President's direct lending program, I wish we could totally cut it out and do it privately. Why? Because to administer the direct lending Government program cost $1 billion more to administer just capped at 10 percent. GAO did a study and said it would take $3 billion to $5 billion just to collect those dollars.

We took those savings and capped the administrative fees and we increased, I would say to the gentleman from California [Mr. FILNER], we increased Pell grants. We increased student loans by $3 billion. We increased access to student loans by 50 percent. We did not cut. We added it.

We took Federal programs which my colleagues on the other side would rather spend money on the Federal level, and we are returning that money to the States and getting a bigger bang for the dollar. The vision.

If my colleagues want to work on something in education, we have less than 12 percent of our classrooms that have a single phone jack. Before Republicans and Democrats, the testimony has been that over 50 percent of the jobs in the near future are going to require high-technology skills and we do not have the tools.

Mr. Chairman, one thing I disagree with in the bill, we ought to have more money for Eisenhower grants, not less. Why? Because if we are going to expect our teachers to learn how to turn on a computer and teach the children in the future, these high-technology skills to meet their efforts in the 21st century, then we have got to train our teachers to do that. It is a disagreement I have with the bill, but overall we have added dollars for education. We have taken the Federal Government out of it and turned it back to the American people, and we have given it to the people that need it: students, not the bureaucracy.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FORBES) having assumed the chair, Mr. WALKER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3755) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3755, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. PORTER. Mr. Speaker, I ask unanimous consent that further consideration of H.R. 3755 for amendment in the Committee of the Whole pursuant to House Resolution 472 conclude at 11 p.m. this evening and; the bill be considered as having been read; and, no amendment shall be in order except for the following amendments, which shall be considered as read, shall not be subject to amendment, except as specified, or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed:

Amendment numbered 3, by Mr. HEFLEY, for 5 minutes;

Amendment numbered 5, by Mrs. LOWEY, for 30 minutes;

Amendment numbered 23, by Mr. GUTKNECHT, for 10 minutes;

Unnumbered amendment by Mr. CAMPBELL, for 10 minutes;

Unnumbered amendment by either Mr. THOMAS or Mr. BUNNING, and a substitute if offered by Mr. HOYER, for 20 minutes;

Amendment numbered 1, by Mr. ISTOOK, and a substitute if offered by Mr. OBEY, for 30 minutes;

Either amendment numbered 12 or 13, by Mr. SANDERS, for 10 minutes;

Amendment numbered 14, by Mr. SANDERS, for 10 minutes;

Amendment numbered 15, by Mr. SOLOMON, for 5 minutes.

Amendment numbered 16, by Mr. SOLOMON, for 5 minutes;

Amendment numbered 18, by Mr. CAMPBELL, for 20 minutes;

Unnumbered amendment by Mr. ROEMER, for 10 minutes;

Unnumbered amendment by Mr. TRAFICANT, for 5 minutes;

Amendment numbered 28, by Mr. MCINTOSH, for 10 minutes; and

Either amendment numbered 7 or 29, by Mr. MICA, for 5 minutes.

Mr. FORBES. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3756 TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–671) on the resolution (H. Res. 475) providing for consideration of the bill (H.R. 3756) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore (Mr. FORBES). Pursuant to House Resolution 472 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3755.

☐ 1851

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration the bill (H.R. 3755) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, with Mr. WALKER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the bill had been read through page 69, line 25. Pursuant to the order of the House of today, further consideration of H.R. 3755 for amendment in the Committee of the Whole pursuant to House Resolution 472 will conclude at 11 o'clock this evening and the bill will be considered as having been read.

The text of the remainder of the bill is as follows:

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $53,184,000, of which $432,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Soldiers' and Airmen's Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $202,046,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1999, $250,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out

the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $32,579,000 including $1,500,000, to remain available through September 30, 1998, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided,* That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further,* That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further,* That the Director of the Service is authorized to accept on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,060,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended by Public Law 102–95), $812,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $1,757,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $974,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $144,692,000: *Provided,* That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes: *Provided further,* That none of the funds made available by this Act shall be used in any way to promulgate a final rule (altering 29 CFR part 103) regarding single location bargaining units in representation cases.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $7,656,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $7,753,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $2,920,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $3,263,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,923,000.

In addition, to reimburse these trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $460,070,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1998, $160,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $19,422,115,000, to remain available until expended: *Provided,* That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

In addition, $25,000,000, to remain available until September 30, 1998, for continuing disability reviews as authorized by section 103 of Public Law 104–121. The term ''continuing disability reviews'' has the meaning given such term by section 201(g)(1)(A) of the Social Security Act.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out title XVI of the Social Security Act for the first quarter of fiscal year 1998, $9,690,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $5,899,797,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act or as necessary to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 from any one or all of the trust funds referred to therein: *Provided,* That reimbursement to the trust funds under this heading for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1998: *Provided further,* That not less than $1,500,000 shall be for the Social Security Advisory Board.

From funds provided under the previous paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $160,000,000, to remain available until September 30, 1998, for continuing disability reviews as authorized by section 103 of Public Law 104–121. The term ''continuing disability reviews'' has the meaning given such term by section 201(g)(1)(A) of the Social Security Act.

In addition to funding already available under this heading, and subject to the same terms and conditions, $250,073,000, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $6,335,000, together with not to exceed $21,089,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $223,000,000, which shall include amounts becoming available in fiscal year 1997 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $223,000,000: *Provided,* That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $300,000, to remain available through September 30, 1998, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $87,898,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,268,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided,* That none of the funds made available in this Act may be transferred to the Office from the Department of Health and Human Services, or used to carry out any such transfer: *Provided further,* That none of the funds made available in this paragraph may be used for any audit, investigation, or review of the Medicare program.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $11,160,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided,* That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 504. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 508. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

SEC. 509. Notwithstanding any other provision of law—

(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purposes for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this Act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

SEC. 510. None of the funds made available in this Act may be used for the expenses of an electronic benefit transfer (EBT) task force.

SEC. 511. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $5,000,000.

SEC. 512. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' include any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes.

SEC. 513. None of the funds made available in this Act may be used by the National Labor Relations Board to assert jurisdiction over any labor dispute when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the labor dispute does not involve any class or category of employer over which the Board would assert jurisdiction under the standards prevailing on August 1, 1959, with each financial threshold amount adjusted for inflation by—

(A) using changes in the Consumer Price Index for all urban consumers published by the Department of Labor;

(B) using as the base period the later of (i) the most recent calendar quarter ending before the financial threshold amount was established; or (ii) the calendar quarter ending June 30, 1959; and

(C) rounding the adjusted financial threshold amount to the nearest $10,000; and

(2) the effect of the labor dispute on interstate commerce is not otherwise sufficiently substantial to warrant the exercise of the Board's jurisdiction.

SEC. 514. None of the funds made available in this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the individual is not lawfully within the United States; and

(2) the benefit or assistance to be provided is other than emergency medical assistance or a benefit mandated by the federal courts to be provided by the State.

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997''.

The CHAIRMAN. No amendment shall be in order except for the following amendments which shall be considered as read, shall not be subject to amendment, except as specified, or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed:

Amendment No. 3 by Mr. HEFLEY for 5 minutes; amendment No. 5 by Mrs. LOWEY for 30 minutes; amendment No. 23 by Mr. GUTKNECHT for 10 minutes; unnumbered amendment by Mr. CAMPBELL for 10 minutes; unnumbered amendment by either Mr. THOMAS or Mr. BUNNING, and a substitute if offered by Mr. HOYER, for 20 minutes; amendment No. 1 by Mr. ISTOOK, and a substitute if offered by Mr. OBEY, for 30 minutes; either amendment No. 12 or 13 by Mr. SANDERS for 10 minutes; amendment No. 14 by Mr. SANDERS for 10 minutes; amendment No. 15 by Mr. SOLOMON for 5 minutes; amendment No. 16 by Mr. SOLOMON for 5 minutes; amendment No. 18 by Mr. CAMPBELL for 20 minutes; unnumbered amendment by

Mr. ROEMER for 10 minutes; unnumbered amendment by Mr. TRAFICANT for 5 minutes; amendment No. 28 by Mr. MCINTOSH for 10 minutes; and either amendment No. 7 or 29 by Mr. MICA for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. FOX of Pennsylvania. Mr. Chairman, I would ask the gentleman from Illinois [Mr. PORTER], as chairman of the committee I wanted to ask you a few questions, if I can, regarding a subject very close to both of us, and that is the domestic violence programs under the Violence Against Woman Act. I understand that the current bill now calls for $63.4 million in the new bill.

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

Mr. FOX of Pennsylvania. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would say to the gentleman, yes, that is correct.

Mr. FOX of Pennsylvania. Mr. Chairman, reclaiming my time, this represents a 15 percent increase in the programs in a bipartisan bill, including the Chrysler amendment for $2.4 million.

Mr. PORTER. Again, Mr. Chairman, the gentleman is correct.

Mr. FOX of Pennsylvania. Mr. Chairman, I further understand that this legislation is forward thinking and consistent with all the goals of this Congress in helping women avoiding domestic violence problems to children and families and includes also additional funding for battered women shelters.

Mr. PORTER. Yes.

Mr. FOX of Pennsylvania. And the rape prevention and services and the domestic violence hotline; is that correct?

Mr. PORTER. Mr. Chairman, it is.

Mr. FOX of Pennsylvania. Mr. Chairman, I would say to the gentleman, thanks to him and the rest of the committee, and especially for his leadership as being someone who in a bipartisan way helped us forge, I think for the next generation of families, decrease in domestic violence and increase in family unity because of his leadership in these programs. And I thank him for his efforts in this regard.

Mr. PORTER. Mr. Chairman, I thank the gentleman.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 472, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from Wisconsin [Mr. OBEY]; and the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered

The vote was taken by electronic device, and there were—ayes 198, noes 227, not voting 8, as follows:

[Roll No. 303]

AYES—198

Abercrombie	Gejdenson	Oberstar
Ackerman	Gephardt	Obey
Andrews	Geren	Olver
Baesler	Gonzalez	Ortiz
Baldacci	Gordon	Orton
Barcia	Green (TX)	Owens
Barrett (WI)	Gutierrez	Pallone
Becerra	Hall (OH)	Pastor
Beilenson	Hall (TX)	Payne (NJ)
Bentsen	Hamilton	Payne (VA)
Berman	Harman	Pelosi
Bevill	Hastings (FL)	Peterson (FL)
Bishop	Hefner	Peterson (MN)
Blumenauer	Hilliard	Pickett
Blute	Hinchey	Pomeroy
Bonior	Holden	Poshard
Borski	Hoyer	Rahall
Boucher	Jackson (IL)	Rangel
Brewster	Jackson-Lee (TX)	Reed
Browder	Jacobs	Richardson
Brown (CA)	Jefferson	Rivers
Brown (FL)	Johnson (SD)	Roemer
Brown (OH)	Johnson, E. B.	Rose
Bryant (TX)	Johnston	Roybal-Allard
Cardin	Kanjorski	Rush
Chapman	Kaptur	Sabo
Clay	Kennedy (MA)	Sanders
Clayton	Kennedy (RI)	Sawyer
Clement	Kennelly	Schroeder
Clyburn	Kildee	Scott
Coleman	Kleczka	Serrano
Collins (IL)	Klink	Sisisky
Collins (MI)	LaFalce	Skaggs
Condit	Lantos	Skelton
Conyers	Levin	Slaughter
Costello	Lewis (GA)	Spratt
Coyne	Lipinski	Stark
Cramer	Lofgren	Stenholm
Cummings	Lowey	Stokes
Danner	Luther	Studds
de la Garza	Maloney	Stupak
DeFazio	Manton	Tanner
DeLauro	Markey	Taylor (MS)
Dellums	Martinez	Tejeda
Deutsch	Mascara	Thompson
Dicks	Matsui	Thornton
Dingell	McCarthy	Thurman
Dixon	McDermott	Torkildsen
Doggett	McHale	Torres
Dooley	McKinney	Torricelli
Doyle	McNulty	Towns
Durbin	Meehan	Traficant
Edwards	Meek	Velazquez
Engel	Menendez	Vento
Eshoo	Millender-McDonald	Visclosky
Evans	Miller (CA)	Volkmer
Farr	Minge	Ward
Fattah	Mink	Waters
Fazio	Moakley	Watt (NC)
Fields (LA)	Mollohan	Waxman
Filner	Montgomery	Williams
Flake	Moran	Wilson
Foglietta	Murtha	Wise
Ford	Nadler	Woolsey
Frank (MA)	Neal	Wynn
Frost	Oberstar	Yates
Furse		

NOES—227

Allard	Frisa	Myers
Archer	Funderburk	Myrick
Armey	Gallegly	Nethercutt
Bachus	Ganske	Neumann
Baker (CA)	Gekas	Ney
Baker (LA)	Gilchrest	Norwood
Ballenger	Gillmor	Nussle
Barr	Gilman	Oxley
Barrett (NE)	Goodlatte	Packard
Bartlett	Goodling	Parker
Barton	Goss	Paxon
Bass	Graham	Petri
Bateman	Greene (UT)	Pombo
Bereuter	Greenwood	Porter
Bilbray	Gunderson	Portman
Bilirakis	Gutknecht	Pryce
Bliley	Hancock	Quillen
Boehlert	Hansen	Quinn
Boehner	Hastert	Radanovich
Bonilla	Hastings (WA)	Ramstad
Bono	Hayworth	Regula
Brownback	Hefley	Riggs
Bryant (TN)	Heineman	Roberts
Bunn	Herger	Rogers
Bunning	Hilleary	Rohrabacher
Burr	Hobson	Ros-Lehtinen
Burton	Hoekstra	Roth
Buyer	Hoke	Roukema
Callahan	Horn	Royce
Calvert	Hostettler	Salmon
Camp	Houghton	Sanford
Campbell	Hunter	Saxton
Canady	Hutchinson	Scarborough
Castle	Hyde	Schaefer
Chabot	Inglis	Schiff
Chambliss	Istook	Seastrand
Chenoweth	Johnson (CT)	Sensenbrenner
Christensen	Johnson, Sam	Shadegg
Chrysler	Jones	Shaw
Clinger	Kasich	Shays
Coble	Kelly	Shuster
Coburn	Kim	Skeen
Collins (GA)	King	Smith (MI)
Combest	Kingston	Smith (NJ)
Cooley	Klug	Smith (TX)
Cox	Knollenberg	Smith (WA)
Crane	Kolbe	Solomon
Crapo	LaHood	Souder
Cremeans	Largent	Spence
Cubin	Latham	Stearns
Cunningham	LaTourette	Stockman
Davis	Laughlin	Stump
Deal	Lazio	Talent
DeLay	Leach	Tate
Diaz-Balart	Lewis (CA)	Tauzin
Dickey	Lewis (KY)	Taylor (NC)
Doolittle	Lightfoot	Thomas
Dornan	Linder	Thornberry
Dreier	Livingston	Tiahrt
Duncan	LoBiondo	Upton
Ehlers	Lucas	Vucanovich
Ehrlich	Manzullo	Walker
English	Martini	Walsh
Ensign	McCollum	Wamp
Everett	McCrery	Watts (OK)
Ewing	McHugh	Weldon (FL)
Fawell	McInnis	Weldon (PA)
Fields (TX)	McIntosh	Weller
Flanagan	McKeon	White
Foley	Metcalf	Whitfield
Forbes	Meyers	Wicker
Fowler	Mica	Wolf
Fox	Miller (FL)	Young (AK)
Franks (CT)	Molinari	Zeliff
Franks (NJ)	Moorhead	Zimmer
Frelinghuysen	Morella	

NOT VOTING—8

Dunn	Lincoln	Schumer
Gibbons	Longley	Young (FL)
Hayes	McDade	

□ 1912

Mrs. KENNELLY changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. LOWEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York [Ms. LOWEY] on which further proceedings were

postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 294, noes 129, not voting 10, as follows:

[Roll No. 304]

AYES—294

Abercrombie	Fattah	LaHood
Ackerman	Fawell	Lantos
Andrews	Fazio	LaTourette
Baesler	Fields (LA)	Lazio
Baldacci	Filner	Leach
Barcia	Flake	Levin
Barrett (WI)	Flanagan	Lewis (GA)
Bartlett	Foglietta	Lightfoot
Becerra	Foley	Lipinski
Beilenson	Forbes	LoBiondo
Bentsen	Ford	Lofgren
Bereuter	Fowler	Lowey
Berman	Fox	Luther
Bevill	Frank (MA)	Maloney
Bilirakis	Franks (CT)	Manton
Bishop	Franks (NJ)	Manzullo
Blumenauer	Frelinghuysen	Markey
Blute	Frisa	Martinez
Boehlert	Frost	Martini
Bonior	Furse	Mascara
Borski	Ganske	Matsui
Boucher	Gejdenson	McCarthy
Browder	Gephardt	McCollum
Brown (CA)	Geren	McDermott
Brown (FL)	Gillmor	McHale
Brown (OH)	Gilman	McHugh
Bryant (TX)	Gonzalez	McKinney
Bunn	Goodlatte	McNulty
Cardin	Goodling	Meehan
Castle	Gordon	Meek
Chabot	Goss	Menendez
Chapman	Green (TX)	Mica
Chrysler	Greenwood	Millender-McDonald
Clay	Gunderson	Miller (CA)
Clayton	Gutierrez	Minge
Clement	Hall (OH)	Mink
Clinger	Hall (TX)	Moakley
Clyburn	Hamilton	Molinari
Coleman	Harman	Mollohan
Collins (IL)	Hastert	Montgomery
Collins (MI)	Hastings (FL)	Moran
Condit	Hayworth	Morella
Conyers	Hefner	Murtha
Costello	Heineman	Myrick
Cox	Hilleary	Nadler
Coyne	Hilliard	Neal
Cramer	Hinchey	Neumann
Crapo	Hobson	Ney
Cummings	Hoke	Norwood
Danner	Holden	Oberstar
Davis	Horn	Obey
de la Garza	Houghton	Olver
Deal	Hoyer	Ortiz
DeFazio	Jackson (IL)	Orton
DeLauro	Jackson-Lee (TX)	Owens
Dellums	Jacobs	Pallone
Deutsch	Jefferson	Pastor
Diaz-Balart	Johnson (CT)	Payne (NJ)
Dicks	Johnson (SD)	Payne (VA)
Dingell	Johnson, E. B.	Pelosi
Dixon	Johnston	Peterson (FL)
Doggett	Jones	Peterson (MN)
Dooley	Kanjorski	Pickett
Doyle	Kaptur	Pomeroy
Dreier	Kasich	Portman
Duncan	Kelly	Poshard
Durbin	Kennedy (MA)	Quinn
Ehlers	Kennedy (RI)	Rahall
Ehrlich	Kennelly	Ramstad
Engel	Kildee	Rangel
English	Kingston	Reed
Ensign	Kleczka	Richardson
Eshoo	Klink	Riggs
Evans	Klug	Rivers
Ewing	LaFalce	Roberts
Farr	Roemer	Smith (NJ)
Ros-Lehtinen	Smith (WA)	Upton
Rose	Solomon	Velazquez
Roukema	Spratt	Vento
Roybal-Allard	Stark	Visclosky
Royce	Stearns	Volkmer
Rush	Stenholm	Walsh
Sabo	Stokes	Wamp
Salmon	Studds	Ward
Sanders	Stupak	Waters
Sawyer	Tanner	Watt (NC)
Schaefer	Tate	Waxman
Schiff	Taylor (MS)	Weldon (FL)
Schroeder	Tejeda	Weldon (PA)
Scott	Thompson	Weller
Seastrand	Thornton	Whitfield
Serrano	Thurman	Wilson
Shaw	Tiahrt	Wise
Shays	Torkildsen	Woolsey
Sisisky	Torres	Wynn
Skaggs	Torricelli	Yates
Skelton	Towns	Young (AK)
Slaughter	Traficant	Zimmer

NOES—129

Allard	Dornan	Myers
Archer	Everett	Nethercutt
Armey	Fields (TX)	Nussle
Bachus	Funderburk	Oxley
Baker (CA)	Gallegly	Packard
Baker (LA)	Gekas	Parker
Ballenger	Gilchrest	Paxon
Barr	Graham	Petri
Barrett (NE)	Greene (UT)	Pombo
Barton	Gutknecht	Porter
Bass	Hancock	Pryce
Bateman	Hansen	Quillen
Bilbray	Hastings (WA)	Radanovich
Bliley	Hefley	Regula
Bonilla	Herger	Rogers
Bono	Hoekstra	Rohrabacher
Brewster	Hostettler	Roth
Brownback	Hunter	Sanford
Bryant (TN)	Hutchinson	Saxton
Bunning	Hyde	Scarborough
Burr	Inglis	Sensenbrenner
Burton	Istook	Shadegg
Buyer	Johnson, Sam	Shuster
Callahan	Kim	Skeen
Calvert	King	Smith (MI)
Camp	Knollenberg	Smith (TX)
Campbell	Kolbe	Souder
Canady	Largent	Spence
Chambliss	Latham	Stockman
Chenoweth	Laughlin	Stump
Christensen	Lewis (CA)	Talent
Coble	Lewis (KY)	Tauzin
Coburn	Linder	Taylor (NC)
Collins (GA)	Livingston	Thomas
Combest	Lucas	Thornberry
Cooley	McCrery	Vucanovich
Crane	McInnis	Walker
Cremeans	McIntosh	Watts (OK)
Cubin	McKeon	White
Cunningham	Metcalf	Wicker
DeLay	Meyers	Williams
Dickey	Miller (FL)	Wolf
Doolittle	Moorhead	Zeliff

NOT VOTING—10

Boehner	Hayes	Schumer
Dunn	Lincoln	Young (FL)
Edwards	Longley	
Gibbons	McDade	

□ 1021

Mrs. ROUKEMA changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: Page 83, after line 8, insert the following:

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio [Mr. TRAFICANT] and a Member opposed will each control 2½ minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. Chairman, the amendment is straightforward. Anyone who would place a fraudulent ''Made in America'' label on an import would be ineligible to compete on any contract or subcontract under this bill, and be subject to debarment and suspension under laws already established.

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

Mr. TRAFICANT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say on this side we have no objection to the amendment, and accept it.

Mr. TRAFICANT. Mr. Chairman, I also want to thank the gentleman from Wisconsin for all the help over the years on appropriation bills with these measures.

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

Mr. TRAFICANT. I yield to the gentleman from Florida.

Mr. MILLER of Florida. Mr. Chairman, we have no objection to the amendment on this side, and we accept it.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer amendment No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HEFLEY: Page 71, line 6, after the dollar amount, insert the following ''(reduced by $1,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado [Mr. HEFLEY] and a Member opposed will each control 2½ minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I many consume.

Mr. Chairman, both sides have agreed to the amendment. This is the amendment to strike $1 million from the Corporation for Public Broadcasting, the $1 million that goes to the Pacifica

Radio Network. For several years we have offered this amendment. We have passed it in the House. This year we hope it would get through the entire process.

Mr. Chairman, in the past, I have offered amendments to the Labor/HHS/Education appropriations bills to decrease Federal funding for the Corporation for Public Broadcasting by $1 million. I now ask again for a $1 million reduction in CPB appropriations because this is roughly the amount of money that the Pacifica Radio Network receives each year from the CPB.

Based in Berkeley, CA, Pacifica is a network of 5 radio stations with at least 57 affiliates that carry its news service and talk shows. I believe the Federal Government should stop pumping dollars into Pacifica—via the CPB—and stop footing the bill for the outrageous hate programming Pacifica has distributed.

Let me list a few examples of the racist, anti-Semitic programming that has spewed out of Pacifica's networks for at least 30 years.

In 1969 Pacifica's New York station broadcast an anti-Semitic poem written by a young black girl with lines like, ''Hey, Jew Boy with the yarmulke on your head/You pale-faced Jew Boy, I wish you were dead.''

In 1983 Pacifica's Washington, DC station permitted its announcer to ''tell potential presidential assassins to use more powerful guns than John Hinckley used'' when he tried to kill President Reagan.

During Pacifica's ''Afrikan Mental Liberation Weekend'' in 1993, the network allowed its guest, Nation of Islam leader Louis Farrakhan, to state that Jews are a ''pale horse with death as its rider and hell close behind.'' A caller to the show then suggested, ''The Jews haven't seen anything yet * * *. What is going to happen to them is going to make what Hitler did seem like a party.''

And just this year, the Pacifica network in Berkeley aired a show in which a guest claimed that ''the U.S. Congress and the White House are Israel occupied territory.''

Now I don't have anything against free speech—nor do I want to monitor Pacifica's programming schedule. However, I do not want to force the American taxpayer to subsidize this kind of programming at Pacifica. Let the network produce such shows on their own dollar—that is what they claim to be doing anyway! Pacifica states that it is the ''nation's first listener-supported, community-based radio network.'' And private donations to this network have increased over the years. So I would think that Pacifica could get along fine without Federal funding to support their broadcasts.

The government should not be in the business of promoting radio shows that fan the flames of racism and hatred. Therefore, Mr. Speaker, I submit my amendment to reduce the funding for the Corporation for Public Broadcasting by $1 million. Let's put a halt to the Federal funds flowing into the Pacifica Radio Network.

Mr. Chairman, if I am correct that both sides have agreed to accept it, I yield back the balance of my time.

Mr. NADLER. Mr. Chairman, I rise today to express my vigorous support for continued Federal funding for the Corporation for Public Broadcasting and my opposition to the Hefley amendment. The CPB provides countless hours of joy, education and entertainment to over one hundred million Americans each week. Through stations and projects that range from public television, to radio programming, to the World Wide Web, the CPB reaches virtually every household in America with a television, radio, or computer.

The average American child will watch more than 4,000 hours of television by kindergarten. The CPB helps parents to use the television as an educational tool. Few American children have not explored the depth of their imagination as they watched the Land of Make Believe with Mr. Rogers. And as Americans continue the life-long learning process, the CPB provides such classics as Masterpiece Theater, Great Performances and a plethora of documentaries exploring diverse subjects in a depth rarely found elsewhere. In short, CPB programs have become an integral part of American life.

CPB programs extend to the Internet as well. In 15 projects across the country, students consult experts online, publishing their writings and receiving educational assistance on the World Wide Web.

In areas of our Nation where the local newspaper is published just once a week, public radio is one of the few sources of daily local news and live events, functioning as a lifeline for many. In addition, CPB radio service provides radio reading service for the blind.

For a mere one dollar and nine cents per American, we can offer Americans a chance to learn, explore and expose themselves to ideas they would not otherwise have free access to. Federal funding of CPB must be kept at the highest level possible.

At a time when many in Congress are concerned about the violent and offensive content on commercial television, it is especially surprising to find so much hostility directed at the CPB which produces some of the best educational and family entertainment available.

All of the programs and services I have just mentioned would be put at risk by the Hefley amendment. This amendment seeks to stop Federal funding for Pacifica-Radio because of what Mr. HEFLEY claims to be antisemitic and racist programming. I have been informed by the Corporation for Public Broadcasting that the comments Mr. HEFLEY is concerned with were made by callers to shows, not by the hosts of the program. In fact, it is included in Pacifica-Radio's own charter that antisemitic or bigoted remarks about any group are grounds for a programs removal from the air.

In addition, this amendment would not accomplish its purported goal. Congress set up specific guidelines as to how CPB awards its radio grants. CPB does not have the discretion to deny a grant because they do not like a program and/or its content. If a grant applicant meets the criteria set forth by Congress, CPB is obligated to award the grant. Cutting an arbitrary $1 million will not end broadcasts by Pacifica, but it will hinder all the worthwhile work done by the CPB.

We may well strongly disagree with or dislike comments made in many broadcast arenas. When such comments are made, it is our responsibility to condemn those comments, not to make an across-the-board cut from the budget which funds the very worthwhile programming provided by the CPB. I urge my colleagues to vote no on the Hefley amendment.

The CHAIRMAN. Is there a Member opposed to the amendment?

If not, the question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

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

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

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] will be postponed.

AMENDMENT OFFERED BY MR. ROEMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROEMER: Page 87, after line 14, insert the following new section:

SEC. 515. The amount provided in this Act for ''DEPARTMENT OF EDUCATION—Student financial assistance'' is increased; and each of the amounts provided in this Act for ''DEPARTMENT OF LABOR—Pension and Welfare Benefits Administration—Salaries and expenses'', ''DEPARTMENT OF LABOR—Employment Standards Administration—Salaries and expenses'', ''DEPARTMENT OF LABOR—Occupational Safety and Health Administration—Salaries and expenses'', ''DEPARTMENT OF LABOR—Mine Safety and Health Administration—Salaries and expenses'', ''DEPARTMENT OF LABOR—Bureau of Labor Statistics—Salaries and expenses'', ''DEPARTMENT OF LABOR—Departmental Management—Salaries and expenses'', ''DEPARTMENT OF HEALTH AND HUMAN SERVICES—National Institutes of Health—Office of the director'', ''DEPARTMENT OF HEALTH AND HUMAN SERVICES—National Institutes of Health—Buildings and facilities'', ''DEPARTMENT OF EDUCATION—Departmental Management—Program administration'', ''Federal Mediation and Conciliation Service—Salaries and expenses'', ''Federal Mine Safety and Health Review Commission—Salaries and expenses'', ''National Council on Disability—Salaries and expenses'', ''National Labor Relations Board—Salaries and expenses'', ''National Mediation Board—Salaries and expenses'', ''Occupational Safety and Health Review Commission—Salaries and expenses'', ''Prospective Payment Assessment Commission—Salaries and expenses'', and ''United States Institute of Peace—Operating expenses'', are reduced; by $340,000,000 and 15 percent, respectively.

Mr. ROEMER (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 Indiana?

There was no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. ROEMER] is recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Indiana [Mr. ROEMER].

□ 1930

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

Mr. Chairman, on the front page of the USA Today, the article right here

says, ''College Dropout Rate Hits All-time High.'' College dropout rate hits all-time high.

One of the reasons that the college dropout rate is hitting an all-time high, according to this article and according to a score of students that I have talked to in the third district of Indiana, is because the cost of college continues to escalate higher and higher and we are unable to provide enough sufficient aid through Pell grants and Stafford loans and student assistance programs to adequately keep many of these students, especially moderate and low-income students, in the school.

Let me give further evidence, Mr. Chairman. The AP story again, leading off the wire today, quote, ''A combination of rising tuitions, increased job opportunity, a growing economy and concerns about student aid can lead to more students not returning to school,'' unquote.

I give a certain amount of credit to the Republican Party for increasing the Pell grant this year by $25. $25, Mr. Chairman, maybe will buy a textbook for the student to go to Indiana University.

If we were keeping up with inflation-adjusted Pell grants to make sure that we make the best investment possible for our students, Pell grant maximums would be at $4,300 today. In this bill today they are at $2,500. My amendment would simply take the $2,500 level up to $2,600 and have an offset to pay for it by taking it out of salaries and expenses in the Department of Labor and the Department of Education. So there are offsets for this. It is revenue neutral.

Let me further say, Mr. Chairman, that when the Pell grant was in effect several years ago, it covered about 50 percent of the costs of college. So if your tuition at Indiana University was $3,000, it would roughly cover about $1,500 of that. Today the Pell grant barely covers 20 percent of the cost of students going to college.

Mr. Chairman, there are many reasons that we need to do something about bringing this Pell grant up.

I intended to offer this amendment today before having discussions with the Secretary of Education today and members of the Republican party, both on the House side and the Senate side, and I understand that Senator HATFIELD and others are going to try to increase the 602(b) allocations and put about $1.3 billion more into the education account.

In a conversation today with Secretary Riley, he said that he would be willing to work with Members of Congress to see that a great deal of this $1.3 billion be put into the Pell grant program so that we can make this the best investment possible, and, that is, making sure that our students are able to go to college.

We have a larger and larger gap, Mr. Chairman, between the haves and the have-nots in our society. The haves generally have a college education or generally have the ability to get to a two-year college. The have-nots are increasingly cut out of education opportunities and their future. My amendment puts a great deal of emphasis on what has been the foundation, the cornerstone of helping our young people get to college and that is the Pell grant.

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

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Indiana [Mr. ROEMER] has 1 minute remaining, and a Member opposed would have 5 minutes. Is there a Member opposed to the amendment?

Mr. MILLER of Florida. Mr. Chairman, my understanding is that the gentleman is going to withdraw the amendment.

Mr. ROEMER. That was my intention. I was hopeful that the gentleman from Illinois [Mr. PORTER] would be on the floor, and I had hoped that he might say a couple of things about how important the Pell grant is in terms of helping us get our young people in college. But he obviously is not on the floor at this time.

