly mistake that occurred under the Federal instant check system. In June, Simon Gonzalez, who should have been prevented from buying a firearm, was able to buy a gun. After buying the gun, he used it to kill his three sleeping children. It is clear that we need a better instant check system.

Do not get me wrong. The National Instant Check System has been an important tool in keeping guns out of the hands of felons. Since November last year, when the system was started, 50,000 prohibited persons have been stopped from purchasing firearms. But we can do better.

I look forward to working with the gentleman from Michigan to ensure that our instant check system is improved. In particular, we will be watching to ensure that States and the FBI increase their cooperation and bring the National Instant Check System up to speed.

Mr. DINGELL. I thank the gentlewoman for her comments.

Mr. Chairman, I yield to my good friend from Kentucky, the distinguished chairman of the subcommittee, for any comments he wants to make. I think desperately we need to make this system work and I would ask his comments.

Mr. ROGERS. Mr. Chairman, I would hope that the gentleman would be withdrawing the amendment.

Mr. DINGELL. I do intend to withdraw the amendment, but I would like to hear the thoughts of the gentleman first.

Mr. ROGERS. I commend the gentleman for taking this active interest in the matter. I will continue to work with the gentleman to ensure that the system works as Congress intended.