Mr. MILLER of Florida. Mr. Chairman, I claim the time.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. MILLER] is recognized in opposition for 5 minutes.

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. MILLER of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me simply suggest, I know the gentleman from Illinois [Mr. PORTER] is probably trying to get a bite to eat just like I am going to be trying to get a bite to eat. I am sure that both of us would like to see additional funding for Pell grants. I think we have considerable concern about making the kind of reductions we would have to make in some of the worker protection agencies, for instance, in order to fund this.

Let me simply say it is my hope that the Senate is going to be adding some money to Pell grants, and if they do, I certainly will want to see funding added in conference. I thank the gentleman for raising the issue and thank him for being willing to withdraw the amendment and work with us to try to produce a better number in conference.

Mr. PORTER. Mr. Chairman, I would inquire who has the time.

The CHAIRMAN pro tempore. The gentleman from Illinois [Mr. PORTER] has the time at the moment in opposition to the amendment, and the gentleman from Indiana has 1 minute remaining.

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

Mr. Chairman, I simply want to respond to the gentleman and say that we have put Pell grants at a very high priority. We raised them to the highest level in history with the largest increase in history last year and are raising them again this year. I very much share the gentleman's concern about Pell grants, and we will work with him to see what we can work out in the final conference report and negotiations with the White House.

Mr. ROEMER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I thank the gentleman from Illinois. I certainly applaud President Clinton and Secretary Riley for what they are tying to do for higher education and higher education costs. I thank the gentleman from Illinois for his comments and certainly the gentleman from Wisconsin [Mr. OBEY] for his work on this amendment.

College tuition costs, Mr. Chairman, have doubled in the last 10 years. So we need to do more than increase this to $2,500, even though it is the highest level ever. It should be at $4,300, not $2,500. So I would encourage the members of this Committee on Appropriations in the conference committee to put as much of that $1.3 billion as possible back into the Pell grant program so that we do not see the dropout rate that we are seeing noted in the AP stories and on the front page of the USA Today.

Mr. Chairman, I think there is bipartisan agreement that Pell grants do need help, and I would hope that we would work together with the Secretary of Education, Mr. Riley, and Republicans and Democrats together to see this increased in the conference committee.

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

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

There was no objection.

AMENDMENT OFFERED BY MR. SOLOMON

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. SOLOMON: Page 87, after line 14, insert the following new section:

SEC. 515. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES. None of the funds made available in this Act may be used for any activity when it is made known to the Federal official having authority to obligate or expend such funds that the activity promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTION.—The limitation in subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance.

AMENDMENT AS MODIFIED OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent to substitute a

modified amendment which has been approved by the manager of the bill.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Amendment as modified, offered by Mr. SOLOMON:

Page 87, after line 14, insert the following new section:

SEC. 515. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES.—None of the funds made available in this Act may be used for any activity when it is made known to the Federal official having authority to obligate or expend such funds that the activity promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTION.—The limitation in subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that Federally-sponsored clinical trials are being conducted to determine therapeutic advantage.

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

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

There was no objection.

The CHAIRMAN pro tempore. The amendment is modified.

Pursuant to the order of the House of today, the gentleman from New York [Mr. SOLOMON] and a Member opposed, each will control 2½ minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

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

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

Mr. Chairman, what my amendment would do would be to say that none of the funds available under this bill could be used to promote the legalization of currently listed illegal drugs in this country.

Mr. Chairman, the Department of Health and Human Services recently reported that since 1992, marijuana use among young people has increased an average of 50 percent per year. Even more disturbing, since 1992, marijuana use jumped 137 percent among 12- and 13-year-olds, and even worse, 200 percent among 14- and 15-year-olds. Nearly 1.3 million more young people are smoking marijuana today than in 1992.

Without laws that make drug use illegal, experts estimate that three times as many Americans will use illegal drugs, and we know that an increase in drug abuse leads to an increase in violence and domestic abuse.

Mr. Chairman, I would hope that my amendment would be accepted. It is terribly important for the young people of this Nation.

Mr. Chairman, President Clinton recently asserted that drug use has dropped over the past 3 years. This is simply not true.

The truth is that during the Reagan-Bush years, drug use dropped from 24 million in 1979 to 11 million in 1992. Unfortunately, those hard fought gains have been wasted. Under president Clinton's watch this trend has been reversed and drug use is again on the rise.

I think Americans need to ask themselves during this Presidential election year, ''Is my child better off today than he was 4 years ago?''

In fact, Mr. Chairman, the Department of Health and Human Services recently reported that since 1992, marijuana use among young people has increased an average of 50 percent per year. Even more disturbing, since 1992 marijuana use jumped 137 percent among 12–13 year olds and 200 percent among 14–15 year olds. Nearly 1.3 million more young people are smoking marijuana today than in 1992.

Without laws that make drug use illegal, experts estimate that three times as many Americans will use illicit drugs. And we know that an increase in drug abuse leads to an increase in violence and domestic abuse.

It is for these troubling reasons that I am offering this amendment today. My amendment is simple—none of the funds available under this bill can be used to promote the legalization of drugs.

However, my amendment would still allow the study and research of substances in Schedule I for medical purposes. If it was discovered that there was significant medical evidence that the drug is an effective and safe medical treatment then nothing in this amendment would preclude anyone from bringing the drug to market.

In a speech last year entitled ''Why the U.S. Will Never Legalize Drugs,'' our Nation's drug czar, Lee Brown called drug legalization the moral equivalent of genocide.

Legalizing addictive, mind altering drugs is an invitation to disaster for communities that are already under siege. Making drugs more readily available would only propel more individuals into a life of crime and violence.

In fact, current statistics show that nearly half of all men arrested for homicide and assault test positive for illegal drugs at the time of arrest.

According to the Partnership for a Drug Free America, 1 out of every 10 babies in the United States is born addicted to drugs. Infants and children living with drug-addicted parents are at the highest risk of abandonment or abuse. A study in Boston found that substance abuse was a factor in 89 percent of all abuse cases involving infants.

Listen to the words of Joseph Califano, former Secretary of Health, Education and Welfare and the current president of the National Center on Addiction and Substance Abuse at Columbia University. ''Drugs are not dangerous because they are illegal; they are illegal because they are dangerous. Not all children who use illegal drugs will become addicts, but all children, particularly the poorest, are vulnerable to abuse and addiction. Russian roulette is not a game anyone should play. Legalizing drugs is not only playing Russian roulette with our children. It's slipping a couple of extra bullets in the chamber.''

This amendment simply reaffirms our government's policy that Schedule I drugs should not be legalized.

Those members who support the legalization of drugs should not support this amendment. But those members that want to show the people of this country that we are committed to providing a better future for our children and grandchildren—please vote ''yes.''

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

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

Mr. PORTER. Mr. Chairman, we think it is a good amendment and accept it.

Mr. SOLOMON. I thank the gentleman.

Mr. OBEY. Mr. Chairman, I claim the 2½ minutes in opposition.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. OBEY] is recognized for 2½ minutes.

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

Mr. Chairman, I take the time to simply make the statement that I do not intend to oppose the gentleman's amendment, but I am still concerned. I do not want to put any impediment in the way of persons who are dying of painful diseases and who can find some relief from pain from the use of marijuana in a medically prescribed way.

I reserve the right in conference to make certain that we are not, from the floor of the House where everybody is healthy and comfortable, causing problems for people who are sick or are in pain.

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

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

Mr. SOLOMON. Mr. Chairman, I would tell the gentleman that I have done extensive research on this matter. The American Medical Association supports this amendment because they feel it in no way would hinder the treatment of patients with cancer, which I have had a lot of that in my own personal life and family. So I assure the gentleman we do not intend to do that.

Mr. OBEY. Mr. Chairman, with that understanding, I withdraw my objection and would accept the amendment.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from New York [Mr. SOLOMON].

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. SOLOMON

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. SOLOMON: Page 87, after line 14, insert the following new sections:

SEC. 515. (a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—None of the funds made available in this Act may be provided by contract or by grant (including a grant of funds to be available for student aid) to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the institution (or any subelement thereof) has a policy or practice.

(regardless of when implemented) that prohibits, or in effect prevents—

(1) the maintaining, establishing, or operation of a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of title 10, United States Code, and other applicable Federal laws) at the institution or subelement); or

(2) a student at the institution (or subelement) from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

(b) EXCEPTION.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 516. (a) DENIAL OF FUNDS FOR PREVENTING FEDERAL MILITARY RECRUITING ON CAMPUS.—None of the funds made available in this Act may be provided by contract or grant (including a grant of funds to be available for student aid) to any institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the institution (or any subelement thereof) has a policy or practice (regardless of when implemented) that prohibits, or in effect prevents—

(1) entry to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of Federal military recruiting; or

(2) access to the following information pertaining to students (who are 17 years of age or older) for purposes of Federal military recruiting: student names, addresses, telephone listings, dates and places of birth, levels of education, degrees received, prior military experience; and the most recent previous educational institutions enrolled in by the students

(b) EXCEPTION.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 517. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from New York [Mr. SOLOMON] and a Member opposed each will control 2½ minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

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

Mr. Chairman, the amendment I am offering with the gentleman from California [Mr. POMBO] has passed the House several times, most recently on the VA–HUD appropriation bill.

Mr. Chairman, in many places across the country, military recruiters are being denied access to educational facilities, preventing recruiters from explaining the benefits of an honorable career in our Armed Forces to our young people. Likewise, ROTC units have been kicked off several campuses around the country.

What my amendment would intend to do would be to prohibit any of these funds from going to contractors or colleges or universities that do not allow military recruiters on campus to offer these honorable careers in our military or where they have a policy of banning Reserve Officer Training Corps organizations on their campus I would hope that the Members would once again unanimously approve this amendment.

Mr. Chairman, this amendment today would simply prevent any funds appropriated in this act from going to institutions of higher learning which prevent military recruiting on their campus or have an anti-ROTC policy.

Mr. Chairman, institutions that are receiving Federal taxpayer money just cannot be able to then turn their back on the young people who defend this country.

It is really a matter of simple fairness, and that is why this amendment has always received such strong bipartisan support and become law for Defense Department funds.

Mr. Chairman, recruiting is the key to our all-volunteer military forces, which have been such a spectacular success.

Recruiters have been able to enlist such promising volunteers for our Armed Forces by going into high schools and colleges and informing young people of the increased opportunities that a military tour or career can provide.

That is why we need this amendment.

A third part of the amendment would also deny contracts or grants to institutions that are not in compliance with the law that they submit an annual report on veterans hiring practices to the Department of Labor.

In the same vein, this is simple common sense and fairness to the people who defend our country, Mr. Chairman.

All we are doing here is asking for compliance with existing law.

I urge a ''yes'' vote on the amendment.

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

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

Mr. PORTER. Mr. Chairman, we believe this is also a good amendment and would accept it.

Mr. SOLOMON. I thank the gentleman.

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

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

The amendment was agreed to.

□ 1945

AMENDMENT OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. . (a) Limitation on Use of Funds for Agreements for Department of Drugs.—None of the funds made available in this Act may be used by the Secretary of Health and Human Services to enter into—

(1) an agreement on the conveyance or licensing of a patent for a drug, or another exclusive right to a drug;

(2) an agreement on the use of information derived from animal tests or human clinical trials conducted by the Department of Health and Human Services on a drug, including an agreement under which such information is provided by the Department of Health and Human Services to another on an exclusive basis; or

(3) a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) pertaining to a drug.

(b) EXCEPTIONS.—Subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend the funds involved that—

(1) the sale of the drug involved is subject to a reasonable price agreement; or

(2) a reasonable price agreement regarding the sale of such drug is not required by the public interest.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Vermont [Mr. SANDERS] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

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

Mr. Chairman, as many Members know, the U.S. taxpayer is the single largest supporter of biomedical research in the world, spending $33 billion in 1994 alone for biomedical and related health research. Unfortunately, our taxpayers are unwittingly being forced to pay twice for drugs because this Congress is deeply beholden to the very profitable giant drug companies.

Members heard it right, our constituents are not getting a fair return on the investment of their hard-earned money, paying twice for pharmaceutical breakthroughs, first as taxpayers and second as consumers. This harms consumers, and it is a form of corporate welfare to many of the world's largest corporations.

The bottom line of this amendment is that when taxpayers spend billions and billions of dollars in developing a new drug, the taxpayer as a consumer should get a break and we should not be giving all of this research over to the private industry who then sells the product to our consumers at outrageous profits.

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

Mr. SANDERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say on this side of the aisle I will be willing to accept the gentleman's amendment. I think it is a good public interest amendment.

Mr. PORTER. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

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

Mr. Chairman, the gentleman is repeating his amendment that was defeated last year on a 141–284 vote. It relates to the reasonable pricing clause that was in effect for NIH cooperative research and development agreements, CRADA's, and license agreements until April 1995.

This provision was originally put in place in response to public concern about the pricing of the AIDS drug AZT, even though AZT had not been developed through a CRADA or exclusive license. It was controversial from the start, and NIH decided to conduct an extensive review of the policy. They held public hearings, consulted with scientists, patient and consumer advocates, and representatives of academia and industry.

The director of NIH, Dr. Varmus, concluded after this review that, and I quote. ''The pricing clause has driven industry away from potentially beneficial scientific collaborations with Public Health Service scientists without providing an offsetting benefit to the public.''

The review also indicated that NIH research was adversely affected by an inability of NIH scientists to obtain compounds from industry for basic research purposes. No other Federal agency has a reasonable pricing clause. No law or regulation expressly requires or permits NIH to enforce such a provision. No comparable provision exists for NIH extramural grantees like universities to impose price controls on the licensees of products they develop with NIH funds.

Contrary to the impression some may have, the principal function of NIH research is not to develop drugs. NIH supports the basic research that is the foundation for the applied research that the drug companies do. NIH focuses on research that is critical for eventual application, but which is not specific enough to meet the profitability test that private industry requires.

The drug companies focus their research on bringing products to market and their investment is considerable. In 1994, the industry supported almost $14 billion in health research and development, which is more than half the entire U.S. public and private investment.

While it is appealing to think that reimposing the reasonable pricing clause may lower health care costs and benefits to consumers, we must face the possibility that it will drive drug companies out of their collaborative ventures with NIH and ultimately deny patients access to important lifesaving drugs.

I doubt that anyone in this Chamber has a detailed understanding of the impact of this complex issue. I would like to rely on Dr. Varmus' judgment in this matter and the decision of the Clinton administration. I might add, I would hope that Congress does not try to intervene, and for these reasons I must strongly oppose the amendment.

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

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, I rise in support of the Sanders amendment. Consider the case of levamisole. Eleven million dollars in N.I.H. research lead to the discovery that this drug to prevent worms in sheep could also prevent some 7,000 cancer deaths each year. No pharmaceutical company paid for this research, the American taxpayer did. But, what happened when a pharmaceutical company entered the picture? A drug that costs 6 cents a dose for sheep skyrocketed to $6 a dose for colon cancer patients.

A few years ago, the television program ''Primetime Live'' highlighted the problem of levamisole costs in the State of Florida. In Florida, some people were so desperate for levamisole they turned to the black market, where sheep pills are ground up into human-sized doses.

Asked about that price differential between the sheep and human products, the pharmaceutical executives simply said, ''A sheep farmer probably would not pay $6 a pill,'' but, ''someone dying of cancer that pays $1,200 for a treatment regimen, whose life is saved, is getting one of the most cost-effective treatments they can ever get.''

Well, I resent paying for the development of a drug and then paying 100 times what a sheep farmer pays for it.

This is an outrageous abuse of public funds. Let's make sure we get our money's worth on our investment. Support the Sanders amendment.

Mr. PORTER. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 2 minutes remaining, and the gentleman from Vermont [Mr. SANDERS] has 2½ minutes remaining.

Mr. PORTER. I have the right to close, am I correct?

The CHAIRMAN. The gentleman is correct.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Sanders amendment to restore a reasonable pricing clause for drugs that are developed at taxpayer expense. Let me make it clear, this affects, this amendment only affects those drugs that are developed at taxpayers' expense. It does not affect any drugs that are developed solely by the private sector and by the pharmaceutical companies themselves.

Mr. Chairman, I am a strong supporter of taxpayer accountability. Taxpayers who fund this biomedical research to the tune of billions of dollars should not be forced to pay excessive prices for the drugs that they themselves have helped develop, but that is exactly what is happening.

Mr. Chairman, the drug companies are now free, after getting taxpayers' money to develop their product, to gouge those very same people 10, 20 times the cost of their own product. They charge that to the American people who are paying for their research. The American people end up paying twice.

Now, is that not nice? This is a corporate form of welfare, and it has got to stop. Drug companies are making fortunes off the backs of working people. If they developed the product themselves at their own expense, the Government should not step in. But we have continually said in this Congress that we want to cut down the expenses of Government, cut down welfare. This is welfare for the rich, for the corporations. The American people should not be insulted by being forced to pay for the research of a company who then turns around and gouges them for the price of the product that has been developed.

Mr. Chairman, I support the Sanders amendment.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman from Vermont for yielding me the time.

Mr. Chairman, this amendment is about simply fairness. It says that when taxpayers foot the bill for research, they should not have to pay again for it at the drug counter. We invest millions of dollars in pharmaceutical research. More than 40 percent of all U.S. health care research and development comes from the U.S. taxpayer.

This amendment, the Sanders amendment, says that drugs developed with taxpayer dollars cannot be sold back to the taxpayers at excessive prices. Without a reasonable pricing clause, the taxpayers pay to develop the drug, only to get their pockets picked when they go to the pharmacy.

In the 1990's, the drug industry was the Nation's most profitable, with an annual profit of 13.6 percent, more than triple the average of the Fortune 500 companies. So while the argument goes that they invest a great deal in R&D, there is plenty left over for them to give back to the taxpayer, and that is what this amendment calls for.

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

Mr. Chairman, in closing, I just want to repeat that we have already voted on this. It lost by a margin of better than two-to-one the last time it was voted on.

There are times when we simply have to trust the officials that we have chosen. The Clinton administration has chosen Dr. Varmus to head the NIH. He

has looked into this extensively. He believes very strongly that this amendment is ill-advised. He believes that it is counterproductive to achieving the purpose for which it is intended, and I would simply urge Members to listen to his professional and scientific judgment and to reject the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

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

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

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Vermont [Mr. SANDERS] will be postponed.

AMENDMENT OFFERED BY MR. CAMPBELL

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

The Clerk read as follows:

Amendment offered by Mr. CAMPBELL: Page 87, line 12, strike ''or'' and insert a semicolon.

Page 87, line 14, insert before the period the following:

; or public health assistance for immunizations with respect to immunizable diseases, testing and treatment for communicable diseases whether or not such symptoms are actually caused by a communicable disease

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California [Mr. CAMPBELL] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from California [Mr. CAMPBELL].

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

Mr. Chairman, it is my hope that this will not be a controversial amendment at all.

A bit of background. An amendment was added to the original bill by my colleague and friend from California [Mr. RIGGS] putting a restriction on the funding of any benefits where the Federal official in charge of distributing those benefits was aware that the recipient was an illegal alien, not legally present in the United States. To his own amendment, the gentleman from California [Mr. RIGGS] added an exception, the exception being where the kind of service was appropriate to a medical emergency.

But this language was not parallel with the language that is presently in conference in the immigration bill. That language covers not only medical emergencies but communicable diseases. I, therefore, went to the gentleman from California [Mr. RIGGS] and asked whether he would have any objection to making his language conform to the language in the immigration bill by the addition of the language in my amendment. He informed me it was agreeable, and it is my hope that the minority will also find it agreeable, and at the appropriate time I will yield to my colleague from Colorado who might have another request on this point.

This amendment would add an additional exception, to guarantee that medical service is provided for communicable diseases and those symptoms of conditions that may reflect communicable diseases, even if they do not actually reflect communicable diseases, because obviously the sick person, the individual who is ill would not know if the symptoms of which he or she complains were caused by a communicable condition or not.

So the entirety of the amendment adds to the exceptions such public health assistance for immunications with respect to immunizable diseases, and treatment for symptoms of communicable disease, whether or not such symptoms are actually caused by a communicable disease.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield.

Mr. CAMPBELL. I yield to the gentleman from Colorado.

□ 2000

MODIFICATION TO AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, I ask unanimous consent that the gentleman's amendment be modified by language that has been filed at the desk.

The CHAIRMAN. Does the gentleman from California [Mr. CAMPBELL] yield for the purpose of that request?

Mr. CAMPBELL. Mr. Chairman, I was attempting to accommodate the gentleman. If the Chair would instruct me as to the proper way to proceed, I would do so.

The CHAIRMAN. The Chair is trying to ascertain whether or not the gentleman has yielded to the gentleman from Colorado for the purpose of allowing a modification.

Mr. CAMPBELL. I did indeed. That is a correct statement, Mr. Chairman.

The CHAIRMAN. The clerk will report the modification.

Mr. SKAGGS. Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

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

Mr. RIGGS. Mr. Chairman, reserving the right to object, I do so for the simple reason that I have not had a chance to confer with the gentleman from Colorado or see his language.

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

Mr. RIGGS. Further reserving the right to object, I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I would be pleased to explain it to the gentleman. Through understandable and good faith inadvertence, this particular item was not dealt with in the catalog of pending items. It has, I think, agreement on the part of both sides, having to do with really requiring a report on an MSHA matter. I do not believe there is any controversy. I appreciate the gentleman's forbearance.

Mr. RIGGS. Mr. Chairman, further reserving the right to object, I am reliably informed that the gentleman's unanimous-consent request is not really germane to the issue which concerns me, which is the language that I inserted in the bill.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of gentleman from Colorado [Mr. SKAGGS] to dispense with the reading of the modification?

There was no objection.

The CHAIRMAN. Is there objection to the modification of the amendment offered by the gentleman from Colorado [Mr. SKAGGS]?

There was no objection.

The CHAIRMAN. The modification is agreed to.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. SKAGGS; At the end of the amendment, add the following:

SEC. . The Mine Safety and Health Administration shall not close or relocate any safety and health technology center until after submitting to the Committee on Appropriations of the House of Representatives a detailed analysis of the cost savings anticipated from such action and the effects of such action on the provision of services, including timely on-site assistance during mine emergencies.

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

Mr. RIGGS. Mr. Chairman, I believe that the amendment offered by my good friend, the gentleman from California [Mr. CAMPBELL], is an important amendment. It does have the effect of perfecting or refining the language that I incorporated into the committee bill during the full committee markup.

My amendment in the full committee was intended, as the gentleman knows, to codify and strengthen current law by prohibiting the use of any funds provided under this legislation to provide any illegal alien with any direct benefit under the jurisdiction of the Departments of Labor, Health and Human Services, and Education, with the exception of emergency medical services or those services and benefits mandated by the Federal courts that the States provide to illegal aliens.

Mr. Chairman, I want to mention that my amendment was intended to mirror language in California's Proposition 187, which was a statewide ballot initiative, and it ultimately became a referendum in our State.

Mr. CAMPBELL. Mr. Chairman, I have no time left to reserve; is that correct?

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

Does any Member claim the time in opposition to the amendment?

Mr. TORRES. Mr. Chairman, I am opposed to the Campbell amendment.

The CHAIRMAN. The gentleman from California [Mr. TORRES] is recognized for 5 minutes.

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

Mr. Chairman, I rise in reluctant support of the amendment offered by my esteemed colleague from California.

While he is trying to temper the language Mr. RIGGS included in the bill to restrict Federal benefits to undocumented individuals, we need more than tempering, we need to defer to the committees with jurisdiction.

Let me reiterate what I said in committee—

We ought to let these difficult and complex issues be sorted out by the committees in charge of immigration law, rather than as part of the appropriations process.

The amendment offered by Mr. CAMPBELL provides an exception for only one of many programs that are provided under this bill. It does not provide for an exception for compensatory education for the disadvantaged, special education, worker safety programs, substance abuse and mental health services, child welfare services, family support and preservation programs and many others.

In committee, I tried to strike the restrictive language that Mr. RIGGS offered in subcommittee—in this effort I was seeking to permit the authorizers to do their work. To my dismay, my amendment lost by a close vote, 23 to 24.

Mr. Chairman, we have an immigration bill awaiting conference that addresses these very concerns. Both the House and Senate bills would eliminate the eligibility of unlawful immigrants to all Federal programs funded in whole or in part by Federal, State, or local government funds, with certain exceptions.

I am extremely wary of the application of the language in section 514. It is not known how it would affect the expenditure of funds by State and local entities nor how it would affect the ability of non-profits and churches to use their own funds to assist ineligible immigrants in affected programs.

I am also wary of the likely increase in discrimination against Hispanics and Asians. The unfortunate result may be that some eligibility workers act out their prejudices by denying services to those they think are here unlawfully, because of appearance, accent or other characteristics.

By applying willy-nilly the restriction of Federal funds to children, to the elderly and to the poor, the results are much more complex than saving a few dollars.

Let me tell you why:

No. 1, in most cases it is already illegal to provide Federal benefits to undocumented individuals.

No. 2, in the case where the courts mandate the provision of Federal benefits, will we restrict benefits that may be associated with that program? Take the case of education, will this bill restrict the provision of Head Start or assistance in raising math and science education levels or vocational education?

The bill, in effect, would permit these children to go to school, but not enjoy any of the tools to get an education.

Let me conclude my remarks regarding this provision by reading from a letter sent to members of the Appropriations Committee from Education Secretary Riley:

> I am writing you concerning Section 514 of the 1997 Labor-HHS-Education Appropriations bill. This provision, which was added during subcommittee consideration, is extremely vague and its intent and likely impact are both highly unclear. As you know, the Administration is strongly opposed to any provision that might be read to jeopardize any child's right to full participation in public elementary and secondary education, including preschool programs.

I ask my colleagues to remember that we have a bill that addresses this very issue. Ultimately, the Riggs language is pure political folly—for the purpose of playing to the chorus of immigrant bashers.

Mr. Chairman, I urge my colleagues take into consideration the underlying intent of this Riggs language which Mr. CAMPBELL has tried to modify, when they vote on the Campbell amendment.

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

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

Mr. CAMPBELL. Mr. Chairman, I appreciate the gentleman yielding.

I believe that the amendment that I offered to the language of the gentleman from California [Mr. RIGGS] improves the bill language and that I am expanding the exceptions.

The CHAIRMAN. All time has expired.

The question is on the amendment, as modified, offered by the gentleman from California [Mr. CAMPBELL].

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment, number 14.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. SANDERS: At the end of the bill, insert after the last section (preceding the short title) the following new section:
>
> SEC. . None of the funds made available in this Act may be used to make any payment to any health plan when it is made known to the Federal official having authority to obligate or expend such funds that such health plan prevents or limits a health care provider's communications (other than trade secrets or knowing misrepresentations) to—
>
> (1) a current, former, or prospective patient, or a guardian or legal representative of such patient;
>
> (2) any employee or representative of any Federal or State authority with responsibility for regulating the health plan; or
>
> (3) any employee or representative of the insurer offering the health plan.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Vermont [Mr. SANDERS] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

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

Mr. Chairman, I intend to withdraw this amendment, and I believe I will be entering into a colloquy with the majority leader in a moment, but before I do that I want to talk about what this amendment is about and why we offered it.

This amendment touches on an issue that is of growing consequence to tens of millions of Americans as this country moves from traditional health care to HMO's and to managed care. What this amendment deals with is the need to break the gag rules that are being imposed by insurance companies and HMO's on our physicians and how they relate to their patients.

It seems to me pretty clear that if a doctor-patient relationship means anything, that when we walk into the doctor's office we want to know that our physician is being honest with us, is telling us all of the options that are available to us. We do not want to see that our physicians cannot tell us an option because an HMO or an insurance company might think that that option is too expensive and that that insurance company has told the doctor not to convey that option to us. That is not what the doctor-patient relationship is supposed to be about.

That is what my amendment deals with, specifically with Medicare and Medicaid. The fact of the matter is there is a bill moving past the House, gaining widespread support, offered by the gentleman from Iowa [Mr. GANSKE] and the gentleman from Massachusetts [Mr. MARKEY], which addresses this issue and makes it broader. It goes beyond Medicare and Medicaid, dealing with all health care providers, and I strongly support that bill.

Mr. Chairman, I yield 1 minute and 15 seconds to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise in support of this amendment that would free Medicaid and Medicare patients from the gag rules imposed on many health care professionals and their patients.

As a cosponsor of the Ganske-Markey-Nadler legislation and the author of the Health Care Consumer Protection Act that would place many more restrictions on HMO's, I am keenly aware of the dangerous effect that can result from efforts to cut costs by HMO's at the expense of patient care.

In many cases health care professionals are told they may not give patients a full assessment of their health

care needs; they may not tell the patient the full truth about available treatment options because it could cut the profit margin for the HMO if the patient actually gets the treatment he or she needs. Under these gag rules doctors are often compelled to lie to their patients. Patients are prevented from receiving a true assessment of their medical needs. This is nothing short of immoral.

Health care providers should not be barred from providing health care. Patients seeking medical treatment have a right to an honest assessment of their needs and of available treatment options. Patients seeking medical treatment have a right to an honest assessment of their needs.

Mr. Chairman, I urge my colleagues to join me in supporting this amendment that would lift the gag rule at least for Medicare and Medicaid recipients.

Mr. PORTER. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

Mr. PORTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. ARMEY], the majority leader.

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

Mr. Chairman, I understand the gentleman from Vermont [Mr. SANDERS] intends to withdraw the amendment after he and I discuss a few points.

I wonder if I might, Mr. Chairman, address the gentleman by pointing out that a majority leader will seek to bring a similar bill, H.R. 2976, before the House under suspension of the rules pending minority approval.

□ 2015

I understand the gentleman's concern that the bill be moved quickly enough to allow action by both Houses before the end of the session, and the majority leader will seek to accomplish that.

Let me just add, I know we have talked about this statement before, but if the gentleman would bear with me, let me just add, as we have discussed, of course, the majority leader will act in all good faith and intention to accomplish precisely what I have said. But as the gentleman understands, that will be done in full consideration of the rights of any committee of jurisdiction to which jurisdiction has been assigned. And I pledge to the gentleman my cooperation and my support and my encouragement in this effort at each juncture along the line.

Mr. SANDERS. Mr. Chairman, I thank the majority leader very much for his comments, and I ask unanimous consent to withdraw my amendment.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

AMENDMENT NO. 5 OFFERED BY MRS. LOWEY

Mrs. LOWEY. 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 Mrs. LOWEY: Page 85, line 14, strike ''(a)''.

Page 85, line 15, strike the dash and all that follows through ''(1)'' on line 16.

Page 85, line 17, strike ''; or'' and all that follows through page 86, line 4, and insert a period.

Mr. CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from New York [Mrs. LOWEY] and a Member opposed will each be recognized for 15 minutes.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY].

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

Mr. Chairman, I rise today to offer an amendment with the gentlewoman from Connecticut [Mrs. JOHNSON] to strike the ban on early-stage embryo research contained in this bill. The ban will bar the Federal Government from pursuing lifesaving research.

Mr. Chairman, I yield 2½ minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise today in strong support of the Lowey amendment to lift the current ban on Federal funding for human embryo research. Lifting this ban would not allow the creation of human embryos solely for research purposes. Embryos would be donated by patients undergoing in vitro fertilization treatment, who would offer them after their treatment was successful.

These are pre-implantation embryos. We must keep in mind that this kind of research does not involve human embryos or fetuses developed in utero or aborted human fetal tissue.

Much like our current organ donor efforts, the donation of embryos can improve the health and well-being of millions of Americans—and even save lives. Human embryo research can enable hospitals to create tissue banks which would store tissue that could be used for bone marrow transplants, spinal cord injuries, and skin replacement for burn victims.

Medical research on human embryos also shows promise for the treatment and prevention of some forms of infertility, cancers, and genetic disorders. This research may also lead to a reduction in miscarriages and better contraceptive methods.

The National Institutes of Health and their human embryo research panel has recommended how to address the important moral and ethical issues raised by the use of human embryos in research. The panel developed guidelines to govern this kind of federally funded research. Their strict standards ensure that the promise of human benefit from embryo research in compelling enough to justify the research project.

Most importantly, whether or not we allow Federal funding and regulation of pre-implantation embryo research, this research will continue to be done in the private sector, but without the consistent ethical and scientific scrutiny that the Federal Government and NIH can provide.

I know that our differences on this issue come from deeply held religious and philosophical views. And those views, everyone's views, need to be respected. But the potential therapeutic and scientific benefit this research holds must be taken into account and the value of Federal protocols governing this research is also important as we move forward. Please support the Lowey amendment to allow this vital research to continue.

The CHAIRMAN. Is there a Member who claims the time in opposition?

Mr. DICKEY. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. DICKEY] for 15 minutes.

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

Mr. Chairman, this is not a bill about research or science; it is an attack on the sanctity of life. It is an attack on the moral conscience of our Nation. The current law, as signed by the President, passed in this House and the Senate, provides that there shall be no Federal money given for the creation or the experimentation of a human embryo. That law has been the law since President Carter signed an executive order when he was President, and every President has done that since then.

This is distinguished from fetal tissues, which is a legitimate, though I have objections to it, a legitimate scientific effort. In that particular matter, fetal tissue research comes after an abortion, and we were told at that time that Parkinson's disease and diabetes was in the scope of what we were trying to do. Here we have no direct promise, no testimony, no science at all telling us that we might have anything to come from this.

Mr. Chairman, this is what Nazi Germany did during that time. No results. After 17 years of private research, there have been no results. There is still no prohibition against the private research, and it can still go on.

We might hear in this discussion that there is a spare-embryo circumstance. There are no spare embryos when these are lives. We cannot allow Federal funds to be used to terminate lives, for the creation or the experimentation which is a lethal experimentation because it is eliminating lives is not acceptable.

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

Mrs. LOWEY. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, just to respond to my dear friend, the gentleman from Arkansas [Mr. DICKEY], I find it very offensive to compare this debate to the activity in Nazi Germany. In fact, perhaps the gentleman compares all the research that is being done at the National Institutes of Health to Nazi Germany.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. PORTER], chairman of the subcommittee.

Mr. PORTER. Mr. Chairman, this is a very, very sensitive subject obviously; one that NIH has looked into very, very extensively.

Mr. Chairman, I listened to the testimony of Dr. Eric Wieschaus, who won the Nobel Prize last fall for his work with embryo development, and he testified in response to my question that he felt NIH should support human embryo research.

Dr. Varmus, the head of NIH, has made compelling arguments to support this research because of the potential advances it could generate in knowledge about fertility, miscarriage, and contraception. It could also lead to breakthroughs in the use of embryonic stem cells, which have great promise in transplantation for treatment of diseases such as leukemia, spinal cord injury, immune deficiencies, and blood disorders.

Mr. Chairman, the creation of spare embryos is a necessary and inevitable part of in vitro fertilization and it seems to me, at the very bottom line, that given the potentials for addressing and overcoming and preventing human disease, their use in research gives meaning to their existence which would otherwise simply not exist. They would be discarded in the normal course of events.

Mr. Chairman, this would give meaning to their existence; would help in biomedical breakthroughs; and I think the amendment of the gentlewoman from New York for that reason deserves support, and I urge Members to support it.

Mr. DICKEY. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. WICKER], cosponsor of this bill.

Mr. WICKER. Mr. Chairman, I thank the gentleman from Arkansas for yielding time, and I rise in opposition to the Lowey amendment and in support of the language adopted by the Committee on Appropriations and reported to this floor by a bipartisan vote.

The language that is in the legislation right now, Mr. Chairman, is current law. It was adopted last year by the House of Representatives. It was passed by the Senate. It was signed by President Clinton. We have no threat of a veto if we keep this current language in the bill.

Let me try to frame this issue further by saying what this issue is not about. This issue has nothing to do with the so-called woman's right to choose. It has nothing to do with that aspect of the abortion debate. It has nothing to do with fetal tissue research. That is a separate issue entirely.

This issue also has nothing to do with making anything illegal. The language that is in the committee bill would not make anything illegal. It would permit private research which is ongoing to continue. Private embryo research is legal now, and it would continue to be legal.

Further, the language that is in the bill now would not do anything to the present status of in vitro fertilization or the private research that is going on in that regard.

What the Lowey amendment would do, however, is cause our Government to embark into an area of research which we have never, never before been willing to do as a government. As the chairman of the subcommittee stated, this is a very sensitive issue. It is also a very important issue for millions of Americans. As a matter of fact, 76 percent of Americans oppose funding for the type of research that the Lowey amendment would sanction. This goes to the very profound questions of human life and to very sensitive questions of bioethics.

Proponents of the Lowey amendment say there is a distinction between spare embryos and embryos created for research purposes. But the leading experts say there is no distinction. Let me quote Dr. Robert Jansen of the National Health and Medical Research Council. He says,

> It is a fallacy to distinguish between surplus embryos and specially created embryos in terms of embryo research. The reason I say this is that any intelligent administrator of an in vitro program can, by minor changes in his ordinary clinical way of doing things, change the number of embryos that are fertilized.

Mr. Chairman, this amendment would begin this Government down a very slippery slope. The Federal Government has never funded this research. Let us leave it to the private sector, and let us respond to the 76 percent of Americans who say do not use tax dollars to fund embryo research.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. WAXMAN].

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

Mr. WAXMAN. Mr. Chairman, I rise in support of the Lowey amendment which would strike the bans on this research that could lead to lifesaving results. Early-stage embryo research is vital as it has the potential to address treatment and prevention of infertility, people who want children, want to bring in life into this world.

It could lead to cures for childhood cancer and genetic disorders such as cystic fibrosis, muscular dystrophy, mental retardation and Tay-Sachs. It could lead to the reduction, if not the elimination, of miscarriages.

Why should the Government not conduct this research? The reason the Government should conduct the research is that they have these embryos that are otherwise going to be discarded.

Mr. Chairman, I think it is important to understand this is very important research. The National Institutes of Health, through the universities and other research centers throughout the country, is the leading premier research activity in this Nation. We should not stop the research that could lead to these important breakthroughs.

What this amendment does not involve: It does not involve genetic engineering. It does not involve the sale or creation of embryos.

☐ 2030

It does not involve the examination or use of human embryos developing inside the woman. Rather, the embryos to be used in this research are to be donated by couples who have undergone various medical treatments, including in vitro fertilization that helped them conceive.

After the medical procedures are complete, these embryos are otherwise just going to be discarded. In other words, the embryos used in this type of research would be less than 14 days old. The amendment would not permit the creation of embryos solely for research purposes.

I support the amendment.

I rise today in support of Congresswoman LOWEY's amendment, which would strike the ban on early-stage-embryo research. Essentially, this amendment would permit life saving research on embryos, which would otherwise be discarded.

Early-stage-embryo research is vital, as it has the potential to address the treatment and prevention of infertility, childhood cancer, and genetic disorders, such as cystic fibrosis, muscular dystrophy, mental retardation, and Tay-Sachs disease. It may help lead to the reduction and prevention of miscarriages. Furthermore, early-stage-embryo research could help us learn more about what causes birth defects and ultimately teach us how to prevent them. And, it could also improve the success of bone marrow transplants, repair spinal cord injuries, and help develop improved methods of contraception.

However, also important, is what this amendment does not involve. It does not involve genetic engineering; it does not involve the sale or creation of embryos; and it does not involve the examination or use of human embryos developing inside the woman.

Rather, the embryos to be used in this research would be donated by couples, who have undergone various medical treatments, including in vitro fertilization, that help them conceive. After the medical procedures are complete, these embryos are usually discarded.

In other words, the embryos used in this type of research would be less than fourteen days old. They would consist only of a few cells with no developed organs and no sense of feeling. This amendment would not permit the creation of embryos solely for the purposes of medical research. Instead, it would allow this crucial research to be performed on already existing embryos that would ultimately be discarded.

For all of these reasons, prohibiting early-stage embryo research will hold the health of millions of Americans hostage to anti-choice politics, and as a result would severely restrict the quality of our scientific and medical research. This amendment would greatly benefit people with cancer and leukemia, people who

are unable to have children, children with birth defects, people who suffer from or carry genetic diseases, and people with spinal cord injuries and nervous system disorders, and I urge my colleagues to vote in support of it.

Mr. DICKEY. Mr. Chairman, I yield 2 minutes and 30 second to the gentleman from New Jersey [Mr. SMITH].

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

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong opposition to the Lowey amendment which would appropriate taxpayer funds for harmful experimentation on and then the destruction of so-called test tube babies. The Lowey amendment reverses current law and guts the pro-life Dickey-Wicker amendment which the Committee on Appropriations wisely adopted and seeks to extend into fiscal year 1997.

I believe the gentleman from Arkansas [Mr. DICKEY] and the gentleman from Mississippi [Mr. WICKER] deserve high praise for their deep reverence for and sensitivity to human life. Their amendment to the Labor-HHS bill last year has prevented Federal funds from being used to turn test tube babies into human guinea pigs who are wanted and desired only for their research utility.

The Lowey amendment is yet another manifestation of an extremist pro-abortion mindset that regards human life at its most vulnerable stages as innately worthless, expendable and cheap. The Lowey amendment dehumanizes and trivializes the miracle of human life.

Mr. Chairman, like so many other ethical problems that Congress has been called upon to unravel in the last few years, this issue gained currency with the Clinton administration. The problem was this: There is no question that interesting information could be obtained by cutting up living human embryos to see what makes them tick. This is also true of unborn children at all stages of gestation, newborn babies, 3-year-olds and adults. Many things can also be learned from experiments on cadavers or on animals, but for some purposes there is just no substitute for cutting up living human beings.

If researchers could only be allowed to set aside certain individuals for these purposes, the rest of us might deserve some benefit, or so the argument goes. Yet somehow deep down all of us know that this is wrong. Even some supporters of abortion on demand generally recognize that an unborn child still has some value, some real value and this dehumanizes those children.

The illogic of the Lowey amendment is its tacit admission on the one hand that it is unethical and immoral to federally fund the creation of human embryos in a petri dish for the purposes of scientific experiments while at the same time declaring it ethical and worthy of Federal outlays to perform harmful experiments on and again then to destroy what is euphemistically called spare embryos.

If the private sector makes them, the Feds will take them, keep them alive. Let them develop, perform all kinds of harmful experiments on them and then destroy them. If federally funded researchers need more embryos on whom to perform ghastly experiments, no problem. The network of IVF clinics will produce them, and this commodity of human life will then be poured down the drain.

Mr. Chairman, I ask Members to vote against the Lowey amendment.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. WOOLSEY].

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

Ms. WOOLSEY. Mr. Chairman, in a few hours, we will be asked to vote on a bill which increases funding for the National Institutes of Health by 6.9 percent. That funding increase is certainly a step in the right direction.

But at the same time that this Congress is increasing funding of medical research, we are trying the hands of medical researchers.

Early stage human embryo research, Mr. Chairman, is one of the most promising methods of medical research currently at our disposal. It is ridiculous that Members of Congress, most of whom are not scientists, I might add, want to tie the hands of researchers at the National Institutes of Health. Who knows how best to do this job? They do. This is like telling the people at NASA, Mr. Chairman, to build the space station but forget about using computer technology in doing so.

The Lowey amendment simply will reverse the ban on human embryo research.

Mr. DICKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I rise in strong opposition to the Lowey amendment. I speak up not so much as a scientist who had done basic science research or a physician who has actually studied embryology but mainly as a concerned citizen. This is clearly a very controversial issue.

I think it is inappropriate to use taxpayers funds for this kind of a purpose, and it is a very dubious scientific benefit, contrary to some of the claims that have been made by the gentleman from California as well as others. I can even quote from people who were involved in studying this issue. Dr. Brigid Hogan, a scientific expert on the NIH Human Embryo Research Advisory Panel, said: ''We are not going to be curing anybody of these tumors by doing research. On the other hand, the basic biology is extremely interesting.''

That is what we are talking about funding here, a very controversial, ghastly subject according to many Americans, including myself, and it is just going to be very, very interesting. Furthermore, we have a quote from Daniel Callahan, president of the Hastings Center, which is an IVF institute. He said: The NIH advisory panel ''report notes that four countries already allow embryo research and that it has been going on for some years in private laboratories in this country. Yet not a single actual benefit derived so far from that research is cited to back the claims of great potential benefits from having even more of it.''

We are not outlawing this research. We are saying we are not going to use Federal dollars for that purpose.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN], a member of the committee.

Mr. DURBIN. Mr. Chairman, one of the miracles of our generation is in vitro fertilization. A husband and wife unable to have a child through this discovery are able to join together the sperm and the egg in a glass dish and create an embryo that is implanted in the would-be mother that leads to a beautiful child. Can there be anything more wondrous than this in the time that we live in?

What the gentlewoman from New York [Mrs. LOWEY] is suggesting is that during this process in this same dish more than one embryo is created. There they are as small as a period, the little dot pinhead. What the gentleman from Arkansas wants to do is to prohibit the doctors from even looking at these embryos, these spare embryos created to see if there is some problem that might lead to a miscarriage. For them, that is an exploitation of life. For me, it is ridiculous to reach these extremes. These are wanted children, husbands and wives trying their best to bring loving children into this world. To prohibit all research on this embryo is going way beyond what is necessary. I support the Lowey amendment.

Mr. DICKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri [Mr. VOLKMER].

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

Mr. VOLKMER. Mr. Chairman, I rise in strong opposition to the Lowey amendment, which would require taxpayers' money to be used for research on live human embryos. I ask all Members to vote against it. This language does not, the language in the bill does not stop research on human life embryos. It does stop taxpayers' money from using it.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FAZIO], a member of the committee.

Mr. FAZIO of California. Mr. Chairman, I rise in support of this amendment to strike the Dickey-Wicker amendment from this bill.

It is clear that the Members who have offered it and have placed it in the bill are not opposed to in vitro fertilization or at least that has been their statement. They seem to be not opposed to research when it is done at Sloan Kettering or private research facilities, only when the National Institutes of Health, the primary research

institution in this country is involved. I find this very hard to understand.

These embryos come from those who would want to have a child. It for them is a pro-life effort. They want, through in vitro fertilization, to create life. And as part of that process, they willingly volunteer to allow embryos that would otherwise be discarded or deteriorate to be used in research to help solve some of the most fundamental health care crises that impact American lives, families, individuals, people we all know and love.

These are people who simply want to be part of a solution to these health care crises. We ought to allow them to be part of it. We ought not to ban the NIH from involvement.

Mr. Chairman, I rise in strong support for the amendment offered by the gentlewoman from New York [Mrs. LOWEY]. The Lowey amendment would strike the ban on early-stage embryo research that is currently in the underlying bill.

If this ban remains in place, the Labor-HHS appropriations bill will bar the Federal Government from pursuing life saving research.

The research currently banned by this bill could lead to important medical advancements in the fight against miscarriages, birth defects, infertility, cancer and genetic disease, leukemia, spinal cord injuries, immune deficiencies, and blood disorders.

Such life-giving research is supported by the American Medical Association, the American Academy of Pediatrics, the American Association of Cancer Research, and the Association of American Medical Colleges, to name but a few.

The Lowey amendment simply allows research on embryos that would otherwise be discarded or allowed to naturally deteriorate. The embryos used for research are originally created by couples attempting to have a child through in vitro fertilization and other medical procedures.

These embryos are generally discarded once the procedures are completed, however, the couple can give its permission for the embryos to be used in research.

These embryos are less than 14 days old. They consist of just a few cells, and have not yet developed internal organs or a spinal cord.

It should be also noted that early-stage embryo research does not include cloning, genetic engineering, or the use of aborted fetal tissue.

Earlier this year, the President announced that use of Federal funds to create embryos solely for research purposes would be prohibited. In light of this Executive order and stringent NIH guidelines, we can be assured that this research will be conducted with appropriate safeguards and the highest levels of integrity.

This ban shuts the door on important biomedical research which has benefited millions of Americans who suffer from painful and costly diseases.

I urge my colleagues to support the Lowey amendment.

Mr. DICKEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise today in strong opposition to the Lowey amendment. This amendment was rejected when it was offered in the full Appropriations Committee and I want to urge my colleagues to reject it today.

The supporters of this amendment claim that this funding will be used only to do experiments on ''spare'' embryos that would be discarded anyway.

We, as a Congress, have already addressed this question. In 1985, Congress was made aware of abuses in some NIH research programs. These programs were conducting risky experiments on unborn children who were scheduled for abortions. At that time we wisely enacted a law insisting that federally funded research should treat these children the same as children intended for live birth. This law protects human embryos in the womb at every stage and is still in effect today. There is no reason that it should not be extended to protect human embryonic children outside the womb.

Where will these spare embryos come from? The majority will come from women involved in infertility programs.

What about the personal health risk for women who are involved in fertility programs? Women are given drugs to help them superovulate. This allows the doctors to harvest multiple eggs for fertilizing, freezing, and then implantation in the woman.

The drugs used for this process have many serious side effects for a woman, including a heightened risk of malignant ovarian cancer. How would the government be able to know whether or not a clinic was deliberately risking a womans health in order to produce additional embryos for research?

Supporters of this amendment will also argue that we need this research in order to find cures for cancer and other deadly diseases. It is interesting to note that over 17 years of privately funded research of this type have produced no significant results, only the suggestion that if there were Government funds available could there possibly be a breakthrough.

Even a member of NIH's Human Embryo Research Panel admitted that ''we're not going to be curing anybody of these tumors by doing research. But on the other hand, the basic biology is extremely interesting.'' I hardly think that Federal funds should be used for highly controversial research just so that some scientist without a conscience can be kept interested.

I was recently made aware of a letter from Dr. Robert White, who is a professor and director of neurological surgery at Case Western Reserve University which happens to be one of the premier medical schools in this country. He was given the opportunity to appear before the Human Embryo Research Panel that is responsible for making recommendations about research in this area. Dr. White noted that all of the research recommended by this panel could be just as easily conducted on embryos of lower animal species such as monkeys and chimpanzees. Dr. White also expressed his deep concern that there were only one or two individuals with any real scientific training or experience in the area of human embryo research on this panel. Only two people on a panel that is going to decide the moral appropriateness of this research?

Research that will affect the lives of millions of Americans.

How do Americans feel about this type of research? A poll taken by the Tarrance Group revealed that 74 percent of Americans were opposed and that men and women were equally opposed to this type of research.

If we pass this amendment we will be saying as a Congress that we are not interested in funding programs that help create, protect, or enhance human life but we'll give you money to experiment on young life and then destroy it. I urge my colleagues to vote ''no'' on this amendment. It is the right and morally responsible vote.

Mrs. LOWEY. Mr. Chairman, I yield myself 20 seconds to read the list of groups that support this amendment: The American Medical Association, the American Medical Women's Association, the American Pediatric Society, the American Psychological Society, the American Society of Human Genetics, the American Society for Reproductive Medicine, the Association of Academic Level Centers, the Association of American Medical Colleges, the Association of American Universities, and on and on and on.

Mr. Chairman, I am very honored to yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentlewoman from New York for yielding me time, and I proudly rise in support of her amendment.

Let us talk a little bit about this. When you do in vitro fertilization, let us face it, you are not going to have any embryos unless the people are willing to consent to give up the egg and the sperm. There is no way a doctor can capture those from someone and steal them from them and they walk down the street. So you have two willing people involved here.

Second, you have a dish of embryos and you cannot implant all of them in the uterus because the threat of multiple birth would crowd out each other. So then what you have is some embryos that are going to be discarded or might be used for research, if and only if the consenting adults agree.

I cannot imagine what is controversial about that. I think that is the most pro-life position of all, pro-quality of life. I think it is very, very important we stand firm and not yield to the flat Earth caucus on this issue.

□ 2045

Mr. DICKEY. Mr. Chairman, I yield a minute and a half to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I rise in opposition to this amendment. I understand this is a complex issue, but after 17 years of research not one person in this body can stand up and tell me one positive medical outcome that has come from this research. There is none in the scientific literature, there is none projected. We hear: could, might, may. The fact is there is no proof, there is no scientific study at this time of any quantifiable benefit.

It was mentioned earlier that some people just oppose the Government. I oppose all people researching this effort. And I would take just a moment for us to look at what happened on AIDS testing of newborn babies and the very group of ethicists that our Government used to say it is fine to test a newborn baby, identify that it has HIV, and then never tell the mother or the child that it is infected. Those are the kind of ethicists that are telling us that it is OK.

Mr. Chairman, this is not OK. This is destroying and disrupting various great precious quality of life. I am opposed to it, the Government being involved in it; I am opposed to it, private sector being involved in it. We dare not tread. We have had 17 years to prove that we have no benefit.

It is extremely interesting, I agree, Mr. Chairman, but it is also extremely wrong.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to my distinguished colleague the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank my colleague for yielding me the time and again for her leadership in bringing this amendment to the floor.

Please let us not have this body turn into the Flat Earth Society. Just when science sees a new horizon in research, a new era of discovery, this amendment wants us to stop and turn back.

Let me say that I agree with our colleagues who say that we should not be involved in the creation of embryos for research. I completely agree with my colleagues on that score. But when embryos are created for in vitro fertilization and there is an opportunity to do research on the excess created there for that purpose, to produce a child, then we must, I think, take advantage of the opportunity presented to us.

Early-stage embryos research can lead to important medical advances and prevention of loss of pregnancy, of infertility and diagnosis and treatment of genetic disease and prevention of birth defects and in treatment of childhood and other cancers as we study how cells multiply.

I urge our colleagues to support the Lowey amendment and to support the advances in science as we approach a new century.

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

The CHAIRMAN. The gentleman from Arkansas has 3 minutes remaining.

Mr. DICKEY. Mr. Chairman, I think this is going to be for 30 seconds.

The names of the people who are in opposition to this amendment or the names of the organizations:

The Family Research Council, the Christian Coalition, the National Right to Life, the Eagle Forum, the American Life League, the National Conference of Catholic Bishops. Mrs. LOWEY's amendment, if adopted, would have taxpayers funding for legal experimentation, abortions and bizarre experiments.

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

Mrs. LOWEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from New York is recognized for 2 minutes and 55 seconds.

Mrs. LOWEY. Mr. Chairman, many of us have lost friends and family members to breast cancer, muscular dystrophy, leukemia, and so many other diseases. We have shared their pain, we have shared their heartache.

I want to make it very clear: We are not talking about creating embryos.

Many of us have friends and families who have been through a procedure of in vitro fertilization with the hopes of having a beautiful child. We are talking about embryos, cells, four live cells no larger than a pin. These cells have been created as part of the process of couples wanting to have a child. These couples then have to make a decision as to whether they discard these embryos or whether they want to give some other family the hope of life.

That is what this is all about, allowing these embryos, these cells to be used to save another life.

I just received a call today from a family hoping that perhaps this will be the answer. I heard from my colleagues, my distinguished colleagues, that there has been no research that has been successful. I have lost many family members to breast cancer. Mr. Chairman, we have spent millions and billions on trying to solve that problem.

Do we say, well, we have not solved the problem, so we just give up?

Yes, we have made important advances, and I am hoping that perhaps there will be a great breakthrough in other illness because of this research.

When we look at the list, almost every medical association; I just received a letter today from 15 medical and educational organizations that support this amendment. I am not a physician. But when 15 medical and educational organizations support this amendment, this Congress is going to tell these physicians, the National Institutes of Health, that they cannot use this procedure to perhaps bring life to people who have no hope?

What this Lowey-Johnson amendment does is simply allow research on embryos that would otherwise be discarded or allowed to naturally deteriorate. And remember, the embryos used in this research are less than 14 days old. Embryos at this stage consist of a few cells, have not developed organs or a spinal cord. The cells are the size of a dot, as I mentioned.

President Clinton again has made it very clear that early-stage embryo research may be permitted but that the use of Federal funds to create embryos solely for research purposes would be prohibited.

We can all be assured that the research at the National Institutes of Health will be conducted with the highest level of integrity. No embryos will be created for research purposes, and I ask my colleagues to support this amendment to support life.

Mr. DICKEY. Mr. Chairman, I would like to inquire as to how much time we have to close.

The CHAIRMAN. The gentleman from Arkansas has 2½ minutes remaining.

Mr. DICKEY. Mr. Chairman, I yield that time to the most distinguished gentleman from Illinois [Mr. HYDE], the most credible voice on this subject that we have in the House of Representatives.

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

Mr. HYDE. Mr. Chairman, I thank my dear friend from Arkansas, Mr. DICKEY, for those extravagant words.

The gentlewoman, my good friend from California, Ms. PELOSI, talks about the Flat Earth Society. That is interesting because the science is on our side. As I recall, there are two medical doctors, M.D.'s, on our side. I have not seen any M.D.'s or even Ph.D.'s, although there may be a hidden Ph.D. over there in English literature or something, but the science is from our side.

Now, we are not talking about creating the embryos. We understand that. It is the using of the embryos. It is treating living human entities as things. That is the big distinction. The abortion culture, the in vitro experimentation culture, the embryo research, all of these things have one thing in common, and, colleagues, strangely, and this may sound wierd, in common with Marxism, and do my colleagues know what it is? Denying instrinsic worth or value to a human being. That is the common thread between the abortion culture which denies intrinsic value to somebody, and they, because of the size, because it is tiny, it is microscopic, it is created in a petri dish, it is therefore something to be used for experimentation.

I mean I am not denying the good motives and the need to push back the borders of research, although strangely enough in 20 years very little has been accomplished in this sort of research. But the problem is our colleagues are talking about living human beings, albeit tiny and microscopic, but size surely does not make a difference, and whether my colleagues respect the dignity in the innate, inherent, intrinsic dignity or whether it is a thing to be used, that is what we are talking about, and that is the common thread through all of this.

Mr. Chairman, we assert there is value, intrinsic value, in that tiny little premicroscopic embryo that has been fertilized, and our colleagues are saying, yes, but let us use it and experiment for a greater cause.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I would be anxious to know if the distinguished

gentleman does support in vitro fertilization.

Mr. HYDE. Not really, not really. No, I do not.

The CHAIRMAN. All time for debate on this amendment has expired.

Mrs. LOWEY. Mr. Chairman, may I ask unanimous consent for an additional 2 minutes?

The CHAIRMAN. The request would have to be even-handed on both sides of the question.

Ms. PELOSI. It is so we could yield to the gentleman from Illinois [Mr. HYDE].

The CHAIRMAN. The time has been established and equally divided by the full House for these amendments, and while time can be extended by unanimous consent, it has to be allocated to both sides of the argument.

All time has expired, and the Chair is prepared to put the question.

The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

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

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentlewoman from New York [Mrs. LOWEY] will be postponed.

AMENDMENT OFFERED BY MR. BUNNING

Mr. BUNNING of Kentucky. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BUNNING of Kentucky: Page 87, after line 14, insert the following new section:

SEC. 515. (a) LIMITATION ON TRANSFERS FROM MEDICARE TRUST FUNDS.—None of the funds made available in this Act under the heading ''Title II—Department of Health and Human Services—Health Care Financing Administration—Program Management'' for transfer from the Federal Hospital Insurance Trust Fund or the Federal Supplementary Medical Insurance Trust Fund may be used for expenditures for official time for employees of the Department of Health and Human Services pursuant to section 7131 of title 5, United States Code, or for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title.

(b) LIMITATION ON TRANSFERS FROM OASDI TRUST FUNDS.—None of the funds made available in this Act under the heading ''Title IV—Related Agencies—Social Security Administration—Limitation on Administrative Expenses'' for transfer from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund may be used for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, or for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kentucky [Mr. BUNNING] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. BUNNING].

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

My amendment is a very simple and straightforward amendment. It restricts the use of Social Security and Medicare trust fund money to pay for union activity at the Social Security Administration. I am offering this amendment because I chair the Social Security Subcommittee and I take my oversight duties of the Social Security Administration and the trust funds very seriously.

Social Security affects almost every man, woman and child in this country, and its integrity cannot be compromised. A year ago I requested a GAO audit of the use of trust fund moneys for union activity, and while we knew that the trust funds were helping pay for these activities, the GAO audit revealed the extent to which the costs were dramatically increasing. Currently about $8.1 million of trust fund moneys are used to pay people who work at SSA, not serving the taxpayer and beneficiaries, but doing full-time union work.

□ 2100

That might not sound like a great deal of money to some, but taxpayer-financed spending for union activity at SSA has doubled in the last 3 years. Let me say that again. Trust fund spending on union activity at SSA has jumped from $4 million in 1993 to $8 million in 1995, a 100 percent increase.

In addition to this huge jump in spending, the number of SSA employees who work full time on union activities increased 83 percent in 3 short years. In 1993, 80 SSA employees worked full time on union activities. By 1995, this number had escalated to 146 SSA employees working full time on union activities.

These employee salaries, health benefits, and pensions come from money set aside for the Social Security benefits of our elderly and disabled citizens. These 146 SSA employees devote 100 percent of their time to union work. This means that Americans are paying their Social Security taxes for meetings on such issues as office furniture, office space allocation, and who gets a bonus at the end of the year. This is not how Social Security trust funds should be used. I am certain seniors and taxpayers around this country would agree.

I ask my colleagues to join me in supporting this amendment, and assuring our citizens that the Social Security trust funds are used for their intended purposes: the retirement and the well-being of our disabled and senior citizens in this country.

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

The CHAIRMAN. Is there a Member who wishes to be recognized in opposition to the amendment?

AMENDMENT OFFERED BY MR. HOYER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BUNNING OF KENTUCKY

The CHAIRMAN. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment Offered by Mr. HOYER as a substitute for the Amendment Offered by Mr. BUNNING of Kentucky: Page 87, after line 14, insert the following new section:

SEC. 515. (a) LIMITATION ON TRANSFERS FROM MEDICARE TRUST FUNDS.—None of the funds made available in this Act under the heading ''Title II—Department of Health and Human Services—Health Care Financing Administration—Program Management'' for transfer from the Federal Hospital Insurance Trust Fund or the Federal Supplementary Medical Insurance Trust Fund may be used for expenditures for official time for employees of the Department of Health and Human Services pursuant to section 7131 of title 5, United States Code, or for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title.

(b) LIMITATION ON TRANSFERS FROM OASDI TRUST FUNDS.—None of the funds made available in this Act under the heading ''Title IV—Related Agencies—Social Security Administration—Limitation on Administrative Expenses'' for transfer from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund may be used for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, or for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title.

(c) PROTECTION OF EMPLOYEE REPRESENTATIVE.—Nothing in this section shall be construed to—

(1) deny the right of Federal employees to organize or be fully represented by their unions, or

(2) prohibit the Commissioner of Social Security or the Secretary of Health and Human Services from requesting employees of the Social Security Administration or the Department of Health and Human Services to represent other employees on task forces to improve customer service, promote health and safety of agency employees and customers, or streamline or otherwise provide for the smooth functioning of such Administration or Department.

The CHAIRMAN. The amendment offered as a substitute for the amendment is not separately debatable. The time to debate the substitute will come out of the allocation of time on either side, so the gentleman may discuss the substitute under his time in opposition to the amendment offered by the gentleman from Kentucky [Mr. BUNNING].

Mr. HOYER. Mr. Chairman, I would ask, that means that we have 10 minutes on both the substitute and on the amendment?

The CHAIRMAN. The gentleman is correct. The gentleman from Maryland [Mr. HOYER] has 10 minutes on both the Bunning amendment and the amendment offered as a substitute, and the gentleman from Kentucky [Mr. BUNNING] has 10 minutes remaining on both.

Mr. HOYER. He has such time remaining as he did not consume?

The CHAIRMAN. The gentleman is correct.

Mr. HOYER. I thank the chairman for the clarification.

Mr. Chairman, I yield myself 2¼ minutes.

Mr. Chairman, I rise to offer this substitute. I want to say that this substitute does not derogate the comments in any way that the gentleman from Kentucky made. His point was that we ought not to be spending trust fund money on organizing activities or representational activities. In this substitute, we adopt the very same language offered by the gentleman from Kentucky in our sections A and B.

When I say ''we,'' I offer this amendment on behalf of the gentleman from Indiana, Mr. JACOBS, ranking member of the Subcommittee on Social Security of the Committee on Ways and Means, the gentlewoman from Maryland, Mrs. MORELLA, and the gentlemen from Virginia, Mr. MORAN, and Mr. DAVIS.

In the third paragraph of our substitute, Mr. Chairman, all we do is clarify that the preclusion of expending money for representational purposes out of the trust fund does not mean that we are precluding representation. That is the key of our substitute. I would hope there would be no Member opposed, frankly, to our substitute, because the purpose of the amendment is simply to say that Social Security trust funds or Medicare trust funds will not be used.

We are adopting that premise, and we include the gentleman's language.

Under the Civil Service Reform Act of 1978, Federal employees can be granted official time to perform activities that are in the joint interest of the union and the agency.

I ask my colleagues, particularly on the Republican side of the aisle, to understand what I just said. The Federal law in 1978 provides, because, I would suggest, it is consistent with the gentleman's premise under the TEAM Act passed by this House, passed by the Senate, ready to go to the President, and therefore I think our substitute does not undermine it, not only undermine it, does not touch the intention of the gentleman from Kentucky to say no trust funds, but also does not undermine the ability of employees to be represented and to negotiate with their agencies.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, most Americans are familiar with May 7, tax liberation day. We labor all the year up until May 7 to pay our income taxes. A date they may not be familiar with is July 3, government freedom day. We labor the rest of May and all of June to pay for Government regulations and interest on the national debt, so it was just July 3 that Americans began working for themselves, instead of Government.

Last night on NBC News, most Americans, I am sure, were startled to find out that those taxpayers' dollars were going to pay for people who do no Government work whatsoever; that in fact, full-time, paid for by taxpayers' dollars, they do union work and union organizing.

To add injury to insult, we found out on the program that they are paid out of trust fund moneys, not just Social Security trust fund money, but Medicare trust fund money, that same trust fund President Clinton's trustees said is now going bankrupt in the year 2000 instead of 2001. While Clinton's trustees were painting more red ink, out of that trust fund were people being paid who did no work for the taxpayers, full-time for the unions.

I would tell the gentleman that his amendment is still unacceptable because, as I read his amendment, after it says that none of the funds can be used, he says nothing in this section shall be construed to deny the right or prohibit the commissioner from carrying out those self-same activities. He believes he has found a safe harbor by saying the trust fund money perhaps will not be touched. But it is the taxpayers' money not being spent for its intended purposes that I think is the fundamental problem.

Last night, Lisa Myers held up a fax that had been sent to one of these union workers from the gentleman from Missouri, DICK GEPHARDT, and the House Democratic leadership, and said, ''I thought you said politics was supposed to stay out of this. Is this right?'' Ruth Pierce, the Social Security Administrator, looked Lisa Myers in the eye and said, ''I will yield to Congress what is a right law and what is a wrong law, but it's the law.''

I will tell the Members, it is the wrong law. This is the chance to change it. Reject the substitute, go with the amendment offered by the gentleman from Kentucky [Mr. BUNNING]. No trust fund moneys, indeed no taxpayer moneys, ought to go for this kind of private sector inurement at the expense of that hard-working taxpayer who spends half the year paying for a program and for a government, and he does not even get to have any employees work for him at all.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. JACOBS], ranking member of the subcommittee on Social Security.

Mr. JACOBS. Mr. Chairman, I listened with interest to the comments of the gentleman from California [Mr. THOMAS]. I direct his attention to the exact language of the substitute. In my opinion, it does not say anyplace that any taxpayers' money can be used, whether it is trust fund money or whether it is general revenues, either. All it says is that the Commissioner shall not be prohibited ''from requesting employees of the Social Security Administration or the Department of Health and Human Services to represent other employees on task forces to improve customer service, promote health and safety of agency employees and customers, or streamline or otherwise provide smooth functioning of such Administration or Department.''

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

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

Mr. THOMAS. Mr. Chairman, if we look at No. 1, it says ''deny the right of Federal employees to organize or be fully represented * * *.'' Can the gentleman assure me that fully represented does not mean a full-time person paid for by taxpayers?

Mr. JACOBS. I give the gentleman my solemn assurance it does not mean that.

Mr. THOMAS. But in fact, it can be interpreted that way. I know and understand and love the gentleman from Indiana, but his assurance does not guarantee that it is not taxpayers' dollars.

Mr. JACOBS. Mr. Chairman, I think it does if we all agree in legislative history. It does not say they can use any taxpayers' money. It simply says that the gentleman from Kentucky is not proposing that the unions be outlawed if they collect their own dues and pay for their own representation. That is the only intent of it. That is what it says.

Mr. THOMAS. If the gentleman will continue to yield, very briefly, it is not the intent of this gentleman from California to deny legitimate union activities. Our concern is, paid for by taxpayers's dollars. These phrases do not preclude it. That is the problem.

Mr. JACOBS. That is my concern, too. If we want to do a little comity here, if we want to do what all of us say we want to do, namely, prohibit the use of public funds to pay the union people to do union work, if that is our purpose, and that is my purpose, to prohibit the use of any taxpayers' money, trust fund or otherwise, to pay union representatives or union officials to do work on the taxpayers' money, then that is what the substitute intends to do, accepts that fully. It simply wants to clarify that nothing in this should be interpreted to mean that the union itself must disband and not represent the people with their own money.

Mr. THOMAS. If the gentleman will continue to yield, would the author of the substitute agree with the gentleman that no taxpayer funds are intended to be used for union activity on the job site?

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

Mr. JACOBS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I would say in answer that I do not believe that any money that is inconsistent with the law will be spent. I do not know the answer that the gentleman from Indiana [Mr. JACOBS] gave. But he knows more about it than I do.

Mr. THOMAS. If the gentleman will yield further. The gentleman does his profession well with that response, because I do not know what that means. It means it may or may not.

Mr. JACOBS. Nothing shall deny the right of Federal employees to organize or be fully represented by their unions, I repeat. That is all. That is all it deals with here. It does not say they can get a nickel from the taxpayers to do that. That is not the intent of it.

But on these task force things like the Japanese method, which Mr. Demming gave to our people and our people turned down and he went over and gave to them, where the workers come in and say they could probably save a little money if you tilt those Venetian blinds and not blind the people all afternoon, that kind of thing, that is the whole purpose of this. We accept the proposal of the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING of Kentucky. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

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

Mr. PORTER. Mr. Chairman, I rise in support of the budget amendment and in opposition to the substitute.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield 1 minute to the gentleman from Texas, Mr. SAM JOHNSON, a member of the subcommittee.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I am glad the gentleman approves of the budget amendment, because that is what is good. When the GAO discovered this breach of faith, I was outraged. It was my understanding all trust fund monies were dedicated for seniors and future recipients who worked their entire lives paying for the system.

It was President Clinton who, as a payoff to the unions for political support, made union employees equal partners with association managers, and stated that Social Security Administration managers could not correct or question the actions of union employees.

What is worse is that while unions take money from the trust fund, they also continue to collect $4.3 million for themselves in union dues, and we have no idea where that money is spent. One more time. The unions collect millions in dues, and still continue to take money away from the trust fund to do work that has nothing to do with providing benefits to our seniors.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Chairman, this amendment offered by Chairman BUNNING is nothing more than a classic example of traditional Republican union bashing, and a backdoor assault on President Clinton's executive order to improve labor/management relations through the use of Partnerships.

Every Member of this Congress is concerned about preserving and strengthening the Social Security Trust Fund. We all want to ensure that monies in the Trust Fund are being used to provide benefits and services to seniors in the most efficient and cost effective means possible.

And efficiency and cost effectiveness is exactly what the ''union activities'' at Social Security are set out to achieve.

Efficiency at the Social Security Administration goes to the heart of the way in which individual cases are handled. As the Social Security Administration is being downsized, and as systems are being redesigned, the input of the Social Security employees—the caseworkers—is, and should be, an invaluable contribution to management decision making.

Management alone can not be expected to know everything about how work is done, or how it can best be done. Consultations with Social Security workers are key to creating the best systems possible. And these consultations are what we are talking about today when we discuss union activities.

The union activities at the Social Security Administration are far less mysterious than the Republicans want to make them appear. In fact, union activities at Social Security are very similar to those at many private companies, including General Motors, Ford, and Chrysler—companies where it is common practice for workers to be paid for official union time.

As a former mayor, I've been involved in many negotiations with unions over the years. I've learned that unions are rarely 100 percent accurate in their positions, and management alone seldom has all of the right answers.

The best solutions to common workplace problems are those that are crafted with input from both labor and management.

Union activities at Social Security, which make up—mind you—only three one-hundredths of 1 percent of the total administrative costs for the Social Security Administration, are geared at improving the way in which benefits are delivered to senior citizens and the disabled.

In full compliance with the law, union activities at Social Security are paid for by a combination of funds derived both by general revenue funds and the trust funds.

Mr. Chairman, in a time when we are all trying to make government smaller and more efficient—less bureaucratic and more like the private sector—it seems to me that we should encourage government agencies to use the same innovative management techniques and partnerships that have been embraced by successful companies like Saturn, Corning Glass, and Harley Davidson. It seems as if everyone except the Republicans in this House knows that old fashioned top-down management is a thing of the past.

We owe America's senior citizens the most efficient Social Security Administration possible. This amendment is nothing more than a politically motivated attempt to scare America's senior citizens, and I urge my colleagues to oppose it.

☐ 2115

In full compliance with the law, union activities at Social Security are paid for by a combination of funds derived both by general revenue and trust funds, and we are correcting that in our substitute.

I have been involved in union negotiations time and again, and unions are never 100 percent correct. And, something else, management is never 100 percent correct.

Social Security is in the midst of downsizing. Their systems are being redesigned. There is anxiety in the workplace. That is not unlike what is happening across the rest of America tonight.

The result of a healthy workplace where people have high morale is consultation. What we have here is a frontal assault on union activities, which we attempt to address in a reasonable substitute.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. LAUGHLIN].

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

Mr. LAUGHLIN. Mr. Chairman, with all due respect to the gentleman from Massachusetts, my good friend and classmate, he misses the point. This is not about union activity. This is about Social Security trust fund money paid by hardworking men and women who have paid tax money on their hardworking wages into the trust fund for their senior years.

As a member of the subcommittee, I sat through all the hearings, and not one time did I hear justification for using Social Security trust fund money for any of the activities that are being addressed here.

I sent out a letter last week informing my constituents that trust fund money was being used for union activity. In 3 days, I have gotten over 400 responses and not one response said, GREGG. I want you to keep allowing the money to be used for union activity.

Every contact was angry. They said, ''I'm appalled, I'm shocked that the money I paid into the trust fund is not going for my retirement or for disability. I'm appalled that it is going to union activity.''

Mr. Chairman, I urge support of the chairman's amendment.

Mr. HOYER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Maryland is recognized for 2¼ minutes.

Mr. HOYER. Mr. Chairman, my good friend the gentleman from Texas has just spoken very actively, strongly. Our substitute does exactly what he

wants done. It precludes, as does the gentleman's amendment from Kentucky, the expenditure of any funds from either the Social Security trust fund or the Medicare fund. What it does not do is say Employees, tough luck, get out of town. We're not going to let you organize, we're not going to let you follow the Federal law, which precludes, by the way, any official time being used to conduct internal union matters, organizing workers, soliciting members for conducting union elections or for any partisan political activities. That is precluded by Federal law right now.

What is not precluded is activity that is funded in the private sector, as the gentleman from Massachusetts indicated, but allows employees to represent their fellow employees and to work with management on official time to make their jobs better, more efficient and more productive.

The concern that has been raised, that is, of spending money out of the trust fund, is agreed to on this side by our substitute. What is not agreed to is the obvious underlying intent, and that is to undermine the workers' ability to have effective representation, period.

For that reason, I would ask Members on both sides of the aisle, particularly those who voted for the TEAM Act on the theory that management could include employees for the purpose of sitting down, discussing and negotiating working conditions and objectives and ways and means. That was the issue in the TEAM Act.

If you believed that, if it was not just a subterfuge to undermine the ability of workers to organize, then you ought to support this substitute, and I urge all the Members of the House to do so.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. COLLINS].

(Mr. COLLINS of Georgia asked and was given permission to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Kentucky.

Mr. Chairman, American workers are mandated to pay into the Social Security trust fund throughout their working lives. They do so with the understanding the Federal Government will responsibly manage those assets on providing Social Security benefits to retired and disabled Americans.

Mr. Chairman, under the new authority given to government unions by the current administration, the Social Security Administration spent 12.6 million taxpayer-dollars on union-related activities in 1995.

That's right Mr. Chairman, the Clinton administration spent $12.6 million, on expenses that had absolutely nothing to do with ensuring our Nation's retirees and disabled receive the benefits they have earned.

In addition, $12.6 million in 1995 represents a 100 percent increase over the $6 million the Social Security Administration spent on union activities in 1993.

Recently, the Commissioner of the Social Security Administration testified about the increases in trust fund assets that are spent on union activities.

Commissioner Chater could not provide the members of the subcommittee with any specifics about how the $12.6 million spent on union activities improved the processing or administration of Social Security benefit claims. Most alarmingly, she was unable to provide the committee with any detailed assurances that union-related expenditures will not continue to double in the next 2 years.

This amendment will bring a halt to the wasteful expenditure of Social Security funds and ensure that we are managing these vital assets responsibly.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. RIGGS].

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

Mr. RIGGS. Mr. Chairman, I rise in strong opposition to the Hoyer substitute and in strong support of the Bunning limitation amendment to prohibit the Social Security Administration from using payroll taxes to pay the salaries of full-time union representatives.

Mr. Chairman, I seek this time to bring to the attention of the chairman I perceive to be a very serious problem in the Social Security Administration. Reading the Washington Post the other day I happened across an article by James Glassman.

I was shocked and dismayed to discover that the Social Security Administration, responding to a 1993 Presidential Executive Order, which has increased the number of union representatives that work in Social Security offices around the country to 146. That is an increase of 66 employees. Calculate the 66 full time salaries, benefits and pensions, and you have a total extra cost of $12.6 million that American taxpayers are going to have to shoulder.

This blatant waste of Social Security Funds in inexcusable, given that the Social Security Trust Fund is approaching insolvency. It flies in the face of all of our efforts to downsize and reinvent government. Within the Social Security Administration, for example we have been successful eliminating direct cash benefits for drug addicts and alcoholics.

There is simply no excuse to significantly increase administrative costs in this manner. In fact, I question the motives of an Executive Order directing the additional employment of union representatives. It has always been my understanding that it is the responsibility of the unions themselves to ensure fair representation in the workplace. It is not the responsibility of the federal government. In fact, given the recent actions on the part of the unions, this smacks of campaign politics.

We as Appropriators and Members of Congress have a obligation to spend taxpayer dollars wisely and responsibly. I am very concerned that this action by the Social Security Administration is not altogether altruistic and completely contrary to our efforts to make our federal government less wasteful and more responsive to average Americans.

Mr. Chairman, I include for the RECORD the news item, I mentioned.

[From the Washington Post, June 25, 1996]

WHAT CAN GOVERNMENT DO?

(By James K. Glassman)

In a modern republic such as ours, politics frequently produces good policy—that is, it's a system that finds out people's desires and acts on them. But politics rarely produces good government—that is, it's a system that puts policies into place in a messy, inefficient, often counterproductive way.

''Look,'' says Peter Drucker, the great management guru, in a recent interview with the editor of Inc. magazine, ''no government in any major developed country really works anymore. The United States, the United Kingdom, Germany, France, Japan—none has a government the citizens respect or trust.''

The big problem, Drucker says, is that ''no one, as far as I can see, is yet asking the right question: What can government do?'' Not what should it do, but what can it do.

I've always been a ''should'' kind of guy—questioning whether government has the right to involve itself in the arts, agriculture, railroading, etc. But Drucker's ''can'' perspective is a brilliant way to look at the problem.

Consider Social Security. Yes, government should help poor people retire with dignity. But can it run an efficient retirement system for the entire nation? It's doubtful, given political pressures—for example, the need to please labor unions, which spend millions to help elect Democrats.

Here's a typical horror story: Using the payroll taxes of Americans, the Social Security Administration is paying the salaries of 146 full-time union representatives who work in Social Security offices around the country. The average annual salary of these taxpayer-paid union officials is $41,970. Ninety-four of them make at least $40,000, and one makes $81,000.

The General Accounting Office reported on this union activity recently, at the request of Rep. Jim Bunning (R–Ky.), a Ways and Means subcommittee chairman. Jane Ross of GAO said her office ''found that over 1,800 designated union representatives in SSA are authorized to spend time on union activities.'' Total time: more than 400,000 hours. Total costs to the taxpayers: $12.6 million.

What makes this episode so outrageous is that it's perfectly legal. After an executive order by President Clinton in 1993, full-time union reps at SSA jumped from 80 to 146, according to GAO. Total costs to the taxpayer doubled. Meanwhile, the Social Security trust fund is approaching insolvency.

The truth is that effectively running a retirement scheme for a nation of 260 million may not be something that a government is able to do.

By contrast, the private sector has learned, through trial and error and the pressures of the marketplace, to handle complex financial transactions—and give good service. For example, Fidelity Investments, with 20,000 employees, handles 20 million mutual-fund customers—marketing, buying and selling stocks, sending out regular statements. Fidelity's managers don't stand for election, so they don't have to pander to labor, or any other interest group, for votes. They're free, subject to market forces, to run their business.

It's no accident, either, that costs of government-run health care systems—Medicare and Medicaid—are rising so fast. The federal government—under political pressure from doctors, hospitals, seniors, governors and insurers—simply can't cut expenses and deliver good service the way that companies subject mainly to the pressures of the marketplace can. (For an even more horrifying example, look at the Veterans' Administration, with

its own 58-health-care institutions, providing jobs for constituents of nearly every member of Congress.)

The point is that politics can, with validity, produce a national health policy. But it should not be the force that shapes the management of that policy.

One solution to the problems of both Social Security and public health care is to get the government out of management entirely. Let it issue vouchers with which Americans themselves can purchase retirement plans or medical services from private firms. There should be oversight, but not a 65,000-employee bureaucracy.

On management issues, the Clinton administration gets credit for interest, but not for action. The president brags about eliminating government jobs. Yes, but of the 192,000 cut, 145,000 were in the Defense Department—a ''peace dividend'' brought about by the end of the Cold War. We can't really cut government jobs unless we cut government functions.

Drucker says that the United States doesn't have a government that ''citizens respect or trust,'' But as we've seen over the past year, citizens not only distrust government, they distrust politicians who say they will dismantle it. That's the paradox for Republicans.

But what citizens do know is that government today is out of control. So here's my suggestion to Bob Dole (or Bill Clinton): Announce right now that, if elected, you will freeze government in place. No more new programs, no additional spending on current programs, no increases in tax revenues.

A hard freeze of this sort would leave the deficit at about $140 billion, a safe number. Then, over the next four to eight years, we can debate what government should—and, more important, can—do.

For doubters, Dole can issue an ''Outrage of the Week'' report on excesses like the 146 union officials at Social Security or the $5 billion in fraud, which, according to a new study by Citizens Against Government Waste, afflicts the Food Stamp program.

But we can't bring government back under control with a single contract or a single election. As Drucker says, ''Government, rather than business . . . is going to be the most important area of entrepreneurship and innovation for the next 20 to 25 years.'' So let's freeze now, and get those entrepreneurs to work on solutions.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. CHRISTENSEN].

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

Mr. CHRISTENSEN. Mr. Chairman, I rise in strong support of the Bunning amendment and ask Members to reject the Hoyer amendment.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I want to thank the people in my district who work for the Social Security Administration who brought this to light, some very brave people who bucked the system, who bucked the union to say that seniors' money, Social Security trust fund money, should not pay for union representation on the job.

The fact is, union Members pay $4.3 million a year. Let us let the union use that to pay for people to represent them in the workplace. It is about balancing the budget, it is about being good stewards with our seniors' money. It is about doing the right thing. Please support the amendment. Please do not support the substitute.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Kentucky is recognized for 1¼ minutes.

Mr. BUNNING of Kentucky. Mr. Chairman, first of all, let me assure my good friend from Massachusetts and my good friend from Maryland that I was a union negotiator for 12 years, so I know something about unions. But they were in the private sector, and they were not supported with Social Security and Medicare trust fund money.

We know what our amendment does. We know that it requires the Social Security Administration to use Medicare and trust fund money only for the purpose for which it was collected from hard-working, tax-paying Americans. They pay FICA tax to the Treasury so it can be used for retirement and disability payments under Social Security.

About the Hoyer amendment, we are not sure. But I will tell the gentleman from Maryland, if he would like to sponsor appropriation bill to use taxpayer funding from general revenues for union activities at the Social Security Administration, an any other agency of the Federal Government, because I believe employees are entitled to be represented, I suggest that he do that as part of the appropriations process.

I urge support of the Bunning amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER] as a substitute for the amendment offered by the gentleman from Kentucky [Mr. BUNNING]

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

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

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Maryland [Mr. HOYER] as a substitute for the amendment offered by the gentleman from Kentucky [Mr. BUNNING] will be postponed.

AMENDMENT OFFERED BY MR. ISTOOK

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ISTOOK: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act, when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) any portion of such funds is knowingly being used by such entity to provide services after March 31, 1997, to a minor, other than a minor who—

(A) is emancipated under applicable State law;

(B) has the written consent of a custodial parent or legal guardian to receive such services; or

(C) has an order of a court of competent jurisdiction to receive such services, based on—

(i) the court's assumption of custody over the minor; or

(ii) actions of a custodial parent or legal guardian that present a continuing threat to the health and safety of the minor and precludes the obtaining of consent under subparagraph (B); and

(2) The State in which such services are provided has not, after the date of the enactment of this section, enacted a statute that excludes the minor seeking a title X service from the parental consent requirements as to that particular service.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oklahoma [Mr. ISTOOK] and a Member opposed will each control 15 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, this amendment concerns how we are spending $200 million a year of our Federal tax money, one-third of which goes to provide contraceptives, condoms, birth control pills, and related services to teenagers, to minors, with neither the knowledge nor the consent of their parents.

As a parent of 5 children, 3 of them teenage girls, Mr. Chairman, and public school students, I am well aware of the different times that parental consent is necessary for so many things. For example, this is a form from the Fairfax County, VA, public schools.

To go on a field trip, they have to have written consent from their parents. To get authorization for medication, even aspirin, to be administered to a minor in public school, in most cases you have to have a signed permission slip from the parent or the guardian. This is from the school that my children attend, again echoing that to have medication, even something as simple as aspirin given to a student, you cannot do it without the consent of their parents.

But, Mr. Chairman, under Federal law, it is something different. Under Federal law, Mr. Chairman, and this is from the Federal regulations, if they want to obtain services under the so-called title X, Family Planning Services, then if they want to, and they do, all the information is kept confidential only to that minor child. Their child is sexually active, may have a sexually transmitted disease, is at risk of pregnancy and all the complications that come from it with a child involved in that activity, and 1.3 million of them a year in this country are receiving federally funded assistance in bypassing their parents, isolating them from the

love, the counsel, the nurture, and the moral guidance of their parents under Federal law.

Mr. Chairman, I submit that is wrong. I submit that this country in caring about its children says we want them to have the guidance of their parents, and yet this is another part of the Federal law that specifies that regardless of their family income, this is supposed to be a low-income family program, if they want this confidentiality, then you disregard what mom and dad and anyone else in the household is making and so this child, by themselves, qualifies for this Federal program.

One-third of its services, one-third of the $200 million a year, is going to minors with neither the knowledge nor the consent of the parents.

Mr. Chairman, since this program has been underway, since 1970 when it began, we were told this is going to reduce teenage pregnancy, this is going to reduce out-of-wedlock births with teenagers, and they still try to manufacture some statistics trying to claim it. But, Mr. Chairman, their projections do not hold up.

There is only one set of statistics that is really kept on this. It is kept through the Centers for Disease Control, the U.S. Health and Human Services Department, and is shown on this graph from it, since this program went into effect. The number of out-of-wedlock births with teenage mothers in the United States has doubled, the rate of teenage out-of-wedlock births has doubled because the Federal Government is inviting them to go around the moral guidance of their parents on these most intimate and personal issues.

This amendment simply states we are not going to do it. We are going to require parental consent if this is to go on. Normally it is a matter of the States to decide. Fine. If the States decide otherwise, they can do it in their State, but they would have the say-so. I ask Members' support of the amendment.

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

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] claim the time in opposition to the amendment?

Mr. OBEY. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 15 minutes.

AMENDMENT OFFERED BY MR. OBEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ISTOOK

Mr. OBEY. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY as a substitute for the amendment offered by Mr. ISTOOK: In lieu of the matter proposed to be inserted, insert the following:

SEC. . None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless it is made know to the Federal official having authority to obligate or expend such funds that the applicant for the award certifies to the Secretary that it encourages family participation in the decision of the minor to seek family planning services.''

□ 2130

Mr. OBEY. Mr. Chairman, I ask unanimous consent that 8 minutes of my 15 minutes be given to the gentleman from Pennsylvania [Mr. GREENWOOD].

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

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GREENWOOD] will control 8 minutes, and the gentleman from Wisconsin [Mr. OBEY] will control 7 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

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

Mr. Chairman, this amendment is very simple. The Istook amendment would prohibit title X services to minors unless they have written parental consent or a court order acting as parental consent. The Obey-Greenwood-Lowey substitute would prohibit funds unless the entity encourages consultation with family members.

Mr. Chairman, I want to be very clear. I do not believe teenagers should engage in sex until they are married. That may make me old-fashioned but that is what I happen to believe. But I also recognize the world in which we all live. The United States has the highest rate of teen pregnancy of any industrialized country in the world.

This committee had an opportunity to fund the President's teen pregnancy prevention plan in this bill. It chose not to do so. Now, unless we are careful, we will make what services there are remaining to prevent teenage pregnancies even more difficult to obtain. When minors delay diagnosis and treatment, especially in cases of sexually transmitted diseases or HIV, their health, their future fertility and life can be put at risk. Kids ought to be encouraged to talk with their parents, but we also ought to be careful that, in the process of trying to encourage that, we do not increase health risk to the general public and that we do not in the process invite more abortions that are performed because of careless pregnancies.

That is what this amendment tries to do. It tries to establish a careful bipartisan balance between two justifiably strong moral concerns in this society.

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

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

Mr. Chairman, I would simply note that the amendment offered by the gentleman from Wisconsin [Mr. OBEY] only echoes existing law. It is already in section 1001 of the Public Health Service Act that there is supposed to be this very encouragement for family participation, which is totally undercut by the existing Federal law saying it is not required.

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

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the substitute amendment. This amendment, title X, already requires that providers encourage family participation in reproductive health decisions, and this amendment strengthens that mandate.

I agree that parental involvement should be encouraged, encouraged, not mandated. In fact, in order to encourage teens to seek necessary reproductive health services, virtually every State in the country has enacted legislation to permit minors to receive care for sexually transmitted diseases without parental consent. Many States have already put statutes on their books that allow minors to obtain birth control information governed carefully by State law. We should not override those statutes. States are closer to this problem than we are. Teenagers denied contraceptive services do indulge less responsibly.

Mr. ISTOOK. Mr. Chairman I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I only asked for 1 minute because I am pleased there are so many Members on our side that want to speak out on this.

I would like to begin the way the gentleman from Oklahoma [Mr. ISTOOK] did, talking proudly about his daughters. As a father and a grandfather of eight young ladies, I take this parental rights thing very seriously. But here is what we are neglecting on those who oppose the Istook amendment. With parents' rights, as with most rights, there are also responsibilities, and young people will sometimes follow peer pressure and the lines of least resistance.

What they are doing by going against the Istook amendment is taking away parental responsibilities, the responsibility of playing a role in the counseling and guidance of young people. We are talking about one-third of the people that have access to title X funds. That is about 1,300,000 teenagers that are covered here

States can opt out and keep in mind that the Istook amendment is reinforcing standing Federal Law. Parents' rights and parents' responsibilities, it is a winner with Americans across this country. Do not take away those responsibilities.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, last year an attempt was made to zero out the title X family planning program. That attempt failed here on the floor of the House. This year the gentleman from Oklahoma [Mr. ISTOOK] is offering

an amendment to limit access to these important services. This is not an issue of abortion. Let me emphasize that once again. And we are talking here about services for poor, young women. We are talking about a successful program that prevents 500,000 abortions from occurring in our country every year.

A study published by the Journal of Pediatrics found that 85 percent of teens would not seek care for sexually transmitted infections if parental consent or notice were required. I have a letter from the American Academy of Pediatrics, the American Academy of Family Physicians, and the American College of Obstetricians and Gynecologists opposing parental consent. They confirm that mandating parental consent will prevent teens from seeking contraceptive services, placing them at increased risk for sexually transmitted diseases and unintended pregnancies. It is a very, very poorly advised amendment.

AMERICAN ACADEMY OF FAMILY PHYSICIANS; AMERICAN ACADEMY OF PEDIATRICS; AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS,

JUNE 11, 1996.

Hon. JOHN EDWARD PORTER,

Chairman, House Appropriations Subcommittee, Labor, Health and Human Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN PORTER: As national organizations representing over 170,000 physicians dedicated to improving the health care of adolescents, we write to urge you to oppose any amendment offered to the FY97 Labor, Health and Human Services and Education Appropriations Act that would require parental notification or parental consent for services received by adolescents in clinics funded by Title X, the national family planning program. As physicians who care for adolescents, we always encourage family involvement in their health care. Our organizations have adopted principles stating that health professionals have an ethical obligation to provide the best possible care and counseling to respond to the needs of their adolescent patients. This obligation includes every reasonable effort to encourage the adolescent to involve parents, whose support can increase the potential for dealing with the adolescent's problem on a continual basis.

Most teens seeking services at Title X clinics are already sexually active. Mandating parental consent may prevent these teens from seeking contraceptive services, placing them at an increased risk for sexually transmitted diseases and unintended pregnancies. Studies indicate that one of the major causes of delay by adolescents in seeking contraception is fear of parental discovery. Parental consent or notification provisions would be counterproductive to the ongoing efforts of physicians and the Congress to prevent such cases among the nation's young people.

Under our federal system, the states determine whether or not parental consent is needed for the treatment of minors. While states require consent before a minor receives medical treatment, 23 states have recognized the special issues surrounding family planning services and have instituted exceptions explicitly allowing young women to obtain contraceptive services without parental consent. Congress should not override these states' authority in this area by adopting an amendment to require parental notification or consent in order for family planning clinics to receive Title X funding.

While we applaud the efforts of the Committee to ensure that parents are involved in minor's health care decisions, we believe that such involvement is best achieved by the efforts of physicians and their patients in a manner which respects the adolescent's right to confidential health care. Forced parental involvement, in our view, will have a negative impact on the physician-patient relationship, as well as have the unintended consequence of deterring adolescents from seeking important health care services. Accordingly, we urge you to oppose any amendments mandating parental notification or consent for Title X services in the FY97 Labor, Health and Human Services, and Education Appropriations Act.

Sincerely,

KENNETH L. EVANS, MD,
Chairman, Board of Directors, American Academy of Family Physicians.

MAURICE E. KEENAN, MD,
President, American Academy of Pediatrics.

RALPH W. HALE, MD,
Executive Director, American College of Obstetricians and Gynecologists.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I rise in support of the Istook amendment. As a grandmother of six young children, it amazes me that, while parents are called to give permission for everything, they could have their children go to school and come back with an intrauterine device implanted that could cause sterilization, infection and even in some cases loss of life.

The parent has been told when the child goes into emergency. The basic question is whether or not parents should be informed about very basic and fundamental questions concerning their son or daughter's well-being. In an age when kids are bombarded with sex and stimuli from the media and in the world that we would remove the parents from the equation until the issue is a crisis is not acceptable. We need parents to be parents, not government to be parents and until there is a crisis.

I think my colleagues need to start thinking about the statistics that we have faced. When we that were pro-abortion and pro-contraceptive started in the early 1970's with the title X's to decrease parental involvement and increase government involvement by giving kids help outside of the family, we started a trend that now has doubled out-of-wedlock births. It has not been successful. We know when you remove parents, it does not work. So what do we risk on allowing the States to put parents back into the equation? That is what we are asking here today, States rights. Put the parents back into the equation with the guidance of the States.

Mr. OBEY. Mr. Chairman, I yield 1 minute to one of the coauthors of the amendment, the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the Istook amendment that will require consent for minors receiving title X services and in strong support to the Obey-Greenwood-Lowey amendment to the amendment.

Let us make it very clear, when a teenager comes to a family planning clinic, the family planning clinic is not making them sexually active. I am the mother of three beautiful grown children, and I want to make it very, very clear that the medical and public health community overwhelmingly supports confidentiality for adolescents seeking family planning services

Let us debunk the myth, these kids are not coming to that clinic and suddenly becoming sexually active. In fact, what we are trying to do is provide these services for these youngsters who come to the clinic so that they can avoid spreading sexually transmitted diseases. I think it is important to note that the bill as it is now encourages family participation. That is exactly what we want to do, encourage family participation, not mandate it.

Mr. Chairman, I rise in opposition to the Istook amendment that will require parental consent for minors receiving title X services. In addition, I am proud to join Mr. OBEY and Mr. GREENWOOD as a sponsor of the amendment to the amendment. The Istook amendment will just lead to an increase in teen pregnancies and abortion, and in teens with STD's and HIV.

Last year, as you all remember, opponents of family planning attempted to eliminate the title X family planning program. Their efforts, thankfully, were rejected by this House and by the American public. However, they clearly did not learn anything from their defeat. This amendment is just one of several assaults against the title X program this year. Two earlier attempts to limit the program were defeated in committee 2 weeks ago.

Why would anyone try to limit a program that successfully prevents teen pregnancies and abortions? They do it because the Christian Coalition tells them to. A recent Christian Coalition legislative alert called this amendment one of ''the first steps to end the infamous Title X program!''

The Istook amendment will place the health of young American women at great risk. Approximately 1 million teens currently receive some medical services from title X clinics. This requirement will create a real barrier to these services for hundreds of thousands of teens.

Studies show that many teens—especially those who are abused or who fear an extreme reaction from their parents—will stop seeking medical services for STD's if forced to get their parent's consent. In addition, most teens will continue to have sex but just forgo contraceptives rather than seek parental consent. I do not believe that any of us think that those are acceptable results.

The title X statute already requires providers to encourage family participation in reproductive health services. The Obey amendment reflects the spirit of the current statute. In fact, the majority of young people already involve a

parent or other responsible adult when they seek family planning services. The Istook amendment will ultimately only cause those teens who do not want to tell their parents to forgo needed services.

I think that we need to debunk one myth right now. Parental consent laws do not keep teens from having sex. I support abstinence-based programs for teenagers, but the fact is that most teens are already sexually active when they first come to a title X clinic seeking family planning services. The Istook amendment will just keep those young people from getting the family planning services they need.

In addition, I would like to note that the medical and public health community overwhelmingly supports confidentiality for adolescents seeking family planning services. The American Academy of Family Physicians, the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists all oppose this amendment.

In conclusion, my colleagues, I urge you to defeat the Istook amendment. Barring teens from family planning services will only lead to horrible results—more teen pregnancy, more kids having kids, and more abortions. This amendment will just create thousands of unnecessary tragedies.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank my good friend and colleague for yielding me the time.

States' rights have been mentioned during this debate. I want to point out back in 1982, early in the Reagan administration, the Department of Health and Human Services proposed a regulation to require parental notification, not consent, notification for contraception and 39 States opposed that proposed regulation.

I have a lot of respect for the gentleman from Oklahoma and my other colleagues who have spoken on this, but my concern is that the Istook amendment would have a chilling effect, in fact, could be counterproductive to our main goal here, which is to reduce the number of unwanted abortions in American society by reducing the number of unwanted pregnancies.

So I have to urge support of the Obey-Greenwood amendment and urge the defeat of the Istook amendment.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. HOSTETTLER].

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

Mr. HOSTETTLER. Mr. Chairman, I rise tonight in strong support of the Istook amendment to require that minors obtain parental consent from a parent or legal guardian before they can receive services available under title X of the Public Service Health Act.

The fact is, Mr. Chairman, that this is a Federal program. We have heard a lot about States' rights tonight from some pretty unique sources with regard to States' rights. But the fact is, this is a Federal program. There are Federal taxpayer dollars used in order that teenagers can go around their parents and, under the cloak of secrecy, not allow information to be passed to their parents. The fact is that government should not be standing in the way of the parent-child relationship. The parent is the one that the child should be going to with regard to advice when it comes to these troubling times in their life, and I ask for strong support of the Istook amendment so that we can rebond the parent-child relationship.

Mr. Chairman, I rise in strong support of the Istook amendment to require that minors obtain parental consent from a parent or legal guardian before they can receive services available under title X of the Public Health Service Act. I am appalled that a teenager girl can walk into any clinic that receives funding under title X and receive contraceptives, treatment for a sexually transmitted disease, or counseling on how to avoid pregnancy without her parent's permission. Teenagers are children themselves—and as a father of three young children, with the fourth one on the way, I cannot begin to comprehend how I would feel if one of my children were receiving such services without my knowledge or consent.

By failing to require that parents give our consent to our children when they receive sexual advice, we are doing a huge disservice to parents and our children. Many people have voiced concern that if we require parental consent, teenagers may not get the necessary services to protect their health. Let me make this perfectly clear: this is not about health care. If this were really a health care issue, parental consent would be required before any of these services would be rendered to a minor. A teenager cannot receive a aspirin at school, have a physical exam, or even get their ears pierced without the consent of a parent or legal guardian. Yet we are willing to ignore these very appropriate requirements at the Federal level and write a muiltimillion dollar check for birth control and sexual advice for teenage boys and girls. This is simply and patently absurd. If we believe that teenagers are more and more estranged from their parents, this is clearly not the solution to bridging the generation gap. It is inappropriate for the Federal Government to do anything to infringe upon a parent's tie to their children. I urge you to support this amendment. The relationship between a child and the Federal Government should never take the place of a relationship between a parent and a child.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, if teenagers are denied confidential and affordable access to family planning services, they will be at a greater risk for sexually transmitted diseases, for unintended pregnancies and more likely to get an abortion. Many teenagers are not able to speak to their parents about these issues, and many parents do not act responsibly and will not give their consent. These factors should not be a barrier to an adolescent coming in and getting needed counseling and contraceptive information and contraceptive services and other health care services that are provided in these title X clinic.

I urge opposition to the Istook amendment.

□ 2145

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

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

Mrs. MORELLA. Mr. Chairman, I rise in strong opposition to the Istook amendment and in favor of the Obey substitute. This amendment would do great harm to our efforts to reduce the incidence of sexually transmitted diseases, including HIV/AIDS, in our young people, and to our efforts to lower the number of unintended pregnancies and abortions.

On the face of it, it may seem reasonable to require parental consent for family planning services. But, this amendment ignores the realities of the young people who seek care at these clinics. The vast majority of these teens are already sexually active and have been for almost a year, on average. Most end up seeking services because they are afraid that they may be pregnant or that they have a sexually transmitted disease. Minors who go to clinics are strongly encouraged to involve their parents, and many do bring a parent with them on subsequent visits.

A recent study in the Journal of Pediatrics determined that 85 percent of adolescents would not seek treatment for sexually transmitted diseases, including HIV/AIDS, if parental consent and notification requirements were imposed.

Mr. Chairman, we are talking about consent and not notification.

Let us vote for the Obey substitute and protect teen health.

Delay will only endanger the health of these teens, not help them. And, delay will only lead to unintended pregnancies and more abortions.

This amendment is also troubling because it undermines State laws. Don't be misled by the State opt-out provision. Only State laws passed after the date of enactment would be valid. Thus, the laws of 49 States that already allow minors to receive STD services without parental consent would be nullified. Each of the 49 States would then have to pass new laws reinstituting their current laws. This is an affront to States' rights, and should be rejected.

The medical community is also overwhelmingly opposed to parental consent requirements for minors. The American Medical Association, the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, and the American Public Health Association, all agree that contraceptive services, prenatal care, and STD/HIV diagnosis and treatment should be available to adolescents without their parents' consent or knowledge.

Mr. Chairman, I urge my colleagues to vote to uphold States' rights and to protect teen health. Vote "no" on the Istook amendment.

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

Mr. Chairman, I believe many people are missing the point of this. In the last 26 years we have found this program, using $200 million a year of Federal taxpayers' money to help teenagers sneak around behind the backs of their parents, does not work. It has doubled the out-of-wedlock birthrate among teenagers. We need to get parental responsibility back involved if we expect to improve the standards and return accountability in this country.

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

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

Mr. Chairman, this is not a debate about whether to fund family planning or title X. The only question is whether we believe that parents should raise our children or whether we think that government officials should raise our sons and daughters.

Parents must consent before their children attend field trips, if their children are absent from school, for their children to receive treatment for a twisted ankle, and parents must consent for their children to participate in sports after school. Should this same parent not also have to consent before their children receives contraceptives or treatment for a sexually transmitted illness? That is the only issue raised by the Istook amendment.

Without this amendment, when it comes to sexually transmitted diseases, contraceptives and planning families, parents need not apply. The Istook amendment puts parents first again. It says that what is common sense for movies, fields trips and football should also apply to serious medical treatment.

Mr. OBEY. Mr. Chairman, may I inquire how much time each party has remaining?

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has 3 minutes remaining; the gentleman from Pennsylvania [Mr. GREENWOOD] has 4 minutes remaining; and the gentleman from Oklahoma [Mr. ISTOOK] has 6 minutes remaining.

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

Mr. GREENWOOD. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise in support of the Obey substitute. My friend, the gentleman from Oklahoma [Mr. ISTOOK], and I share parenthood. I have four children. I understand the impulse to want to make sure that parents are involved. Ideally we want our young people to abstain from sexual behavior. We all want that, we all hope that, and we do our best for that. And if they do become involved, if they make mistakes, ideally they can come and talk to mom and dad. That is the ideal. That is what we spend our whole lives as parents trying to achieve. But we do not all succeed.

Some parents cannot talk about sex to their children, and some children cannot talk sex to their parents. That is the real world. So what happens? How do we strike a balance when we have a young lady who is afraid that she is pregnant? Kids do not go to family planning clinics because they are thinking about having sex; they go because they have been having sex; they go because they are afraid that they are pregnant; they go because they fear that they have a sexually transmitted disease.

What happens to those kids who cannot get parental consent? They do not get treated for disease. They do not get treated for sexually transmitted diseases. We have more teenage pregnancies. We have more teenage abortions.

The Obey amendment strikes the right balance. It requires these agencies to encourage the involvement of their families, and that is what we all should be about. A child untreated for HIV becomes a child, a teenager, with AIDS. When kids cannot get the diagnosis or treatment for that disease, they die. That is how important this is.

Mr. ISTOOK. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I stand here very strongly supporting the Istook amendment for parental consent. I have to say there is life after teenagehood. My two children are now in their 20's, but as a mom and as a former teacher, I wholeheartedly support the idea and the main issue of this amendment, which is to give back parental consent, that moms and dads can have the right to talk with their children about this and not feel that it has been handed over to the Federal Government.

I might say that I have spent a couple of times in my office as a State legislator with moms crying in the office because they found out that their children were able to go to a clinic and get much information and the parents who really wanted to speak to their children about this were left out of the loop.

Now, I want to remind people, yes, the State legislatures across America, if they so choose, can waive the parental consent requirement, and that is very important with me. But I wanted to point out that since title X has been in existence, since 1970, we are talking about a program that wanted very sincerely, when it started, to decrease out-of-wedlock and teenage pregnancies, and there has been a lot of times that it has been successful.

But, Mr. Chairman, we just have to look at our own local programs and talk to families and know the statistics are saying that it is skyrocketing. The teenage out-of-wedlock births are skyrocketing and children need to have moms and dads involved in their life.

What we have done at the Federal level is just say sex is OK because we help to avoid the consequences.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, in the ideal world, if there were an ideal world, perhaps the amendment offered by the gentleman from Oklahoma would make sense. I am the father of a teenager. I wish we had that ideal world where communication was as we wish it would be. In the real world this proposal, sadly, is a dangerous one. It will inevitably mean more unintended pregnancies, more abortions, more sexually transmitted diseases.

That is why the Obey substitute is the sound way to go here. It has nothing to do, as allegations have been raised, about Government bureaucrats getting involved in sexual activities of our children. That is a total red herring. What it does have to do with is recognizing the realities of teenage sexual behavior in the last part of the 20th century in this country, and how we are going to deal with that reality not in a wishful way, not in a mythical Ozzie and Harriet way, but in a way that works, making sure that our kids get the health services that they need.

Mr. Chairman, I oppose this amendment which would make it more difficult for young people to obtain family planning assistance.

This amendment would require, unemancipated, minors to get written consent from a parent or to get a court order to be eligible for any services through title X family planning programs unless the State passes a new law excluding minors from the requirement. For the record, Mr. Chairman, title X programs do not provide abortion services.

Mr. Chairman, I understand the desire of the gentleman from Oklahoma to promote communication between teenagers and their parents—and in an ideal world all young people would get their parents consent in all important decisions. But, in the real world, many teenagers don't always seek their parents' consent for the actions, including engaging in sexual activity.

Many teenagers simply will not use contraceptives or get screening or treatment for sexually transmitted diseases if they must first get a parent's written consent—and surely not if they must get a court order.

If this amendment becomes law, fewer teenagers will have access to contraceptives and the other services offered by title X family planning programs, including breast and cervical cancer screening, routine gynecological exams, HIV screening and treatment for sexually transmitted diseases. Again, for the record, title X programs do not provide abortion services.

If this amendment becomes law there will be more teenage pregnancies. If this amendment becomes law, more teenagers will fall victim to sexually transmitted diseases. If this amendment becomes law, the resulting increase in teenage pregnancies will lead to more abortions. That's why the American Medical Association, the American Academy of Family Physicians, and the American Academy of Pediatrics oppose this amendment.

Teenage pregnancy is a national problem that exacts a high societal and fiscal price. There are about 1 million teenage pregnancies each year in this country. However, there has been progress in the fight to reduce teenage pregnancies over the past 2 or 3 years and title X programs play an important part in that

fight. According to Planned Parenthood, publicly funded family planning services prevent 256,000 unintended teenage pregnancies each year, an estimated 100,000 of which would have ended in abortion. In addition, each dollar spent on family planning services saves over $4.00 in medical, welfare, and other social services costs.

Mr. Chairman, title X programs serve lower income Americans. While lower income teenagers and their families will suffer the most in the form of unwanted pregnancies and health problems if this amendment becomes law, the Nation as a whole will be the worse for the additional unplanned pregnancies, abortions, and disrupted young lives.

I urge a ''no'' vote.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me this time. This is about Washington bureaucrats, it is about a faceless Washington bureaucrat making decisions for the relationships between parents and kids. Washington bureaucrats in their infinite wisdom have decided that school officials cannot give their child as aspirin, but can provide condoms without parental consent.

It assumes that a Washington bureaucrat is better able to teach your child sex education than the child's parents. The myth is that Washington cares more about the well-being of a child than his or his parents. President Clinton actually said it best: Governments do not raise children, but parents do.

Let us remove this faceless bureaucrat from being involved in these types of decisions, let us not encourage bureaucrats to counsel children to have a dialog with your parents, let us get the bureaucrat out and recognize we need to be working on establishing relationships between parents and children and it is best done there without a Washington bureaucrat in the middle.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST].

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

Mr. Chairman, what I want to do, very quickly, is to draw attention to this painting again, this faceless bureaucrat, and put a name and a face to it, and it would be me as a schoolteacher, Mr. GILCHREST, who realizes that parents should be involved in every stage of their children's lives, no matter what it is.

I encourage Members to vote for the Obey substitute because he reemphasizes the fact that we should involve parents in the situation. As a schoolteacher, I often talked to parents that were very concerned about their children. I also talked to parents where the mother had a live-in boyfriend and she did not care about anything that her child did. I also talked to parents where the father was a drug addict and the mother was an alcoholic and they did not care about their children. I also talked to parents where the father sexually molested his children and abused and beat their mother.

There are times, Mr. Chairman, when the school official, which was me in many instances, for years came to the child's aid and counseled them as a substitute parent. So we need all of this. We need parental guidance, love, compassion, discipline, all of that. I encourage the Obey amendment.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, every year Planned Parenthood counsels, refers or performs over 230,000 abortions, an absolutely staggering number of children who die. Taxpayers subsidize the counseling and the referring as part of title X.

Every year tens of thousands of teenage moms, many of them frightened and extremely impressionable, walk into Planned Parenthood and other title X clinics carrying perfectly healthy babies only to leave that clinic having had their babies shredded and ripped apart by powerful suction machines or killed by chemical poison. In many of these cases the parents have no idea this is happening.

The bottom line in this legislation and the amendment, which is really a sense of the Congress offered by the gentleman from Wisconsin [Mr. OBEY], is that our current policy trusts strangers more than they do the parents. There is a bypass in the legislation offered by the gentleman from Oklahoma [Mr. ISTOOK], that if there is a dysfunctional family, there is a way of getting around it. But I think we need to put our trust, invest our hopes more into the parents and stop looking for the government bureaucrats and so-called counselors, strangers, to take care of our daughters.

Mr. OBEY. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I do not think any Member of the Congress needs to sit here and take lectures from any Member of Congress about how we deal with our own children. I think every Member of this House trusts their children before they trust another Member of Congress.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. HOBSON].

Mr. HOBSON. Mr. Chairman, I rise in opposition to the Istook amendment, and I oppose the amendment because it will limit access to family planning services. This changes the law in 23 States and the District of Columbia. And I believe limited access to these services will lead to more abortions.

Let's be clear on this amendment. This is not parental notification. This is parental consent, and there's a big difference.

For the past 25 years, family planning services have been made available to low-income women and men through the Title X Program. In many cases, this program is their only source of health care. We're talking about basic primary health services, not abortion services. By law, title X funds cannot be used to pay for abortions. Through family planning services, unintended pregnancies have been reduce. Low-cost contraception can prevent the tragic personal and social impact of unwanted pregnancies and can save our health care system up to $14,000 per woman, over 5 years of use, compared to the cost of childbirth or pregnancy termination.

The bottom line is that this amendment will limit access to family planning services. And I believe limiting access to these services will lead to more abortions. This is a health care issue, not an abortion issue.

I urge my colleagues to oppose the amendment.

□ 2200

I believe these services will actually lead to more abortions. Let us be clear on this amendment. It is not parental notification. This is parental consent, and there is a big difference. For the past 25 years, family planning services has been made available to low-income women throughout the title X program. In many cases this is the only health care source that these people have. This is a basic health care issue; it is not one of abortion because, by law, title X funds cannot be used for that.

Mr. Chairman, I believe that we should oppose the Istook amendment and pass the Obey substitute.

Mr. ISTOOK. Mr. Chairman, how much time remains on either side?

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] has 2½ minutes remaining; the gentleman from Pennsylvania [Mr. GREENWOOD] has 30 seconds remaining and the gentleman from Wisconsin [Mr. OBEY] has 1 minute and 50 seconds remaining. The gentleman from Wisconsin has the right to close.

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

Mr. Chairman, this vote is going to show whether we believe in families and family responsibility or in Government taking over the major aspects of what we teach our children.

President Clinton says: Government does not raise children; families do. I say to my colleagues, Then show you mean it. I know a friend who came to me. He has a 16-year-old daughter. He found out that she had been going to a title X clinic for a couple of years. He did not know anything about it until she ended up pregnant and had had an abortion. He said, ''Can the Government do this to our family? I could have helped, but I could not because I did not know.''

As parents, my wife and I know our approval was necessary if our girls wanted to get their ears pierced, when one of our five children went on school field trips, if they simply needed aspirin at school, or even to handle many medical emergencies. Yet Federal law say kid don't need anyone's okay to get birth

control, family planning counseling, or even medical treatment, so long as it relates to sex.

Title X—Title Ten—of the Federal Public Health Service Act provides birth control, treatment of sexually transmitted diseases, and family-planning counseling to adults and minors alike. Created in 1970, the intent was to serve poor families, but that has changed. Federal regulations now let a minor child, or a woman, be considered as a family of their own, so they're eligible regardless of how high their household's income may be. It all costs taxpayers almost $200 million a year.

Today one-third of title X's clients are teenagers. This means 1.3 million youngsters each year get special support directly and fully from Federal tax dollars, just for their sexual activity. Current law not only lets teens escape parental consent; it also lets them prevent even a simple notice to their parents of what is going on. Even for those with no stable home life, the law likewise evades their guardians and other family members. Supporters of title X claim it reduces out-of-wedlock and teen pregnancies. But Federal statistics prove that the out-of-wedlock birthrate for American teenagers has doubled since title X began in 1970. Our Federal safety net has induced teens to believe that premarital sex is safe and that its consequences are avoidable, until they later learn otherwise.

But forget statistics. Is it right for Government to help teens evade their parents regarding teenage sex and its consequences? This hits the heart of America's values. This most intimate moral issue is the crucial link leading to welfare dependency, single-parent homes, school drop-outs, juvenile crime, and a vast array of social problems. Why has our Government spent 26 years helping teens to avoid their most loving and helpful counselors—their parents?

It's been far too many years since Congress has addressed this issue. But I'm offering a crucial amendment to the Labor, Health and Human Services, and Education and spending bill—under which title X is funded—to reinstate the principle of parents' role and responsibility regarding their children. The amendment simply requires minors to obtain consent from a parent or legal guardian, as governed by each State's own law on such issues, before they can receive federally financed contraceptives, treatment of sexually transmitted diseases, or related counseling. Each State legislature can then define the scope of when parental consent is needed or not—just as States do on other parent-child issues.

President Clinton has said ''governments don't raise children, but parents do.'' Yet he and too many others have not supported parental consent regarding title X. If he and others really believe in and trust families, it's time for Government to quite separating our children from their parent's love and guidance, especially on key moral issues such as teenage sex.

Mr. OBEY. Mr. Chairman, I yield 25 seconds to the gentleman from New York [Mr. NADLER].

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

Mr. NADLER. Mr. Chairman, this vote will show whether this House lives in a dream world or in the real world. In the real world, not every child can talk to his parents or her parents. In the real world, there are child abusers as parents; there are absentee parents; there are ignorant parents; there are children who as teenagers who are sexually active.

Mr. Chairman, the vote on this amendment will determine whether they get contraception or AIDS; whether they get contraception or have an abortion; whether they get contraception or the back of our hands.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Oklahoma that would require teens to obtain written parental consent before receiving any services at family planning clinics that receive title X funding. These clinics serve as critical entry points into the health care system for young people where they can obtain the full range of services including general checkups, routine gynecological exams, breast and cervical cancer screening, screening and treatment for sexually transmitted diseases, screening for HIV, and family planning services. Adolescents already tend to underutilize existing health care services. Setting up more barriers to their access to services will only exacerbate this problem.

These clinics strongly encourage their patients to discuss their concerns and cases with their parents. Most minors do bring a parent or responsible elder with them when they seek these vital health care services. Many adolescents feel comfortable and safe speaking with their parents normally and will communicate with them in times of crisis. However, due to a myriad of circumstances, there are many teenagers who feel they cannot discuss such issues with their parents. Eighty-six percent of the teenagers who used title X-funded services for the first time were sexually active long before they entered the clinic. I know there are some who believe that teenagers, faced with reduced access to birth control, would reduce sexual activity. Unfortunately, that's not how the world works. Preventing them from gaining access to vital resources for preventing unwanted pregnancies and the spread of AIDS and other STDs will not change that. There will be more cases of AIDS and more teen pregnancies.

One in every five American youngsters is infected with some form of sexually transmitted disease before the age of 21. The fastest growing population of Americans who have AIDS is among 18–24 years olds. This amendment will increase the number of teenage pregnancies, abortions, and of youth who contract diseases.

This amendment also seriously encroaches on States' rights. It will nullify current laws that exist in 50 of the States that do not require teens to have parental consent for screening and treatment of STD's. It would also nullify laws in 28 States that permit minors to receive pregnancy testing services without consent, and in 24 States that explicitly allow teens to receive family planning services including the distribution of contraceptives. The amendment includes a provision that would allow States to enact new laws after passage of this bill, which would override the Federal requirement. This process is a costly waste of taxpayers' money and States' time when most of these services are time sensitive. These States have already decided this issue yet this amendment would nullify those laws. The majority has consistently fought to minimize large government and return power to the States, yet here it is attempting to overrule long standing State laws.

Enforced parental consent will also disproportionately impact low-income teens who can not afford needed services in private medical offices. The Labor, Health and Human Services, Education bill mandates that priority for family planning services be given to individuals from low-income families, as it should be. This amendment creates a double standard in availability of these services to adolescents. Confidentiality and access to vital services are already protected for those who can afford private health care. However, this amendment would restrict access to these services for those who can not afford private health care.

I encourage my colleagues to vote ''no'' on this amendment.

Mr. OBEY. Mr. Chairman, I yield 25 seconds to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding to me.

Under the Istook amendment, teenagers who are too afraid to consult their parents for advice will not get any advice at all. That could cost them their health, their future fertility, even their lives. We need a policy for the real world, not an ideal world.

Oppose the Istook amendment.

Mr. GREENWOOD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, imagine three children. The first child is the child we would all like to raise. The child abstains from sexual behavior long beyond their minority status. The second child makes a mistake and becomes involved sexually and that child has a great relationship with mom and dad, and the world works again as the gentleman from Oklahoma would like it to.

But, Mr. Chairman, there is a third child in the world and that is a lonely child with very poor parents, no communication skills, and the terror of being pregnant or suffering from AIDS. That is the child we need to think of in this vote.

Support the Obey amendment.

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

Mr. ISTOOK. Mr. Chairman, I yield the remaining 2 minutes to the gentleman from Oklahoma [Mr. COBURN].

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

Mr. COBURN. Mr. Chairman, I think everybody here wants the same thing for our children. The fact is that we do not know how well this system that we have works. And for the young third child that the gentleman from Pennsylvania [Mr. GREENWOOD] described, we have a problem, there is no question. We have a problem today with the system that we have.

Mr. Chairman, there are some things that we do know about title X. That where less money is spent, there is less pregnancy, there is less sexual activity, there is less sexually transmitted

disease, there is less abortion. Where there is more money spent, there is more of each of those.

Mr. Chairman, I do not know what causes that. I do not know whether the cart is before the horse or after the horse. I honestly do not know. We do not know. We are all going based on what we think.

The one thing I do know as a practicing physician is that if a child comes into my clinic, a parent has to sign this permission slip to get a shot, to get a wound closed if the parent is not there, to get any service from me as a physician. I have to have had the parent's permission to do that, with the exception of giving that child sexual activity protection.

Mr. Chairman, the point being we have to work through what the gentleman from Maryland [Mr. GILCHREST] says. If we fail in our responsibility as a parent, should the Government bypass that failure or should we work to reemphasize and replace the responsibility, hard as it may be, on that dysfunctional parent, on that failing family, on that failing parent?

What I say, and what I believe, is that we should work hard to move the responsibility back. Where we fail, let us correct where we are failing. Let us work to solve those problems, but let us not disinvolve the parent in this process.

Mr. Chairman, we cannot do both. Nobody questions the motivations of my colleagues when they think we should do it the other way. I think that they are just as well-intentioned as I am. I do not want the first child to get pregnant out of wedlock.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California, [Ms. HARMAN].

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

Ms. HARMAN. Mr. Chairman, as a mother of four, including a young adult daughter and a preteen daughter, I want my children to seek my advice if not my approval on health-related matters, particularly those related to reproductive issues. But their willingness to talk to me and their father is based on trust and respect and cannot be mandated by requiring parental consent.

The Istook amendment nullifies the statutes in the 49 States that allow teens to consent for screening and treatment for sexually transmitted diseases. It also nullifies the law in 23 States which explicitly allows teens to consent for family planning services.

This amendment undercuts any pretense of this body in assuring the primacy of States' rights. Mr. Chairman, the Istook amendment jeopardizes health, does nothing to bring parent and child together, and imposes Washington one-size-fits-all views on policies and procedures already decided by a majority of the States.

This is a tough vote, but it is clear to this mother that the right vote is in opposition to the Istook amendment and in support of the Obey substitute, which goes farther in encouraging parental involvement in important health and reproductive questions of our children.

Ms. WOOLSEY. Mr. Chairman, I rise in strong opposition to the Istook amendment to the 1997 Labor-HHS Appropriations Act.

Ladies and gentlemen, the proposal which we are discussing right now is one of the most cruel and irresponsible measures taken up by this Congress.

That is saying a lot, since this Congress should get the Olympic gold medal for cruel and irresponsible measures.

The Istook amendment will require teenagers to obtain parental consent for any title 10 services, including treatment for sexually transmitted diseases, pregnancy testing, or basic gynecological health care.

At first glance, that may seem benign. I'm a parent, most of our fellow colleagues are parents. Of course we want to be involved in our adolescent children's lives. Let's just say we're all for family unity, and get that argument over with now.

But the Istook amendment isn't benign, it is not about family unity. Indeed, the Istook amendment is a killer.

If passed, this proposal would prevent many young adults from receiving reproductive health care—care that could save their lives, care that could prevent abortions, care that could stop the spread of sexually transmitted diseases.

If passed, the Istook amendment would result in an enormous amount of misery for young women and young men. Young people who are just starting out and who may not have a sympathetic adult to turn to.

To me, that is unconscionable. But, I'm pleased to let you know that I'm not alone in my sentiment. I'm in good company. Listen to what the American Medical Association has to say about this proposal:

> The A.M.A. opposes regulations that require parental notification . . . since it would create a breach of confidentiality in the physician-patient relationship.

And this is what the American Academy of Family Physicians, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists have to say about the Istook amendment:

> Parental consent or notification provisions would be counter productive to the ongoing efforts of physicians and the Congress to prevent [unintended pregnancies and sexually transmitted diseases] among the Nation's young people.

These are the experts, folks. These are doctors, and they know what they are talking about.

I would also like to say, if one of your goals is to reduce the number of abortions, and if one of your goals is to cut the welfare rolls, you must vote against the Istook amendment.

Please remember, you will be asked to vote for a welfare bill in a few weeks which would drastically cut benefits to welfare recipients and their children.

Title 10 family planning programs prevent women from dropping out of the work force due to unwanted pregnancies. Title 10 family planning programs prevent welfare dependency.

I urge everyone in this Chamber to defeat the amendment. Prevent unwanted pregnancies which cause welfare dependency.

Do the right thing. Vote ''no'' on the Istook amendment. I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK].

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

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

Mr. CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] will be postponed.

PARLIAMENTARY INQUIRY

Mr. ISTOOK. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ISTOOK. Mr. Chairman, is it correct that no vote is taken at this time on the underlying amendment because first the substitute must be disposed of then, after a recorded vote and after the disposition of the substitute, there will be the disposition of the underlying amendment on which we have been debating?

The CHAIRMAN. The gentleman states the situation correctly.

Mr. ISTOOK. I thank the Chairman.

AMENDMENT NO. 28 OFFERED BY MR. MCINTOSH

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

The CHAIRMAN. Mr. Clark will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 28 offered by Mr. MCINTOSH: Page 87, after line 14, insert the following new section:
>
> SEC. 515. None of the funds made available in this Act to the Department of Labor may be used to enforce section 1926.28(a) of title 29, Code of Federal Regulations, with respect to any operation, when it is made known to the Federal official having authority to obligate or expand such funds that such enforcement pertains to a requirement that workers wear long pants and such requirement would cause the workers to experience extreme discomfort due to excessively high air temperatures.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana [Mr. MCINTOSH] and a Member opposed will each control 5 minutes.

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] reserves a point of order.

The Chair recognizes the gentleman from Indiana [Mr. MCINTOSH].

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

Mr. Chairman, next to me here I have got a blowup of the weather map for today. The yellow spots indicate the 70

degrees, the orange is the 80 degrees, and the red is the 90-degree temperatures. This is a relatively mild day this summer, but as we can see, much of our country is covered in 80- and 90-degree heat.

But I am not here to give a weather report, Mr. Chairman. I am here to talk about an important issue that I would like to raise in this bill which we have tried to resolve with OSHA, the Occupational Safety and Health Agency, and it has to do with their requirement that inadvertently, I believe, but nonetheless has the effect of requiring our paving crews, men and women who are working to build roads throughout America in this mid-summer heat, to wear long pants and long shirts.

Mr. Chairman, I want to read a quote from one of those men who works in a road project in my district, Roger Overby, who said, ''Personally, I don't like the government telling me how to dress.''

Every day this summer he and the other members of his road crew have been working hard on various projects in my district, and as it gets hot they have been asking whether they could wear shorts to work when they show up on these very hot days in the road crew. Unfortunately, this OSHA regulation has been interpreted in an inflexible manner rather than a common-sense manner to say that they must wear long pants and long sleeve shirts. The bureaucrats back in Washington, where it is air conditioned, may not worry about the effects of having to work outside in 100-degree heat, but I think it is time we listened to the workers who tell us they think they can handle this job safely in shorts and short sleeved shirts.

It is the intent of my amendment to allow the workers to notify their employers and OSHA of conditions where they feel the risk of heat exhaustion is greater than any risk they may have from handling the asphalt, and in that case the rules and regulations under OSHA's current standards, section 1926.28, would not require them to wear those long pants and those long-sleeved shirts.

Let me give a little background. Mr. Chairman. Last summer a company in my district, E&B Paving, was fined for allowing their workers to wear shorts on the job when temperatures exceeded 100 degrees. As a result the company now has a rule that they must always wear long pants and long-sleeved shirts.

Mr. Chairman, I want to read a couple of quotes from the workers. ''I've laid asphalt for 20 years and I can tell you this is common sense. The temperatures are so hot, we would be able to decide for ourselves what we want to wear. Personally, I don't like the government telling me how to dress.'' Roger Overby.

''It is just overbearing. We need ventilation or we might have heat stroke. All we're asking for is a choice.'' Dennis Benefiel, E&B Paving Crew foreman.

''Sometimes the heat is well over 100 degrees and we actually had guys so hot because they are wearing long pants, they had to stop working and sit down in the shade in recover.'' That is from Ron Richmond who is a grade foreman.

My amendment, Mr. Chairman, is one that is very simple. It simply says that we are going to give the workers a choice that they can wear shorts this summer and in the future when they are working in the 90- and 100-degree heat to make our roads the best roads in the world.

The long and the short of it, Mr. Chairman, is let us give the road workers a break.

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

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

Mr. PORTER. Mr. Chairman, we accept the amendment.

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

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] insist on his point of order?

Mr. OBEY. Mr. Chairman, I withdraw my reservation of a point of order and seek the time in opposition.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume. Let me simply say I am of a mixed mind on this amendment. The gentleman and I had a conversation earlier today, as he knows, and I indicated at that time that because he had described his amendment to me as being one which made clear that this was a matter of choice for workers, I told him I thought I would have no objection. The language is somewhat different than I had expected. I would have no problem accepting the amendment, provided that we understand that in conference I want to make sure of two things.

No. 1, that the language is sufficiently clear so that we know that it is a worker choice being exercised here. And second, I would simply note that when asphalt is being used on road surfaces, I am told that its temperature can exceed 300 degrees, and it can cause severe burns when it sticks to skin. So I reserve the right in conference to make certain that if workers are making a choice, it will be an informed one.

But having said that, I would withdraw my objection and accept the amendment.

□ 2215

Mr. MCINTOSH. Mr. Chairman, I welcome the opportunity to work with the ranking member to address those concerns and conform the language to reflect exactly those concerns, because I think they are exactly what we are intending to do with this amendment.

Mr. DELAY. Mr. Chairman, I rise in support of the McIntosh amendment. This is a classic case of regulations gone haywire. Since when does the Federal Government get into the business of prescribing a dress code for a private company? How can an agency enforce such a regulation with a straight face.

We should give workers enough credit to let them decide what is appropriate dress to conduct their jobs. Contrary to what some bureaucrats may believe, the Federal Government does not always know best. As Roger Overbey, an equipment operator for a paving company in Indiana stated, ''They don't think we have common sense. Personally, I don't like the government telling me how to dress.''

I don't like it either. Federal bureaucrats in Washington, sitting in air conditioned rooms, should not be allowed to fine companies that try to keep their employees from getting heat stroke by giving them discretion to decide what they feel most safe and comfortable wearing to do their jobs.

The Federal Government may be Uncle Sam, but in this case it is the Wicked Stepmother. I urge a yes vote on the McIntosh amendment.

Mr. CLAY. Mr. Chairman, I must oppose the McIntosh amendment.

This amendment is a ridiculous exercise in micromanagement. The amendment supposedly attempts to prevent a Federal agency, the Occupational Safety and Health Administration, from enforcing a requirement that doesn't really exist, all because a State agency, in the sponsor's home State, levied a fine against a construction firm.

The paving contractor involved had allowed an employee to be exposed to hot paving material with no protective equipment for the employee's legs and feet. As a result, the contractor was fined by the State of Indiana OSHA.

In response, this silly amendment tries to prevent Federal OSHA from enforcing a regulation that supposedly requires workers to wear long pants in very hot weather.

But let's look at the relevant OSHA regulation. It doesn't require workers to wear long pants. Rather, all the regulation says is that the ''employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where * * * [there is] the need for using such equipment to reduce the hazards to the employees.''

Obviously, there are times when long pants are appropriate for safety purposes. For example, the National Institute for Occupational Safety and Health says that, because of the large risk of severe burns, workers who pour hot asphalt should wear long pants.

This amendment is a waste of the House's time. Since the State of Indiana OSHA fined the paving contractor, the gentleman should propose this amendment in the Indiana legislature, not here in the Congress.

This amendment should be defeated.

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

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

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

The amendment was agreed to.

AMENDMENT 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 offered by Mr. CAMPBELL: At the end of the bill, after the last section (preceding the short title), insert the following new section:

SEC. . None of the funds made available in this Act may be used to order, direct, enforce, or compel any employer to pay backpay to any employee for any period when it is made known to the Federal official to whom the funds are made available that during such period the employee was not lawfully entitled to be present and employed in the United States.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California [Mr. CAMPBELL] and a Member opposed, will each control 10 minutes.

The Chair recognizes the gentleman from California [Mr. CAMPBELL].

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

The amendment that I propose at this point should not be necessary. It deals with something that is so obviously commonsensical that it is surprising that we need to address it but we do.

Here is the example. There are many others, but this is the illustration I would like to use. Illegal aliens come to the United States, violating our immigration laws, are hired by an employer. After several months, some of those illegal alien employees who are here in violation of our law engage in union activity. The employer fires them because they were engaging in union activity. That employer violates the National Labor Relations Act.

A few months pass, and the National Labor Relations Board holds that it was indeed a violation of the National Labor Relations Act to fire those employees whether they were legal or illegally in the United States because they were engaged in union activity.

So far, the story is common and not particularly surprising. But now it turns so. The National Labor Relations Board, as an example of what is done in other agencies as well but in this particular example, orders the employer to pay the salaries for these people who should not have been here in the first place from the time that they were fired to the time that they are ordered reinstated.

The Board has got a problem. It cannot order illegal aliens to be reinstated because they are not legally here. Nevertheless, it orders that a paycheck go from the employer to these employees who should not have been here for the period of time they were not working from the time they were fired to the time of the finding by the National Labor Relations Board.

Can we imagine anything sending a more mixed signal about America's immigration policy than a letter coming from a Federal Government agency, enclosing a check from an employer to a citizen of another country addressed to that citizen of that other country in that other country with a paycheck for the time that they were not actually even working in the United States when they should not even have been in the United States?

That is the situation I am dealing with in this amendment. Let me be clear what I am not dealing with. I am not dealing with an unscrupulous employer although in this instance there are two kinds of being unscrupulous, unscrupulous employer who did not pay at all for the hours worked. That would be subject to State law, not subject to Federal law.

What we are dealing with here is only when the employee is fired by the employer for a reason that violates Federal law and the remedy normally is reinstatement plus backpay during the period of time you are out of work, but it simply should not include backpay when the person had no right to be here in the first place. That is the situation before us.

This issue came to the U.S. Supreme Court in 1984. Justice O'Connor writing for the majority in the Sure-Tan opinion said as follows:

In computing backpay, the employees must be deemed ''unavailable'' for work, and the accrual of backpay therefore tolled, during any period when they were not lawfully entitled to be present and employed in the United States.

That is very clear statement of the law by the Supreme Court of the United States. We would think that would have settled it. It did not. Circuit courts have split in interpreting exactly that phrase, even though to me it is really quite clear.

So today we must clarify what is the intent of Congress. Should an employer who violates the labor law be cited by the National Labor Relations Board? Yes, of course. Should that employer be subject to a finding of illegality? The entry of an order and contempt citations for violating that order? Yes, of course.

But should that employer be forced to give backpay, to give pay to persons who did not work during the time calculated for this backpay when they should not even have been in the United States? Well, some say yes. What is their point of view. Why do they reach that conclusion?

The answer is in order to vindicate the purposes of the Federal statute, to punish the employer. I understand. But it seems to me that you must balance the other interests, namely in the immigration laws of the United States. Because to order an employer to pay somebody who is not working but had been discharged from work at a time when that person was not even legally in the country is to ask the employer to violate the immigration laws of the United States, to pay them when they should not have been here, when it would have been an illegal act for that employer to have hired them.

It is an absurdity which should be corrected. So how do we punish the employer? Well, other Federal statutes carry with them their own fines and penalties. The reason why this became an issue is that the National Labor Relations Act does not carry with it a fine unless an employer is ordered not to engage in particular conduct and then violates that order and then contempt citation is available. That still is a remedy available under the act.

In giving weight only to the vindication of the Labor Act, the decision in this particular case and others like it ignore the equally important, and in this area obviously ignored position is of immigration, that we are giving people an incentive, a welcome, a point of view that is inconsistent with their being here illegally.

The other argument raised in favor of this policy is, well, employers will be tempted to exploit illegal aliens. But let me go through exactly how fallacious that argument is. Nothing in this amendment takes away the obligation under State law for an employer to pay an employee for the time that that employee works. That is settled. That is not an issue in Federal law.

It is hard to believe that an illegal employee coming to the United States is drawn to do so by the prospect of receiving backpay for a period of time when they had been fired from their job in violation of the Federal Labor Relations Act. Surely, no illegal immigrant to this country is coming anticipating such backpay.

Is it a possibility that an employer will exploit an employee who is here illegally? Yes, of course that is. So we need to sanction the illegal employment of persons who have no right to be in this country. We do that directly under IRCA and under Simpson-Mazzoli, and we do that under other Federal statutes as well. That is the way to deter the hiring of the illegal.

Think of the attraction given to an illegal immigrant to our country. Think of the undermining of the policy of protecting our border by a message from the Federal government including in it a paycheck received during a time that employee had no right to be here.

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

Mr. OBEY. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 10 minutes.

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

I do not want to see illegal aliens in this country. I want our laws enforced. I do not want illegals to undercut the pay of U.S. workers. There is enough of that going on already. But I frankly am not at all sure that I like the idea of their getting backpay or any other pay. But it would seem to me that unless a provision is created by this amendment that would require such pay instead of going to illegal aliens to go into the Treasury of the United States, then the amendment is deficient and would create an incentive for employers to fire or threaten to fire

immigrants and to encourage immigrants to illegally work lest they be exposed by their employers.

It is bad enough for employers to hire workers who they know are illegals. But for them to take advantage of illegal aliens, pay them wages which are either substandard or denied at all in the end is to turn substandard wage workers into slaves. That would be even worse.

So I would simply suggest that, while the amendment may have a good intention, I do believe that it would have the effect of enabling some unscrupulous importers of illegal aliens to be able to avoid their legal responsibilities and to undercut American wages of American workers in the process.

I suspect this amendment is going to be accepted by the committee on the majority side, and there is not much I can do about that. But I will certainly, I want the gentleman to know, work in conference to try to correct the deficiencies that I see in this amendment because right now I honestly do believe that, despite the gentleman's best intentions, it does create loopholes for unscrupulous employers.

I do not believe by any means that scrupulous employers would take advantage of that loophole. But laws are not made for people for whom we have great expectation of compliance. Laws are made because we recognize that there are persons who are always looking to avoid compliance. So I express great caution to the House and reserve the balance of my time.

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

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I want to thank my friend and colleague from California for his very thoughtful approach to this. I must say that I disagree with his interpretation of that Supreme Court decision in the Sure-Tan case, which he cites, and say that the NLRB, the National Labor Relations Board, in its decision, I believe, was eminently correct in saying that backpay for anyone who is employed is appropriate because in this particular instance what the NLRB was trying to say is we must protect the provisions of the NLRA, National Labor Relations Act, which are trying to preserve rights for employees.

I would say to my friend that what we are really talking about is the fact that in this particular case at issue which caused the gentleman some concern and the case of Sure-Tan, what we have is a case where employees would have been paid for work which would have been performed but for the illegal, the unlawful firing by the employers of these particular individuals. That is why the NLRB decided that it was absolutely appropriate for backpay to be issued because, but for the unlawful activity of the employers, there would have been pay provided to these employees.

Now, we get to the next issue of, well, these individuals as employees were here without documentation and may not have been authorized to work. What the court has said, and I believe if we look to the case in the 9th circuit, I think it was the Filbro case, and I will try to get the specific citation in a second. What the 9th circuit said was that in fact the Supreme Court in the Sure-Tan case cited by the gentleman from California, the Supreme Court did not say that you should not award any type of backpay to someone who is undocumented.

□ 2230

But what you should do is make sure it is based on the status of the employee had it not been for the unlawful conduct of the employer. So had that employee been working but for the unlawful firing by the employer, then in that case if would be under the NLRA entitled to back pay as that particular employee.

What my colleagues would have, if they allow the gentleman's amendment to pass, is a case where they punish the employee for the employer's unlawful firing, and they do nothing to the employer. They let the employer escape all punishment for having committed an illegal act.

Sure-Tan, I would submit, is prospective; it is not retrospective as the gentleman from California, I would allege, is trying to make it. And for those reasons I would urge people to vote against this particular amendment.

Mr. OBEY. How much time do I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Wisconsin has 4 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding this time to me.

I agree that we should not allow people who are here illegally, want to be here illegally, and I voted for even tougher enforcement, but I am concerned about unjust enrichment of unscrupulous employers, and it does seem to have disincentive to have the incentive—many of these people employing people are here illegally know that they were here illegally, and they will have the incentive, it seems to me, to disregard, when they knew they had some illegal employees, the Labor Relations Act. And the problem is, the gentleman has made clear, the gentleman from California, the Labor Relations Act was decided to be one where the sanction included back pay. There is no fine in cases in part because it is back pay.

Therefore, I would be opposed to removing the current sanction without imposing another one. And I understand we have got some legislative difficulties, but the gentleman's party controls the agenda; why not bring a bill out that addresses this? Because what we are doing here is, by penalizing the illegal alien, which ought to be done, they are unjustly enriching an unscrupulous employer, indeed in some cases a twice unscrupulous employer, because they are talking now by definition about providing some monetary benefit to an employer who has, one, employed people who are here illegally, maybe knowingly, and, two, violated the labor laws.

So I would ask the gentleman, why not at the same time try to substitute some alternative sanction?

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

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I think the gentleman's analysis and that of our colleague from Wisconsin is correct. I think that the optimal way to solve this problem is to have a fine upon the employer equal to the amount of the back pay that would otherwise be due to the employees but as to which the employees are not eligible because they have no right to be in the country. That way we would achieve both the deterrent effect regarding the employers' violation of law and yet not give enrichment to the employee.

Mr. FRANK of Massachusetts. I agree. Why do we not do that?

Mr. CAMPBELL. If the gentleman continues to yield, I cannot do that under this appropriation bill. What I can do, what I am doing and what I have offered publicly and repeat in a conversation I have had earlier tonight——

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. FRANK of Massachusetts. Will the gentleman give us 30 more seconds of his time to continue this?

Mr. CAMPBELL. Might I inquire how much time I have?

The CHAIRMAN. The gentleman from California has 2 minutes remaining and the gentleman from Wisconsin has 2 minutes remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield 15 seconds to me?

Mr. CAMPBELL. I yield 15 seconds to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, as the gentleman knows, we can do a lot. I mean we could have gone to the Committee on Rules. I have seen broader gaps created by the Committee on Rules to allow legislation than this one.

So I know the gentleman is sincere, but I would hope, and my colleague knows that the conference committees can do a lot, so I would hope out of a sense of decency the gentleman would follow through and that we would, in fact, substitute a sanction before this bill is through.

Mr. CAMPBELL. Mr. Chairman, is it correct that I do not close; the other side closes?

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has the right to close.

Mr. CAMPBELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, we would accept the amendment with the understanding that we would work this out in conference.

Mr. CAMPBELL. Mr. Chairman, I yield myself the balance of my time to close.

I think the correct answer is the one we have discussed tonight. I would like to move toward that.

My guess is it ought to be done through authorizing legislation, but by passing this appropriation provision I have the opportunity to bargain for that correct outcome.

I conclude simply by reading first of all a word of compliment.

Mr. FRANK of Massachusetts. Bargain collectively?

Mr. CAMPBELL. I believe in everyone's right to bargain collectively and their right to choose not to be represented by a union as well. And I would conclude with a word of compliment to my colleague from California who has graduated from a superb law school and whose excellence in legal training is demonstrated by his debating me tonight. My colleague from Massachusetts regrettably did not attend as well the law school. He attended the same law school I did, indeed 2 years behind me. But enough on that.

Let me close with a quotation with which I began. The Supreme Court Justice O'Connor, I believe, stated it correctly when she said in computing back pay the employees must be deemed unavailable for work and the accrual of back pay therefore told during any period when they were not lawfully entitled to be present and employed in the United States, end quote.

It seems to me so simple, so obvious, that to rule otherwise is to send a very confused message and to undermine the Immigration and Naturalization Act.

Mr. OBEY. How much time do I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Wisconsin has 2 minutes remaining. The Chair would hope that the gentleman uses his full 2 minutes because the Chair has enjoyed this introduction to law school.

Mr. OBEY. Mr. Chairman, I must confess that I am not a lawyer, and that is the first time in the week I have had any applause from that side of the aisle. Keep it coming.

I yield myself the balance of the time.

Let me simply say, Mr. Chairman, that I do believe that the way to deal with this is in the authorization process. I think that if this amendment were adopted into law in its present form, it would in fact create perverse incentives which would have the effect of encouraging illegal immigration, and that is why I do not personally want to accept it at this moment.

However, I understand that the majority is going to accept it. I will not press the point. I will simply say that we must work this out so that we can avoid a situation in which employers will wind up benefiting from their ability to break the law, and with that I would yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Chairman, having listened to the debate, I wonder if the chairman would summarize the difference between the Sure-Tan case and the Felbro case.

The CHAIRMAN. The Chair believes the gentleman has not stated an appropriate parliamentary inquiry.

The Chair will put the question, however, on the amendment from the gentleman from California.

The question is on the amendment offered by the gentleman from California [Mr. CAMPBELL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MICA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MICA: Page 87, after line 15, insert the following:

TITLE IV—HEAD START CHOICE DEMONSTRATION PROGRAM

SEC. 601. SHORT TILE.

This title may be cited as the ''Head Start Choice Demonstration Act of 1996''.

SEC. 602. PURPOSE.

The purpose of this title is to determine the effects on children of providing financial assistance to low-income parents to enable such parents to select the preschool program their children will attend.

SEC. 603. PROGRAM AUTHORIZED.

(a) RESERVATION.—The Secretary shall reserve, and make available to the Comptroller General of the United States, 5 percent of the amount appropriated for each fiscal year to carry out this title, for evaluation in accordance with section 608 of Head Start demonstration projects assisted under this title.

(b) GRANTS.—

(1) IN GENERAL.—The amount remaining after compliance with subsection (a) shall be used by the Secretary to make grants to eligible entities to enable such entities to carry out at least 10, but not more than 20, Head Start demonstration projects under which low-income parents receive preschool certificates for the costs of enrolling their eligible children in a Head Start demonstration project.

(2) CONTINUING ELIGIBILITY.—The Secretary shall continue a Head Start demonstration project under this title by awarding a grant under paragraph (1) to an eligible entity that received such a grant for a fiscal year preceding the fiscal year for which the determination is made, if the Secretary determines that such eligible entity was in compliance with this title for such preceding fiscal year.

(c) USE OF GRANTS.—Grants awarded under subsection (b) shall be used to pay the costs of—

(1) providing preschool certificates to low-income parents to enable such parents to pay the tuition, the fees, and the allowable costs of transportation (if any) for their eligible children to attend a Head Start Choice Preschool as a participant in a Head Start demonstration project; and

(2) administration of the demonstration project, which shall not exceed 15 percent of the amount received in the first fiscal year for which the eligible entity provides preschool certificates under this title or 10 percent in any subsequent fiscal year, including—

(A) seeking the involvement of preschools in the demonstration project;

(B) providing information about the demonstration project and Head Start Choice Preschools to parents of eligible children;

(C) making determinations of eligibility for participation in the demonstration project for eligible children;

(A) such children receiving preschool certificates under this title: and

(B) such children not receiving preschool certificates under this title.

SEC. 609. REPORTS.

(a) REPORT BY GRANT RECIPIENT.—Each eligible entity receiving a grant under section 603 shall submit to the evaluating agency entering into the contract under section 608(a)(1) an annual report regarding the demonstration project under this title. Each such report shall be submitted at such time, in such manner, and accompanied by such information, as such evaluating agency may require.

(b) REPORTS BY COMPTROLLER GENERAL.—

(1) ANNUAL REPORTS.—The Comptroller General of the United States shall report annually to the Congress on the findings of the annual evaluation under section 608(a)(2) of each demonstration project under this title.

(A) the annual evaluation under section 608(a)(2) of each demonstration project under this title; and

(B) each report received under subsection (a) for the applicable year.

(2) FINAL REPORT.—The Comptroller General shall submit a final report to the Congress within 9 months after the conclusion of the demonstration program under this title that summarizes the findings of the annual evaluations conducted pursuant to section 608(a)(2).

SEC. 610. NONDISCRIMINATION.

Section 654 of the Head Start Act (42 U.S.C. 9849) shall apply with respect to Head Start demonstration projects under this title in the same manner as such section applies to Head Start programs under such Act.

SEC. 611. DEFINITIONS.

As used in this title—

(1) the term ''eligible child'' means a child who is eligible under the Head Start Act to participate in a Head Start program operating in the local geographical area involved;

(2) the term ''eligible entity' means a State, a public agency, institution, or organization (including a State or local educational agency), a consortium of public agencies, or a consortium of public and nonprofit private organizations, that demonstrates, to the satisfaction of the Secretary, its ability to—

(A) receive, disburse, and account for Federal funds; and

(B) comply with the requirements of this title;

(3) the term ''evaluating agency'' means any academic institution, consortium of professionals, or private or nonprofit organization, with demonstrated experience in conducting evaluations, that is not an agency or instrumentality of the Federal Government;

(4) the term ''Head Start Choice Preschool'' means any public or private preschool, including a private sectarian preschool, that is eligible and willing to carry out a Head Start demonstration project;

(5) the term ''Head Start demonstration project'' means a project that carries out a program of the kind described in section 638 of the Head Start Act (42 U.S.C. 9833);

(6) the term ''local educational agency'' has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965;

(7) the term ''parent'' includes a legal guardian or other individual acting in loco parentis;

(8) the term ''preschool'' means an entity that—

(A) is designed for children who have not reached the age of compulsory school attendance; and

(B) provides comprehensive educational, nutritional, social, and other services to aid such children and their families; and

(9) the term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 612. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for fiscal year 1997, and such sums as may be necessary for fiscal years 1998 and 1999, to carry out this title.

SEC. 613. OFFSET.

The amounts otherwise provided in this Act for the following account is hereby reduced by the following amount:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, $15,000,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida [Mr. MICA] and a Member opposed will each control 2½ minutes.

Mr. PORTER. Mr. Chairman, I would reserve a point of order on the gentleman's amendment.

Mr. OBEY. Mr. Chairman, likewise I would also reserve a point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. MICA].

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

Mr. Chairman, this is a simple amendment. It does, however, create some problems because it creates a new title in the bill and actually some new authorization and will be called out of order, but I think it is important that we offer this amendment.

I am a strong supporter of Head Start, and Head Start should give our least advantaged children a head start in their education. The way I got involved in this is in a simple manner. One of the Head Start programs in central Florida, one of the parents who was involved in it came to me and said the Head Start program is not running well, it is disorganized, and they are spending a lot of money.

So I started looking into it to answer some of the constituents' complaints and concerns about how a child was faring in this program, and I really was startled to find that in a Head Start program in central Florida that serves two counties, that in fact we spend a total of $7,325 per student; that is local cost, that when one thinks the children had a head start with a certified teacher, that in fact there are 25 teachers in the program and 25 aides, not one certified teacher, and yet the program has almost 25 administrators for the program.

Now, the administrators in this program earn from about $20,000 to $50,000. The uncertified teachers make from $12,000 to about $16,000. And I thought it was time that we brought some of this administrative overhead to a halt and started concentrating on the quality of education in these programs so indeed we give our children a head start.

So that is the purpose of my amendment. It would create a demonstration program that would allow us to in fact have a Head Start program without all of this overhead, without all of this administrative cost, without all of this bureaucracy.

So it is a simple amendment. It takes Head Start. It allows Head Start, on a demonstration project basis, to proceed without the high administrative costs and overhead, and hopefully it can meet the intent of Head Start, which is to give our children a quality education.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. PORTER. If the gentleman is going to withdraw his amendment, I would not insist on it, no.

Mr. MICA. Mr. Chairman, in fairness to the gentleman and thankful for his cooperation earlier on another amendment, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

The CHAIRMAN. The amendment of the gentleman from Florida [Mr. MICA] is withdrawn.

AMENDMENT OFFERED BY MR. GUTKNECHT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MICA: Page 87, after line 14, insert the following new section:

SEC. 515. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Minnesota [Mr. GUTKNECHT] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, I ask unanimous consent that the gentleman from Oklahoma [Mr. COBURN] control the 5 minutes.

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

There was no objection.

Mr. PORTER. Mr. Chairman, I ask for the opposition time.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] will control 5 minutes in opposition.

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. GUTKNECHT].

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

I would first of all like to thank the committee Chair and the subcommittee chairman for their hard work to reduce spending. I do appreciate the hard work that they have put into this. This is a difficult challenge.

Just to restate what this is all about, this once again is the amendment to take 1.9 percent across the board from all of the discretionary spending in the remaining bills, and the reason of course is when we passed our budget conference committee report a few weeks ago, people on the other side of the aisle and frankly some of the people on our side of the aisle criticized us because we were allowing spending to go up. And in fact the deficit is going to go up this year contrary to what we were told last year.

So some of us got together, some of us freshmen, and decided that we were going to offer a 1.9 percent reduction on every bill that was remaining in terms of the appropriation bills to recover the $4.1 billion.

This is about keeping the faith, this is about keeping our promises, this is about restoring the American dream for our children, and if we are not willing, Mr. Chairman, to reduce this small amount of expenditure, this 1.9 percent, how is it that we can look at our constituents and particularly the children in our districts and say that we are going to be able to make $47 billion worth of cuts in just a couple of years?

□ 2245

I think a journey of a thousand leagues begins with a single step. This is a very small step. It is a very small price to pay, but I think if we are willing to make these small sacrifices along the way, then ultimately we can balance the budget, we can secure a good future for our children. This is one small step.

I might add, Mr. Chairman, this 1.9 percent across-the-board reduction will reduce only $1.2 billion of the $66 billion in discretionary spending. This is only one-half of the increase over last year.

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

Mr. Chairman, this amendment may sound reasonable. I have to say to the gentleman from Minnesota and the gentleman from Oklahoma that I was actively supporting such amendments when the now minority party was in the majority. The difference, of course, was that their budgets were always going up. Ours have been going down. This bill, last year, cut $9 billion and

carried 40 percent of the discretionary spending cuts that were enacted in the House.

And yes, the Senate and the President of the United States insisted on putting about half of that back in, so the final cut was only about $4.5 billion, but that is a very substantial contribution to deficit reduction.

This year we cut the salary and expense account by 2% on virtually every program and department and agency in the bill. The gentleman is proposing to cut roughly the same amount. The Committee bill essentially provides level funding. The gentleman's amendment would cut some of the real priorities in this bill that our side very strongly supports.

Job Corps, an excellent program; it would cut it by $21 million. The total JTPA, it would be cut by $75 million; health centers, $15 million; health professions, about $7 million; Ryan White, $15 million; the maternal and child health block grant, $12 million; Centers for Disease Control and Prevention, a very high priority, $41 million.

NIH would be cut by over $240 million. This institution is one of the highest priorities for Federal spending. The gentleman's amendment would cut cancer research in the National Cancer Institute $45 million; refugee and entrance assistance, by about $8 million; the social services block grant, that we just raised by $100 million, would be cut by $47 million; education for the disadvantaged, (title I) $127 million; special education, that the chairman of our committee came and said was such a high priority, and I agree with him, by almost $62 million.

I cannot accept the amendment because we have already made the cuts. We have already done what the gentleman is attempting to achieve. Once again, we would emphasize as appropriators, we cannot balance the budget by cutting just discretionary spending. What we must aim at is cutting the rate of increase in the entitlement programs, if we are ever going to get this budget into balance.

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

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, I rise in strong support of this amendment to the Labor-HHS-Education appropriations bill.

Mr. Chairman, the message was clear when I ran for the House of Representatives, the message was clear when we considered last year's appropriations bills, the message was clear when we passed this year's budget resolution, and the message is still clear as we consider the amendment before us: Washington spends too much of someone else's money.

Many of those someone elses are the hardworking men and women in southwest Indiana who sent me here to stand up and say no. They sent me here to say no to overtaxing families. They sent me here to say no to burdensome regulations that extinguish any spark of entrepreneurial spirit. They sent me here to say no to runaway government spending, which is why I stand before this body today.

It is a simple fact of life that someone is going to have to pay for our failure to act responsibly. Do not be misled. This 1.9 percent solution is nowhere near the answer to our budget woes. This simply will get us back to where we were a few short weeks ago. I ask for support of the amendment.

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

Mr. Chairman, the issue here is not whether or not our appropriations committees have done a good job. We think they have. The issue is that the national debt is rising by $600 million every day. What this amendment is talking about is saving two pennies, two pennies for our children, two pennies for our grandchildren, three days' worth of the rise in the debt. That is all we are talking about saving.

If we were going to go into a crisis situation where we were forced economically to make the decisions that are necessary to put our budget in balance, we would all agree that there would be efficiencies that could be gleaned that we are not gleaning at this time. There would be things we could accomplish that we are not.

The chairman of the committee said we essentially had a flat budget for Labor-HHS. I would respectfully disagree. Mr. Chairman, the point I would make is that a $2.5 billion increase in this appropriation bill is not seen as a flat budget by most of the people in the United States. What we are asking is that 1.9 percent, two pennies in savings, be accomplished. We can accomplish it through efficiency. It can be accomplished through flexibility and efficiency. The fact that we do not attempt to do that speaks poorly of us as a body.

Mr. Chairman, I would say this bill appropriates $65.7 billion in discretionary spending. The spending for the bill, including all the entitlements, is $285 billion. That portion of entitlements this does not affect. It does not change. I agree with the chairman that they have done a good job and that we need to control entitlement spending.

The fact is this House, this body, this administration, has not controlled entitlement spending. So what else are we to do to protect our children, to preserve the opportunity for the future? Two percent, 2 pennies in efficiency, our children are worth that, our seniors are worth that, the entire country is worth that. I would ask the body to consider saving two pennies for our children and grandchildren.

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

Mr. PORTER. Mr. Chairman, I yield the remainder of my time to the gentleman from Wisconsin [Mr. OBEY.]

Mr. OBEY. Mr. Chairman, I would simply say that the subcommittee chairman has already indicated why we should oppose this amendment. I do not know many of my constituents who are asking that we cut this bill, this bill's Cancer Institute funding, by $45 million; or that we cut our efforts to combat heart disease by $27 million; or that we cut our child care efforts by $18 million, especially in the midst of efforts to provide welfare reform; or that we cut Head Start by $68 million; or that we cut vocational education by $20 million; or that we cut the Federal work-study program, where students work for the assistance they get to go to college, by $13 million.

The preventive health services block grant, there is not a politician in this House who does not go home and repeat the mantra, ''We must engage in preventative health care.'' This amendment would cut the preventive health service block grant by $3 million. I think the chairman has already adequately summarized why this amendment is ill-advised. I do not think the country wants us to provide billions of dollars in the purchase of new fighter aircraft that we do not need to buy until 7 years from now at the same time that we are even further reducing the efforts to help our children get a good education and our workers get the best training in the world.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT].

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

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

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] will be postponed.

PRIVILEGED MOTION OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer a privileged motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. SMITH of New Jersey moves that the Committee do now rise with a recommendation that the enacting clause be stricken from the bill.

Mr. SMITH of New Jersey. Mr. Chairman, I take these 5 minutes to make an inquiry of the gentleman from Wisconsin, Mr. OBEY, the ranking member on the committee, to ask him a question, a very simple question.

In looking at the amendment that he offered, the substitute to the Istook amendment, the Obey substitute, which in essence guts the parental involvement and makes it essentially a sense of the Congress, in looking at the language that has been given to us, at the top of it it has, from Planned Parenthood, their ID number, and it is a faxed copy of the language, apparently, and this is what I hope the gentleman will clarify, right from Planned Parenthood.

In title V, section 503, the legislation reads: ''No part of any appropriations contained in this act shall be used to pay the salary or expenses of any grant or contract recipient or agent acting for such recipient related to any activity designed to influence legislation or appropriations pending before Congress.''

Mr. Chairman, this may be in error, but we have from the gentleman's staff a copy of the language of the bill, and it has, from Planned Parenthood, their ID number, which suggests to this Member, and I hope the gentleman will clarify this, that this language was written and then tendered and offered to this Congress, written by Planned Parenthood. Is that the case?

Mr. SMITH of New Jersey. Mr. Chairman, I take these 5 minutes to make an inquiry of the gentleman from Wisconsin [Mr. OBEY], the ranking member on the committee.

I am holding in my hand the amendment that Mr. OBEY offered, the substitute to the Istook amendment, the Obey substitute, which in essence guts the real and tangible parental involvement provisions of Istook and makes it essentially a sense of the Congress. In looking at the actual page of text that was given to staff the amendment offered at the top of the page one immediately notices that it is a fax from Planned Parenthood. The question arises as to what role Planned Parenthood had in drafting the language. I hope the gentleman will shed light on this. Again, the top of the page reads as follows: From Planned Parenthood ID 202–293-4349. The Obey language then follows. Title V, section 503 of the labor HHS bill: ''No part of any appropriations contained in this act shall be used to pay the salary or expenses of any grant or contract recipient or agent acting for such recipient related to any activity designed to influence legislation or appropriations pending before Congress.'' Mr. Chairman Planned Parenthood gets tens of million of dollars from title X—so its a fair question as to whether or not they are drafting amendments for themselves.

Mr. Chairman, there may be a satisfactory explanation for this but we have from the gentleman's staff a copy of the language of the bill, and it has ''From Planned Parenthood,'' and their ID number, which suggests to this Member, and I hope the gentleman will clarify whether or not this language was written and offered to this Congress, by and for Planned Parenthood. Is that the case?

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

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

Mr. OBEY. Mr. Chairman, that is absolute, total nonsense and baloney. I absolutely totally resent the implication. Anyone who knows me knows I have been around here long enough to write my own amendments. I wrote this amendment in the full committee. I discussed it then. If the gentleman has a copy of something from Planned Parenthood, it is because they got a copy of the amendment and faxed it to somebody else, and the gentleman ought to know better than to even ask that question.

Mr. SMITH of New Jersey. Mr. Chairman, I am asking the question, they had no influence in writing this legislation?

Mr. SMITH of New Jersey. Mr. Chairman let the RECORD show that this page of text with ''From Planned Parenthood'' came from your staff. It is clearly a fair question as to who wrote this amendment? Did Planned Parenthood influence the text?

Mr. OBEY. You are asking what?

Mr. SMITH of New Jersey. I ask the gentleman, did they write the amendment?

Mr. OBEY. I wrote the legislation, every word of that.

Mr. SMITH of New Jersey. I appreciate that clarification, Mr. Chairman. We know they lobby and they do write legislation that ends up on this floor.

Mr. SMITH of New Jersey. I appreciate that explanation, Mr. OBEY. It's still a mystery as to how the language disseminated by your staff to ours ended up as a fax from Planned Parenthood.

Mr. OBEY. I do not write legislation for any lobbyist.

The CHAIRMAN. Does any Member seek time in opposition to the motion?

Mr. OBEY. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes in opposition.

Mr. OBEY. Mr. Chairman, I find the comment ironic, because for the last 2 weeks Planned Parenthood has been lobbying against my amendment, and only after they reached the rational conclusion that they could not win by following their own whim did they finally reluctantly come in behind my amendment and support it.

I have spent many an hour trying to persuade people that my amendment should be offered in order to demonstrate respect for the idea that we ought to support consultation with parents any time you have teenagers involved. The gentleman very well knows that for the first 10 days, Planned Parenthood was opposing my amendment, and only in the last day and a half did they agree to support it.

I would say that is about 10 days late, but I would rather have their support late than not have it at all, because I deeply believe that there is an obligation on the part of all of us, no matter what side of the issue we stand on, to try to work together to find common ground, rather than to always try to find ways to exploit differences. That is why I offered the amendment in the first place. That is why we had bipartisan support for it, because we were trying to demonstrate strong and sincere respect for the idea that parents ought to be consulted whenever possible.

I have worked with the gentleman time and time again trying to work out language on these touchy amendments, and the gentleman knows better than to even raise that kind of a question.

The CHAIRMAN. The question is on the motion offered by the gentleman from New Jersey [Mr. SMITH].

The motion was rejected.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE.

The CHAIRMAN. Pursuant to House Resolution 472, proceedings will now resume on these amendments on which further proceedings were postponed in the following order: Amendment No. 3 offered by the gentleman from Colorado [Mr. HEFLEY]; amendment No. 12 offered by the gentleman from Vermont [Mr. SANDERS]; amendment No. 5 offered by the gentlewoman from New York [Mrs. LOWEY]; the amendment offered by the gentleman from Maryland [Mr. HOYER] as a substitute for the amendment offered by the gentleman from Kentucky [Mr. BUNNING]; the amendment offered by the gentleman from Kentucky [Mr. BUNNING]; the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK]; the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK]; and amendment No. 23 offered by the gentleman from Minnesota [Mr. GUTKNECHT].

□ 2300

The Chair will reduce to 5 minutes the time from any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 219, not voting 9, as follows:

[Roll No. 305]

AYES—205

Allard	Chrysler	Ganske
Archer	Clinger	Gekas
Armey	Coble	Geren
Bachus	Coburn	Gilchrest
Baker (CA)	Collins (GA)	Gillmor
Baker (LA)	Combest	Goodlatte
Ballenger	Condit	Goss
Barcia	Cooley	Graham
Barr	Cox	Greene (UT)
Barrett (NE)	Crane	Greenwood
Bartlett	Crapo	Gutknecht
Barton	Cremeans	Hall (TX)
Bereuter	Cubin	Hamilton
Bilirakis	Cunningham	Hancock
Bliley	Deal	Hansen
Boehner	DeLay	Hastert
Bonilla	Diaz-Balart	Hastings (WA)
Bono	Dickey	Hayworth
Brewster	Doolittle	Hefley
Brownback	Dornan	Herger
Bryant (TN)	Dreier	Hilleary
Bunning	Duncan	Hobson
Burr	Ehrlich	Hoekstra
Burton	English	Hoke
Buyer	Everett	Hostettler
Callahan	Ewing	Hunter
Calvert	Flanagan	Hutchinson
Camp	Foley	Hyde
Canady	Fowler	Inglis
Castle	Franks (CT)	Istook
Chabot	Franks (NJ)	Johnson, Sam
Chambliss	Frisa	Jones
Chenoweth	Funderburk	Kasich
Christensen	Gallegly	Kelly

Kim
King
Kingston
Klug
Kolbe
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Martini
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Zeliff
Zimmer

NOES—219

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Bateman
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bishop
Blumenauer
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Campbell
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Goodling
Gordon
Green (TX)
Gunderson
Gutierrez
Harman
Hastings (FL)
Hefner
Heineman
Hilliard
Hinchey
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Knollenberg
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Wolf
Woolsey
Wynn

NOT VOTING—9

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Yates
Young (FL)

□ 2322

Messrs. MILLER of California, GEJDENSON, KENNEDY of Rhode Island, BERMAN, and KLECZKA changed their vote from ''aye'' to ''no.''

Messrs. EVERETT, THOMAS, HOEKSTRA, CALLAHAN, and HILLEARY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont [Mr. SANDERS] on which further proceedings were postponed on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 180, noes 242, not voting 11, as follows:

[Roll No. 306]

AYES—180

Abercrombie
Ackerman
Andrews
Bachus
Baesler
Baker (LA)
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bishop
Blumenauer
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Chabot
Chrysler
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
de la Garza
Deal
DeFazio
Dellums
Dicks
Dingell
Dixon
Doggett
Durbin
Edwards
Engel
Ensign
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Frost
Furse
Gephardt
Gordon
Green (TX)
Gutierrez
Gutknecht
Hamilton
Hastings (FL)
Hefner
Hilleary
Hilliard
Hinchey
Hoke
Holden
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Longley
Luther
Maloney
Manton
Martinez
Mascara
Matsui
McCrery
McDermott
McHale
McKinney
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Poshard
Rahall
Ramstad
Rangel
Reed
Rivers
Roemer
Rohrabacher
Rose
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Smith (WA)
Spratt
Stark
Stokes
Stupak
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn

NOES—242

Allard
Archer
Armey
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chambliss
Chapman
Chenoweth
Christensen
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Ehlers
Ehrlich
English
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
Markey
Martini
McCarthy
McCollum
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meyers
Mica
Miller (FL)
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Regula
Richardson
Riggs
Roberts
Rogers
Ros-Lehtinen
Roth
Roukema
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman

Studds
Stump
Talent
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—11

Collins (IL)
Dunn
Gibbons
Gilman
Hall (OH)
Hayes
Lincoln
McDade
Petri
Yates
Young (FL)

☐ 2381

Mr. DE LA GARZA changed his vote from ''no'' to ''aye.''

Messrs. EHRLICH, MEEHAN, and PETE GEREN of Texas changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MRS. LOWEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offerd by the gentlewoman from New York [Mrs. LOWEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 256, not voting 10, as follows:

[Roll No. 307]

AYES—167

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bilbray
Blumenauer
Boehlert
Bonilla
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Coyne
Cramer
Cummings
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilman
Gordon
Green (TX)
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Moran
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Porter
Rangel
Reed
Richardson
Riggs
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Tanner
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Zimmer

NOES—256

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonior
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martinez
Martini
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Minge
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Zeliff

NOT VOTING—10

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Petri
Yates
Young (FL)

☐ 2338

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, on rollcall vote 307 I was unavoidably detained. had I been present, I would have voted ''aye.'' I would have voted ''aye'' on the Pelosi amendment.

AMENDMENT OFFERED BY MR. HOYER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BUNNING OF KENTUCKY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland [Mr. HOYER] as a substitute for the amendment offered by the gentleman from Kentucky [Mr. BUNNING] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment offered as a substitute for the amendment.

The Clerk designated the amendment offered as a substitute for the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 220, not voting 13, as follows:

[Roll No. 308]

AYES—201

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin
Lewis (GA)

Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn

NOES—220

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—13

Bateman
Blute
Collins (IL)
Dunn
Gibbons
Greenwood
Hall (OH)
Hayes
Lincoln
McDade
Torkildsen
Yates
Young (FL)

□ 2346

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BUNNING OF KENTUCKY

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. BUNNING].

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were 1 ayes 421, noes 3, not voting 9, as follows:

[Roll No. 309]

AYES—421

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Zeliff
Zimmer

NOES—3

Beilenson
Houghton
Johnston

NOT VOTING—9

Collins (IL)	Hall (OH)	McDade
Dunn	Hayes	Yates
Gibbons	Lincoln	Young (FL)

☐ 2353

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. OBEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ISTOOK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment offered as a substitute for the amendment.

The Clerk designated the amendment offered as a substitute for the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 193, not voting 9, as follows:

[Roll No. 310]

AYES—232

Abercrombie	Dicks	Hoke
Ackerman	Dingell	Holden
Andrews	Dixon	Horn
Baesler	Doggett	Houghton
Baldacci	Dooley	Hoyer
Barrett (WI)	Doyle	Jackson (IL)
Bass	Durbin	Jackson-Lee (TX)
Becerra	Edwards	Jacobs
Beilenson	Ehlers	Jefferson
Bentsen	Ehrlich	Johnson (CT)
Bereuter	Engel	Johnson (SD)
Berman	Eshoo	Johnson, E. B.
Bilbray	Evans	Johnston
Bishop	Farr	Kanjorski
Blumenauer	Fattah	Kaptur
Blute	Fawell	Kelly
Boehlert	Fazio	Kennedy (MA)
Bonior	Fields (LA)	Kennedy (RI)
Bono	Filner	Kennelly
Borski	Flake	Kleczka
Boucher	Foglietta	Klink
Brewster	Foley	Klug
Browder	Ford	Kolbe
Brown (CA)	Fowler	Lantos
Brown (FL)	Frank (MA)	Lazio
Brown (OH)	Franks (NJ)	Leach
Bryant (TX)	Frelinghuysen	Levin
Campbell	Frost	Lewis (CA)
Cardin	Furse	Lewis (GA)
Castle	Ganske	Lofgren
Chapman	Gejdenson	Longley
Clay	Gekas	Lowey
Clayton	Gephardt	Luther
Clement	Geren	Maloney
Clinger	Gilchrest	Manton
Clyburn	Gilman	Markey
Coleman	Gingrich	Martinez
Collins (MI)	Gonzalez	Martini
Condit	Gordon	Mascara
Conyers	Goss	Matsui
Coyne	Green (TX)	McCarthy
Cramer	Greenwood	McDermott
Cubin	Gunderson	McHale
Cummings	Gutierrez	McInnis
Davis	Harman	McKinney
de la Garza	Hastings (FL)	McNulty
DeFazio	Hefner	Meehan
DeLauro	Hilliard	Meek
Dellums	Hinchey	Menendez
Deutsch	Hobson	Meyers
Millender-McDonald	Pickett	Spratt
Miller (CA)	Pomeroy	Stark
Miller (FL)	Porter	Stokes
Minge	Pryce	Studds
Mink	Ramstad	Tanner
Moakley	Rangel	Thomas
Molinari	Reed	Thompson
Moran	Regula	Thornton
Morella	Richardson	Thurman
Murtha	Riggs	Torkildsen
Nadler	Rivers	Torres
Neal	Rose	Torricelli
Nethercutt	Roukema	Towns
Ney	Roybal-Allard	Traficant
Oberstar	Rush	Upton
Obey	Sabo	Velazquez
Olver	Sanders	Vento
Orton	Sawyer	Ward
Owens	Schiff	Waters
Oxley	Schroeder	Watt (NC)
Pallone	Schumer	Waxman
Pastor	Scott	Williams
Payne (NJ)	Serrano	Wilson
Payne (VA)	Shaw	Wise
Pelosi	Shays	Woolsey
Peterson (FL)	Sisisky	Wynn
	Skaggs	Zeliff
	Slaughter	Zimmer

NOES—193

Allard	Gallegly	Paxon
Archer	Gillmor	Peterson (MN)
Armey	Goodlatte	Petri
Bachus	Goodling	Pombo
Baker (CA)	Graham	Portman
Baker (LA)	Greene (UT)	Poshard
Ballenger	Gutknecht	Quillen
Barcia	Hall (TX)	Quinn
Barr	Hamilton	Radanovich
Barrett (NE)	Hancock	Rahall
Bartlett	Hansen	Roberts
Barton	Hastert	Roemer
Bateman	Hastings (WA)	Rogers
Bevill	Hayworth	Rohrabacher
Bilirakis	Hefley	Ros-Lehtinen
Bliley	Heineman	Roth
Boehner	Herger	Royce
Bonilla	Hilleary	Salmon
Brownback	Hoekstra	Sanford
Bryant (TN)	Hostettler	Saxton
Bunn	Hunter	Scarborough
Bunning	Hutchinson	Schaefer
Burr	Hyde	Seastrand
Burton	Inglis	Sensenbrenner
Buyer	Istook	Shadegg
Callahan	Johnson, Sam	Shuster
Calvert	Jones	Skeen
Camp	Kasich	Skelton
Canady	Kildee	Smith (MI)
Chabot	Kim	Smith (NJ)
Chambliss	King	Smith (TX)
Chenoweth	Kingston	Smith (WA)
Christensen	Knollenberg	Solomon
Chrysler	LaFalce	Souder
Coble	LaHood	Spence
Coburn	Largent	Stearns
Collins (GA)	Latham	Stenholm
Combest	LaTourette	Stockman
Cooley	Laughlin	Stump
Costello	Lewis (KY)	Stupak
Cox	Lightfoot	Talent
Crane	Linder	Tate
Crapo	Lipinski	Tauzin
Cremeans	Livingston	Taylor (MS)
Cunningham	LoBiondo	Taylor (NC)
Danner	Lucas	Tejeda
Deal	Manzullo	Thornberry
DeLay	McCollum	Tiahrt
Diaz-Balart	McCrery	Visclosky
Dickey	McHugh	Volkmer
Doolittle	McIntosh	Vucanovich
Dornan	McKeon	Walker
Dreier	Metcalf	Walsh
Duncan	Mica	Wamp
English	Mollohan	Watts (OK)
Ensign	Montgomery	Weldon (FL)
Everett	Moorhead	Weldon (PA)
Ewing	Myers	Weller
Fields (TX)	Myrick	White
Flanagan	Neumann	Whitfield
Forbes	Norwood	Wicker
Fox	Nussle	Wolf
Franks (CT)	Ortiz	Young (AK)
Frisa	Packard	
Funderburk	Parker	

NOT VOTING—9

Collins (IL)	Hall (OH)	McDade
Dunn	Hayes	Yates
Gibbons	Lincoln	Young (FL)

☐ 0000

Mr. BONO changed his vote from ''no'' to ''aye.''

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] as amended.

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

RECORDED VOTE

Mr. FOX of Pennsylvania. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The majority paging system is inoperative. Members should not rely on them for announcing votes.

This is a 5-minute vote.

This vote was taken by electronic device, and there were—ayes 421, noes 0, answered ''present'' 2, not voting 10, as follows:

[Roll No. 311]

AYES—421

Abercrombie	Camp	Dreier
Ackerman	Campbell	Duncan
Allard	Canady	Durbin
Andrews	Cardin	Edwards
Archer	Castle	Ehlers
Armey	Chabot	Ehrlich
Bachus	Chambliss	Engel
Baesler	Chapman	English
Baker (CA)	Chenoweth	Ensign
Baker (LA)	Christensen	Eshoo
Baldacci	Chrysler	Evans
Ballenger	Clay	Everett
Barcia	Clayton	Ewing
Barr	Clement	Farr
Barrett (NE)	Clinger	Fattah
Barrett (WI)	Clyburn	Fawell
Bartlett	Coble	Fazio
Barton	Coburn	Fields (LA)
Bass	Coleman	Fields (TX)
Bateman	Collins (GA)	Filner
Becerra	Collins (MI)	Flake
Beilenson	Combest	Flanagan
Bentsen	Condit	Foglietta
Bereuter	Conyers	Foley
Berman	Cooley	Ford
Bevill	Costello	Fowler
Bilbray	Cox	Fox
Bilirakis	Coyne	Frank (MA)
Bishop	Cramer	Franks (CT)
Bliley	Crane	Franks (NJ)
Blumenauer	Crapo	Frelinghuysen
Blute	Cremeans	Frisa
Boehlert	Cubin	Frost
Boehner	Cummings	Funderburk
Bonilla	Cunningham	Furse
Bonior	Danner	Gallegly
Bono	Davis	Ganske
Borski	de la Garza	Gejdenson
Boucher	Deal	Gekas
Brewster	DeFazio	Gephardt
Browder	DeLauro	Geren
Brown (CA)	DeLay	Gilchrest
Brown (FL)	Dellums	Gillmor
Brown (OH)	Deutsch	Gilman
Brownback	Diaz-Balart	Gonzalez
Bryant (TN)	Dickey	Goodlatte
Bryant (TX)	Dicks	Goodling
Bunn	Dingell	Gordon
Bunning	Dixon	Goss
Burr	Doggett	Graham
Burton	Dooley	Green (TX)
Buyer	Doolittle	Greene (UT)
Callahan	Dornan	Greenwood
Calvert	Doyle	Gunderson

Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Zeliff
Zimmer

ANSWERED ''PRESENT''—2

Forbes
Souder

NOT VOTING—10

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Smith (NJ)
Yates
Young (FL)

□ 0007

Mr. MORAN changed his vote from ''no'' to ''aye.''

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MR. GUTKNECHT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 111, noes 313, not voting 9, as follows:

[Roll No. 312]

AYES—111

Allard
Archer
Bachus
Baker (CA)
Barr
Barton
Bilbray
Brownback
Bunning
Burton
Campbell
Chabot
Chenoweth
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Doolittle
Dornan
Dreier
Duncan
Ewing
Fields (TX)
Funderburk
Geren
Goodlatte
Graham
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayworth
Hefley
Herger
Hoekstra
Hoke
Hostettler
Hunter
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
LaHood
Largent
Laughlin
Lewis (KY)
Linder
Lucas
Manzullo
McInnis
McIntosh
Metcalf
Meyers
Mica
Minge
Montgomery
Moorhead
Myers
Myrick
Neumann
Norwood
Nussle
Parker
Peterson (MN)
Petri
Pombo
Portman
Pryce
Quillen
Ramstad
Roberts
Roemer
Rohrabacher
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shays
Smith (MI)
Solomon
Souder
Spence
Stockman
Stump
Talent
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Weldon (FL)

NOES—313

Abercrombie
Ackerman
Andrews
Armey
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Bunn
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chambliss
Chapman
Christensen
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Hobson
Holden
Horn
Houghton
Hoyer
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Poshard
Quinn
Radanovich
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Rogers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stupak
Tanner
Tate
Tauzin
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Zeliff
Zimmer

NOT VOTING—9

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Yates
Young (FL)

□ 0014

Mr. BARCIA changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. STOKES. Mr. Chairman, I rise in support of the amendment offered by Mr. KENNEDY of Massachusetts. The measure would strike the provision in the bill that prohibits the National Institutes of Health from awarding grants under the Small Business Innovation Research Program unless the median grant score of the pool of these grants is equal to or better than that of investigator-initiated research project grants.

The provision as contained in the bill is unfair to small businesses. The small business segment of the U.S. economy produces the largest number of jobs and carries the country through good times and bad.

The variance in scores among these two very different types of grants should be expected as they have a different type of focus and purpose. Research project grants are intended to perform basic research in order to expand, enhance, and gain new knowledge. Small business innovation grants are for the purpose of developing products and for the commercialization of these products.

These two types of grants are very different. We must realize that in its current form the bill is mixing of apples and oranges. I understand from the small business community who competes for these grants, that at present, SBIR grant reviewers who are more experienced in basic research than in product development. If this is the case, SBIR grantees are being treated unfairly. To quote one of the small businesses in my district, ''by requiring that the SBIR's have an equivalent or better median score to RO1's is like failing all oranges as fruit because they are not red enough or crispy enough for the apple inspectors.''

Mr. Chairman, while the bill has brought critical attention to this important situation, pointing to the need to fix the program, we do not need to break it, to fix it as the bill would do in its current form. I urge my colleagues to be fair to small businesses. Vote ''yes'' on the Kennedy amendment.

Mr. HORN. Mr. Chairman, I rise today in support of H.R. 3755, particularly the provision in title I, section 105 which requires that no funds of the Department of Labor shall be disbursed ''without the approval of the Department's Chief Financial Officer or his delegatee.'' The purpose of the provision is to ensure that the Chief Financial Officer has the authority necessary to oversee the finances of the Department in order to ensure fiscal accountability.

The Chief Financial Officer Act of 1990 is one of the most important pieces of legislation we have to ensure that the Federal Government adheres to effective financial management practices. The CFO Act demands that agencies get their financial affairs in order, that they prepare financial statements that can be independently audited, and that these financial statements receive a clean bill of health, that is, an unqualified opinion, from the auditors.

The CFO Act has been instrumental in changing the ethos in agencies from one of complete indifference about accountability to sober realization that fiscal accountability matters. A success story that appeared in the Washington Post on June 6, 1996, entitled ''Cleaner Paper Trail Leads Out of the Woods,'' highlighted the National Park Service, an entity within the Department of the Interior. Stung by criticism in the House of error filled data and math errors that resulted in a $150 vacuum cleaner to be listed as worth more than $800.000 and a $350 dishwasher as a $700,000 asset, the Park Service overhauled its accounting practices and changed from being an agency with poor financial management to one that obtained a clean opinion on its fiscal year 1995 financial statements. Without the CFO Act, the poor state of financial management would have remained unrecognized and, therefore, uncorrected.

Section 105 of H.R. 3755 will provide the Chief Financial Officer of the Department of Labor with the authority he needs to ensure that Labor sees similar improvement in financial management during the years to come. As chairman of the Subcommittee on Government Management, Information, and Technology of the Committee on Government Reform and Oversight, which oversees the Chief Financial Officer Act, I commend Chairman PORTER and strongly support that effort.

[From the Washington Post, June 6, 1996]

CLEANER PAPER TRAIL LEADS OUT OF WOODS

(By Stephen Barr)

The National Park Service has received, in the parlance of the government's accountants, a clean opinion. Now the Park Service can prove its numbers add up, that its annual financial statements are accurate.

That did not seem to be the case last year. Bad data and math errors had led the Park Service to list a $150 vacuum cleaner as worth more than $800,000 and a $350 dishwasher as a $700,000 asset, according to testimony at a House hearing.

The Park Service, stung by the portrayal and the criticism by House Republicans, began an intensive effort to meet new accounting standards and prove that it knew where and how every dollar was being spent.

''We needed to restore that confidence,'' said Park Service Comptroller C. Bruce Sheaffer. In less than a year, the agency has overhauled its accounting practices and recently produced financial statements for fiscal 1995 that met with approval from the Interior Department's inspector general.

''The Park Service took aggressive action,'' Interior Assistant Inspector General Judy R. Harrison wrote, noting that the agency ''has made significant improvements in the internal control structure.''

The Park Service turnabout is but one of several underway in the executive branch. Until Congress wrote the Chief Financial Officers (CFOs) Act of 1990, the government did not have a comprehensive set of accounting standards. Since then, agencies and Office of Management and Budget (OMB) have been working to improve federal financial management so that essentially the same standards applied to corporate America are applied to the government.

It has been a tough climb. Twenty-four departments and agencies are covered by the CFO Act, but only four have achieved across-the-board clean opinions: the Nuclear Regulatory Commission, the General Services Administration, NASA and the Social Security Administration.

But parts of Cabinet departments, like the Park Service, are meeting the new standards. More than half of the ''entities'' audited were judged clean last year, up from 33 percent in 1990.

One of the biggest tests will come next March, when the law will require the 24 agencies to submit audited financial statements to OMB. The next major step comes in fiscal 1997, when the law calls for a governmentwide financial statement to be prepared and audited.

Members of Congress—Republicans and Democrats—have consistently pressured agencies to comply with the CFO Act. Senate Governmental Affairs Committee Chairman Ted Stevens (R-Alaska), for example, will look at the Internal Revenue Service's financial management practices at a hearing scheduled for today.

By most accounts, the move to clean financial statements should give agencies a new way to demonstrate their integrity and enhance their chances of preventing financial scandals. Still, it has been a shock to several agencies that they are being held to technical standards they never were subject to before.

The Park Service, for example, was faulted by the Interior Department inspector general's office because the agency could not vouch for the accuracy of its debts or the money it was owed. All those concerns can now be set aside, Sheaffer said.

''We argued from the outset that nothing the IG found in any way supported the notion that we were wasting money,'' he said, ''We believed then and now that we can account for every dollar spent . . . and now we've proved it.''

The Park Service financial statement for fiscal 1995 recounts that the agency received about $1.4 billion in congressional appropriations and another $200 million from other revenue sources, such as fees and trusts. The agency employed about 19,000 full-time workers, but also relied on more than 77,000 volunteers.

The financial statement also includes ''customer satisfaction survey results'' for 1993–94. At 15 parks, for instance, 68 percent of the 2,533 survey respondents rated the quality of park personnel as ''very good,'' the top category.

The statement shows the Park Service is cutting down on delays in repaying travel advances and now pays its suppliers and vendors more promptly. It also shows where the agency is spending its money, such as $37.9 million last year for ''fire and emergency operations.''

There's also eight pages of tables summarizing acreage within park boundaries. The grand total: 369 park areas containing 83 million acres. The government can claim ''absolute ownership'' of about 77.6 million acres of that land.

The cascade of numbers in the financial statement provides only a one-time snapshot of Park Service operations. The annual reports will assume more significance five and 10 years from now, Sheaffer said. ''The measure of change has some importance to us, and over time, these numbers will take new meaning as they show change,'' he said.

While trend analysis may prove useful in the next century, Sheaffer noted there are some things financial statement can never measure or answer, starting with the mountains, lakes or historic buildings held in trust for the American people by the park system.

''How do you set a value on these assets,'' he asked. ''How could you put a value on the Washington Monument?''

Mr. NADLER. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from California [Ms. PELOSI] to strike a rider in the Labor, Health and Human Services and Education Appropriations bill for fiscal year 1997, that would prohibit the Occupational Safety and Health Administration from

using funds in the bill to develop standards on ergonomic protection for workers, or to record or report ergonomic-related injuries or illnesses.

This language is another attempt by the majority to shred and halt the progress of crucial worker health and safety protections. By prohibiting key protections, this language will place thousands of Americans, unnecessarily, at a great health and safety risk.

Ergonomic related injuries result from poorly designed work stations and repetitious work. Workers develop such debilitating ailments as carpal-tunnel syndrome, tendinitis, and back strain. These injuries account for one-third of all lost-time work injuries in the United States and represent the most significant safety and health problem facing American workers today. These injuries can have such painful, serious effects, that they are disabling and disruptive to the lives of those who suffer from them. Furthermore, the continual growth of ergonomic-workplace hazards places strain on the American economy, in lost work days, and increased health care costs.

Ergonomic workplace injuries and illnesses in this nation have skyrocketed in recent years. The reports of symptoms of carpal tunnel syndrome have increased for many workers. For example, 81 percent of telephone operators responding to a 1995 survey conducted by the Communications Workers of America reported hand or wrist pain.

This country is in dire need of stronger health and safety regulations. It is unacceptable that millions of Americans suffer from disabling work-related injuries each year when these injuries could be prevented by requiring OSHA to develop studies and standards that would ensure healthier workplaces.

Worse still, the authors of this provision don't even want OSHA to gather information on ergonomic injuries in the workplace. Apparently, when it comes to protecting workers' health, the majority believes that ignorance is bliss.

It is the role of this Government to work fervently, and responsibly to ensure a safe and healthful workplace for American workers, and for a productive economy.

I urge the Congress to support this amendment to strike the rider, and to support workplace protections.

Ms. DELAURO. Mr. Chairman, I rise to strike the last word. I rise in strong support of the Lowey/Castle amendment to restore $2.4 billion in funding for the National Center for Injury Prevention and Control at the Centers for Disease Control.

The National Center for Injury Prevention is the only government entity that addresses the issue of injury in a comprehensive manner and encourages an interdisciplinary approach to decreasing the burden that injuries place on society.

In the United States, 140,000 people die of injuries each year, and many thousands more suffer permanently disabling injuries. These deaths and disabilities lead to loss of productive years of life, as injuries are primarily a disease of the young and the leading killer of persons under age 44. Many injuries can be prevented, at a much lower cost than treating them. In addition, the severity and long term effect of injuries that do occur can be minimized through effective treatment and early rehabilitation.

But don't take my word for it. Let me read a passage from a letter I received from Dr. Linda Degutis, assistant professor at Yale School of Medicine and the codirector of the New Haven Regional Injury Prevention Program.

Dr. Degutis states:

I have seen the increasing level of gun violence in New Haven and the surrounding areas. I have seen children die and adolescents face permanent disability due to spinal cord injuries and head injuries. Not all of these victims are victims of interpersonal violence. Many have attempted suicide. In the case of children, several have been unintentionally shot by other children, or caught in the cross fire between adults with guns. It is disturbing to see this on a daily basis, but viewing the effects of violence has served to strengthen my resolve to do something about it on a personal and professional level.

Continued support for the Injury Prevention program would allow scientists in the field of injury control, like Dr. Degutis in New Haven, continue their work in preventing a disease that has its greatest impact on young people. Projects funded through the Injury Prevention Program have already had an impact in decreasing injury morbidity and mortality from recreational activities, fires, bicycle crashes, falls, domestic violence, and other injury events. Restoring the funds for the center in New Haven will provide the opportunity for areas of research that have been ignored and developing interventions to decrease the toll that injury takes on our citizens.

What is tragic about the debate—and the attack on the Injury Prevention Program this morning—is that it is not based on the merits or quality of work of the projects funded by the Injury Prevention Program. It is a sell out to the gun lobby because of research that the Injury Prevention Program has compiled on firearm injury. These studies have found that guns in the home are actually dangerous to their owners.

Stripping the funds for the Injury Prevention Program will not make the tragic facts about gun violence disappear. Nor will it squelch public outrage and concern for our children that face the threats and fears of guns in their homes, in their schools or their playgrounds.

The Gingrich Congress, by voting to repeal the assault weapons ban showed its flagrant disregard for the will of the American people on this issue—all for the campaign money and political paybacks that come from the gun lobby.

I urge my colleagues to support dedicated doctors and scientists—like Dr. Linda Degutis in New Haven—and vote to restore the $2.4 billion for the Injury Prevention Program. The safety of children in this country should be the No. 1 priority of the people's House—not political paybacks to the gun lobby. Vote for the Lowey/Castle amendment.

Mr. LEVIN. Mr. Chairman, I rise today in strong opposition to the bill. At a time when studies are showing an increase in drug abuse among young people, we can ill afford to freeze funding for drug prevention programs on the local level at an already grossly inadequate level.

Unfortunately that is exactly what this bill does by maintaining funding for the Center for Substance Abuse Prevention at essentially the FY 96 level.

The Center for Substance Abuse Prevention provides grants to local community-based organizations to develop strategies to prevent drug and substance abuse problems on the mainstreets of America. This agency is the only one on the federal level whose sole purpose and mandate is drug abuse prevention.

In 1996, the Center took a 62 percent cut in funding. This caused the Center to provide only partial funding to many projects and send out notices to 76 grant programs stating that funding was going to be cut off at the end of fiscal year. This will result in the loss of many vital ongoing projects covering pregnant women, children of alcoholics, children of drug abusers, and children who live in areas of high crime—totaling over 6 million people nationwide. Years of valuable research will be lost and already expended federal resources will be wasted.

By doing this, we will be undermining an important weapon to fight drug abuse—community involvement. This is not only foolish, it's poor policy.

By funding the Center at over $80 million below the Administration's request, Congress will undermine the new anti-drug strategy developed by General Barry McCaffrey, the nation's new Drug Czar, which focuses not only on eliminating the supply of drugs at the source but on reducing the demand for drugs at the local level.This too is unwise and counterproductive to our nation's interests.

In the war to prevent drug abuse, talk is cheap and knowledge is power. Sadly this bill has too little of the latter and too much of the former.

I urge my colleagues to defeat this bill so that we can send it back to Committee and get back one that helps local communities fight the drug war where it matters most—in our schools, in our homes, at our places of work, and on the mainstreams of America.

Mr. MARTINEZ. Mr. Chairman, I rise today in support of the amendment offered by my colleague from New York.

Tragically, many of those who are exploited under sweatshop conditions are children. And fortunately we have always made sure there were adequate funds for enforcement of child labor laws. I would remind my colleagues that this has historically received bipartisan support.

Let me remind you all that in 1990, then-Secretary of Labor Elizabeth Dole testified about the Department's need to crack down on child labor violators in the United States. The Secretary outlined a five point strategy which involved, in brief, vigorous enforcement, increased penalties, litigation, new steps to ensure safe and healthy jobs for youth, and a new task force combining the resources of several offices of the Labor Department.

The Department's enforcement effort, known as Operation Child Watch, utilized nationwide sweeps to find violators and take remedial action. That effort revealed violations in 2,800 instances.

As a result, Secretary Dole proposed legislation to significantly increase monetary and criminal penalties. Why? Because without vigilance and without sufficient funds for enforcement the situation would get worse. Knowing that, Secretary Dole said, and I quote:

I am determined to fulfill another fundamental responsibility of the Department of Labor: Upholding the laws which protect children from exploitation and danger.

Mr. Chairman, both sides of the aisle have a responsibility to protect our children. Together we must continue this commitment to our Nation's youth by providing the resources

for the department to investigate and penalize those sweatshops that exploit children.

If you don't believe there is a need, let me quote former Secretary Dole one more time. You know, if one child dies or there's a very severe injury, that's one too many. Right now, as you look at the totals, we had 22,500 children illegally employed in fiscal year 1989. For the first eight months of this fiscal year the number is 31,000. We are projecting that it may be as high as 40,000 by the end of this fiscal year.

That was six years ago, and unless we pass the Velazquez amendment that will restore much-needed funding to the Wage and Hour Division and the Bureau of International Labor Affairs, the situation will get even worse, both here and abroad.

I urge my colleagues to support the Velazquez amendment.

Mr. UNDERWOOD. Mr. Chairman, after enduring a 35% cut last year, this Labor, HHS, Education Appropriations bill slashes an additional $11 million from bilingual education. This cut is nothing but the latest in a series of backhanded attempts to wipe out this proven educational tool. It's a case of death by a thousand paper cuts. This bill also attempts to eliminate the professional cadre of bilingual teachers and support staff by killing professional development. This would be tantamount to having an Army without a West Point.

Because bilingual education opponents can't prove it doesn't work, I guess they figure they can ensure its failure by keeping our teachers from receiving necessary training. Teacher training funds are not specifically eliminated for any other education program. This bill doesn't ask Head Start teachers or special education teachers to do without additional training. Only bilingual education teachers are singled out.

Some Members of this House consistently argue against bilingual education because, as they say, ''we need to teach our children English!'' This is typical of the inaccurate stereotype of bilingual education as anti-English and is being anecdoted to death. I agree that we must teach our children English and any local bilingual education program that does not teach English is flawed. But a flawed program doesn't mean we do away with the educational tool. We don't threaten to take computers out of our Nation's classrooms when we hear about a poor computer literacy course.

Bilingual education works! I know because before I came to Congress I was a bilingual educator. I have seen first hand the positive impact of teaching in a language students can understand. And that is all bilingual education is—comprehensible instruction so that they don't fall behind in math, science, and history while they are learning English. It is not about ethnic politics its about educating our children.

Mrs. COLLINS of Illinois. Mr. Chairman, this bill, H.R. 3755, to make appropriations for the Labor, Health and Human Services (HHS), and Education Departments and various independent agencies, is a clear demonstration that the Gingrich Republicans care little about the people, little about community-based programs for prevention and early intervention, little about education, little about substance abuse prevention and treatment, and they care little about the workers of this country. Pure and simple.

The Gingrich Republicans have turned their cold shoulders to the children and elderly of this country by freezing funding for valuable Title I education programs for nearly 7 million disadvantaged children; freezing funding for employment training, school-to-work and summer jobs for youth; freezing resources for training and services for education equity designed for minorities and women—funding which has been the only source available to the local school corporations around the country; and freezing funding for special and vocational education.

This Labor-HHS-Education Appropriations Bill slashes funding for the Healthy Start program that has proven to be successful in preventing both high infant mortality and child abuse and neglect; it slashes funding for substance abuse and mental health services; and, it slashes funding for Education Goals 2000.

President Clinton has said he will veto this bill if it is sent to him as it currently reads. The Republicans know this. So why continue these games? I do not understand the sense of passing a bill we know will only be successful in shutting down the government, only be successful at hurting people, by denying education to those who need it, and by withdrawing services to the elderly.

I have been appalled at the tactics used by the Gingrich Republican majority in this 104th Congress to hold the Federal government and the American people hostage with their extreme ideological agenda. This bill continues that trend by using as weapons the programs of the Labor, HHS, Education Departments. It is yet another measure of the lack of respect shown by the Republican majority of this Congress for the Constitutional rights to which every citizen is entitled.

At every opportunity in budget negotiations from FY 96 and now for FY 97, the Republican extremists have simply refused to carry out their Constitutional responsibilities to govern. It is inconceivable that they could find a way to go from bad to worse, but they have with this bill. It is time for them to end the dangerous game of chicken that they have been playing with the lives of American's children, seniors, disabled, and poor.

Mr. UNDERWOOD. Mr. Chairman, I rise to voice my concern over the dramatic cuts in education included in the FY97 Labor, Health and Human Services, Education Appropriations bill. After $1.1 Billion in education cuts already imposed by the 104th, this Congress continues to wage war on our schools by proposing $400 million in additional cuts for Fiscal Year 1997.

Under this bill my district of Guam would lose $1.7 million designed to keep our school environments safe and drug free, $200,000 in school improvement funds under Goals 2000, and $44,000 in Byrd Scholarships, just to list a few. In addition, special education will only receive level-funding which is totally inadequate given increases in enrollment and inflation. We can argue about what is or isn't a true cut but less money for more students at increased costs hurts any way you slice it.

If this bill passes, a host of worthwhile programs including Title 1 and bilingual education will become this Congress's latest road kill. The elimination and reduction of these programs have real impact in the lives of our students. The ability of the Guam Public School System to meet the needs of our students would be seriously impaired by these cuts. We all agree that schools need to prepare our children for the 21st century but we refuse to give schools the tools necessary to fulfill their basic responsibilities. How can we continue to ask our schools to do more with less?

Mr. ROGERS. Mr. Chairman, I rise today in support of the Black Lung Clinics Program and the Ney amendment to the Labor, Health and Human Services, and Education Appropriations for FY 1997.

This is not a program that receives much attention in the national media. Most Americans may not know it even exists. But to many in my part of the country, this is an essential program which provides relief and comfort for those afflicted with a painful disease.

Upon realizing that specialized medical services were needed for those working in our nation's coalmines, Congress in 1969 passed the Black Lung Benefits Act.

The main goal of the Black Lung Clinics is to keep respiratory patients out of the hospital by using preventative medicine and improving the quality of life of the men and women afflicted with lung disease.

The physicians and other health care professionals in a clinic in my district have developed health management techniques for patients with chronic lung disease, improving those patients' quality of life while reducing annual hospitalizations among the affected patient group by 70%.

The amendment from the gentleman from Ohio would restore $2 million for the program in FY 1997. It would enable the dedicated professionals to continue their work with their patients. The figures below indicate the Black Lung Clinics Program funding:

FY 1995: $4,142,000
FY 1996: $3,811,000
House FY 1997: $1,900,000
With Ney Amendment: $3,900,000

The Ney amendment would raise the funding level in FY 1997 by only slightly more than 2% above the FY 1996 level.

Many of us can never fully understand the sacrifices of the men and women who every day toiled in the depths of the earth. They are among the oft unappreciated laborers who provided this nation with the resources necessary to fuel our nation's industrial engine.

As we once needed them, they now need us. I hope my colleagues will join me in continued support for the Black Lung Clinics program. Please support the Ney amendment.

Ms. WATTS of Oklahoma. Mr. Chairman, I am very pleased to stand in support of H.R. 3755, appropriations for the Departments of Labor, HHS, and Education, and I am particularly pleased with the strong support this appropriations gives to education, especially Impact Aid assistance and student financial assistance.

Impact Aid is a necessary and justified program of federal financial assistance for school districts that are affected by a federal presence. I have been privileged to work closely with my colleagues to encourage full funding for Impact Aid. This legislation appropriates $728 million which is an 18% increase over the President's proposal and a clear demonstration of our commitment to these schools and their students.

Student financial aid also receives strong support in this legislation. The maximum Pell Grant award has been significantly increased, as has funding for the Federal Work-Study program. Federal Supplemental Education Opportunity Grants have been maintained at $583 million, and the TRIO program has been increased to $500 million.

I congratulate the Chairman and the Committee on bringing us a strong bill for education and I am proud to cast my vote in strong support of this legislation.

Mr. CASTLE. Mr. Chairman, I want to express my appreciation to the Appropriations Committee on its fair FY97 Labor-HHS-Education Appropriations bill. Crafting an appropriations bill while balancing the priorities of 435 Members of Congress is no easy task, and I recognize the constraints the Appropriations Committee faces. I believe that the Committee made a good faith effort to address labor, education, and health needs of our nation.

For example, in the area of higher education, the bill increases the maximum Pell Grant award to $2,500. For our elementary and secondary schools, it continues funding for Safe and Drug Free Schools and Title 1, and increases funding for Head Start and Impact Aid. In the area of health and human services, the bill increases funding for medical research and preventive services, as well as the Violence Against Women Act. The bill also continues funding for Title X and the Low Income Home Energy Assistance program.

Let me reiterate that the bill does not reflect all of my priorities as strongly as I would like, and I will support improvements in the level of education funding as the bill moves through the legislative process.

Last year, I opposed this Appropriations bill because I felt that the cuts in education were too severe, and I worked to increase funding for education programs. This year, the Committee has made a sincere effort to provide adequate funding for important programs that benefit our young people, the elderly, and those with limited incomes. This was accomplished within the limits necessary to continue on the course to a Balanced Budget which is critical to our children's future and the economic health of our nation.

Mr. SKAGGS. Mr. Chairman, I cannot support the drastic cuts to education contained in this year's Labor-HHS-Education Appropriations bill, and I urge a no vote on the bill.

The 104th Congress has already slashed education funding by over $1 billion. This bill would continue the dangerous trend toward disinvestment in education by cutting an additional $400 million.

We must reverse this dangerous course. A good education is no luxury—it is a necessity. Our economic growth and quality of life in the 21st Century depend on providing the best possible education for all of America's children.

Right now, teachers and schools are facing enormous challenges. Enrollments are increasing. Next year, we will have more students in school than at any time in history—51.7 million students—breaking the record set in 1971 when the baby boomers came of age. America's teachers also have to deal with larger numbers of students with inadequate English language skills, developmental problems, and disabilities.

This bill does not adequately address the challenges facing our schools.

The bill would stall the progress we have made in improving schools and teacher skills. It kills the Goals 2000 initiative, the Eisenhower Professional Development program, Star Schools, and Migrant Education. Together with the Title I Disadvantaged Education program, these programs constitute the core federal initiative to help schools and school districts assure that all students, particularly the most economically and educationally disadvantaged, have the opportunity to achieve their highest potential.

The bill also makes cuts in higher education. By eliminating new capital contributions to Perkins loans, the bill would deprive about 96,000 students of access to these loans. About half of these students come from families with incomes of less than $30,000, and they have no other resource to make up the difference.

Cuts to financial assistance for college students are particularly short-sighted. My sister and I were the first members of my family to finish college. Both of us relied on financial assistance. The authors of this bill evidently do not understand just how expensive a college education is. Or, they don't fully appreciate the central role that the federal government plays in helping students get through college or vocational courses.

A better future for the nation and for our families is inextricably linked to the investment we make in education. A highly-educated citizenry and workforce are crucial to keeping the democracy strong and to competing in a changing global economy.

I urge my colleagues to reject further education cuts and to vote against passage of this bill.

Mr. CLAY. Mr. Chairman, I rise in strong opposition to extreme Republican anti-labor riders in this legislation.

I had thought the radical House Republicans had learned their lesson last year, when the legislative riders that they added to appropriations bills led to two government shutdowns. Here they go again, with two special interest provisions designed to weaken an agency that protects both working Americans and, ironically, many employees.

To start with, this bill already imposes a draconian cut in the budget of the National Labor Relations Board—a fifteen percent cut from the current level, and a twenty percent cut from the President's request. Cuts of these magnitude will only result in increasingly growing backlogs—backlogs that are in the interest of neither employees nor employers. But the special interests served by this bill don't care.

The first rider would prohibit the issuance of a final single location bargaining unit rule by the NLRB. But if Republicans were true to their principles, they would be supporting, not opposing, the issuance of a final rule.

Indeed, such a rule, by minimizing the need for case-by-case adjudication, would reduce expensive litigation and resultant delay. This would promote certainty, for the benefit for both labor and management. In addition, a rule would promote the more efficient use of Board resources, a crucial consideration in light of the drastic cuts in the Board's budget proposed in this bill. By opposing such a rule, the Republican are showing their hypocrisy.

The second rider would effectively force the NLRB to raise its business volume threshold for exercising jurisdiction over labor disputes. This is a major policy change that should not be adopted in haste on an appropriations bill.

Ironically, this change would not necessarily reduce the NLRB's workload, since jurisdiction would become an issue in many more cases.

Indeed, this rider shows how blind the sponsors are to the role and function of the Labor Board. The NLRB is a referee that maintains the rules of the game for both labor and management. It protects both employees and employers. The supporters of this amendment want to take away the NLRB's jurisdiction over smaller employers and restore the law of the jungle.

Is this really what the supporters of this rider want to see—the law of the jungle? Do the supporters of this rider really want to decrease protections for small employers? That's what this rider would do. Perhaps that's why both labor and management experts oppose this rider.

These riders are just another example of the extreme anti-labor animus of the House Republican leadership. They don't care about the facts, they don't care about the law, they don't care about the procedure, they just know they hate labor.

Let's strike these extreme riders from this bill. Let's help prevent another government shutdown.

Ms. ESHOO, Mr. Chairman, the shortsightedness of this bill should be obvious to us all. Inadequate funding for education compromises our children's future and the future of our nation.

Listen carefully to what's not being funded:

Compensatory Education—$475 million less.

Safe & Drug Free Schools—$99 million less.

Special Education—$306 million less.

Bilingual Education—$94 million less.

Goals 2000—eliminated.

Mr. Chairman, one cannot cut these programs without serious ramifications. Funding for education is an investment that we can and must make a priority.

I return to my district every weekend and one of the issues I consistently hear from my constituents about is the importance of education. Education is the very foundation upon which our nation is built and it is what will determine the very future of our citizenry and our country.

I urge my colleagues, Republicans and Democrats, to oppose this shortsighted bill.

Mr. BALLENGER. Mr. Chairman, I support the bill under consideration today.

Many of us in Congress have been critical of OSHA. We've claimed that the agency has been overreaching and lacking in common sense in its regulations. We've claimed that it is adversarial and punitive in its enforcement, and noted that it has not been cost effective in promoting worker safety and health.

The Clinton Administration has agreed with many of our criticisms of OSHA. For example, just one year ago, President Clinton, speaking at a small business in Washington, D.C., called for creation of ''a new OSHA,'' an OSHA that puts emphasis on ''prevention, not punishment'' and uses ''commonsense and market incentives to save lives.'' Vice President Gore was even more direct when he spoke to the White House Conference on Small Business last year. He said:

> I know that OSHA has been the subject of more small business complaints than any other agency. And I know that it is not because you don't care about keeping your workers safe. It is because the rules are too rigid and the inspections are often adversarial.

In criticizing OSHA, we've said nothing more than OSHA's record surely shows. Despite spending over $5 billion in taxpayer funds over

the past 25 years, there is little evidence that OSHA has made a significant difference in the safety and health of workers.

Other examples and studies show that OSHA's focus on finding violations, no matter how minor and insignificant, has made OSHA ineffective in improving safety and health in the workplace. Why? One reason is that when the focus is on issuing penalties rather than fixing problems, there is much less attention paid to fixing problems. One study showed that the time required of OSHA to document citations increased an average inspection by at least 30 hours, thus greatly decreasing the number of workplaces OSHA could inspect. Penalties are sometimes necessary to compel irresponsible employers to address health and safety for their workers. But, as the Clinton Administration has said, inspections and penalties have not produced safety. It is time to find new ways of operating.

Just recently the Assistant Secretary of OSHA criticized this bill for cutting OSHA too much. But, in fact, these modest ''reforms'' do not undercut safety and health. This bill attempts to reorient OSHA by targeting more funds toward compliance assistance which helps employers and employees in creating a safe workplace. Putting greater focus on compliance assistance is precisely what the Assistant Secretary has asked for. The bill does make modest cuts in the agency's budget, but, simply adding resources without real reform is not going to make the agency more effective—and adding more resources is not likely to happen without reform.

In addition, the bill retains language prohibiting the agency from issuing a mandatory standard related to ergonomics. Last year, OSHA issued a draft proposal on ergonomics that was too broad, too vague, and failed to recognize that the science of ergonomics is a complex field of study, still in its infancy. In the scientific community, there is little consensus on ergonomics or how best to treat and prevent these problems. Yet, OSHA came up with a one-size-fits-all standard that fails to acknowledge the difference between businesses. A chicken plant operates differently from the textile industry. Each has unique distinctions that make a one-size-fits-all government mandate impossible to ''fit'' these different situations.

As a small businessman myself, I can tell you that I believe ergonomics and understanding its impact on the workplace should be an important part of any business' occupational safety and health approach. It is important for each ergonomics program to address the individual needs of the workplace. We need a responsible proposal, based on sound scientific evidence and cost-benefit analysis. OSHA's one-size-fits-all ergonomics policy doesn't address these concerns.

Last year, and it still applies, it was noted that the draft ergonomics standard could bankrupt small businesses with little corresponding improvement in worker safety and health. For instance, in order with OSHA's proposal many small firms would need to hire an ergonomics expert—an expense that small companies could not absorb, especially on top of the new wage increase that will likely become law soon.

Consider also, that in Australia, when an ergonomic standard was adopted in the 1980's, injury rates increased. Workers' compensation costs increased as much as 40 percent in some industries, and a single company lost more than $15 million in 5 years due to increased production costs.

The prohibition on OSHA's one-size-fits-all policy ergonomics policy should continue until we have a better understanding of the specific factors that cause the injuries and assurances that it will be based on sound scientific analysis.

In my view, OSHA would be more effective by working with employers rather than creating a confrontational sitting. OSHA's emphasis on issuing penalties, even for relatively minor problems and violations, not only a matter of great annoyance and sometimes financial burden to business, but tremendously inefficient from the standpoint of using OSHA's limited resources to effectively promote safety. Each year, OSHA spends about ½ million additional man hours citing and documenting penalties on paperwork violations, even where the employer makes the changes. In other words, this is time spent just for the purpose of issuing penalties for violations in which there is no direct threat to an employee's safety or health. A couple of journalists reported recently that another 100,000 hours are spent by OSHA each year responding to unfounded complaints. No private employer in our country could waste resources on unproductive activities the way OSHA has and stay in business.

Second, OSHA should be viewed as more of a catalyst for improving and promoting safety and health, rather than simply an enforcer of government rules. Thus, employers with good safety records, or those who have retained the services of someone who is knowledgeable about safety and health in their workplace, should be encouraged to do so.

Changes are long overdue to make OSHA less adversarial, more cooperative, and more focused on real health and safety. It is not a matter of reducing our commitment to workplace safety and health. It is an opportunity to work more effectively to encourage productive, competitive, and safer workplaces. I will continue to push for these types of changes, and the appropriation bill before us today takes a few modest steps toward that goal.

Mr. CLAY. Mr. Chairman, I rise in support of the amendment of the gentlewoman from New York [Ms.VELÁZQUEZ].

Only 2½ weeks ago, the Wall Street Journal ran an article documenting the extent to which the minimum wage and overtime law is routinely violated in this country. That article cited estimates by the employment policy foundation, an employer-funded think tank, that workers lose 19 billion dollars a year in unpaid overtime. The employment policy foundation estimates that one out of ten workers is regularly cheated out of overtime. Most other observers believe that is a conservative estimate. More than 60 percent of those workers who are not being paid the wages they have earned are earning ten dollars an hour or less.

In Specific industries, such as the garment industry, minimum wage and overtime violations have reached epidemic proportions. In 1994, a random check of 69 garment manufacturers in southern California by the Department of Labor found that 73 percent were not maintaining payroll records, 68 percent were not paying overtime, and 51 percent were not even paying minimum wages. The problem has become so serious that legitimate employers who seek to comply with our labor laws are being driven out of business.

At a time when corporate profits are skyrocketing, working families are seeing their income stagnate and decline. Between 1973 and 1994, the number of families with two working parents increased by 56%. Yet, despite this increase median family income was virtually unchanged. Since 1989, average family income has declined by more than $2,000.

No one claims that improving enforcement of the labor law will reverse the decline in average family income by itself. We do claim, however, that the failure to address the problem can only accelerate the trend.

Nineteen billion dollars in unpaid overtime amounts to a gigantic income transfer program. But it is Robin Hood in reverse. We are taking money from the poor and giving it to the rich. And we are allowing it to be done in violation of the law.

The amendment offered by the gentlewoman from New York is a very modest effort to attempt to restore some assurance to American workers that their government will act to enforce the labor law. We are seeing in this country a re-emergence of the kinds of sweatshop and slave labor situations that should have been eradicated for all time more than 50 years ago. Continuing to allow these kinds of abuses to fester and grow undermines the standard of living of workers and of the economy as a whole. I urge my colleagues to vote for this amendment.

Mr. DIXON. Mr. Chairman, I rise in opposition to the fiscal year 1997 Labor, Health and Human Services, and Education Appropriations bill (H.R. 3755). The Republicans call this year's funding levels in the bill a ''freeze'' of last year's levels, with some programs receiving small increases, and others receiving slightly reduced amounts. But this so-called ''freeze'' in funding leaves many Americans out in the cold by failing to maintain vital services.

In the Department of Labor, funding for summer jobs is frozen at the 1996 level of $625 million, which will support 79,000 fewer jobs than this year. At a time when so many of our nation's youth grow up in deteriorating neighborhoods with few employment opportunities, it is essential that we continue to provide these young people with the opportunity to acquire valuable work experience.

The Occupational Safety and Health Administration (OSHA), which enforces America's workplace safety laws, is funded at $297.7 million. This $6 million cuts from last year may not appear to be huge in these austere times, but it is substantially below the $340 million level which the Administration believes is necessary for workplace safety. OSHA has worked to create a safe environment by reducing workplace fatalities by more than 50 percent and injuries and illnesses by 22 percent over the past 25 years. Why jeopardize the progress we have made?

The measure short changes American children through its education funding levels. The bill eliminates funding for Goals 2000, which means that federal efforts already underway to raise academic standards and to encourage students to work hard to meet those standards would be terminated. Nearly six million children in 12,000 schools would be affected. Title I Compensatory Education grants to local education agencies are frozen at the 1996 level of $6.7 billion; given inflation, fewer funds will be available to provide students the assistance they need in basic reading and math.

While we decry the condition of our nation's schools and the inability of American students to compete successfully against their European and Asian counterparts, we continue to deny our children adequate funding for programs which will improve their education.

Finally, let me highlight my particular concern about the level of funding in this bill for substance abuse prevention. The Committee has recommended $94 million for the substance abuse prevention program. While this is a $4 million increase above the 1996 level, the 1996 appropriation of $90 million was a devastating $148 million decrease from the 1995 amount. As a result of the huge 1996 cut, nearly five million youth will be denied access to services which are crucial to helping them avoid the problems associated with substance abuse.

The Community Coalition for Substance Abuse Prevention and Treatment, located in my district, is one of a number of groups across the nation which work diligently to eradicate drug abuse in our communities and which will now be denied funding. As we consider the impact of these cuts on groups like the Community Coalition, we would do well to remember the adage, ''An ounce of prevention is worth a pound of cure;'' perhaps nowhere is this adage more fitting than in the field of drug abuse prevention.

Mr. Chairman, this bill puts the freeze on employment for youth, worker safety, substance abuse prevention, and the ability of the next generation of Americans to compete in the global marketplace. We cannot afford to turn our backs on the need for investment in the human capital of this nation. H.R. 3755 is ill-advised and should be defeated.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. WALKER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 3755), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, pursuant to House Resolution 472, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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

The amendments were agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. OBEY

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

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

Mr. OBEY. I most certainly am, Mr. Speaker.

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

The Clerk read as follows:

Mr. OBEY moves to recommit the bill, H.R. 3755, to the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I will not take time to debate the motion.

The SPEAKER pro tempore. The motion is not debatable.

Mr. OBEY. Mr. Speaker, this is a straight motion to recommit. I will not push it to a rollcall vote. I would urge a ''no'' vote on final passage.

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

There was no objection.

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

The motion to recommit was rejected.

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

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

The vote was taken by electronic device, and there were—yeas 216, nays 209, not voting 9, as follows:

[Roll No. 313]

YEAS—216

Allard	Doolittle	King
Archer	Dornan	Kingston
Armey	Dreier	Klug
Bachus	Duncan	Knollenberg
Baker (CA)	Ehlers	Kolbe
Baker (LA)	Ehrlich	LaHood
Ballenger	Ensign	Latham
Barr	Everett	Laughlin
Barrett (NE)	Ewing	Lazio
Bartlett	Fawell	Leach
Barton	Fields (TX)	Lewis (CA)
Bass	Foley	Lewis (KY)
Bateman	Forbes	Lightfoot
Bereuter	Fowler	Linder
Bilbray	Fox	Livingston
Bilirakis	Franks (NJ)	LoBiondo
Bliley	Frelinghuysen	Lucas
Boehlert	Frisa	Manzullo
Boehner	Funderburk	McCollum
Bonilla	Gallegly	McCrery
Bono	Ganske	McHugh
Brewster	Gekas	McInnis
Brownback	Geren	McIntosh
Bryant (TN)	Gilchrest	McKeon
Bunn	Gillmor	Metcalf
Bunning	Gilman	Meyers
Burr	Gingrich	Mica
Burton	Goodlatte	Miller (FL)
Buyer	Goodling	Molinari
Callahan	Goss	Montgomery
Calvert	Graham	Moorhead
Camp	Greene (UT)	Morella
Campbell	Greenwood	Myers
Canady	Gunderson	Myrick
Castle	Gutknecht	Nethercutt
Chabot	Hall (TX)	Ney
Chambliss	Hansen	Norwood
Chenoweth	Hastert	Nussle
Christensen	Hastings (WA)	Oxley
Chrysler	Hayworth	Packard
Clinger	Hilleary	Parker
Coble	Hobson	Paxon
Coburn	Hoke	Petri
Collins (GA)	Horn	Pombo
Combest	Hostettler	Porter
Condit	Houghton	Portman
Cox	Hunter	Pryce
Crane	Hutchinson	Quillen
Crapo	Hyde	Radanovich
Cremeans	Inglis	Ramstad
Cubin	Istook	Regula
Cunningham	Jacobs	Riggs
Davis	Johnson (CT)	Roberts
de la Garza	Johnson, Sam	Rogers
Deal	Jones	Rohrabacher
DeLay	Kasich	Ros-Lehtinen
Diaz-Balart	Kelly	Roth
Dickey	Kim	Roukema
Royce	Smith (WA)	Vucanovich
Salmon	Solomon	Walker
Saxton	Spence	Walsh
Schaefer	Stearns	Wamp
Schiff	Stockman	Watts (OK)
Seastrand	Stump	Weldon (FL)
Shadegg	Talent	Weldon (PA)
Shaw	Tate	Weller
Shays	Tauzin	White
Shuster	Taylor (NC)	Whitfield
Skeen	Thomas	Wicker
Smith (MI)	Thornberry	Wolf
Smith (NJ)	Tiahrt	Young (AK)
Smith (TX)	Upton	Zeliff

NAYS—209

Abercrombie	Green (TX)	Ortiz
Ackerman	Gutierrez	Orton
Andrews	Hamilton	Owens
Baesler	Hancock	Pallone
Baldacci	Harman	Pastor
Barcia	Hastings (FL)	Payne (NJ)
Barrett (WI)	Hefley	Payne (VA)
Becerra	Hefner	Pelosi
Beilenson	Heineman	Peterson (FL)
Bentsen	Herger	Peterson (MN)
Berman	Hilliard	Pickett
Bevill	Hinchey	Pomeroy
Bishop	Hoekstra	Poshard
Blumenauer	Holden	Quinn
Blute	Hoyer	Rahall
Bonior	Jackson (IL)	Rangel
Borski	Jackson-Lee (TX)	Reed
Boucher	Jefferson	Richardson
Browder	Johnson (SD)	Rivers
Brown (CA)	Johnson, E.B.	Roemer
Brown (FL)	Johnston	Rose
Brown (OH)	Kanjorski	Roybal-Allard
Bryant (TX)	Kaptur	Rush
Cardin	Kennedy (MA)	Sabo
Chapman	Kennedy (RI)	Sanders
Clay	Kennelly	Sanford
Clayton	Kildee	Sawyer
Clement	Kleczka	Scarborough
Clyburn	Klink	Schroeder
Coleman	LaFalce	Schumer
Collins (MI)	Lantos	Scott
Conyers	Largent	Sensenbrenner
Cooley	LaTourette	Serrano
Costello	Levin	Sisisky
Coyne	Lewis (GA)	Skaggs
Cramer	Lipinski	Skelton
Cummings	Lofgren	Slaughter
Danner	Longley	Souder
DeFazio	Lowey	Spratt
DeLauro	Luther	Stark
Dellums	Maloney	Stenholm
Deutsch	Manton	Stokes
Dicks	Markey	Studds
Dingell	Martinez	Stupak
Dixon	Martini	Tanner
Doggett	Mascara	Taylor (MS)
Dooley	Matsui	Tejeda
Doyle	McCarthy	Thompson
Durbin	McDermott	Thornton
Edwards	McHale	Thurman
Engel	McKinney	Torkildsen
English	McNulty	Torres
Eshoo	Meehan	Torricelli
Evans	Meek	Towns
Farr	Menendez	Traficant
Fattah	Millender-McDonald	Velazquez
Fazio	Miller (CA)	Vento
Fields (LA)	Minge	Visclosky
Filner	Mink	Volkmer
Flake	Moakley	Ward
Flanagan	Mollohan	Waters
Foglietta	Moran	Watt (NC)
Ford	Murtha	Waxman
Frank (MA)	Nadler	Williams
Franks (CT)	Neal	Wilson
Frost	Neumann	Wise
Furse	Oberstar	Woolsey
Gejdenson	Obey	Wynn
Gephardt	Olver	Zimmer
Gonzalez		
Gordon		

NOT VOTING—9

Collins (IL)	Hall (OH)	McDade
Dunn	Hayes	Yates
Gibbons	Lincoln	Young (FL)

□ 0035

Mr. LARGENT and Mr. SANFORD changed their vote from ''aye'' to ''no.''

Mr. JACOBS and Mr. FORBES changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the further consideration of H.R. 3755, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3755, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. PORTER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3755, the Clerk be authorized to make technical and conforming changes in the bill to reflect the actions of the House.

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

There was no objection.

TABLE SHOWING AMOUNTS IN H.R. 3755, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997, AS PASSED BY THE HOUSE

Mr. PORTER. Mr. Speaker, I ask unanimous consent to submit a table showing the amounts included in the bill, as passed.

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

There was no objection.

The table referred to is as follows: