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# House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*July 23, 1998.*

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
*Speaker of the House of Representatives.*

## PRAYER

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

In addition to all we must know to do our work, all the facts, background, consequences, and magnitude of our action or inaction, we pray, gracious God, that we will also be blessed by the gift of wisdom. We pray that we will know discernment in our thoughts and sound judgement in our decisions as we weigh the worthiness and merit of what we do. We realize that facts and events gain meaning and power when they are blended with prudence and insight. As the scripture tells us, so teach us to number our days that we may get a heart of wisdom. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Washington (Ms. DUNN) come forward and lead the House in the Pledge of Allegiance.

Ms. DUNN led the Pledge of Allegiance as follows:

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

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will take 10 one-minutes from each side.

## THE WORLD TRADE ORGANIZATION AND AMERICAN SOVEREIGNTY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, we will soon be debating an amendment which will define what powers the World Trade Organization will have over the ability of the American people, through their elected representatives, to determine our own fate, to make our own laws, to decide our own policies.

Should we sacrifice our sovereignty, our domestic interest in order to satisfy an international tribunal? I think not and I hope that our colleagues will agree. The WTO is selectively challenging our local, State and Federal laws, saying that they are infringements on free trade. No U.S. laws or regulations are safe from the reaches of the World Trade Organization. Even at risk are sanctions laws such as the ones passed by New York City and the States of California and New Jersey which protect Nazi Holocaust victims who had their assets stolen by Swiss banks. The Swiss have already said they want a WTO ruling on such sanctions. Is nothing sacred from the clutches of the WTO? Apparently not.

So along with the gentleman from Ohio (Mr. KUCINICH), the gentleman from Vermont (Mr. SANDERS), the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Florida (Mr. STEARNS), we will be offering an amendment to state that diplomacy does not mean surrender.

## REPUBLICAN MANAGED CARE REFORM DOES NOT MEASURE UP

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

Mr. STUPAK. Madam Speaker, tomorrow we are scheduled to begin the debate on the Patients' Bill of Rights. I ask the American people to look at both plans, the Democratic plan and the Republican plan. As you do, you will see point by point the Democratic Patients' Bill of Rights bill is far superior in reform that will guarantee that doctors and patients and not insurance executives will decide your medical future. The right to have protection for women after mastectomies and reconstructive surgery is in the Democratic bill, not in the Republican bill. Democrats provide for a choice of doctor within a plan, access to specialty care, and direct access to OB-GYN for women. These are all parts lacking in the Republican plan.

To enforce your choice, and it is your choice and your access to your doctor, the Democrats allow enforcement in State courts if you are injured by your HMO plan. Why do you need that protection? Because in this country, two groups have immunity. They are HMOs and foreign diplomats. You pay for health insurance. You have the right to demand quality health insurance. Support the Democratic HMO Patients' Bill of Rights.

## TRIBUTE TO MARGARET BARNETT

(Mr. SHIMKUS asked and was given permission to address the House for 1



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minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, Mrs. Margaret Barnett has a distinction no other woman in Illinois has. She was the first female high school band director in Illinois. Mrs. Barnett studied piano and received her Bachelor's Degree from Shurtleff College in 1930. She played trombone with the St. Louis Symphony Orchestra and earned a Master of Arts Degree from Washington University in St. Louis, Missouri.

In addition, Mrs. Barnett studied clarinet at the Western Military Academy. Fortunately, Mrs. Barnett did not keep all her musical talent to herself. She taught every child the proper techniques on his or her instrument, leading her bands at Alhambra High School and Bethalto High School to win many contests and awards.

However, music was not the only subject Mrs. Barnett could teach. She taught English, mathematics and Latin at both Alhambra and Bethalto High Schools. She even served as librarian and assistant to the superintendent at Bethalto. Earlier in her career in 1932 she was Vice President of the Illinois State Teachers Association.

I applaud Mrs. Barnett for her dedication to teaching young people. She is definitely a pioneer and an inspiration for women in high school band positions. Most importantly, Mrs. Barnett is a role model for all teachers to follow.

## RESULTS OF MANAGED CARE REFORM

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute.)

Ms. SANCHEZ. Madam Speaker, I rise today to share with my colleagues the success of a forum I hosted in my district on managed care reform. Since I came to Congress, I have listened closely to the managed care reform debate. I have also read the newspapers, I have seen the polls, and I have heard the horror stories.

This past weekend I did what every Member of this Congress should do, I heard from my communities. I learned that my communities do want reform and do want some type of Patients' Bill of Rights. They want Congress to initiate reform and to keep the interest of the patients in mind.

My constituents believe that HMOs are the future of health care, but they want to make sure that care is put above profits. Any bill that we pass is going to affect each one of these people, millions of Americans and thousands of Orange County residents.

Now, we may have to take some votes this week on the managed care bill offered by the Republicans. Let me tell you, they are not very happy about that bill. But before you decide to vote for any bill, I want to encourage my colleagues to host similar forums in their districts. By listening to your constituents, you will learn what changes are really needed. It is time that we give our constituents a voice before their choice is taken away.

## 2000 CENSUS

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

Mr. BARTLETT of Maryland. Madam Speaker, today on the House floor we plan to debate the Commerce, State and Justice appropriations bill. Funding for the constitutionally mandated census in the year 2000 is an issue that the American people will soon be hearing a lot more about.

First let me remind my Democratic colleagues of a provision in the U.S. Constitution that they routinely ignore in their discussions of the census. Because I know that Democrats are not in the habit of carrying around the Constitution with them, I will make their life easier by quoting Article I, Section 2 from the document to which you swore an oath:

> The actual enumeration shall be made within 3 years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner as they shall by law direct.

Now, despite the liberal Democrat habit of finding things in the Constitution, there is no getting around the words that are there for all to see. ''Actual enumeration'' no matter how you slice it means exactly what it says. Congress shall by law direct an actual count, not an approximate guess, poll or sample. Period.

## DEMOCRATIC PATIENTS' BILL OF RIGHTS VERSUS REPUBLICAN INSURERS' BILL OF RIGHTS

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

Mr. ENGEL. Madam Speaker, this week we will be voting on a Patients' Bill of Rights, something that all our constituents want. The Republican plan as put forth in the House does not do anything, does not protect people, and I think it is time to take a look at the difference between the Democratic plan and the Republican plan.

The Republican plan fails to protect every American in a private insurance plan. Their plan only applies to 50 million people and leaves everyone else out in the cold. The Democratic Patients' Bill of Rights protects at least 140 million people, every American who is covered by a private insurance plan.

The Republican plan does not return health care decisions to health care professionals and their patients. The Democratic Patients' Bill of Rights does. The Republican plan does not guarantee patients the right to see a specialist when they need to do so. The Democratic Patients' Bill of Rights does. The Republican plan does not allow for access to OB-GYN for all women or emergency room coverage for all patients. The Democratic Patients' Bill of Rights does. The Republican plan does not hold insurance companies responsible for their actions denying patients the care they need. The Democratic Patients' Bill of Rights does.

When you stack the two up, Madam Speaker, there is no comparison. The Democratic Patients' Bill of Rights protects the American people, guarantees access to health care, and guarantees that this coverage will be there for all Americans. The Republican plan is just a public relations gimmick and a sham.

## VOTE TO OVERRIDE VETO OF BAN ON PARTIAL-BIRTH ABORTION

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

Mr. PITTS. Madam Speaker, today is the day that the House will vote to override the veto of the partial-birth abortion ban. I want to illustrate here why President Clinton's position is the extremist position. This is a baby that could be born. But let me show you what happens. The doctor reaches in and turns this baby around so that the baby is born breech first. The head is still within the birth canal. Then at this time, the doctor inserts scissors into the back of the neck of the baby and then puts a suction tube in to suck out the brains of a live baby. Do you think this baby does not have pain and feel pain? This is a baby that could be delivered as a live baby boy or girl.

We need to vote to override this veto of the partial-birth abortion ban which is a horrific procedure in America.

## SUPPORT THE DEMOCRATIC PATIENTS' BILL OF RIGHTS

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

Mr. FAZIO of California. Madam Speaker, I rise today to remind my colleagues about the real priorities of managed care reform. A woman from the Sacramento community I represent has waged a 4-year battle with her former employer and its self-insured ERISA plan. This woman is in court because her firm denied her care for her 7-year-old son born with a spinal cord injury facing many of the same challenges as actor Christopher Reeves. The law that shields employers who self-insure from accepting responsibility for denied medical services leaves this family with no health care for their son. When the plan started to refuse coverage, this woman had to choose between a job she was good at and enjoyed and the well-being of her child. So she quit her job to give her child nursing care 24 hours a day. But without this income, the family was forced into bankruptcy and lost its business.

While this case has dragged on in the courts, the brave little boy at the center of this tragedy has learned to walk and ride a bike. But his medical needs are still not being met. This debate is about helping hard-working families like this one get the best health care possible for their families. Nothing more, nothing less. To obtain this we need to support the Patients' Bill of Rights and oppose the unenforceable Republican plan.

## MANAGED CARE REFORM

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

Mr. EWING. Madam Speaker, it is much easier to be a liberal than to be a conservative. Just consider for a moment what has been said by our colleagues on the other side during the debate on managed care over the past 2 weeks. The pattern here, you can see on almost every public policy issue. First, declare a crisis. Really? Although we know there are problems with legitimate managed care, the polls show 90 percent of the people with this care are satisfied. Second, propose a solution that will make the problem worse, thus giving the Democrats more opportunity to declare a crisis. The solution for the other side is always the same, more mandates, more lawyers, and, let us not forget, more government. This will raise the price, making health care less affordable than it was before. The final step is to deny that their proposal will do anything of the sort. Then in a few years when the problem is even worse, they will declare their outrage again, just as they are doing now.

□ 1015

## MANAGED CARE REFORM

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Madam Speaker, last week a very good friend of mine went to the hospital to have a malignant tumor removed from his bladder. It was extensive surgery. It was outpatient surgery. He was sent home 5 hours after the surgery with a catheter and a bag at his waist line. This is outrageous. Later in the week, he did get a fever from an infection.

We cannot let this happen to the people in our country. We must have real patient reform. We have to protect the patients in our health care system. Do not vote today for a faux reform, or tomorrow, faux Republican reform. We need the Dingell-Ganske bill. We need to let doctors and patients decide when to send a cancer patient home from the hospital after extensive surgery.

## PARTIAL BIRTH ABORTION BAN

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

Mr. RYUN. Madam Speaker, no civilized society should condone or even tolerate a heinous procedure such as partial birth abortion. Congress will again pass a ban on partial birth abortion and this time the President should sign the ban.

By his past veto, the President has demonstrated that he is out of step with 85 percent of the American people who support an end to this heinous procedure. With this in mind, I want to tell you about a miracle baby girl named Sarah.

Sarah appeared last year on CBS's ''Mysteries and Miracles.'' When she was only four inches long, Sarah was taken briefly from her mother's womb to remove a growing tumor.

Sarah's heart stopped beating during the surgery, and the surgeon performed CPR for 20 minutes to revive her. In July of 1996, Sarah was delivered by C-section and is now a healthy toddler.

Unfortunately, even as lives like Sarah's are being saved by scientific breakthroughs, others are being extinguished through abortion. The care Sarah received from her surgeons provides a stark contrast to the treatment her mother might legally have chosen: a partial birth abortion.

## MANAGED CARE REFORM

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

Mr. HOYER. Madam Speaker, everyone is talking about patients' rights. It is simple to talk about wanting patients to have rights and access to care. It is another thing, however, to provide for that in legislation.

There are two contending bills. Let me go through them. Access to enforcement in State courts: The Democratic bill, yes; the Republican bill, no. Protection for women after mastectomy: Democratic bill, yes; Republican bill, no. Choice of doctors within the plan: Democratic bill, yes; Republican bill, no. Access to specialty care: Democratic bill, yes; Republican bill, no. Direct access to OB/GYNs: Democratic bill, yes; Republican bill, no.

There are other provisions that I will not be able to cover in this 1 minute. But as we hear this debate and people talk about patients' rights, hold them to the criteria of not just talking about patients' rights, but ensuring patients' rights.

## VETO OF EDUCATION SAVINGS ACCOUNT BILL

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

Mr. GIBBONS. Madam Speaker, once again, the counterfeit logic of the Democrats and this President have put the children of America at risk.

I am not talking about the sale of classified military technology to China. I am talking about the President's veto of the Education Savings Account bill. Put aside for the moment that this bill would have allowed parents to save for the future education of their children. The bill he just vetoed would have given schools greater leeway to expel and discipline students who bring guns or other weapons to school.

The bill he vetoed would have permitted school officials to implement safety measures to protect innocent children. How many times have we all heard the President state that safety at schools was one of his top priorities?

Madam Speaker, we can no longer sit idly by while the violence in schools continues to rise. Congress must override his veto and pass legislation that will enable our schools to develop local policies that end school violence.

Parents, teachers, and especially students all across America should not have to wait one more hour, one more day, or one more week for safer schools. Our children should be working on their education, not worrying about their safety.

I urge the President to reconsider and retract his veto and start protecting our children.

## MANAGED CARE REFORM

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

Mr. PALLONE. Madam Speaker, make no mistake, the differences between the Democrats' Patients' Bill of Rights and the Republican HMO proposal are major. The Republican bill excludes key provisions that are essential for consumer protection and includes provisions that would reduce current consumer protections.

The Republican HMO plan seeks to give the appearance of reform without the reality. Among other gaps, the Republican plan still leaves medical decisions in the hands of insurance company accountants instead of doctors. It does not limit HMOs' and insurance companies' use of improper financial incentives to limit needed care. It allows drive-through mastectomies and fails to contain a requirement for coverage for reconstructive surgery after mastectomy. It does not give access to specialty care where needed.

The Republican bill does not guarantee patients access to needed drugs or clinical trials. And most important, the Republican bill provides no effective mechanism to hold plans accountable when plan abuse kills or injures someone.

Democrats will insist on a bill that contains guarantees that are a significant gain for health care consumers. The Republican plan is basically a sham.

## CENSUS DEBATE

(Mr. BALLENGER asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Madam Speaker, should we count or should we take a poll? The census debate boils down to that difficult question.

The Democrats say, why should the Constitution stand in the way of rigging the numbers the way we want? After all, the Democrats are either unaware of Article I, section 2 of the Constitution that states in clear language that Congress shall direct that a census be conducted using an actual enumeration, or they simply wish to ignore it.

Either way, it is troubling that one party is willing to go so far to trample on the Constitution just for political purposes.

Most Americans do not have a Ph.D. in English or in American constitutional history. But most Americans do believe that sampling, guessing, or taking a poll does not qualify as actual enumeration, also believe the Constitution actually means what it says.

They are pretty tired of liberal Democrats inventing out of whole cloth things that are in the Constitution, no matter how many liberal experts in Washington tell us otherwise.

## HMO REFORM

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Madam Speaker, Americans are frustrated with their managed care plans. It is no wonder; HMO horror stories abound. Every day we hear stories of people being denied care, doctors being forbidden from discussing treatment options, and patients unable to get justice when things go wrong.

Americans want a few simple things from their HMOs. In an emergency, they want care without having to worry about whether all necessary treatments will be covered. They want the right to visit the specialist who can address their health problems and the right to get prescription drugs they need.

They want accountability from HMOs and insurance companies when they are injured by abusive practices. They want absolute privacy in their medical records and protection from discrimination on the basis of their genetic information.

Unfortunately, we have not been given the opportunity to have any hearings or a markup on these issues, and, therefore, I encourage my colleagues to carefully consider the great need for legislation that will guarantee patient protection and put the emphasis on managing care rather than managing costs. I urge us to settle for nothing less.

We have a historic opportunity to end these horror stories. Let us not waste this opportunity on half-baked attempts at reform. Let us take this chance to guarantee the protections that Americans want and need in their health care plans.

## VETO OF EDUCATION SAVINGS ACCOUNT BILL WAS WRONG

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

Mr. ROGAN. Madam Speaker, the President's late night, quiet veto this week of Education Savings Accounts—timed in order to miss the evening news—means that those that produced generations of education failure have dodged the bullet again.

The other side should explain to America why encouraging parents to save for their children's education is a bad thing. Oh, they are long on heart-warming rhetoric about their care and compassion for ''the children'' and for ''education;'' but when it comes to education reform legislation that threatens the special interests that gave us these failing schools in the first place, they are woefully short on action.

They send their own kids to private schools, but then they tell working parents who want to save for their children's education ''no.''

Madam Speaker, Republicans in Congress are not content to simply talk about ''the children,'' we will fight for children, and for the world-class education they deserve. We will continue the fight for working parents who want to be able to save for their children's education through Education Saving Accounts.

## VIGILANCE OF BROWN TREE SNAKE NEEDED IN HAWAII

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

Mr. ABERCROMBIE. Madam Speaker, I rise this morning to express my support for provisions in the Interior Appropriations bill we are debating today for the funding of the Brown Tree Snake control efforts.

The consequences of the Brown Tree Snake becoming established on any of the Hawaiian Islands would be devastating. We have only to look at Guam to understand the potential extinction of many species will, not might, result from the introduction of the snake to Hawaii.

Guam now experiences an instance of more than 12,000 of these snakes per square mile. Entire species have disappeared from Guam since World War II when the snake was accidently brought to the island, most probably abroad military aircraft which had visited areas of the South Pacific in the snake's natural habitat.

The Interior Appropriation bill contains $2.1 million for prevention, education, and inspection programs, an increase of $500,000 over last year. We need to step up our vigilance in Hawaii against this invasive species which has brought wildlife ruin elsewhere.

The scientific community has not yet developed an effective eradication method. Although I hope we can soon understand how to control and eliminate the snake, until that time, the only action we can and must take is preventing its introduction into Hawaii.

I am very pleased that the Committee on Appropriations has recommended an increase, and I look forward to working with my colleagues in achieving the highest funding level to achieve our goals.

## PATIENT PROTECTION ACT

(Ms. DUNN asked and was given permission to address the House for 1 minute.)

Ms. DUNN. Madam Speaker, I rise today in support of the Patient Protection Act, the Republican plan to provide greater accessibility, affordability, and accountability in our Nation's health care system.

This plan will make a real difference in the lives of America's working women for a lot of reasons. Small businesses in this country are increasingly dominated by women who are looking to make their mark in a growing economy. Unfortunately, right now the cost of health care makes it very tough for them to purchase health care for themselves and their families.

That is why the Republican plan makes the cost of health care for small businesses 100 percent deductible, and it allows small businesses to band together to purchase health care at the same discounted rates that are currently enjoyed by big business.

These sensible reforms, combined with our plans giving a woman's right to choose an OB/GYN as her prime caregiver, are essential to improving access to health care for the many women in this country who are helping to drive this Nation's economy. They stand in stark contrast to the Democrat bill which does nothing to make health care more affordable or accessible to American women.

I urge my colleagues to support the Patient Protection Act when it comes to the floor tomorrow.

## MANAGED CARE REFORM

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, as a cancer survivor, I can tell you that when you are diagnosed with a deadly illness you come face to face with your own mortality. While you are wondering whether you are going to live or you are going to die, you should not have to worry that 2,000 miles away an HMO accountant is making the decisions about what kind of treatment that they are going to provide or what kind of drugs can be provided for your illness. These are the kinds of decisions that ought to be made by doctors and patients, period.

The Democrats do have a managed care reform proposal that would ensure the critical health care decisions are made by doctors and patients and not HMO bureaucrats. Yet, the Republican proposals would not provide access to specialty care for cancer patients, provide the necessary needed drugs, prohibit drive-through mastectomies. They have no direct access to OB/GYNs. The last straw is they have no access to State courts if your HMO plan injures you.

What they do allow is for those company accountants to continue to value its HMO healthy profits over the healthy patients that are in this country. Let us return medical decisions back to doctors and patients. Let us pass the Democratic Patients' Bill of Rights.

## PARTIAL-BIRTH ABORTION BAN ACT OF 1997—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–158)

Mr. CANADY of Florida. Madam Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Ms. EMERSON). The Clerk will report the motion.

The Clerk read as follows:

Mr. CANADY of Florida moves to discharge the Committee on the Judiciary from the further consideration of the president's veto of the bill H.R. 1122.

(For veto message, see proceedings of the House of October 21, 1997 at page H8891.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. CANADY) is recognized for 1 hour.

Mr. CANADY of Florida. Madam Speaker, I yield the customary 30 minutes to the gentleman from Virginia (Mr. SCOTT), pending which I yield myself such time as I may consume.

□ 1030

Madam Speaker, today for a second time the House considers a presidential veto of bipartisan legislation banning partial-birth abortion. In the last Congress, although the House overrode President Clinton's veto of the Partial-Birth Abortion Ban Act of 1995, the veto was sustained in the other body. Shortly after the current Congress convened, new legislation to ban partial-birth abortion was introduced. In due course, the Partial-Birth Abortion Ban Act of 1997 was passed by both Houses. President Clinton's veto of that legislation is before the House today.

Just 2 weeks ago, the Members of this House and the American people received a stark reminder about the reality of partial-birth abortion. We read in press reports of a tiny baby in Phoenix, Arizona, who was almost killed by a partial-birth abortion. The baby girl survived with a fractured skull and deep lacerations on her face. She survived only because the abortionist stopped the procedure when it became obvious that she was at 9 months and not 5½ months, as had originally been thought. The abortionist stopped, but we know, nevertheless, that partial-birth abortions are performed from the fifth month through the ninth month of pregnancy, and that a baby feels excruciating pain during a partial-birth abortion at any stage of pregnancy. Miraculously, in this case, a little girl who was marked for destruction is alive today and a Texas couple have come forward to adopt her.

Of course, we know that surviving an attempted partial-birth abortion is very much the exception. Tragically, most of the babies singled out for partial-birth abortion have their lives brutally snatched away, just within inches from being fully born.

Now, despite the campaign of deception waged by the abortion industry to cover up the facts about partial-birth abortion, we know that this gruesome procedure is performed thousands of times a year. We know that in the overwhelming majority of cases, it is performed on the healthy mother, mothers of healthy babies.

We know that the abortion industry that claimed that partial-birth abortion is a rare procedure used only in extreme cases was a lie all along. We know this because the facts are undeniable and because representatives of the abortion industry have themselves ultimately admitted that the industry have been lying all along.

With their campaign of deception exposed, with the lies revealed in the full light of day, what do the advocates of partial-birth abortion say now?

They say that partial-birth abortion is necessary to protect the health of women. They say that partial-birth abortion must be preserved as an option for abortionists to use. They say that it is a necessary medical procedure. These claims, like all their other claims about partial-birth abortion, are false, untrue from start to finish.

When we hear the claims of the defenders of partial-birth abortion, I ask the Members of the House to consider what partial-birth abortion is. Look at what this brutal procedure actually involves. This is partial-birth abortion:

Guided by ultrasound, the abortionist grabs the live baby's leg with forceps. Look at this procedure.

The baby's leg in the next step is pulled out into the birth canal.

The abortionist then delivers the living baby's entire body, except for the head, which is deliberately kept lodged just within the uterus.

Then, in the final step of this horrible procedure, the abortionist jams scissors into the baby's skull. The scissors are opened to enlarge the hole.

Then, after the baby has been killed, the scissors are removed and a suction catheter is inserted. The child's brains are sucked out, causing the skull to collapse, and the delivery of the dead child is completed. This is the final step. This is what we see at the conclusion of every partial-birth abortion.

Now, I have described this procedure many times. I wince every time I describe it. It is a horrible thing to describe; it is a horrible thing to contemplate. And to the Members of this House who support partial-birth abortion, I would appeal to them, I would appeal to them to look at what is happening whenever a partial-birth abortion is performed.

Now, let me ask my colleagues, how is this horrific procedure calculated to protect the health of the mother? That claim simply makes no sense. It is absurd to claim that killing a partially-delivered child in the birth canal is necessary to protect the mother's health. How does this death blow delivered by the scissors into the tiny baby's skull help preserve the health of the mother?

Madam Speaker, listen, listen to what Dr. Pamela Smith, Director of Medical Education, Department of Obstetrics and Gynecology at Mt. Sinai Hospital says, and I quote her:

There are absolutely no obstetrical situations encountered which require a partially delivered human fetus to be destroyed to preserve the health of the mother.

Listen to Dr. Nancy Romer, a practicing high-risk obstetrician-gynecologist who is also a professor of medicine. Dr. Romer says this:

People deserve to know that partial-birth abortion is never medically indicated, whether to save the health of a woman or to preserve her future fertility.

I would appeal to my colleagues to also listen to the American Medical Association on this issue, which, despite its strong support for abortion rights, has supported this legislation to ban partial-birth abortion. The American Medical Association itself recognizes that partial-birth abortion is not a legitimate medical procedure.

The health argument used by President Clinton and the other defenders of partial-birth abortion is nothing more than a pretense. It is a cloak for the extremist position that abortion for any reason at any stage of pregnancy, and using any procedure imaginable should receive the absolute protection of the law of the land.

I would appeal to my colleagues to reject this extremist position, listen to the voice of reason, cut through all the lies and deception, base your vote on the truth, think of the babies who are subjected to this horrible practice. If my colleagues do so, they will vote to override the President's veto.

This House should, once again, reject the President's extremist position in support of partial-birth abortion, and move forward to override his veto of the Partial-Birth Abortion Ban Act.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, the motion before us is to discharge the Committee on the Judiciary from further consideration of the bill. Madam Speaker, the Committee on the Judiciary has not considered the bill at all. It was referred to the Committee on the Judiciary several months ago. The thing that

the Committee on the Judiciary really ought to consider, for example, is: is the bill constitutional or not?

This bill is not about whether or not a decision on abortion should be made; the question is which procedure ought to be used, and there are cases, a long line of cases that say directly that we cannot intervene and make the decision for the physician and the mother as to which procedure ought to be used. The Committee on the Judiciary ought to consider those decisions.

We have been asked now to discharge them from further consideration of the bill. Madam Chairman, the Roe versus Wade decision, the Casey versus Planned Parenthood and other cases have shown that we cannot intervene in this decision.

We have heard the description of a case in Arizona. This bill would not have an effect on that because the decision for the abortion is made and then one decides on the procedure. If one cannot use this procedure, then one would use another procedure. The decision for the abortion is a separate decision.

We ought to oppose the motion to discharge, and instead, require the Committee on the Judiciary to do its job, determine whether or not the bill is constitutional, which the supporters in committee last time it was considered acknowledged that it was not constitutional. We ought to fashion a constitutional bill, and there are many alternatives that we could have brought to the floor rather than this bill.

Madam Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Madam Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Madam Speaker, I rise today in support of the motion to override the President's veto. As a mother and a grandmother of 7, this is an especially heartbreaking issue.

My colleagues have just seen the graphic details. Suffice it to say, partial-birth abortion is a horrific way to end the life of a tiny 9-month-old baby. It has no place in a civilized society.

This should not be a divisive issue. We are talking about killing, killing healthy babies. These are babies that have long been able to survive outside their mother's womb.

Madam Speaker, most Americans are really shocked when they learn that this procedure is legal. It is closer to infanticide than to abortion. For most of us, this is a no-brainer. Today when the vote is called, we will see many pro-choice Members of Congress vote against the President's veto. Madam Speaker, after all, accidental gun deaths are a really big problem in this country, yes, but every year, far more children are killed by partial birth abortions than are killed in accidental shootings.

By overriding the President's veto, we are going to stand up for the thousands of newborn children, those children who do not have a say in our political process. If we fail to do so, I fear that the House will condone infanticide in the name of preserving abortion rights.

The choice is easy. Let us override the President's veto.

Mr. SCOTT. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Madam Speaker, this bill, the subject of this debate, targets the most vulnerable women—women who want to be mothers, but who have found that something has gone terribly wrong with their health or with the fetus. None of us support late-term abortions for no reason, and yet supporters of this bill would have us believe that women come to this terrible and tragic decision arbitrarily. They talk of procedures and ignore the tragedy impacting the lives of real people, real families, women who want to be mothers.

So I urge my colleagues to sustain the President's veto today, and then go back and write a bill that matches the rhetoric that we hear but that takes into consideration the health and life of the mother, because that is consistent with Roe versus Wade, which certainly allows the States to act to ban third-term abortion.

The procedures that we have discussed here are rare and they should be so. Only when no alternative exists should they be used, but to ban them without further recourse is callous in and of itself.

Madam Speaker, I urge my colleagues not to target women and families when a pregnancy has turned to crisis and becomes a tragedy. I think we should let a woman, her doctor, her family make this terrible choice. This is not the role of government. I hope we will sustain the President's courageous decision to veto this bill, and if we fail, I know the Senate will.

This is a terribly complex area in which to legislate. I fear we have made this more of a political debate and over looked the kind of in-depth analysis of the real situation that people caught in this terrible tragedy face.

Mr. CANADY of Florida. Madam Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Madam Speaker, I rise today to strongly urge my colleagues to vote to ban partial birth abortions. This is a moral blind spot that this Nation can no longer allow. It is gruesome, it is barbaric, and it is brutal. We have the opportunity today to ban this procedure with our vote to override the President's veto.

Killing a baby as it is being born is simply an act of brutality. Our Constitution protects us from cruel and unusual punishment; I submit that partial-birth abortion is both.

Now, last week I joined with some of my colleagues on both sides to provide the option of contraception in order to try to find ways to prevent unwanted pregnancies that too often result in abortion. Today I encourage my colleagues, women and men, Democrats and Republicans, pro-life and pro-choice Members, to come together and ban this procedure today.

□ 1045

I urge support for this. I would encourage my colleagues to come together today and ban this procedure. Not just today, not just for tomorrow, but well into the future.

Join together, as we did last week with the strong support of both sides of the aisle, to try to do what we think is right. It is not oftentimes when we consider budgets and pot holes and hydrogen and space programs that we vote on life itself. This is one of those votes. I encourage bipartisan support for our position.

Mr. SCOTT. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Madam Speaker, I am strongly opposed to late-term abortions. In fact, in 1987, as a member of the Texas Senate, I helped pass a law that is law today that is saving babies from late-term abortions.

But, Madam Speaker, there is a huge difference between the bill that we passed that is law today in Texas, that is working, and the bill that was designed for maximum political sound bite impact that we are voting on today.

The first difference, in Texas our goal was to save babies. That is why we outlawed all late-term abortion procedures. This bill, if Members look at it carefully beyond the 30-second sound bite and TV ad appeal of it, this bill still allows abortions to occur in America on the 29th day of the eighth month of pregnancy.

The sponsor of this bill just a moment ago said we should be honest in this debate. Let the proponents of this bill be honest to the American people in saying that this bill, this bill will allow abortions in America at the eight month, 29th day. We did not think that was right in Texas, and that is why we wrote the law differently. I think the supporters of this bill ought to discuss that point. That is one reason, frankly, I think this bill should go back to committee for further consideration, rather than political debate here today.

Second difference. In Texas, because we wanted to save babies and not make a political point, on a bipartisan basis we crafted a bill that would meet constitutional guidelines. This bill is clearly unconstitutional, one of the reasons the President vetoed it under the guidelines of Roe versus Wade and as has been established by Federal judges and courts across this country from one State to another.

The third difference between the Texas law today and the bill we are debating today is in Texas we trusted women to make responsible choices in very rare tragic pregnancies. This bill does not trust women to make those responsible choices.

Specifically, the Texas law said in those rare cases where a woman's health was seriously at risk or her fertility at risk, the incredibly difficult emotional decision about how to preserve the mother's ability to have children in the future should be a decision made by that woman and her doctor and her God, and not by politicians in Austin, Texas, or in Washington, D.C.

Madam Speaker, in my personal opinion, if there is one frivolous late-term abortion using any procedure anywhere in America, that is one too many and we ought to stop it. But this bill does not do that. What this bill does is potentially, according to the American College of Obstetricians and Gynecologists, the experts in this field, this bill what it is really going to do is risk women's health and their ability to have children.

Madam Speaker, we ought to send this bill back to committee and make a bill that works, not a bill that makes sound bites.

Mr. CANADY of Florida. Madam Speaker, I yield 3 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Madam Speaker, I thank the gentleman from Florida (Mr. CANADY) for yielding me this time.

Madam Speaker, I wanted to address a point by the previous speaker about the fact that the Texas law preserves the right of a woman to more children; that is a higher choice than right to the life of a matured child yet in its mother's womb.

The fact we need to remember is that that baby who is being killed and delivered by the partial-birth abortion will not only not have a choice for its own fertility in the future, it will not even have a life, and that is what this bill is about, preserving life.

Now, we preserve all kinds of things in this Nation, including things that may need to be utilized. But preserving life is our number one criteria and our duty as lawmakers.

I rise in strong support of H.R. 1122, the Partial-birth Abortion Ban Act. Last year, apologists for this abominable practice raised a fog of mendacity over the whole issue, but yet that today, that fog of mendacity has been pierced. There is greater understanding.

Let the truth be known that thousands, thousands of partial-birth abortions are performed every year on mature children that are yet unborn.

On June 30, for instance, of just this year, 1998, an Arizona abortionist stopped a partial-birth abortion right after he began it. The baby's skull was crushed and the baby was born with a crushed skull and facial lacerations. That was carried in the national news, this very disturbing news. But thank goodness that that doctor realized at that very critical moment that was a living being. That was a child, and that he was going to end that child's life.

Even that doctor and everyone else can clearly see that this issue, Madam Speaker, that partial-birth abortion is murder. This procedure is medieval, and so is the logic of those who advocate and apologize for it. This debate is not about when life begins, for the infants targeted by this procedure are mature babies.

Madam Speaker, as lawmakers, we do have our first responsibility to preserve life and preserve life of the most vulnerable kind, babies yet unborn in the mother's womb.

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

Madam Speaker, very briefly I would state that the bill does not prevent a single abortion. In fact, if this bill passes, women who have abortions may have to undergo sterilization and not be able to have children in the future, because this bill does not have a health exception.

Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Madam Speaker, this is one of the most painful debates that this House has to face, but it does not compare with the decision facing parents, a medical decision that few have had to confront.

For some families, the only hope of retaining a woman's ability to have children is at stake in this Congress. It has been a tenet of privacy and citizenship in the United States that the doctor-patient relationship is sacrosanct. And yet for the first time in the history of this Republic, over 200 years, this Congress is trying to outlaw a medical procedure and to determine whether it should be used or not.

What is next? Last week the gentlewoman from Connecticut (Mrs. JOHNSON) in what I thought was a very poignant moment, when some were trying to outlaw contraceptives said, ''Is there no limit to where this Congress will go to insert itself into the most private decisions that human beings have to make?''

Perhaps we can go further. Perhaps the next procedure we will outlaw here will be hysterectomy during childbearing years. I submit that some of the people in this House think that should be outlawed.

But most importantly, I want to ask my colleagues and the American public to consider this issue: When confronted with a medical decision that could break a woman's heart and destroy her future chances to be a mother, who would she prefer to consult? Would she in that circumstance want to talk to her doctor, her family, or her spiritual advisor or, as Congress has determined, would she be just as satisfied to talk to her Member of Congress?

Madam Speaker, I submit that we are no way qualified to make this decision and that on behalf of the parents who are confronted with this awful determination to be made, I pray we will not override this veto.

Mr. CANADY of Florida. Madam Speaker, I would inquire concerning the amount of time remaining on each side.

The SPEAKER pro tempore (Ms. EMERSON). The gentleman from Florida (Mr. CANADY) has 16½ minutes remaining, and the gentleman from Virginia (Mr. SCOTT) has 20½ minutes remaining.

Mr. CANADY of Florida. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT. Madam Speaker, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Madam Speaker, I rise today to urge my colleagues to vote against this ill-conceived and mean-spirited effort to override the President's veto of H.R. 1122.

Let us consider what we have learned since the House last considered this so-called partial-birth abortion ban. Six of the nine States that have passed these laws using language from the Federal bill have had their laws enjoined by the courts. Moreover, 18 respected judges from a range of ideological viewpoints across the country have found that H.R. 1122 is so vague and overreaching that it could prevent legal abortions throughout pregnancy.

Make no mistake about it, preventing legal abortions is exactly what the proponents of this bill intended. Their goal is not ultimately to ban a specific medical procedure, but it is ultimately to outlaw abortion altogether.

Members should not just take my word for it, but should listen to the words of the Federal judges from across the political spectrum and across the country. Iowa District Judge Robert W. Pratt held that the partial-birth abortion law is, ''unconstitutionally vague and unduly burdensome on a woman's constitutional right to an abortion.''

Illinois Judge Charles P. Kocoras held that, ''The statute, as written, has the potential effect of banning the most common and safest abortion procedures.''

U.S. District Judge Richard Kopf of Nebraska said, ''A criminal law, especially one banning protected constitutional freedoms like abortion, that fails to give wordings or that allows arbitrary prosecution is 'void for vagueness.' Nebraska's partial-birth abortion ban is the epitome of such a law.''

Now, the esteemed gentleman from Indiana (Mr. ROEMER) said that he was glad, and I am glad too, that last week he voted to allow the free use of contraception. No one likes abortion. I abhor abortion. But abortion is what we need from time to time when pregnancies go tragically awry. In the meantime, we need contraception.

Regrettably, almost 200 of our colleagues did not agree with the gentleman from Indiana, and they in fact would ban four of the five approved forms of contraception in this country.

That is what this agenda item is about. This agenda item is not about saving healthy babies. This agenda item is about ultimately banning not only abortion, but a woman's right to birth control so that she can choose the direction of her own body.

Madam Speaker, if this was such a critical problem in this country right now, why did we wait since October 1997 to override the President's veto? We could have saved, according to my colleagues on that side of the aisle, hundreds of healthy babies. No, this is not a critical health problem in this country. This is a political issue for the 1998 elections.

Mr. CANADY of Florida. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, 25 years after Roe v. Wade, I believe it is time for a serious reality check and a compassion check as well.

Supreme Court imposed abortion-on-demand in America has claimed the lives of more than 36 million boys and girls and, although grossly under-reported, has resulted in death, injury, and emotional trauma to women.

It is time to come to grips with the truth and to ask the question why we seem to care so little about a whole generation of babies lost.

Abortion methods, Madam Speaker, are violence against children. Abortion methods dismember and chemically poison kids. There is absolutely nothing compassionate about dousing a baby with superconcentrated salt water or lethal injections into the baby's beating heart, or hacking the baby to pieces with surgical knives.

□ 1100

Why do so many of us live in denial concerning this pernicious violence against children?

Today, Planned Parenthood and the rest of the abortion lobby is asking the House to sustain a misguided veto so as to permit and empower abortionists to continue to murder children as they are being born. To legally sanction such an execution begs the question: Is there nothing the Congress or President will not embrace under the banner of ''choice''? Are the lives of little girls and boys so cheap?

Madam Speaker, earlier this month a 6-pound baby girl, ''Baby Phoenix'' as she is now called, was born with a skull fracture and lacerations on her face after an abortionist, Dr. John Biskind, unsuccessfully attempted to perform a partial-birth abortion on her 17-year-old mother. ''Baby Phoenix'' is the first known survivor of this brutal procedure.

It has taken years, and the deaths of thousands of children and at least two women, who he left to bleed to death, but Dr. Biskind now will not be allowed to continue his murderous ways. This week the State medical board voted to suspend his license. The irony is that it is not the deaths he caused that brought the board's disfavor, but the fact that a baby whom he was trying to kill actually survived and was delivered alive.

Madam Speaker, some on this floor, and in Dear Colleagues that have been sent out, suggest that the Hoyer-Greenwood proposal somehow will prohibit all late-term abortions. Nothing, I would say, is further from the truth.

Lest any of us be deceived, the Hoyer-Greenwood bill places no restriction whatever on late term abortions. While it is not on the floor today but it is being referred to in this debate as an alternative, the plain meaning of the language places no restriction whatsoever, not even symbolic limitations, on partial-birth abortions performed before an individual baby can be proven to be viable; that is, definitely able to survive if born prematurely. The vast majority of partial-birth abortions are performed in the 5th and 6th months of pregnancy, when the baby's lung development is not quite sufficient or barely sufficient to allow independent survival.

Second, even after the baby is demonstratively viable, the Hoyer-Greenwood bill would permit abortion by partial-birth abortion or any other method, if in the medical judgment of the attending physician, that is to say the abortionist, that the abortion is necessary to avert serious adverse health consequences to the woman.

In a March 12, 1997 press conference in the House Radio-TV gallery, which was tape-recorded, my good friend and colleague, the gentleman from Maryland (Mr. HOYER), was asked directly what the word health means in his proposal. The gentleman responded. ''It does include mental health. Yes, it does.''

He then went on to explain that mental health would include psychological trauma. Thus, unless my colleagues believe that it should be permissible to kill a baby, even during the final 3 months of pregnancy, a premature infant, for reasons of mental health or psychological trauma, they should not support H.R. 1032. And if my colleagues believe that it should not be permissible to pull a living baby feet first into the birth canal, puncture her skull and remove her brain in the 5th and 6th months, please vote to override the President's veto. Support the motion to override the President's misguided veto.

Mr. SCOTT. Madam Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Madam Speaker, I thank the gentleman for yielding me this time and stand to oppose the motion to discharge.

The previous speaker, my colleague from New Jersey, said it is time for a reality check and a compassion check. I think that is quite true. Let us start with the reality check.

My friend from New Jersey just described abortion in horrific, horrible terms, as if that is what abortion is all about. In fact, it was just last week that the gentleman from New Jersey stood at this podium and could not tell us whether the birth control pill was abortion. In fact, he told us the IUD is abortion. The reality check is, and I will turn to this chart, the reality check is that this is when abortions occur in America: Overwhelmingly early in pregnancy.

Now, let us have a compassion check. Who could vote against this bill after it has been described in such horrific terms? I am going to vote against this bill, and I will match my compassion ratings with anyone. Most of my career, before I went into politics, was as a social worker. I worked with handicapped children. I worked with abused children. I held them in my arms. I rescued them from danger. I loved them and I cared about them. I love and I care about my children. I love babies. That is not what this is about.

This bill is based on a fraud, and the fraud is that this procedure is used frequently late in pregnancies. As this chart shows, 99 percent of all of the abortions in America occur prior to the 20th week of gestation; the overwhelming majority, 89 percent, prior to 12 weeks; 99½ percent of the abortions in America occur before the 22nd week; and 99.94 percent of abortions in America occur before the 24th week.

The reason Americans are confused about this bill is because people have intentionally tried to confuse them with the notion that somehow women in their 7th, 8th and 9th month of pregnancies are having abortions. And they are not, except for the most extraordinary, extraordinary medical reasons, and reasons that require compassion from all of us.

Now, to put to an end this debate about whether somehow in America women are getting late-term abortions after the 6th month for frivolous reasons, the gentleman from Maryland (Mr. STENY HOYER) and I offered a substitute to this bill which would have banned this procedure and all procedures beyond viability, beyond the 24th week, except for the most extraordinary cases, where the health of the mother or the life of the mother is at risk.

What saddens me is that we, my friends, my colleagues, are not spending our time on the floor of this body trying to prevent 99 percent of the abortions, trying to prevent unintended pregnancy, which we could do in so many ways in which we could agree: Using birth control, using education, helping define mentors for young ladies in situations where they do not have proper guidance in their lives, so they are not the victims of sexual predators way beyond their age engaging them in inappropriate sexual activities and impregnating them.

This is where America's work needs to be done. It does not need to be done out beyond 99.94 percent of the abortions in America. Because, in fact, those abortions are rare and done for the most extraordinary reasons and, again, reasons that require our compassion.

Mr. CANADY of Florida. Madam Speaker, will the gentleman yield?

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

Mr. CANADY of Florida. Madam Speaker, I appreciate the gentleman yielding.

Is it not true that the bill the gentleman has sponsored would give the abortionist unfettered discretion to determine when an abortion would be performed during the third trimester or post viability? Because the gentleman has an exception in there that says that the abortion can be performed if in the medical judgment of the attending physician, that is the abortionist, the abortionist believes it is necessary. Is that not in the gentleman's bill?

Mr. GREENWOOD. Madam Speaker, it certainly is. It certainly is. And I know that the gentleman knows the facts, because he is a student of them, but anyone who knows the facts knows that that is not a loophole through which hundreds or dozens or scores of women would proceed.

The fact of the matter is that under Roe versus Wade today doctors have the opportunity to allow late-term abortions for medical reasons. And the facts show indisputably that this is an exception that is not abused. We cannot find an abortionist in this country who will do a late-term abortion for frivolous reasons.

Mr. CANADY of Florida. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Madam Speaker, this is amazing to me. This is a vote about common decency. This is a procedure that is gruesome, it is inhuman, and it is unnecessary. The gentleman from Pennsylvania, I just answer him when he says it is rarely used, that even Everett Koop said, and I quote, ''In no way can I twist my mind to see that partial birth and then destruction of the unborn child before the head is born is a medical necessity for the mother.'' The President has turned his back on millions of Americans who are sickened by this procedure.

To the gentleman from Pennsylvania, who said that this is a rare procedure, and then tried to cover things up with statistics, I would say that, in fact, in New Jersey alone 1,500 babies were killed with this procedure and are killed every year.

Now, we do not like to hear the details about this procedure. We do not like to talk about such things in public or in private. But, Madam Speaker, we must talk about them. The implications that we face if we do not are too far-reaching. The media rarely describes partial-birth abortion. They and some of my colleagues here today will politely call it a certain late-term procedure. Well, I submit to my colleagues that there is nothing polite about this procedure. Certainly the aborted baby, whose life is snuffed out in such a violent way, does not think that this is a polite procedure.

Madam Speaker, human life is precious. When we allow human life to be so coldly and violently taken in the manner of the partial-birth abortion, we are all diminished as a society. So I urge my colleagues to think before they vote. This is a conscience vote. Is this the kind of procedure that my colleagues would be proud to tell their children that they supported? Is this the kind of violence that they would be comfortable in defending when it comes time to meet their maker?

This is a real gut-wrenching conscience vote. Vote to override the President's veto.

Mr. SCOTT. Madam Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER)

Mr. HOYER. Madam Speaker, I thank the gentleman for yielding me this time, and if the gentleman would stay in the well, I would ask my friend from Texas, I understand what he has said, and I agree with his proposition of the American public's view. I ask him this. He talks about a procedure. Is there a procedure that he believes is preferable?

Mr. DELAY. Madam Speaker, will the gentleman yield?

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

Mr. DELAY. Madam Speaker, there is no procedure that is preferable in killing a baby that is about to be born naturally, no. I do not believe in a procedure that will kill a baby. I ask the gentleman back——

Mr. HOYER. Reclaiming my time.

Mr. DELAY. At what time is it appropriate to kill a baby?

Mr. HOYER. Reclaiming my time.

Mr. DELAY. What time? The gentleman ought to answer that.

Mr. HOYER. The court clearly has said that in terms of the Constitution there is a right of a woman and her doctor to make that decision and to terminate the pregnancy.

My question, and rather than yell at one another, rather than accuse one another of awful things, I want to find out what we are talking about. It is my premise that the gentleman does not believe there is any procedure, at any time, that is less than objectionable. Am I correct in that premise?

Mr. DELAY. I think the gentleman's question is grammatically in error.

Mr. HOYER. I would ask the gentleman to not quibble with me. I would ask the gentleman not to quibble with me; I am not trying to quibble with him. I am trying really to get to the heart of what I think is a difficult issue for the American public and for everyone on the floor.

Mr. DELAY. Well, ask the question. If the gentleman would ask the question in a manner someone can understand it, I will be glad to answer it.

Mr. HOYER. All right. Does the gentleman believe there is any procedure acceptable to terminate a pregnancy at any time?

Mr. DELAY. No, I do not.

Mr. HOYER. Reclaiming my time.

Mr. DELAY. Unless it is for the life of a mother and a decision must be made between the baby and the life of the mother. Then that decision should be made. But, no, I do not believe that at any time an unborn child should be murdered just for convenience. No.

Mr. HOYER. Reclaiming my time, I understand what the gentleman said. In the case of the life of the mother, which the gentleman indicates he believes is an exception, what procedure would he advocate? What procedure to terminate the pregnancy would the gentleman advocate?

Mr. DELAY. We do not have to use this procedure.

Mr. HOYER. No, I understand that. Which procedure would the gentleman advocate?

Mr. DELAY. I would like to answer the gentleman's question. Doctor after doctor, including C. Everett Koop, who was the surgeon general, says that there is no reason whatsoever, even for the life of a mother, that this particular procedure must be used, where a baby is nearly born and then they suck the brains out of its head before it is fully born.

Mr. HOYER. Reclaiming my time, I know the gentleman wants to make this debate as gruesome as he can. I understand that. I ask the gentleman again: In the instance in which the gentleman says is acceptable, saving the life of the mother, what procedure would the gentleman think is preferable?

Mr. DELAY. And if the gentleman will yield, I will tell the gentleman that this is a gruesome procedure for the baby that it is being performed on.

Mr. HOYER. I understand.

Mr. DELAY. I am once again answering the gentleman that many doctors have already said and written extensively that this particular procedure does not have to be used.

□ 1115

Mr. HOYER. Madam Speaker, reclaiming my time, the gentleman does not either have an answer to my question or does not want to answer it. My presumption is that because he has no alternative, is there a procedure which he would believe was appropriate to save the life of the mother and, if so, what is that procedure.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Virginia (Mr. SCOTT) has 9½ minutes remaining, and the gentleman from Florida (Mr. CANADY) has 10½ minutes remaining.

Mr. CANADY of Florida. Madam Speaker, I yield 4 minutes to the gentlewoman from Washington (Mrs. LINDA SMITH).

Mrs. LINDA SMITH of Washington. Madam Speaker, first I would like to read and then submit for the RECORD the American Medical Association letter endorsing this bill and saying that it is an unnecessary procedure.

I think it is real revealing because the American Medical Association rarely or never interjects and makes illegal an abortion procedure, but they have made an exception in this case. I am going to read this short letter because it says a lot and it blows away a

lot of the smoke about how this bill works.

It says, ''The Partial Birth Abortion Ban Act of 1997,'' as amended, that we support this. Then it goes on to say, ''Although our general policy is to oppose legislation criminalizing medical practice or procedure, the AMA has supported such legislation where the procedure was narrowly defined,'' and listen, ''not medically indicated.'' Otherwise, not medically necessary. ''H.R. 1122 now meets both those tests.

''Our support of this legislation is based on three specific principles. First, the bill would allow a legitimate exception where the life of the mother was endangered, thereby preserving the physician's judgment to take any medically necessary steps to save the life of the mother. Second, the bill would clearly define the prohibited procedure so that it is clear on the face of the legislation what act is to be banned.

''Finally, the bill would give any accused physician the right to have his or her conduct reviewed by the State Medical Board before a criminal trial commenced. In this manner, the bill would provide a formal role for valuable medical peer determination in any enforcement proceeding.

''The AMA believes that with these changes, physicians will be on notice as to the exact nature of the prohibited conduct.''

Then in quotes, they have made it very clear, and I have the quotes and we can submit them, that they do not believe that partial birth abortion is ever needed.

I want to talk about this procedure briefly because sometimes we forget what it is; and it is not pretty, but we are talking about lives and we are talking about law to protect vulnerable women and vulnerable babies.

The procedure takes 3 days, my colleagues. They start by dilating the cervix. They use procedures that soften so that they can eventually find a way to make an opening large enough to pull the baby through. They turn the baby so it is actually breeched opposite the way a baby would be born.

Often in that procedure they will wrap the baby with the cord, and sometimes the baby strangles. If not, they do deliver the baby in all cases. And right after the little feet come out and the little bottom and then they get the shoulders out, right before the head comes out, they hold the baby.

Now, talking to nurses, this is very difficult because the natural process is for the baby to come out and breathe. They hold the baby because they know if that little nose comes out and the mouth the baby will breathe. If the baby breathes, under the law, it is alive. But if the baby does not breathe, it is not considered a person. So this is what we are talking about. The average cost is $1,200 to $1,600. And it has become an industry.

Now, we have got some pretty interesting cases where women have gone and they have actually been hurt and died in partial birth abortions. But I want to talk about one, Louann Herron. And this is reported and it just came out, and it is very unfortunate because she was in the middle of a divorce.

She went to an abortion clinic, where they make a lot of money. In fact, a lot of times the doctors are not there, they have the procedure done by someone else. I think it is very important that we understand that this is not for the baby or the woman. I urge my colleagues to vote against the President.

Madam Speaker, I include the following articles for the RECORD:

[From the Arizona Republic, July 14, 1998]

PATIENT ''DIDN'T HAVE TO DIE''

SHE WAS LEFT TO BLEED 3 HOURS AFTER ABORTION, EX-STAFFERS SAY

(By Heather Ratcliffe, Susie Steckner and Jodie Snyder

Louann Herron lay bleeding from a punctured uterus for more than three hours as a medical assistant at the A–Z Women's Center begged her supervisor to call 911, three former employees of the abortion clinic say.

By the time the supervisor paged Herron's doctor to get permission to call paramedics, it was too late.

Herron died hours after an abortion performed by Dr. John Biskind, the same doctor who delivered a full-term baby at the clinic June 30 after misdiagnosing the fetal age by 13 weeks. Biskind and center officials on Monday refused to comment on the case, which has prompted a police investigation.

Herron's encounter with A–Z Women's Center began in a similar fashion. But it became a saga of disappointment, deception and death, according to three former employees who told their stories to The Arizona Republic.

According to the former employees, Herron, 32, was in the process of being divorced when she visited the center April 7 with a friend for an abortion.

An employee—fairly new to the clinic—performed an ultrasound examination indicating that Herron was 23 weeks and a few days pregnant.

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AMERICAN MEDICAL ASSOCIATION,
*Chicago, IL, May 19, 1997.*

Hon. RICK SANTORUM,
*U.S. Senate, Russell Senate Office Bldg., Washington, DC.*

DEAR SENATOR SANTORUM: The American Medical Association (AMA) is writing to support HR 1122, ''The Partial Birth Abortion Ban Act of 1997,'' as amended. Although our general policy is to oppose legislation criminalizing medical practice or procedure, the AMA has supported such legislation where the procedure was narrowly defined and not medically indicated. HR 1122 now meets both those tests.

Our support of this legislation is based on three specific principles. First, the bill would allow a legitimate exception where the life of the mother was endangered, thereby preserving the physician's judgment to take any medically necessary steps to save the life of the mother. Second, the bill would clearly define the prohibited procedure so that it is clear on the face of the legislation what act is to be banned. Finally, the bill would give any accused physician the right to have his or her conduct reviewed by the State Medical Board before a criminal trial commenced. In this manner, the bill would provide a formal role for valuable medical peer determination in any enforcement proceeding.

The AMA believes that with these changes, physicians will be on notice as to the exact nature of the prohibited conduct.

Thank you for the opportunity to work with you towards restricting a procedure we all agree is not good medicine.

Sincerely,

P. JOHN. SEWARD, MD.

Mr. SCOTT. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

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

Mr. BENTSEN. Madam Speaker, first of all, if we are going to take the AMA's word for this, then we ought to pass the Parker bill or the Patients' Bill of rights because the AMA endorses that. And if we are going to take Mr. Koop's word, then we ought to have a real tobacco bill in the House. But, obviously, the Republican majority wants to play fast and loose on whose advice they want to take and when they want to take it.

I do not think any of us support this particular procedure. But why do we not look at what 40 other states, including my State of Texas, are doing. I have heard a lot of my colleagues, most from the other side, for the last 4 years talk about how the States are the laboratories of government, where we ought to be seeing what they are doing. But I guess that is only when it is convenient or when the States agree with us; and otherwise, if they do not, we are going to tell them what to do. That is what this bill does. But worse, this bill is about politics.

Now, last week we had a vote on taking away abortion rights. Let me read what one of my colleagues said. ''I want this to be a campaign issue. This is going to be great,'' he said, adding that his colleagues who oppose abortion restrictions will face fierce questions in their districts. ''They better be prepared to defend themselves because we are going to have the grassroots out there talking about it.''

That is what this is about. It is not about the women who need the health services so they can bear more children. My good friend and colleague the gentleman from Texas (Mr. DELAY) said, ''where is the common decency?''

Well, how is it for common decency when we tell a woman that she is going to lose the ability to bear more children if she cannot have a certain type of procedure? What is decent about that? Not a single thing. This is politics, pure and simple, and it is about as indecent as this House can get.

Mr. CANADY of Florida. Madam Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. CHRISTENSEN).

Mr. CHRISTENSEN. Madam Speaker, I thank the gentleman for yielding.

Yesterday I had the opportunity to manage the debate on the MFN Normal Trade Relations bill. A number of my pro-choice friends and colleagues over on this side were with me on that losing battle of 166 votes.

But a number of those same people that were crying out for human rights

in China, fighting for the forced abortions in China, talking about the issues of the Chinese women, are now on the same side of allowing this partial birth abortion bill to go forth.

Well, what about the human rights in America? What about the human rights of the unborn children? What about the human rights of Baby Phoenix and the thousands and thousands of little children who are murdered each year? What about the human rights for those that have no say?

If we are going to stand with the Chinese women and the forced abortions, we should stand together to make sure that the children have a voice in this, the Baby Phoenixes of the world, the Baby Phoenixes of America.

Vote to override this partial birth abortion veto. Do what is right.

Mr. SCOTT. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Madam Speaker, I thank my colleague for yielding.

Madam Speaker, I rise in opposition to reconsidering this bill, and I urge my colleagues to join me in sustaining the President's veto.

We all agree that healthy women with healthy fetuses should not have post-viability abortions. But the authors of this bill do nothing to address this issue. Instead by focusing on medical procedures, the Republican leadership's partial birth abortion ban fails to fully address abortions performed post-viability and overreaches by banning abortions pre-viability.

The Republican leadership has refused to bring up a bipartisan bill that accomplishes, in fact, what their bill only achieves in nasty rhetoric.

H.R. 1032, which was introduced by the gentleman from Maryland (Mr. HOYER) and the gentleman from Pennsylvania (Mr. GREENWOOD) at the beginning of the 105th session, would ban all late-term abortions unless it was necessary to save the life of the mother or to avert serious adverse health consequences.

Unfortunately, the House leadership has presented us with the singular option of voting on H.R. 1122, which is believed by many to be unconstitutional.

Despite the fact that a modified ban would pass in the House, despite the fact that the President has said that he would sign the modified ban, this body has not even been given the opportunity to consider the Hoyer-Greenwood bill.

The House leadership is clearly not interested in passing legislation that would set public policy on the issue of late-term abortion. Instead, they have tried to depict pro-choice Members as radical and out of step with the values of mainstream America.

Further, in this debate today, unfortunately, they have chosen to demonize women and to accuse doctors of medical malfeasance.

I and other supporters of the Hoyer-Greenwood bill are pro-choice and are willing to vote for a ban on late-term abortions provided that there are health and life exceptions.

If the House leadership truly wants to reduce the number of late-term abortions performed, they would bring H.R. 1032, the Hoyer-Greenwood bill, to the floor and allow the House to debate a bill that would actually accomplish something.

Mr. CANADY of Florida. Madam Speaker, I yield 2 minutes to my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Madam Speaker, I rise in support of the motion to discharge, because we must override the President's veto of a ban on this horrendous practice of partial birth abortions.

It is an outrage that in this civilized modern society we still allow for this procedure to occur despite the mountain of evidence indicating that it is unnecessary and that it has, as the ultimate consequence of its completion, the killing of a partially delivered baby who cannot defend him or herself against the unscrupulous abortion industry.

It is important to remind our colleagues what this gruesome procedure involves. It consists of partially delivering the life baby's feet first, with only the head inside the mother's womb, and then stabbing the child at the base of the skull, a child that is already able to live outside the mother's womb.

The American Medical Association said about partial birth abortion, ''the partial delivery of a living fetus for the purpose of killing it outside the womb is ethically offensive to most Americans and physicians.''

The AMA ''could not find any identified circumstances in which the procedure was the only safe and effective abortion method.''

Even abortion practitioners, like Martin Haskell, reported to the American Medical News, ''most of my abortions are elective in that 20–24 week range. In my particular case, probably 20 percent of partial birth abortions are performed for genetic reasons. And the other 80 percent are purely elective.''

Madam Speaker, Americans cannot stand idly by while this tragic procedure is performed. Many doctors have stated that this horrid practice can severely damage a woman's health. And let us not forget, it kills an innocent human life.

Let us overturn the veto.

Mr. SCOTT. Madam Speaker, could you advise us as to the time remaining on both sides, please?

The SPEAKER pro tempore. The gentleman from Virginia (Mr. SCOTT) has 5½ minutes remaining, and the gentleman from Florida (Mr. CANADY) has 3½ minutes remaining.

Mr. SCOTT. Madam Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Speaker, I thank the gentleman for yielding.

I rise today, my colleagues, not so much to speak on the veto override, although the bill in question, I believe sincerely, will not in fact stop any abortion. This is about a procedure, not about abortion. The issue should not be about a procedure. I want to make it clear, I am opposed to late-term abortions by any procedure.

I rise today to call Members' attention to legislation which has been referenced before that has as its intent stopping all late-term abortions by whatever procedure.

I asked the gentleman from Texas (Mr. DELAY) was there an alternative procedure he thought preferable. He would not answer that question. Nor will anybody on this floor. Not one. Because there is no alternative procedure that proponents believe is a preferable procedure.

□ 1130

The fact is I think most of us are against what the gentlewoman from Florida talked about, elective late-term abortions. I am absolutely opposed to that, unequivocally opposed to elective late-term abortions.

Do I make exceptions in my bill? Yes. As the gentleman from Texas intoned, for the life of the mother. There is not a Member, I think, on this floor who would not vote for that exception. Not one. Then, yes, we go on to say for serious adverse health consequences to the mother, a wrenching, difficult decision for a doctor and a patient to make.

But I am opposed and believe that any ethical doctor would oppose elective late-term abortions by whatever procedure. And if they do not, the medical association ought to take them to task and our bill would impose a very significant penalty on so doing.

Whether this bill today passes or fails, I would ask the Committee on the Judiciary and ask the gentleman from Florida to report this bill to the floor. Let us debate. Let us go on record as 41 States in America have gone on record and say, we are opposed as public policy to late-term, elective abortions. Period. No ifs, ands or buts, no this procedure is not good but that procedure is okay. Not deal with procedures. Deal with substance. Deal with saying that we should not have these abortions late-term for elective reasons.

Mr. CANADY of Florida. Madam Speaker, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT).

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

Mr. CHABOT. Madam Speaker, a minute is not nearly enough time to address the horrors of partial-birth abortion. But I trust that during the course of this debate the truth will come through and this body will do the right thing, the decent thing and vote to override the President's unconscionable veto of the partial-birth abortion ban. This ought to be simple. You should not kill babies.

Partial-birth abortion is infanticide. It is the termination of the life of a living baby just seconds before it takes

its first breath outside the womb. The procedure is violent, it is gruesome, it is undeniably wrong. It is the killing of a baby as it is being born.

This morning's vote is among the most important we will ever make. It is one that will long be remembered. I would urge my colleagues to say ''no'' to the abortion President and ''no'' to the most militant leaders of the abortion lobby and vote to protect the lives of helpless, defenseless little babies.

Madam Speaker, let us vote today to defend those little babies who cannot defend themselves.

Mr. SCOTT. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Madam Speaker, could I ask the gentleman from Ohio (Mr. CHABOT), if he does not like partial-birth, what will he be willing to accept to save the life of the mother if he does not like this measure?

Mr. CHABOT. Madam Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Ohio.

Mr. CHABOT. Under the proposal we have——

Mr. CONYERS. Just answer me.

Mr. CHABOT. We would accept this procedure if the mother's life is at risk.

Mr. CONYERS. Oh, you do accept it?

Mr. CHABOT. I think everybody would accept when you have a balance between the mother's life and the child's life. That is not the issue.

Mr. CONYERS. Then why are you opposing this?

Mr. CHABOT. It is wrong to kill babies, as simple as that.

Mr. CONYERS. Just a moment. No lectures. Just answer the question. What about serious health risk, like sterility?

Mr. CHABOT. If the gentleman will yield further, I think the gentleman is aware of when you talk about health risk.

Mr. CONYERS. Just answer me.

Mr. CHABOT. If somebody feels bad about themselves, that is enough to allow the procedure.

Mr. CONYERS. What do you think about serious health risk, namely, fertility? What is the answer? I yield to the gentleman from Ohio.

Mr. CHABOT. Madam Speaker, I think the gentleman from Michigan is aware that if you allow an exception for health reasons, it can mean if a psychiatrist thinks that somebody is going to feel better about themselves.

Mr. CONYERS. We are talking about serious physical health. Yes or no.

Mr. CHABOT. That is not what your bill says. The bottom line is we are trying to save babies. You are always saying, Let us do this for the children, let us do that for the children. Let us pass this veto override to save the children. This will really save children.

Mr. CONYERS. What about all the other procedures that you allow that we are not doing this that we are doing to partial-birth? What about them?

Mr. CHABOT. The bottom line is the folks that are on our side here want to save kids. We want to save children.

Mr. CONYERS. I am talking about you.

Mr. CHABOT. While they are being born. I think we ought to join together and try to save those babies that would otherwise be born.

Mr. CONYERS. You are against protective procedure and all these other procedures. We will talk later about this.

Mr. CHABOT. I thank the gentleman for yielding.

Mr. CONYERS. It was a pleasure.

Mr. CANADY of Florida. Madam Speaker, I yield 1 minute to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN. Madam Speaker, our civilized society must not allow President Clinton's preference for partial-birth abortions to continue. I not only speak for my fellow Kansans but also for the preborn children throughout this country whose lives are taken by this gruesome procedure.

Recently a doctor performing a partial-birth abortion realized in the middle of the procedure that he had misjudged the baby's age. She was actually only three weeks away from being in full term. Thankfully the doctor was able to stop the abortion and successfully deliver the baby. That is a happy ending.

However, the tragedy of partial-birth abortion is that any preborn baby in the third trimester has a good chance of survival. Only the abortionist's scalpel prevents that baby from having its first breath. Can we seriously allow a few inches to distinguish between a baby and a blob of tissue?

Members of Congress as well as the AMA have not found a single circumstance where partial-birth abortion was the only safe and effective abortion method. It is just not there.

The truth is this procedure poses a greater risk to the mother's health than a full-term delivery. For the health of women, for the lives of our children, and for the future of America, we must put an end to this ghastly procedure.

Mr. SCOTT. Madam Speaker, I yield myself the balance of my time. As has been pointed out in the debate, Madam Speaker, this bill will not stop any abortion. It will just require an alternative procedure to be used. We have had no answer to the question of what that alternative should be. What we should do is defeat the motion to discharge the committee from further consideration of the bill, require the Committee on the Judiciary to in fact consider the bill and the fact that it is unconstitutional and consider alternatives like the Hoyer-Greenwood bill that would prevent the maximum number of abortions consistent with the Supreme Court decisions. I would hope that we would defeat the motion and have the Committee on the Judiciary report a constitutional bill.

Mr. CANADY of Florida. Madam Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. HALL).

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Ohio is recognized for 1½ minutes.

Mr. HALL of Ohio. Madam Speaker, I rise as an original cosponsor of this most important act, and I support this motion to override the President's veto.

Abortion, except to save the mother's life, is wrong. However, this particular procedure is doubly wrong. It requires a partial delivery and involves pain to the baby.

Madam Speaker, we have heard the medical details of these abortions from others. I believe that a compassionate society should not promote a procedure that is gruesome and inflicts pain on the victim. We have humane methods of capital punishment. We have humane treatment of prisoners. We even have laws to protect animals. It seems to me we should have some standards for abortion as well.

Many years ago, surgery was performed on newborns with the thought that they did not feel pain. Now, we know they do feel pain. According to Dr. Paul Ranalli, a neurologist at the University of Toronto, at 20 weeks a human fetus is covered by pain receptors and has 1 billion nerve cells. Pain is inflicted to the fetus with this procedure.

Madam Speaker, I do not want to discuss this bill relating to abortion without saying that we have a deep moral obligation to improving the quality of life for children after they are born. I could not stand here and honestly debate this subject with a clear conscience if I did not spend a good portion of my time on improving hunger conditions and trying to help children and their families achieve a just life after they are born.

Enough is enough. One thing this Congress ought to do this year is stop this very reprehensible and gruesome technique of abortion. We treat dogs better than this.

Please vote to override the President's veto.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. CANADY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CANADY of Florida. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Without objection, votes on the motion to instruct and on a motion to authorize closed meetings of conferees on the national defense authorization will be taken immediately following the 15-

minute vote on the motion to discharge, and the vote on closing meetings will be conducted as a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—yeas 295, nays 131, not voting 8, as follows:

[Roll No. 321]

YEAS—295

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NAYS—131

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Frank (MA)
Frost
Furse
Gejdenson
Gilman
Greenwood
Gutierrez
Harman
Hastings (FL)
Hilliard
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kennedy (MA)
Kennelly
Kilpatrick
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Mink
Morella
Nadler
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stokes
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—8

Condit
Ford
Gonzalez
Green
Markey
Serrano
Smith (TX)
Young (FL)

□ 1202

Mr. BARRETT of Wisconsin changed his vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. HINCHEY. Madam Speaker, I inadvertently erred this morning when voting to discharge H.R. 1122 from the Judicary Committee. On rollcall No. 321, please let the record show that I meant to vote ''no.''

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 716

Mr. FORBES. Madam Speaker I ask unanimous consent that my name be removed as a cosponsor of H.R. 716.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from New York?

There was no objection.

## MOTION TO INSTRUCT CONFEREES ON H.R. 3616, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct conferees offered by the gentleman from Missouri (Mr. SKELTON).

The Clerk will rereport the motion.

The Clerk read as follows:

Mr. SKELTON moves that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the Senate amendment to the bill, H.R. 3616, be instructed to insist upon the authorization levels provided in title II of the House bill for Theater Missile Defense programs and for space-based lasers.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Missouri (Mr. SKELTON) on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 424, nays 0, answered ''present'' 1, not voting 9, as follows:

[Roll No. 322]

YEAS—424

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary

Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

ANSWERED ''PRESENT''—1

McKinney

NOT VOTING—9

Abercrombie
Ford
Gonzalez
Green
Leach
Markey
Murtha
Serrano
Young (FL)

□ 1221

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. COBLE. Madam Speaker, I offer a motion.

The SPEAKER pro tempore (Mrs. EMERSON). The Clerk will report the motion.

The Clerk read as follows:

Mr. SPENCE moves, pursuant to clause 6(a) of House Rule XXVIII, that conference committee meetings on the bill H.R. 3616 be closed to the public at such times as classified national security information is under consideration, provided, however, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. SPENCE).

On this motion, pursuant to clause 6 of rule XXVIII, the vote must be taken by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 412, nays 5, not voting 17, as follows:

[Roll No. 323]

YEAS—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
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Lee
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Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Yates
Young (AK)

NAYS—5

Conyers
DeFazio
Furse
Stark
Woolsey

NOT VOTING—17

Blunt
Buyer
Cooksey
Fawell
Ford
Gonzalez
Green
Hansen
Hunter
Lazio
Markey
Murtha
Pelosi
Sanford
Serrano
Stump
Young (FL)

□ 1230

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3905

Mr. RAHALL. Madam Speaker, I ask unanimous consent to remove my name as cosponsor of the bill, H.R. 3905.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

## PARTIAL-BIRTH ABORTION BAN ACT OF 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–158)

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 1122) to amend title 18, United States Code, to ban partial-birth abortions.

The question is, will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding.

The gentleman from Florida (Mr. CANADY) is recognized for 1 hour.

Mr. CANADY of Florida. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Virginia (Mr. SCOTT).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

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

There was no objection.

Mr. CANADY of Florida. Madam Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Madam Speaker, we now come before the House again on a subject that has been debated many times. The advantage that we have today is that the American public now knows this subject.

The American public knows that there is no truth in the statement that there is a need for this procedure at any time, at any place, in any way.

How do I know that? I have delivered well over 3,000 babies. I have handled every major known complication of pregnancy. This debate in the past has been about untruth. It has been about a desire to preserve an option of not fulfilling one's responsibility to a child. We have already heard today mischaracterizations and facts that do not exist. Those are called untruths about this procedure.

It is my hope that we can come together as a Nation and understand that partial-birth abortion is murder. Nothing short, nothing less. There is never an instance in which a woman would have to have a partial-birth abortion versus some other means of saving her life and caring for her infant. That is something that people should keep in mind as we debate this issue.

Mr. SCOTT. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time.

Madam Speaker, I wish we could discuss this very serious issue with a bowl full of truth and not one of jelly beans.

When a woman is faced with this type of painful circumstance, it is one that she should face without government interference. Frankly, I think the American people do not want Democrats playing God, and the Republicans certainly should not play God.

This is a very serious issue, and if the Republican Majority was so concerned about the loss of lives of babies, when the President vetoed this legislation in October of 1997, we could have swiftly moved to committee and looked at opportunities in order to save the mother's life and to protect the mother's health.

But, Madam Speaker, it is July 1998, just a few months from election, and they wish to play with the lives of women. We have 200 million citizens, over 51 percent of them women. I would imagine that 3,000 babies pale to how many babies have been delivered.

Madam Speaker, as a mother, I love children and I want to see the wonderful birth of children continue and the loving families to nurture them. But how many have listened to the pain that I have listened to? We have had women come and testify saying that they wanted nothing more than to have a healthy baby and to have an opportunity to give birth in years to come. Their doctor insisted, because of the health and the life of the mother to be able to be viable for birth again, that this procedure was a necessary procedure.

Yet, the Republicans want to tell us that they override the President's veto today so they can stand on the right side of the issue. This legislation will deny the physician, the woman's God, and her family to determine any type of procedure. No procedure will be allowed.

Let me tell my colleagues the bare facts. Last year 19 States banned so-called partial-birth abortion. Seventeen were challenged and the challenge was upheld. Those bans are no longer because reasonable people realize this is not something mothers go lightly into.

I saw the pain in these women's faces. I saw the desire to be mothers and to nurture. I saw the loss of fathers who wanted to be able to have a child.

Madam Speaker, I simply say to the Republicans, this is no time to play any games. When we have a child with fatal abnormalities, if my colleagues have ever looked at that living thing and saw that it could not live at all, that is a painful and wrenching decision that is required to be made again by our Heavenly Father, of whom we believe in, and the physician, and the family.

So I would ask that this override not take place, because I stand with those who want life and the opportunity for life.

Mr. CANADY of Florida. Madam Speaker, I yield 30 seconds to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Madam Speaker, I just want to clarify three misstatements of fact that were just made. Number one, the ban on partial-birth abortion never puts a woman's fertility at risk. That is number one.

Number two, this bill does allow in the instance of the life of a mother, if it is at risk, a partial-birth abortion to be done. We do not think that is ever the case, and I know that as a physician never to be the case, but we allow that under the law.

Finally, if a child has a terminal defect, what could be better than having it be born and loved rather than killing it?

Mr. SCOTT. Madam Speaker, I yield 30 seconds to the gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. Madam Speaker, there is only one question that the people of America need to ask themselves in this debate. Only one. That is: ''Do you want a physician in your doctor's office making this decision with you, or do you want a politician?''

Madam Speaker, I am not a physician. I am a politician. I will not make this decision for the women and families of this country, and no other politician should make that decision for them.

Mr. CANADY of Florida. Madam Speaker, I yield 1½ minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Madam Speaker, I am a mother myself and married to a physician. There is very little that any of the previous speakers can tell me about abortions and about pregnancies and about life that I do not already know.

One thing I do know is our Constitution guarantees us the right to life, liberty, and the pursuit of happiness. The most fundamental of those things is life.

In our State laws in many States, the sanctity of unborn life is already regarded as a right. Let me tell my colleagues how. Criminally, if a woman is assaulted and loses her child, the person who assaulted her can be charged with manslaughter, can be charged with murder. Even if the mother survives, that child, that unborn child, has a right to live.

If someone negligently kills the father of an unborn child, the mother or

a guardian can sue on behalf of that unborn child for negligence. So in the civil courts, we recognize that unborn children have a right to live.

And to think of delivering a child up to its head and then removing the brain from that child that is viable and that can live out of the womb. There is a home in America where that child could be loved and wanted. To deliver a child that could live and kill it is absolutely a mortal sin. It is a legal wrong. It is against everything that we stand for in this country.

Madam Speaker, I urge my colleagues to vote to override the President's veto.

Mr. SCOTT. Madam Speaker, I yield myself 15 seconds.

Madam Speaker, I want to place in the RECORD the words of the American College of Obstetricians and Gynecologists, who said that the intact D&E may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only a doctor in consultation with the patient should make that decision.

Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Madam Speaker, what I have heard thus far, it seems as though we are trying to make the victims of a tragic situation the culprits. For as a man, as a husband, as a father, and as having the opportunity of talking to many of the women that had to undergo this tragic circumstance, one would think that from the other side that these women went through this willingly and they went through this as a mechanism to get rid of a child.

They went through it because of no other alternative, because of serious health results that would have happened had they delivered this child, or because of bad chromosomes, malfunctions with reference to a child.

I dare say that most, not most, 95 percent of the women that have to undergo this unfortunate circumstance, this never leaves them. How do I know? Just look at a woman who may have lost a child, for she wanted to have that child, and I can just testify to the fact that just a few months ago, my wife and I lost a child and my wife had to undergo a special procedure for her health to get the child out of the womb.

My wife still has not recovered from that, for she had no other alternative because the doctor said that if the fetus stayed in any longer, she could have some serious health ramifications.

So this is not a procedure that one does out of convenience, this is what one does out of kindness, out of respect for this woman. Without her, I would be nothing and there would be no chance to have another child.

Mr. CANADY of Florida. Madam Speaker, I yield 30 seconds to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Madam Speaker, let us clarify for the American public, the vast majority of all partial birth abortions that have been performed in this country have been for the elective termination of a late pregnancy, not associated with fetal malformations, not associated with a malformation or an inconsequence of reproduction, but associated with elective termination of viable children.

Mr. SCOTT. Madam Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Madam Speaker, this is a hard issue for many, but I urge all of us to keep several things in mind. First, Roe versus Wade sets up a careful framework: Abortions in the third trimester of pregnancy are strictly limited.

No one here is talking about changing or expanding that framework.

Second, late-term abortions are tragic. We are talking about wanted pregnancies that go terribly wrong.

Third, as our colleague, the gentlewoman from Oregon (Ms. FURSE) said, doctors, not Congress, should choose the procedure to be used in the tragic event that a late-term abortion is necessary.

Fourth, in my view, the President showed great courage in vetoing that bill and I think we should uphold his veto because, as the mother of four wanted children, the product of fortunately healthy pregnancies, I would have wanted the choice in the event that I learned late in my pregnancy that my fetus was so grossly deformed that it would not live beyond a few hours after birth, even if that, and that my reproductive health was at risk. I would have wanted that choice, and I do want that choice, under constitutional guarantees, for every woman in this country.

Mr. CANADY of Florida. Madam Speaker, I yield one minute to the gentleman from New York (Mr. FOSSELLA).

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

Mr. FOSSELLA. Madam Speaker, I rise in strong support of overriding the President's veto of partial birth abortion. We could talk about the abstract issue but we have a very narrow piece of legislation here that prevents the art and the notion of partial birth abortion, which is, for the sake of argument, almost delivering a child to birth and killing it.

We are not talking about a piece of chalk or a chair or a clock. We are talking about an innocent young child, a child that will never experience the joy of life, the power of laughter, all great accomplishments that any parent would want in a child.

Is it not amazing that in this country, where double parking your car or jaywalking is against the law that we can allow unfettered a partial delivery of a baby and killing it?

Madam Speaker, I urge every Member of Congress and every American to explore their conscience and override the President's veto.

□ 1245

Mr. SCOTT. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Madam Speaker, there truly is no rest for the weary, and I tell my colleagues the women of this country are weary. They are just plain tired of the constant stream of attacks on their health decisions launched by the Republican leadership in this House. Today's assault on women is an especially dangerous attack because it is part of a bigger conspiracy which puts politics first and women's health last.

I rise in opposition today, Madam Speaker, because this veto override is dangerous. It does not safeguard the health of women in this country, and that is what this bill should be about, not about whether the government or Members of Congress are allowed to poke their nose into the middle of decisions best made between a woman, her family, and her doctor.

First, my colleagues, the gentleman from Oklahoma (Mr. COBURN), tells us late-term abortion is never necessary. Then, after hearing the compelling story of our colleague, the gentleman from New York (Mr. MEEKS), he tells us that it is sometimes necessary. It is that ''sometimes'' that makes it the reason that the American College of Obstetricians and Gynecologists, the American Nurses Association, and the American Medical Women's Association are strongly opposed to this legislation. It is because sometimes that is the right decision to be made between the mother, the family, and their doctor.

It continues to amaze me, Madam Speaker, that Members of this House have so little faith in women, the very people who bear and raise the children of this country, that they would deny them access to life-saving procedures out of an outrageous notion that pregnant women would elect to abort a child in the late term of that pregnancy.

Mr. GOODLATTE. Madam Speaker, I yield 45 seconds to the gentleman from Oklahoma (Mr. COBURN) to respond.

Mr. COBURN. Madam Speaker, what we are talking about is infanticide. We have seen the debate as something other than that. There is nothing in this bill that denies any woman access to quality care or life-threatening care or reproductive care. I understand that is the debate we are using to say that we believe any baby at any time ought to be able to be terminated. But there is no difference between this procedure and infanticide.

As to the question of Roe versus Wade, the Supreme Court said they did not know when life began. Well, the fact is, as we determine death in this

country as an absence of brain waves and an absence of heartbeat, and at 41 days post last menstrual period, every fetus, female and male, have a heartbeat and a brain wave.

Mr. SCOTT. Madam Speaker, I yield 30 seconds to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. If the gentleman from Oklahoma would answer a question, I would appreciate it.

My question is does the gentleman consider the story that the gentleman from New York (Mr. MEEKS) was telling us about his wife and his lost baby infanticide?

Mr. COBURN. Madam Speaker, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from Oklahoma.

Mr. COBURN. No, I did not say that. I said the partial-birth procedure is a question of infanticide. There are lots of mistakes of reproduction. Never is it necessary to use the partial-birth abortion method to solve that problem.

Mr. GOODLATTE. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Madam Speaker, I thank the gentleman for yielding me this time.

The question today before us is not only the question of life or death for thousands of partially born children in our country, but it is also a question of who we are as a people.

What kind of people are we? What kind of people are we when we are so unwilling to defend the smallest, most helpless and vulnerable among us? Partial-birth abortion is a sick, gruesome procedure. It is a violation of the most basic of human rights. It is a violation of the right to the gift of life.

We shudder when we see brutality in warring nations, we shudder when he hear stories of genocide and ethnic cleansing, we shudder when we see pain and torture and death around the world. But do we shudder when we consider the reality of partial-birth abortion? Do we shudder to think that here in the United States this is a legal procedure?

The President has acted out of a cold disregard for human life. His veto is a shameful act and it is unacceptable.

Mr. SCOTT. Madam Speaker, I yield 3½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Madam Speaker, I rise to oppose this attack on the fundamental rights of American women. Members of this House have tried time and again to limit the right to choose. They have imposed restrictions on Federal employees, on those who receive Medicaid, on women in the military, on women in prison, and on women under the age of 18. But they do not stop there. We saw last week their efforts to limit access even to birth control. We even saw them argue that the birth control pill is a form of abortion.

Their agenda is quite clear. Despite the fact that the Supreme Court has upheld the fundamental right of choice, it is their stated agenda not only to outlaw abortions by any means, but to limit access to birth control for millions of American women. That is why this vote today is so critical. It is an attempt to subvert the rulings of the Supreme Court and to implement phase I of their plan to eliminate the right to choice and to the availability of contraceptives.

When we debated this bill a year ago we argued that it was unconstitutional and could not be enforced. Time has proven us right. In 17 States courts have enjoined so-called partial-birth abortion bans as unconstitutional because they are vague, they fail to provide physicians adequate notice as to what is prohibited, they provide no exception whatsoever to preserve a woman's health, and only a dangerously inadequate exception to preserve a woman's life. Six of these unconstitutional State laws have virtually identical language to the bill before us today.

The bill is fundamentally flawed for another reason. It is based on the principle that politicians, not doctors, ought to make medical judgments about what procedures are appropriate. I would urge every pro-choice Member who may be inclined to vote for this bill to carefully consider exactly why they are pro choice.

If Members are pro choice because they believe it is a woman's decision, not the government's, about whether or not to have an abortion, then they should vote against this bill. If my colleagues believe that sometimes abortions are necessary to protect the health or life of a woman, then they should vote against this bill. If they believe that doctors should not be denied the option of using a medical procedure as they deem appropriate, then they must reject this bill. If they believe in the fundamental principles of Roe v. Wade, they must not support this bill, which severely restricts a woman's rights to choose.

Make no mistake, this bill is not about one particular procedure, it is about the fundamental right to choice. I urge my colleagues to defend a woman's right to choose and to reject this dangerous bill.

Let me close by quoting a letter of a woman from New York City who faced a tragic situation involving a fetus with a severely deformed heart and who would have been affected by this bill had it already become law. She writes, and I quote,

> You must hear our voices before you vote on this misguided bill, as well as the voices of other mothers and fathers who weep over their empty cribs. We are not bad people. We are extremely unfortunate, suffering families trying to cope with personal tragedies. Please don't deepen our wounds by taking away our choices. Please vote against H.R. 1122.

It could not be said better. Who are we to tell women in such tragic situations what to do? Women should make these choices, not politicians.

Mr. CANADY of Florida. Madam Speaker, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE), a member of the Committee on the Judiciary.

Mr. GOODLATTE. Madam Speaker, every year this heinous procedure is performed thousands of times on healthy babies with healthy mothers, usually in the 5th and 6th months of pregnancy. For these tiny children, the difference between a painful death and full protection of the law is literally four inches. Four inches; the difference between death and life.

Congress has expressed the will of the overwhelming number of Americans who want to outlaw this inhumane procedure. The people have spoken, but the President has refused to listen. He has ignored the conscience of the American people, who plainly see that this is nothing more than a painful, cruel and unnecessary act.

Madam Speaker, this is the people's body. Although the President will not listen to the American people, we will. I urge my colleagues to override the President's shameful veto.

Mr. SCOTT. Madam Speaker, I yield ½ minute to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Madam Speaker, I thank gentleman from Virginia for yielding me this time.

I have been sitting here listening to this, and then I know tomorrow that I have to take some votes on managed care because we are very concerned about insurance companies who are going to and have been making decisions on people's health care.

Today, the question that I have to ask, and which just really bothers me, is today my colleagues want me to vote to allow Congress to make a decision on my medical care and not a doctor. But tomorrow they are going to tell me that a doctor should be making my decision and not the insurance company. Somewhere something is wrong in this place.

Mr. CANADY of Florida. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam Speaker, abortion is the most violent form of death known to mankind. It is violence against children and it is violence against women. When will liberals begin to truly seek protection for American women?

Listen to this statement by Dr. Camilla Hersh, member of the Physicians' Ad Hoc Coalition for Truth, which details the violence of a partial-birth abortion.

> Consider the grave danger involved in a partial-birth abortion. A woman's cervix is forcibly dilated over several days. This risks creating an incompetent cervix, a leading cause of subsequent premature delivery. It also risks serious infection, a major cause for subsequent infertility. Partial-birth abortion is a partially blind procedure, done by feel, thereby risking scissor injury to the mother's uterus and laceration of the cervix or lower uterine segment. Either the scissors or bony shards of the baby's perforated and disrupted skull bones can roughly rip into the large blood vessels which supply the

lower part of the lush pregnant uterus, resulting in immediate and massive bleeding.

Let us stop kidding ourselves. Partial-birth abortion is violence. Let us override the President's veto.

□ 1300

Mr. SCOTT. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I have joined several of my colleagues in supporting a bill that will actually prohibit all late-term abortions, consistent with the Constitution. We have heard that bill described. It is consistent with the law. And if we want to prohibit as many abortions as possible, we ought to consider that bill.

We have heard suggestions that some physicians think that the partial birth abortion ban is appropriate. Other physicians think that it ought to be an option for physicians. That decision ought to be left to the physicians.

This bill will not prohibit any abortions. It will just relegate some women to procedures which their physician thinks may kill, maim, or sterilize them. And that is why this bill ought to be opposed.

Mr. CANADY of Florida. Madam Speaker, I yield 30 seconds to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Madam Speaker, the statement that this will not eliminate any abortions is not a correct statement. The vast majority of partial birth abortions are elective abortions. Elective. That means somebody who is pregnant who does not want to be pregnant. It has nothing to do with the quality of life of the child. It has to do with the choice to kill a baby at any stage. So this is about eliminating abortions in this method.

Number two, end this procedure. Everyone who practices medicine realizes this is a terrible procedure. This is not medicine. This is death.

Mr. CANADY of Florida. Madam Speaker, I yield 1 minute to my colleague, the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Madam Speaker, I rise in support of the veto override.

I would like to address an issue that has been brought up repeatedly by the other side that most of these partial birth abortions, or a substantial portion of them, are done for medical necessity.

There has only been one study published on this procedure. It was the original report that appeared in the American Medical News by the originators of this grisly procedure, Drs. Haskell and McMann; and they described about 100 cases. Eighty-five percent were purely elective abortions.

So these were elective terminations of pregnancy of a healthy infant. So they are killing a healthy infant this way. Of the 15 percent that were for medical defects, the majority of them were for cleft palate and cleft lip. So to come here and to propose this disingenuous canard that we need this procedure in the face of those kinds of facts to me is totally unacceptable.

I encourage all of my colleagues to vote in support of this veto override.

Mr. SCOTT. Madam Speaker, I yield myself 30 seconds.

Will the gentleman from Florida (Mr. WELDON) respond to a question? If we cannot use this procedure, what procedure would be used?

Mr. WELDON of Florida. Madam Speaker, will the gentleman yield?

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

Mr. WELDON of Florida. The alternative procedures, in my opinion, are just as gruesome and grisly. And I have actually seen some of them.

In my opinion, late terminations of pregnancy should be illegal. The bill which the gentleman is talking about I am sure includes the provision that all liberals who are pro-abortion want, which is a provision to protect the health of the mother. And that has been defined to include mental health. And the vast majority of women who want to get an abortion claim it for that reason, it is for their mental health that they want to terminate an unborn baby.

Mr. SCOTT. Madam Speaker, I yield myself an additional 30 seconds.

Madam Speaker, I would say the provision in the Hoyer-Greenwood bill that allows an exception for the health of the mother is there because the Supreme Court says it has to be there. Otherwise, the bill is unconstitutional.

If we pass a bill without that provision, it will be thrown out, just like most of the similar bills that have been passed by states have been thrown out.

Mr. WELDON of Florida. Madam Speaker, if the gentleman would continue to yield, I disagree, as do many people in the United States, with the decision of the Supreme Court on this issue.

Mr. SCOTT. Madam Speaker, I yield myself 10 additional seconds.

That is why the bill is unconstitutional. My colleague just disagrees with the constitutional interpretation of the Supreme Court. We are going to pass an unconstitutional bill.

Mr. CANADY of Florida. Madam Speaker, I yield myself 15 seconds to respond on this constitutional issue.

The Supreme Court, in Roe versus Wade, with which I disagree, talked about the status of the unborn child. In this bill, we are dealing with the status of a partially delivered child, and that is a matter that is entirely different. It is excluded from the scope of Roe versus Wade.

Madam Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Madam Speaker, I understand and respect those who disagree with my opinion on this procedure. They have my respect. I disagree with them. But I wanted to describe an alternative to this. There is not a fetal malformation that this is required for. ACOG says that. Their words are ''may.'' It is not ''must.''

I want to tell my colleagues about patients that I have delivered who have had these tremendous malformations of their children. And I want my colleagues to decide, is it easier to kill a baby four-fifths of the way out of the mother and lie to her about the real consequences of the procedure, or is it better to encourage her to carry her baby to term even though it is not going to live and give her the opportunity and the husband, the mother and her husband and the father, an opportunity to hold and to love and to care for part of us?

I want to tell my colleagues about Jakey. Jakey had a courageous mom and dad. Jakey was a patient of mine. Jakey did not have all of his brain. His mother and father could have chosen to go to Kansas or lots of other places and have a termination. But what they chose was life. Maybe a very short life, but they chose life.

They chose 4½ hours of life for Jakey. They chose 4½ hours where they could hold what God had given them and say, we will deal with this. We will not run away from it. We will not put it out as a convenience. We will deal with the fact that life sometimes brings us things other than perfect and we will face that.

Partial birth abortion, whether it is for an elective procedure or for a fetal malformation, ducks the very value of life that all of us, whether we are pro-choice or pro-life, know we have to have as a society that is going to continue.

And to deny the truth, and that is what this whole argument is about, the truth that we can do it some other way that serves us as a human race in a much far better way that teaches our children to value life rather than to throw life away, we do a disservice to our Constitution, we do a disservice to the human race.

That is what I would ask my colleagues to think about. They may not be the most convenient ways to handle the problem. They may not be the fastest ways to solve the problem. But they are by far the best way to solve the problem.

Mr. SCOTT. Madam Speaker, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. There is not much quarrel that we can have with anyone who advocates life. There is not a mother on the floor of the House or human being who would advocate against life.

What the doctor fails to realize is that what we are arguing for is the right of the woman, with her special relationship, her God, and her medical professional to make the decision.

It is interesting that we would discuss life in this context, when many of those who stand on the floor of the House would support the death penalty. We have to be consistent in life.

Mr. CANADY of Florida. Madam Speaker, I yield 1½ minutes to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Madam Speaker, I know many have heard about the news and it will be or has been discussed today about the abortionist in Arizona who delivered the little girl and later discovered that he had misguessed the child's age. And rather than 23 gestational weeks old, the little girl had reached the age of about 36 weeks on June 30, when her 17-year-old mother subjected herself and her baby to a planned partial birth abortion at an AZ Women's Center in Phoenix.

This is not the first time this abortionist had this happen to him. He is currently being sued because one of his patients bled to death following an abortion in 1996. But the story of this latest mishap, which came to light just this past week and received wide coverage across the country, is just one more reason why we need to ban this procedure, which is a cruel form of infanticide, pure and simple.

Abortionists across the country knowingly commit partial birth abortions on babies as young as 20 gestational weeks, and they will continue to kill these babies and endanger the lives if we do not act today to override President Clinton's veto of the Partial Birth Abortion Act.

A baby delivered prematurely between 23 and 24 weeks would have a one-in-three chance of survival in a neonatal unit if delivered under normal circumstances and certainly would not feel the excruciating pain of a partial birth abortion.

So the question we will vote on today is quite simply whether we oppose allowing a fetus to suffer excruciating pain or whether we support life.

I am proud to stand here today with those who oppose infanticide and support life.

Mr. CANADY of Florida. Madam Speaker, may I inquire of the Chair concerning the amount of time remaining?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Florida (Mr. CANADY) has 15 minutes remaining, and the gentleman have Virginia (Mr. SCOTT) has 14 minutes remaining.

Mr. CANADY of Florida. Madam Speaker, I reserve the balance of my time for the purpose of closing.

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

Madam Speaker, the gentleman from Oklahoma (Mr. COBURN) suggested that we disagree with his decision. I do not agree or disagree with his decision. What I disagree with is Congress making the medical decision.

This bill will not prohibit a single abortion. There will be alternatives which were not described other than they are just as gruesome as this, and those alternatives would be used.

The bill, without the health exception, puts us in a situation where we will either allow the woman, if the bill does not pass, might have a choice of having a procedure that will not sterilize her by using this procedure. If this bill passes, the only alternative may require her sterilization. I do not think we ought to be making that choice for her that one procedure is more preferable than the one that might sterilize her.

Finally, Madam Speaker, this bill is unconstitutional, and everybody knows it. People have indicated they disagree with Roe v. Wade. The bill is unconstitutional. If we want to prohibit late-term abortions, we ought to pass the Hoyer-Greenwood bill.

Madam Speaker, I yield the balance of my time to the gentlewoman from New York (Mrs. LOWEY).

The SPEAKER pro tempore. The gentlewoman from New York (Mrs. LOWEY) is recognized for 13 minutes.

Mrs. LOWEY. Madam Speaker, I thank the gentleman for yielding.

I rise in strong opposition to the bill. Because this legislation, my colleagues, puts the lives and health of women at risk and it tramples on the constitutional right of every woman in this Nation.

Unfortunately, the GOP leadership has been waging war on abortion rights since taking over this House in 1994. This is the 93rd vote on reproductive rights in less than 4 years. 93 times. The goal is clear, ban every abortion procedure by procedure, month after month.

Madam Speaker, we have a different vision.

Mr. SCOTT. Madam Speaker, will the gentlewoman suspend for just a minute?

I understand that, prior to the close, they will ask for a Call of the House; and I think it would be appropriate for both closing speakers to be heard, and at this time I would suspend for the motion.

## CALL OF THE HOUSE

Mr. CANADY of Florida. Madam Speaker, I move a call of the House.

The SPEAKER pro tempore. Does the gentlewoman from New York (Mrs. LOWEY) yield for that purpose?

Mrs. LOWEY. Madam Speaker, I yield for that purpose.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 324]

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fazio
Filner
Foley
Forbes
Fossella
Fox
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
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Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
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Hulshof
Hunter
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
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Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
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Knollenberg
Kolbe
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LaFalce
LaHood
Lampson
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Leach
Lee
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Lewis (CA)
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Lewis (KY)
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Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
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Manton
Manzullo
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Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
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Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
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Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
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Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes

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| Strickland | Tiahrt | Weldon (FL) |
| Stump | Towns | Weldon (PA) |
| Stupak | Traficant | Weller |
| Sununu | Turner | Wexler |
| Talent | Upton | Weygand |
| Tanner | Velazquez | White |
| Tauscher | Vento | Whitfield |
| Tauzin | Visclosky | Wicker |
| Taylor (MS) | Walsh | Wilson |
| Taylor (NC) | Wamp | Wise |
| Thomas | Waters | Wolf |
| Thompson | Watkins | Woolsey |
| Thornberry | Watt (NC) | Wynn |
| Thune | Watts (OK) | Yates |
| Thurman | Waxman | Young (AK) |

□ 1335

The SPEAKER pro tempore (Mrs. EMERSON). On this rollcall, 400 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

## PARTIAL-BIRTH ABORTION BAN ACT OF 1997—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–158)

Mr. SCOTT. Madam Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Madam Speaker, I rise against the bill.

Madam Speaker I rise against this bill.

This is the first time that Congress has attempted to criminalize a medical procedure—a rare procedure used to save a woman's life and save her reproductive future.

That's what it was for Kim Koster, who lives in Iowa. In November 1996, she became pregnant. In February, she faced heartbreaking news: Their baby had anencephaly—no brain. Kim says, ''our world came crashing down around us.'' Thankfully, the D and E procedure was available, and Kim's fertility remained intact.

In March of this year, Kim became pregnant, and just last week, she learned that—again—she has another baby with no brain. Nineteen states, including Iowa, have blocked these state laws, ruling that they are unconstitutional, vague, and overly broad. Thankfully, Kim was able to have the abortion she needed.

Unfortunately, this federal bill prevents women like Kim Koster from receiving necessary, safe medical care in rare cases when a much wanted pregnancy has gone tragically wrong. When a woman seeks medical care, she wants the best care her doctor can provide.

Congress has no place in their decisions. And Congress has no place politicizing family tragedies. Apparently, the supporters of this bill feel it is more important to save a doomed fetus than the life of the mother and her ability to have children in the future.

I urge a ''no'' vote on this override vote.

The SPEAKER pro tempore. The gentlewoman from New York (Mrs. LOWEY) has 12 minutes remaining.

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

Mrs. LOWEY. Madam Speaker, I thank the gentleman for yielding to me.

Madam Speaker, I rise in strong opposition to this bill. This legislation puts the lives and health of women at risk, and it tramples on the constitutional rights of every woman in this Nation.

The GOP leadership, unfortunately, has been waging war on abortion rights since taking over this House in 1994. This is the 93rd vote on reproductive rights in less than 4 years; 93 times. The goal is clear: ban every abortion procedure by procedure, month by month.

Madam Speaker, we have a different vision. We want to reduce the number of abortions, not by making them illegal, but by empowering women to make healthy choices about their own reproductive health care.

Last week, we had a crucial vote in this House on a measure that will help reduce the number of abortions in the United States. That initiative will ensure that Federal employee health plans cover prescription contraceptives. It passed because the American people are tired of these polarizing debates. They want common sense solutions to preventing unintended pregnancy and reducing the number of abortions. Increased access to contraceptive coverage is one such approach; the bill before us, frankly, is not.

My good friend, the gentleman from Florida (Mr. CANADY), and we have worked together on many issues. However, my contraceptive coverage amendment, in my judgment, will prevent more abortions in a week than this bill ever will. It will do so by improving women's health, not by endangering it.

I am only sorry that the gentleman from Florida could not join us last week in supporting contraceptive coverage because that is the way that we will really reduce unintended pregnancies and prevent abortions.

So let us work together. Let us reduce the number of abortions. But, instead, we are, once again, considering this divisive issue. In fact, this is the sixth time this bill has come before the House. Each of those times, we tried to offer an amendment to the bill to protect the health of the mother, and each time the Republican leadership blocked us. We offered to sit down with the Republican leadership, craft a health exception that we could all accept. The Republican leadership refused.

The President will sign this bill if it protects the health of the mother, but the Republican leadership will not even give us a chance to make this change. Let me repeat, the President will sign this bill if it contains an exception to protect the health of the mother, but the GOP leadership refuses to put one in. So the Republicans, unfortunately, would rather debate this issue again and again and again rather than send the President a bill that he could sign.

Madam Speaker, this bill is not about reducing abortions. It is about defeating Democrats. This is election-year politics, plain and simple. But do not take my word for it. Leading GOP strategist Ralph Reed called this ''a winning gold-plated issue.'' A winning gold-plated issue. Is that not unfortunate that that is why we are here today.

I heard reference in the debate before to liberals. In fact, two of my colleagues, my good friends, refer to people who oppose this ban as liberals. I just want to tell my colleagues, as a woman, that when you are there making this very difficult decision, and we have seen these women come to my offices to discuss the decision that they had to make to preserve their future fertility, they were not making this decision with their family, with their physician, with the member of their clergy, as a Democrat, as a Republican, as a conservative or a liberal. They were making this decision as a woman in distress who had to make a very, very difficult decision.

I think it is time for us to stop playing politics with the lives and health of American women. We must ensure that women have access to abortion if their lives and health are endangered.

So I ask my colleagues on the other side of the aisle, whose health would you sacrifice? Which one of us? Which of our daughters is expendable? The health of every woman in this Nation is precious. Each of us, mothers, wives, daughters, is irreplaceable.

Women like Tammy Watts, Claudia Addes, Maureen Britel, these women testified before Congress that this procedure protected their lives and health. These women desperately wanted to have children. They had purchased baby clothes. They had picked out names. They did not abort because of a headache. How demeaning to a woman to even consider that that is an option. They did not abort because their prom dresses did not fit. They chose to become mothers and only terminated their pregnancies because of tragic circumstances.

So who in this chamber will stand in the operating room and limit their options? Who, at this agonizing moment, will decide? Who will make that difficult decision, the Congress of the United States or the woman, families, physicians, and members of the clergy of America?

□ 1345

The courts have been very clear on this point. Bans like this one have been passed in 28 states. Court challenges have been initiated in 20. In 18 state courts, there have been partially or fully enjoined bans on constitutional grounds. The courts have found that these laws ban most safe and common abortion procedures used throughout pregnancy. Courts have found that the bans are vague, they fail to protect the health of the mother and they are unconstitutional. The legislation before us is also clearly unconstitutional.

I want to conclude by stating that we believe strongly in the right to choose, but we also recognize that rights confer responsibilities as well. No woman

terminates a pregnancy casually. No woman makes this decision lightly.

Madam Speaker, we have to trust the women of America to exercise this right thoughtfully, deliberately, judiciously, and we must empower them to do so responsibly. We must trust the women of America, not the government. We have to trust the women of America to make this very, very personal choice.

Madam Speaker, I urge my colleagues to say no. Put your faith in the women of America, not in this Congress, to make this very, very personal decision.

Madam Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Madam Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. HYDE), Chairman of the Committee on the Judiciary.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 15 minutes.

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

Mr. HYDE. Madam Speaker, first of all, I want to thank the chairman for allocating so much time to me. I hope and pray I do not use it all. I know I express the feelings of everyone in the chamber that I do not use it all.

I also want to say at the outset that I will not yield, and I would appreciate the courtesy of not being interrupted, because I do not choose to yield.

I also want to briefly respond to my good friend, the gentlewoman from New York (Mrs. LOWEY). I do not know any one I admire more than she. This is a soul-wrenching issue. Your passion, your commitment, is respected on my side, and certainly by me, and all I ask is that you respect our passion and our commitment, because people of goodwill can be on both sides of this issue.

That is the wonder and the beauty of this debate, that we are here today talking about the most fundamental issues, life and death, health versus a life. That is the problem. You are trading apples and oranges, or chickens and horses. A life and health.

To me if you put those on the scale, life weighs heavier. Health has been defined by the Supreme Court almost amorphously. It is a state of well-being. Roe v. Wade and the other case, Doe v. Bolton, they defined health for us in the most poetic way, a state of well-being.

So the problem is, if health is an exception and the abortionist defines what is an impairment of health, I would suggest that the little unborn ought to have an Independent Counsel, because there is a conflict of interest there between the abortionist finding that a woman's health will be impaired. So it is not a simple question.

Demeaning to women? Over half the children that are aborted are women. I do not want to demean women; my God, no. I was married for 45 years. I have had a mother, a sister, a daughter. I never would want to demean women. But I do not want to trivialize the unborn either.

Now, I go through life trying to offend as few people as possible, and I do not always succeed. I may offend some people today, because I want to talk about slavery. I am keenly aware that there are some people who resent bitterly any discussion of slavery or the Holocaust, emphasizing the uniqueness, the singularity of those two realities that are part of our human history, and saying that nothing can compare to them in evil, and I agree.

I think slavery is absolutely unique in its horror and in its evil, and I think the Holocaust similarly is unique. But there are lessons to be learned. History is nothing if it does not teach us something. I analogize, I do not compare; I look for the common thread in slavery, the Holocaust and abortion, and, to me, the common thread is dehumanizing people. I intend to make that point, because I think we have to learn from history, so that at least in this context, past will not be prologue.

So I would like to tell you about a recent movie I saw called Amistad, named after a Spanish sailing ship used in the African slave trade in 1839, where some 39 survivors of the mutiny find themselves in a legal battle before the United States Supreme Court. It is based on a true story, and they are represented by an elderly, infirm John Quincy Adams, played magnificently by Anthony Hopkins.

Adams' summation to the Supreme Court struck me as remarkably appropriate to the issue before us today. Adams tells the justices that this is the most important case ever to come before the court because it concerns the very nature of man. Of course, that was the central issue in debating the legitimacy, the morality of slavery, namely, the humanity of the slave. Is the slave a chattel, mere property, to be bought and sold? Or is he or she a human being with human rights?

We here today make the same argument, that that little, almost-born baby, whose tiny arms and legs are flailing, whose little chest harbors a beating heart, is a human being, with human rights, even if his or her human life can be snuffed out by the plunge of the abortionist's surgical scissors into the back of her tiny neck.

Yes, partial birth abortion concerns the very nature of man.

Later Adams stands near a framed copy of the Declaration of Independence and he asks the question that we who support preborn life have been asking for years. Looking at the Declaration, he says, ''What of this annoying document? This Declaration of Independence? What of its conceits, all men created equal, inalienable rights, life, liberty and so on. What on earth are we to do with this?''

He then says he has a modest suggestion, and he takes a copy of the Declaration and tears it up.

A tall, impressive man, Cinque, exuding strength, is the leader of the slaves, and he has told John Quincy Adams that in his tribe in Sierra Leone, the Mende, when they encounter a hopeless situation, they call on their ancestors.

Adams tells the court this belief, that if they summon the spirits of their ancestors, their wisdom and strength will come to their aid. He then points to Cinque and speaks of his ancestors, from the beginning of time, and tells the court that this man, Cinque, is the whole reason his ancestors have ever existed at all.

When you think about it, each of us has ancestors that go back to the beginning of time, and we, here now, are the whole reason they ever existed. We are their progeny, we are their culmination. And just think of what our ancestors had to endure through the long and bloody centuries, the Four Horsemen of the Apocalypse, conquest, slaughter, famine and death, wars and plagues, natural disasters. And they survived it all, so that we might be born here and now, to debate the issue of partial-birth abortion.

So we have this little infant, arms flailing, legs squirming, little heart pounding away, and, with the plunge of the abortionist's surgical scissors, in a painful and cruel instant, that ancestral odyssey through the centuries is extinguished.

Think of Whittier's great lines:

Of all the sad words of tongue or pen,
The saddest are these;
''It might have been.''

Loneliness. We all know something about loneliness. It is one of life's most mournful experiences. We have all been lonely, and it teaches us how much we humans need each other.

What a special loneliness it must be for that little almost-born baby to be surrounded by people who want to kill him. I stand in awe of anyone who could perform, much less participate in, such a grisly inhuman act. It must take a heart of stone and a soul of ice.

A vote against this motion to override is to legitimize thousands of acts of appalling cruelty, not to an animal, a creature of the sea or of the forest, but a fellow human being who has the misfortune to be temporarily unwanted. You have this chance today to put an end to the process of unspeakable destructive cruelty, unworthy of a civilized society.

Our beloved America is becoming ''The Killing Fields.'' One state has accepted euthanasia, so the elderly can be killed legally, and the abortion culture has resulted in 35 million abortions since Roe v. Wade in 1973. Kill them in the womb, and now, with partial birth abortion, kill them out of the womb, but keep killing them.

Those whose real agenda is to keep all types of abortion legal, at any stage, for any reason, have built their case on one lie after another. There is no polite way to say this. Deceptive? Misinformation? If one wants to be intellectually honest, you have to call a lie what it is.

First they claim this procedure did not exist. When a paper written by the doctor who invented it surfaced, they changed their story, asserting it was only used when a woman's life was in danger. But then the same doctor admitted that 80 percent of his partial-birth abortions were elective.

Then they lied about anesthesia. Planned Parenthood told us the baby does not feel any pain. The anesthesia given to the mother transfers itself in the womb to the baby, and the baby does not feel any pain.

The anesthesiologists went off the wall, because that frightened women into thinking their babies are at risk if they get anesthesia, and the anesthesiologists came in and testified that was a falsehood, and they shot this down in a hurry.

The Executive Director of the National Abortion Federation admitted on Nightline, and these are his words, that he had ''lied through his teeth'' about this procedure, thousands of them are performed on healthy little babies, and he was distressed at the loss of credibility the abortion cause was suffering because of the lies.

Former Surgeon General C. Everett Koop reacted to the President's veto with this statement: ''I believe that Mr. Clinton was misled by his medical advisors on what is fact and what is fiction. Such a procedure can not truthfully be called 'medically necessary' for either mother or the baby.''

Gee, the administration listens to Dr. Koop on tobacco. I wish they would listen to him on partial-birth abortion.

For over two centuries of our national history, we have struggled to create a society of inclusion. We keep widening the circle for those for whom we are responsible, the aged, the infirm, the poor. Slaves were freed, women were enfranchised; civil rights and voting rights acts were passed; our public spaces were made accessible to the handicapped; Social Security for the elderly, all in the name of widening the circle of inclusion and protection.

This great trajectory in our national history has been shattered by Roe v. Wade and its progeny. By denying an entire class of human beings the welcome and the protection of our laws, we have betrayed what is best in our tradition. We have also put at risk every life which some day someone might find inconvenient.

Madam Speaker, we cannot repair the damage to our culture done by Roe v. Wade. We cannot undo the injustice done to 35 million tiny babies who have been exterminated because seven Justices, strip mining the Constitution, found a right to abortion that no one had ever seen for 200 years.

□ 1400

We cannot unring the bell, we cannot undo that injustice, but we can stop the barbaric butchery of partial-birth abortion. We betray our own humanity if we do not.

Matthew 25 is often read at Catholic funeral masses. It is a lovely passage. ''I was hungry and you fed me; I was naked and you clothed me; I was a stranger and you took me in.''

That is what I ask for here today. Welcome the little stranger. Vote to override.

Mr. CONYERS. Madam Speaker, pursuant to general leave I request the following remarks be inserted in the CONGRESSIONAL RECORD during consideration of the bill H.R. 1122.

Imagine that you—or your wife—or your daughter, learned when she is seven months pregnant that the fetus had a lethal neurological disorder and all of its vital organs were atrophying. After consulting with specialists and being told that the pregnancy is seriously jeopardizing the mother's health, and possibly her life, you are told that an intact D&E procedure has the best chance of preserving the mother's health and her ability to become pregnant again.

Or imagine that the mother is 32 weeks pregnant when she learns that the baby has no brain. The fetus has no chance of survival. The mother is diabetic, so a Cesarian section and induced labor are more dangerous to her health and reproductive capacity than an intact D&E procedure.

Would you want 435 politicians to tell you—or your wife—or your daughter, the type of medical procedure she could use in this painful situation? Should Congress be able to determine whether a woman will lose her capacity to reproduce and bear children? Well that is precisely the situation that Coreen Costello and Vicki Stella were in. And if we adopt this bill, we will be telling many, many other women that Washington knows best when it comes to terminating pregnancies that have resulted in tragic circumstances.

Women's lives and health must be protected. This bill is unconstitutional, because it contains no exception providing for the physical health of the mother. And that is why we should vote against it. Roe v. Wade, and its progeny, clearly hold that a woman's right to protect her life and health, in the context of reproductive choice, trumps the government, as big brother, in its desire to regulate.

Courts across the country have continued to reaffirm Roe's holding that, ''subsequent to viability, the State in promoting its interest in the potentiality of human life may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.'' Roe, 410 U.S. at 164–65, 93 S. Ct. At 732. Without such an exception, this legislation could jeopardize women's health.

Of course, the Republican leadership has little interest in developing a credible and serious constitutional proposal that could be signed into law. Instead, they prefer a ''wedge'' issue that can divide the American people. That's why they wouldn't make a single amendment concerning health in order.

But H.R. 1122 has no health exception, and we are led to believe that the reason is because its authors have determined that under no possible condition is a mother's health—no matter how serious—to be equated with the potential life of a fetus. To them, the partial birth abortion ban is merely a means of preventing any and all abortions, even where the mother's health is in jeopardy.

We must make abortion less necessary, not more difficult. But the reality is, this bill will do absolutely nothing to reduce the number of abortions performed in this country. Zero. It will only criminalize physicians for pursuing the safest alternative in dealing with a very painful, difficult, and terrifying circumstance when a pregnancy has gone bad, and the mother's physical health is in jeopardy. And it will encourage states to attempt to outlaw abortion at any and every stage.

It is this effort that is becoming a trend among anti-choice proponents across the country. One need only look to the case of Wisconsin, where for a few days no woman was able to obtain an abortion, in order to see the true breadth of this ban. In mid-May, an anti-choice judge refused to grant a temporary injunction against the state's ''Partial Birth Abortion Ban.'' Upon learning of this decision, abortion providers in Wisconsin refused to provide any abortion for fear of prosecution under this broad ban. Fortunately, the Seventh Circuit Court overruled the judge and the health of Wisconsin women is once again protected.

It is clear that H.R. 1122 is unconstitutional. State versions of partial birth abortion bans, have been blocked or limited by eighteen federal and state courts. Many of these cases involve laws modeled after H.R. 1122. Based on these decisions, it is clear that H.R. 1122 is unconstitutional.

As of July 9, 1998, 28 states have enacted legislation banning so-called ''partial birth abortion'' or other abortion procedures. Court challenges regarding these laws have been initiated thus far in 20 states. In 18 of those, courts have partially or fully enjoined the laws. In 7 of those 18, courts have permanently enjoined the laws.

Only three courts have not enjoined state ''partial birth abortion bans'' when they have looked at the statutes. However, in Alabama, which is one of the three states, the court has not ruled on the merits, but the Alabama Attorney General has directed the state's district attorneys to enforce the statute only after viability. The Alabama court did not rule on the merits of the case at this time, because the court was very unclear about the meaning of various terms in the statute, such as the meaning of a ''partial birth abortion.'' As a result, the court will not issue a final ruling, pending further explanation about the meaning of the statute from the Alabama Supreme Court *Summit Medical Associates* v. *James*, 984 F. Supp. 1404 (M.D. Ala. 1998). This decision is further evidence that courts are having a hard time interpreting the unconstitutionally vague language of so called ''partial birth abortion bans.''

And in Virginia, a single Circuit Judge for the U.S. Court of Appeals for the Fourth Circuit granted a stay of a preliminary injunction issued by the district court, allowing the law to go into effect. (Richmond Medical Center for *Women* v. *Gilmore*, No. 98–1930 (4th Cir. June 30, 1998) (Luttig, Cir. Judge). This makes Virginia the only state where a Court has gone against the grain and overturned a preliminary injunction against a ban.

But in the majority of cases, there is no question that courts have overwhelmingly come to the conclusion that so called ''partial-birth abortion'' statutes are patently unconstitutional. Some of the language from these cases is especially illustrative. For instance, a federal district judge in Arizona held that Arizona's statute, which was modeled on H.R. 1122, ''unconstitutionally burdens a woman's right to

terminate a nonviable fetus, and that the Act is void for vagueness in that it does not sufficiently define the conduct which is attempts to proscribe.'' *Planned Parenthood of Southern Arizona* v. Woods, 982. F. Supp. 1396 (D. Ariz. 1997).

In Iowa, a court held that the statute that was modeled after H.R. 1122 was unconstitutional because it ''likely infringes on the constitutional rights of women . . . the protection of constitutional rights clearly outweighs any interest the state may have in promoting the interests of the fetus with a statute that is unconstitutional.'' *Planned Parenthood* v. *Miller* and *Niebyl* v. *Miller*, Civ. No. 4–98–CV–90149, 1998 U.S. Dist. LEXIS 9851 (D.S.D. Iowa, June 26, 1998).

In addition, most of the medical and legal experts who have reviewed the legislation note that it is extremely vague and broad and as a result, may outlaw abortion procedures at ANY stage of pregnancy. In fact, in my home state of Michigan, on July 31, 1997, federal District Court Judge Gerald Rosen struck down Michigan's ''partial-birth'' abortion ban, finding that the definition of ''partial-birth'' was so vague that doctors lacked notice as to what abortion procedures were banned. *Evans* v. *Kelley*, 977 F. Supp. 1282 (E.D. Mich. July 31, 1997). Moreover, the court found that the state law unduly burdened women's ability to obtain an abortion, in violation of the undue burden analysis established in the Supreme Court's landmark case of *Casey* v. *Planned Parenthood,* where the Court held that at least pre-viability, states may not place an undue burden on the right of women to choose to end a pregnancy. *Planned Parenthood* v. *Casey*, 50 U.S. 833 (1992). The judge noted that ''the Michigan Legislature rejected every attempt to narrow and more specifically define the sweep of its statute, and as a result, produced a law clearly violative of Supreme Court precedent.'' It is clear that this bill violates that well established constitutional law long-settled by Roe. An Arizona court also found the same thing.

This purposeful vagueness can only be interpreted as an effort to outlaw other abortion and obstetric techniques as well. As recently as February 12, 1998, a District Court in Illinois found, ''The Partial Birth Abortion Ban Act is unconstitutionally vague in that it fails to give fair notice of the conduct that is prohibited.'' *Hope Clinic et al.* v. *Ryan*, No. 97C8702 (N.D. Ill. 1998).

Let's take the politicians out of this intensely personal issue. When it comes to a women's life or health, Washington doesn't always know best.

Mr. LEVIN. Madam Speaker, I do not favor late term abortions. I believe they should only be permitted to preserve the life of the mother or to prevent serious consequences to her health. Unfortunately, the bill we are considering today, like the similar bill I opposed last year, does not protect a woman's life or serious risk to her health.

I support legislation, H.R. 1032, the Late Term Abortion Restriction Act, which would ban all late term abortions, whether ''partial birth'' or by other procedures, except in cases where in the medical judgment of the attending physician, the abortion is necessary to preserve the life of the woman or to avert serious adverse health consequences to the woman.

I believe such a prohibition on late term abortion would pass scrutiny by the courts and be held constitutional by the Supreme Court which has ruled that during the period known as ''post viability'' states may limit abortions, except in cases where the mother's life or health are at serious risk.

The positive solution to this very difficult issue is not to continue considering the same legislation, but to allow the Late Term Abortion Restriction Act to be considered on the floor of the House.

Mr. PACKARD. Madam Speaker, I rise today in support of efforts to overturn the President's veto of H.R. 1122, the Partial Birth Abortion Ban, which the President vetoed last October.

Madam Speaker, I have always believed that any abortion is a tragedy. The fact that abortions are so prevalent in America today is a clear indication of how poor a job we are doing at teaching the importance and value of human life. It's hard for me to comprehend how a person could come to such a decision, given the thousands of parents who are desperate to adopt healthy babies.

While I understand that there are those with differing opinions on this sensitive issue, it remains impossible for me to understand how anyone can defend the practice known as partial birth abortion. Partial birth abortion is one of the most abhorrent procedures I have ever heard of. It is barbaric and has absolutely no place in a civilized society.

Most Americans agree that partial birth abortions are unjustified. In fact, several of our pro-choice colleagues have even drawn the line when it comes to allowing this to continue. Even the American Medical Association has endorsed our efforts to ban partial birth abortions. Madam Speaker, the President is simply out of touch with the great majority of Americans on this issue. I am hopeful that my colleagues will join me in overriding the President's veto of H.R. 1122, and end this horrible practice forever.

Mr. LEWIS of Kentucky. Madam Speaker, my colleagues and I come to this floor everyday to debate a wide range of legislation in anticipation that what we do will indeed help to improve the lives of our fellow citizens and hopefully strengthen this great democracy of ours. While we will always face tremendous social and economic challenges, there is no greater threat to our nation than the disregard we hold for our unborn children. Sadly, our President and many members of this body continue to defend the indefensible practice of partial birth abortion. Abortion at all stages is indeed a tragedy and has served to cheapen the value of life in this country and throughout the world. As long as this nation condones the legalized killing of millions of preborn babies, we will continue to struggle with its consequences, including the senseless acts of violence committed by our youth. The defenders of partial-birth abortions wish to perpetuate the evil myth that this procedure must be available to protect the health of a mother in rare occasions.

Fortunately, the truth now shines on this dreadful practice. The President and his advisors can choose to rationalize their defense of partial birth abortions, but we need to look no further than to our medical professionals who have spoken out against this outrageous procedure. To quote our former Surgeon General C. Everett Koop and the Physicians' Ad Hoc Coalition for Truth, ''partial-birth abortion is never medically necessary to protect a mother's health or her future fertility. On the contrary, this procedure can pose a significant threat to both.''

Madam Speaker, I am heartened by the House's action today to stand firm for the sanctity of life in its decision to override the President's veto of the Partial-Birth Abortion Ban Act. It is my fervent hope that the Senate will respond in kind and support this noble effort.

Mr. KOLBE. Madam Speaker, over the past several months, Congress and the American people have endured a wrenching debate concerning the issue of ''partial-birth'' abortions. Like most Americans, I do not support abortion on demand. In fact, I am opposed to any late term abortion by whatever method, unless it is performed to save the life of the woman or to avert serious adverse consequences to her health.

The Congressional debate has centered, thus far, around legislation introduced by Congressman CHARLES CANADY, H.R. 1122, the Partial Birth Abortion Act of 1997. This bill would federalize the regulation of abortion, a matter historically left to the discretion of the states. And, for the first time in medical history, it would ban a specific procedure, known medically as a dilation and extraction (D&X). I could not support this legislation when it came to the floor of the House of Representatives earlier because of its uncompromising language banning this specific late term abortion method even in a case where a pregnancy goes tragically wrong and the woman's health is placed in serious peril.

Recognizing the need for some answers in a debate that has generated more heat than light, I joined my colleagues, Congressman JIM GREENWOOD and STENY HOYER, as a cosponsor of a bill which would prohibit all late-term abortions, regardless of the method used to terminate the abortion. This bill, H.R. 1032, the Late-Term Abortion Restriction Act, applies to all abortions performed after ''viability'', defined as that time when a fetus is able to survive outside the womb. The bill provides an exception only in cases where it is necessary to save the life of the woman or to avert serious adverse consequences to her health.

Unlike H.R. 1122, I believe this legislation correctly puts the emphasis on when abortions are performed, not how they are performed. It does not try to put Congress in the inappropriate role of determining the correctness of one particular medical procedure. Instead, this bill makes it clear that throughout the course of a pregnancy, prior to viability, medical decisions regarding a woman's personal care and treatment must lie with the patient, her physician, and her family—not lawmakers in Washington.

H.R. 1032, which I support, would prohibit all post viability abortions even if the woman suddenly decided she no longer wanted the child or was emotionally unable to care for a child. I cannot and I will not justify a late term abortion in these instances. However, when an abortion is medically necessary, I want every woman to have available to her the procedure that is the safest.

Today, we are here to vote to override the President's veto of H.R. 1122, the Partial Birth Abortion Ban Act; however, I will not vote to override that veto since H.R. 1122 does not include an exception for situations where the mother's health or life is in danger. I will continue, however, to work to pass legislation to ban all late term abortions while protecting the life of the mother.

Ms. PELOSI. Madam Speaker, I rise today in strong opposition to the override of H.R. 1122, the ''late term'' abortion ban and I ask my colleagues to sustain the President's veto.

Madam Speaker, this bill has been vetoed twice by the President because it fails to protect a woman's health and fertility. Once again, conservative Members of this body are encroaching on a very private, personal matter by infringing on a woman's constitutionally protected right to make a personal decision regarding her personal health.

Madam Speaker, the issue isn't about how many women undergo this procedure, but how many women have no other alternative but this procedure to save their life and reproductive health.

This bill challenges the Roe versus Wade decision to protect a woman's right to choose. It supersedes safeguards in the Constitution which protect a woman's right to terminate a pregnancy of a viable fetus if an abortion is necessary to protect the life or health of the mother. The Roe decisions says that a state may ''regulate, and even proscribe, abortion'' except when a woman's life or health is threatened. Mr. Speaker, the authors of this legislation failed to incorporate the need to protect a mother's health into this legislation.

The terms of this bill are so loose that 18 courts have struck down or severely limited enforcement of the ''late term'' abortion ban. Respected judges from around the county have rule that the definition in the ban is both vague and overly broad which has resulted in the ban of some of the most safe and common abortion procedures used throughout pregnancy. An undue burden is placed on a woman's right to choose and on a doctor's ability to practice safe medicine.

All of these restrictions on abortion will only make abortions more dangerous. Let us protect not only the privacy and personal choice between a woman and her doctor, but also the rights outlined in the Supreme Court's decision, Roe versus Wade.

I ask my colleagues to support and maintain the right of a doctor to determine which is the safest and most appropriate medical procedure based on a woman's individual circumstance within the protection of Roe versus Wade.

Madam Speaker, Congress has no business coming between a woman and her doctor. When making a medical decision, doctors should not be faced with the threat of imprisonment for having to perform a procedure to save a mother's life or protect her reproductive health. The tragedy behind this unfortunate situation is that most women who undergo this difficult procedure desperately want a successful pregnancy. Listen to the women who have been faced with this tragic situation.

Recently, I learned of a sad story about Kim and Barrett Koster of Iowa who enthusiastically awaited the birth of their son. In addition to Kim being diabetic which makes healing more difficult, the couple was faced with the devastating diagnosis that their son would be born without a brain stem. The dilation and extraction method was their only option. Kim and Barrett and their failed pregnancy are a perfect example of the need for access to safe medical procedures.

Madam Speaker, let us refrain from legislating the work of a medical professional and refrain from jeopardizing the lives of mothers. I urge my colleagues to vote to sustain this veto.

Mr. MORAN of Virginia. Madam Speaker, in debating the ban on partial birth abortion we have heard several different versions of the facts regarding the number of partial birth abortion procedures performed each year. Similar debate has focused on whether or not the procedure is performed on healthy fetuses of healthy mothers.

According to the Centers for Disease Control latest statistics, 1.3% of the abortions performed in 1994 were performed after the 21st week of gestation. According to the Alan Gutmacher Institute only .4% (5,070) of legal abortions were performed after the 24th week of gestation, the point at which most physicians agree viability begins. These facts tell us that late term abortion is not common. No statistics are available for the number of partial birth abortion procedures performed but it doesn't matter. The fact is, if this procedure is performed after viability on healthy fetuses in healthy mothers it is too many and we should stop it and the Supreme Court has told us that we may stop it after viability except in certain circumstances.

I have been committed throughout my career in Congress to protecting the reproductive health and rights of women. But the partial birth abortion procedure should not be protected as a reproductive right. It is an extremist procedure created by anti-choice extremists to destroy the credibility of moderate pro-choice activists. It is not protected by the Supreme Court in Roe versus Wade or in Casey versus Planned Parenthood and it should not be protected by Congress. This procedure is performed after fetal viability on the healthy babies of healthy mothers and it should be stopped.

I will continue to fight hard for women's reproductive freedoms; freedoms that are guaranteed to us in the Constitution and restated by the Supreme Court. But I cannot condone this procedure. I support a vote override of the President's veto and I urge my colleagues to do the same.

Mr. BARCIA. Madam Speaker, here we go again. We are voting on the Partial Birth Abortion Ban Act although a majority of the American people clearly do not support this gruesome procedure. We should not be here debating whether or not this procedure should or should not be legal. Clearly, this procedure should be illegal and 28 states have passed laws making this so.

We should not be here again debating this issue. Instead, we should be supporting efforts to decrease abortions, such as abstinence, which has worked very well in Michigan. I am proud to say that Michigan's abortion rate decreased by 2.3 percent. Although this is a good trend, sadly people who choose abortion in 1997 ended 29,528 babies' lives.

Instead, we should be supporting the medical miracles that are taking place. One of my newest constituents was a candidate for a partial birth abortion. Instead, after only 20 weeks in his mother's womb, he underwent surgery to save his life. The doctors performed an amazing surgery and my constituent was born, a little early, but is a healthy little boy.

I urge my colleagues here, in the House, and in the other body, to override the veto and save the lives of those innocent children who have not yet witnessed this cynical world where we take the miracle of life for granted.

Mr. CANADY of Florida. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 296, nays 132, not voting 7, as follows:

[Roll No. 325]

YEAS—296

| | | |
|---|---|---|
| Aderholt | Doolittle | Kaptur |
| Archer | Doyle | Kasich |
| Armey | Dreier | Kelly |
| Bachus | Duncan | Kennedy (RI) |
| Baesler | Dunn | Kildee |
| Baker | Ehlers | Kim |
| Ballenger | Ehrlich | Kind (WI) |
| Barcia | Emerson | King (NY) |
| Barr | English | Kingston |
| Barrett (NE) | Ensign | Kleczka |
| Barrett (WI) | Etheridge | Klink |
| Bartlett | Everett | Klug |
| Barton | Ewing | Knollenberg |
| Bass | Fawell | Kucinich |
| Bateman | Foley | LaFalce |
| Bereuter | Forbes | LaHood |
| Berry | Fossella | Lampson |
| Bilbray | Fowler | Largent |
| Bilirakis | Fox | Latham |
| Bishop | Franks (NJ) | LaTourette |
| Bliley | Frelinghuysen | Lazio |
| Blunt | Gallegly | Leach |
| Boehner | Ganske | Lewis (CA) |
| Bonilla | Gekas | Lewis (KY) |
| Bonior | Gephardt | Linder |
| Bono | Gibbons | Lipinski |
| Borski | Gilchrest | Livingston |
| Boswell | Gillmor | LoBiondo |
| Boyd | Gingrich | Lucas |
| Brady (TX) | Goode | Maloney (CT) |
| Bryant | Goodlatte | Manton |
| Bunning | Goodling | Manzullo |
| Burr | Gordon | Martinez |
| Burton | Goss | Mascara |
| Buyer | Graham | McCollum |
| Callahan | Granger | McCrery |
| Calvert | Gutknecht | McDade |
| Camp | Hall (OH) | McHale |
| Canady | Hall (TX) | McHugh |
| Cannon | Hamilton | McInnis |
| Castle | Hansen | McIntosh |
| Chabot | Hastert | McIntyre |
| Chambliss | Hastings (WA) | McKeon |
| Chenoweth | Hayworth | McNulty |
| Christensen | Hefley | Metcalf |
| Clement | Hefner | Mica |
| Coble | Herger | Miller (FL) |
| Coburn | Hill | Minge |
| Collins | Hilleary | Moakley |
| Combest | Hinojosa | Mollohan |
| Condit | Hobson | Moran (KS) |
| Cook | Hoekstra | Moran (VA) |
| Cooksey | Holden | Murtha |
| Costello | Hostettler | Myrick |
| Cox | Houghton | Neal |
| Cramer | Hulshof | Nethercutt |
| Crane | Hunter | Neumann |
| Crapo | Hutchinson | Ney |
| Cubin | Hyde | Northup |
| Cunningham | Inglis | Norwood |
| Danner | Istook | Nussle |
| Davis (FL) | Jefferson | Oberstar |
| Davis (VA) | Jenkins | Obey |
| Deal | John | Ortiz |
| DeLay | Johnson (WI) | Oxley |
| Diaz-Balart | Johnson, Sam | Packard |
| Dickey | Jones | Pappas |
| Dingell | Kanjorski | Parker |

Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NAYS—132

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Boehlert
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Frank (MA)
Frost
Furse
Gejdenson
Gilman
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kennedy (MA)
Kennelly
Kilpatrick
Kolbe
Lantos
Lee
Levin
Lofgren
Lowey
Luther
Maloney (NY)
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Mink
Morella
Nadler
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stokes
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—7

Brady (PA)
Ford
Gonzalez
Lewis (GA)
Markey
Serrano
Young (FL)

□ 1422

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will notify the Senate of the action of the House.

## APPOINTMENT OF CONFEREES ON H.R. 4059, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1999

Mr. PACKARD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4059) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes, with the Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California? The Chair hears none, and without objection appoints the following conferees: Messrs. PACKARD, PORTER, HOBSON, WICKER, KINGSTON, PARKER TIAHRT, WAMP, LIVINGSTON, HEFNER, OLVER, EDWARDS, CRAMER, DICKS and OBEY.

There was no objection.

## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 504 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. 4193.

□ 1425

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 of the bill (H.R. 4193) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 22, 1998, the bill had been read through page 123, line 16.

Pursuant to the order of the House of that day, no further amendment to the bill is in order.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 2 offered by the gentleman from Oregon (Mr. DEFAZIO), the amendment offered by the gentleman from Washington (Mr. MCDERMOTT), the amendment offered by the gentleman from New York (Mr. HINCHEY), amendment No. 16 offered by the gentleman from California (Mr. MILLER), and the amendment offered by the gentleman from New Jersey (Mr. PAPPAS).

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

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DEFAZIO:

Page 107, beginning at line 19, strike section 338 (and redesignate the subsequent sections accordingly).

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 81, noes 341, not voting 12, as follows:

[Roll No. 326]

AYES—81

Abercrombie
Barcia
Bass
Blagojevich
Bono
Boswell
Brown (CA)
Camp
Capps
Carson
Chabot
Chenoweth
Conyers
Crapo
Cummings
Davis (IL)
DeFazio
Deutsch
Emerson
Engel
Etheridge
Evans
Filner
Furse
Gutierrez
Harman
Hayworth
Hefner
Herger
Hill
Hoekstra
Hooley
Horn
Hostettler
Hulshof
Jackson (IL)
Jenkins
Klug
Kucinich
Lipinski
Maloney (NY)
Manzullo
McHale
McIntosh
McIntyre
McKinney
Menendez
Metcalf
Mink
Mollohan
Moran (KS)
Nadler
Owens
Pallone
Pascrell
Paul
Peterson (MN)
Pitts
Rahall
Rogan
Rothman
Royce
Rush
Salmon
Sanders
Scarborough
Schumer
Shadegg
Shaw
Slaughter
Smith, Linda
Snyder
Stearns
Strickland
Sununu
Thune
Torres
Velazquez
Wexler
White
Wise

NOES—341

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Cardin
Castle
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Deal
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Ensign
Eshoo
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly

Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Ryun
Sabo
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—12

Brady (PA)
Davis (VA)
Ford
Gonzalez
Hunter
Lewis (GA)
Markey
Serrano
Solomon
Towns
Watt (NC)
Young (FL)

□ 1444

Ms. WOOLSEY, Mr. HILLEARY and Mr. WAXMAN changed their vote from ''aye'' to ''no.''

Ms. MCKINNEY and Messrs. BARCIA, METCALF, ROTHMAN, and NADLER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

Thc CHAIRMAN. Pursuant to House Resolution 504, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. MCDERMOTT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. MCDERMOTT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCDERMOTT:

Page 118, beginning at line 8, strike section 333 (and redesignate the subsequent sections accordingly.)

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 202, noes 221, not voting 11, as follows:

[Roll No. 327]

AYES—202

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
Martinez
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Nussle
Oxley
Packard
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—11

Brady (PA)
Ford
Gonzalez
Kaptur
Lewis (GA)
Markey
Norwood
Scarborough
Serrano
Weller
Young (FL)

□ 1453

Mr. ENSIGN changed his vote from ''aye'' to ''no.''

Mr. EDWARDS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HINCHEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment Offered by Mr. HINCHEY:

Page 106, beginning at line 16, strike section 327 (and redesignate the subsequent sections accordingly.)

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 176, noes 249, not voting 9, as follows:

[Roll No. 328]

AYES—176

Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Bilbray
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Chabot
Clayton
Conyers
Costello
Coyne
Cummings
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dixon
Doggett
Dooley
Doyle
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fawell
Fazio
Filner
Forbes
Fossella
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hinchey
Hinojosa
Hobson
Holden
Hooley
Hoyer
Hulshof
Jackson (IL)
Johnson (CT)
Johnson (WI)
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Lantos
Lazio
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Menendez
Miller (CA)
Minge
Mink
Moakley
Morella
Nadler
Neal
Neumann
Obey
Olver
Owens
Pallone
Pappas
Pascrell
Pastor
Pelosi
Petri
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Schumer
Sensenbrenner
Shays
Sherman
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Strickland
Tauscher
Tierney
Torres
Towns
Upton
Velazquez
Vento
Walsh
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—249

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fattah
Foley
Fowler
Fox
Frank (MA)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kilpatrick
Kim
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
Martinez
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Parker
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Redmond
Regula
Reyes
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Rush
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stokes
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Visclosky
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—9

Blagojevich
Brady (PA)
Ford
Gonzalez
Lewis (GA)
Markey
Rothman
Serrano
Young (FL)

□ 1502

Ms. ROYBAL-ALLARD changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 16 OFFERED BY MR. MILLER OF CALIFORNIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MILLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. MILLER of California:

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 construct any road in the Tongass National Forest.

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 186, noes 237, answered ''present'' 1, not voting 10, as follows:

[Roll No. 329]

AYES—186

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Chabot
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Petri
Pomeroy
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush

Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Sensenbrenner
Shays
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOES—237

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Fox
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martinez
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Mica
Miller (FL)
Mollohan
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Paxon
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Reyes
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)

ANSWERED ''PRESENT''—1

Franks (NJ)

NOT VOTING—10

Brady (PA)
Doolittle
Ford
Gonzalez
Lewis (GA)
Markey
McIntosh
Parker
Serrano
Young (FL)

□ 1509

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DOOLITTLE. Mr. Chairman, on rollcall No. 329, I was unavoidably detained in a discussion with the Speaker concerning a matter of utmost importance to my constituents. Had I been present, I would have voted ''no'' on this rollcall.

AMENDMENT OFFERED BY MR. PAPPAS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. PAPPAS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PAPPAS:

Insert after the final section the following:

SEC. . The amounts otherwise provided by this Act are revised by increasing the amount for ''LAND ACQUISITION AND STATE ASSISTANCE'' under the heading ''NATIONAL PARK SERVICE'' (to provide funds for the State assistance program) and reducing the amount for ''GRANTS AND ADMINISTRATION'' under the heading ''NATIONAL ENDOWMENT FOR THE ARTS'', by $50,000,000.

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 139, noes 285, not voting 10, as follows:

[Roll No. 330]

AYES—139

Aderholt
Archer
Armey
Bachus
Barr
Barrett (NE)
Bartlett
Barton
Bilirakis
Bliley
Blunt
Boehner
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Doolittle
Dreier
Duncan
Ehrlich
Emerson
Ensign
Everett
Fossella
Gallegly
Gekas
Goodling
Goss
Graham
Gutknecht
Hall (TX)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
King (NY)
Kingston
Knollenberg
Latham
Linder
Livingston
Manzullo
McCollum
McIntosh
Metcalf
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Packard
Pappas
Paul
Paxon
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Riggs
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Sununu
Talent
Tanner
Taylor (MS)
Thomas
Tiahrt
Turner
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)

NOES—285

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Capps
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Cook
Costello
Coyne
Cramer
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Shaw
Shays
Sherman
Sisisky
Skaggs
Skeen
Slaughter
Smith (OR)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stump
Stupak
Tauscher
Tauzin

| | | |
|---|---|---|
| Thompson | Velazquez | Wexler |
| Thornberry | Vento | Weygand |
| Thune | Visclosky | Whitfield |
| Thurman | Walsh | Wilson |
| Tierney | Waters | Wise |
| Torres | Watkins | Woolsey |
| Towns | Watt (NC) | Wynn |
| Traficant | Watts (OK) | Yates |
| Upton | Waxman | |

NOT VOTING—10

| | | |
|---|---|---|
| Brady (PA) | Lewis (GA) | Taylor (NC) |
| Conyers | Markey | Young (FL) |
| Ford | Parker | |
| Gonzalez | Serrano | |

□ 1517

Mr. BROWN of Ohio changed his vote from ''aye'' to ''no.''

Messrs. KASICH, SCARBOROUGH and SANFORD changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ETHERIDGE. Mr. Chairman, I rise today in support of the necessary level of $98 million in funding for the National Endowment for the Arts (NEA).

As an advocate of quality educational opportunities for all our children, it is my belief that adequate funding of the Arts is important to providing a well rounded education. If you have seen a play, visited a museum, read a book of poetry or short stories, chances are you have participated in an event made possible through the NEA. Learning is a lifelong journey, and learning the arts begins early. It is nourished through quality programs in schools, homes and the communities, and continues to the very end of our days.

The NEA costs each American about 36 cents per year, less than one-hundredth of 1% of the federal budget. Its mission is designed to foster the excellence, diversity and vitality of the arts in the US, and to broaden public access to the arts. The NEA makes the Arts accessible to more Americans, promotes Arts education, and forges partnerships with local, state, regional, and federal arts organizations. Millions of children, regardless of their economic background, now receive formal arts education in local public school systems, helping to improve their overall academic performance. In North Carolina, the NEA has supported many wonderful projects of great cultural and educational value to the citizens of my great State including the American Dance Festival and the North Carolina Symphony Society.

Mr. Speaker, as we approach the 21st Century, we need to be sure that we provide every necessary tool to encourage creativity in our children. Exposure to the Arts provides access to the rich history of the past and the key to the future. We must continue to support this effort and ensure funding for this important agency.

Mr. THOMPSON. Mr. Speaker, I rise today in support of H.R. 4193—Department of the Interior and Related Agencies Appropriations Bill, 1999. This bill appropriates $40,812,000 in funding for the Historic Preservation Fund which is an essential element in the preservation and restoration of historic buildings and structures at Historically Black Colleges and Universities (HBCUs). These buildings will be ranked and receive funding in accordance to actual need.

The National Park Service has ranked twelve HBCUs that are considered to have the most endangered historic sites. Those HBCUs, in order of rank are:

1. Allen University (SC)
2. Tougalo College (MS)
3. Knoxville University (TN)
4. Fisk University (TN)
5. Claflin University (SC)
6. Talladega College (AL)
7. Rust College (MS)
8. Stillman College (AL)
9. Concordia College (AL)
10. Miles College (AL)
11. Voorhees College (SC)
12. Selma College (AL)

The preservation and restoration of the historical sites at the campuses of Rust College and Tougaloo College, both located in Mississippi, have been a personal endeavor of mine for many years. These institutions have historically educated African-Americans and other disadvantaged populations of this country as well as produced a large percentage of our nation's minority doctors, lawyers, educators and other professionals.

HBCUs also address and intervene in issues of violence, hopelessness, poverty, and illiteracy through research, community service and other projects. I, myself, am a graduate of an HBCU, Tougaloo College, which has notably been the site of many significant events in America's history. Consequently, I have seen first hand the need for safe, sanitary, and appropriate facilities and acknowledge the insufficient endowments for the restoration and maintenance of buildings at HBCUs.

All of the many HBCUs will continue to make valuable and much needed contributions to all of our citizens with the continued investments and support from federal agencies and departments through the passage of this bill.

The CHAIRMAN. No further amendments being in order, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. LATOURETTE, 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. 4193) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes, pursuant to House Resolution 504, he reported the bill, as amended pursuant to that rule, back to the House with further 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. Mr. Speaker, in its present form, I certainly am.

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. 4193, to the Appropriations Committee with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill add the following new section:

SEC. . Notwithstanding any other provision of law, none of the funds made available in this Act (and especially no funds for the National Endowment for the Arts) shall be made available unless Sidney R. Yates stands for election to the 106th Congress from the 9th District of Illinois.

Mr. REGULA. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. The gentleman from Ohio reserves a point of order.

The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, since the day I came here, SID YATES, more than anyone else, has been associated with this bill year after year. I think it is safe to say that, without SID YATES' leadership, there would be no funding for the arts and humanities in this bill.

On the environmental front, in dealing with public lands, no one can question that SID YATES has, indeed, been Mr. Public Interest on those issues. In so many fields, he has set the highest example of what public service is supposed to be all about. He has been fighting for justice. He has been fighting for humanity and decency in the actions that our government takes both at home and abroad. In defense of the individual against both government and corporate power, SID has had no peer.

He has graced this institution and honored this country with his service here. He has enriched the lives of each and every one of us who have served with him. He is indeed the Gentleman from Illinois.

I want to say to the House the greatest debate that I ever saw in this place never took place in this Chamber. It took place in the full Committee on Appropriations, a debate of titans between SID YATES and Eddie Boland on the SST many years ago.

I remember SID opening up that debate with a magnificent attack on the committee position. Eddie Boland responded with an incredibly able and eloquent defense of the committee position. With each speaker, we knew that the other could not possibly top what had just been said; and, yet, they continued to do so for well over an hour.

At the end of that debate—and this is the only time I have ever seen this in all of the years I have served here—the committee stood and gave each of them a standing ovation. In my view, that is what the gentleman from Illinois deserves right now.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) is recognized for 5 minutes.

Mr. REGULA. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. LIVINGSTON), the chairman of the full committee.

Mr. LIVINGSTON. Mr. Speaker, I have served in the Congress for the last 21 years. I have served on the Committee on Appropriations since 1980 and have been involved in lots of controversial, sometimes partisan, sometimes not altogether clear debates about one issue or another.

But when one thinks in terms of the orderliness of this House, of the decorum, of the presentation of cogent incisive arguments, the ability to present those arguments without rancor and without excessive partisanship, one has to think of SID YATES.

SID has been a gentleman for as long as I have known him and for a lot longer than that. He has been an outstanding Member of this Congress. I dare say, except for one short, brief time that he stepped down and ran for Senate and then came back 2 years later, he is currently the longest-serving Member of Congress. He is also one of the most exemplary and one of those with whom I am proudest to serve. We wish you well, SID.

Mr. REGULA. Mr. Speaker, I yield to the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding to me. I might address my comments to the gentleman from Illinois (Mr. YATES). Every summer of my life since 1985, I have found myself in a contest with the gentleman from Illinois (Mr. YATES). We have never been in anything other than rigorous disagreement on the subject at hand.

But in all those summers and in all those contests, while I cannot recall Mr. YATES ever did a kind thing to me, he was never unkind in the manner in which we dealt with one another. He was a gentleman. He was considerate.

On occasions, he even gave me advice, perhaps what might have been good advice, like ''young man, you talk too much,'' but he was kind even when making that point.

Now I find myself realizing that, in the next summer I come to, I will not have my opportunity for the continuing contest with the distinguished gentleman from Illinois (Mr. YATES). If I may, let me say, I will miss you, but I will enjoy my summer or two. Thank you, and I hope you do the same.

Mr. REGULA. Mr. Speaker, before I make the final comments, I also want to mention that this will be the last time working on the Interior bill for the gentleman from Pennsylvania (Mr. MCDADE), one of our really cherished Members, one that we all care a lot about and all respect. Where is he at?

Also, a last time for a rather recent vintage member of our committee, but a very thoughtful Member and one that I have treasured, the representative from Colorado (Mr. DAVID SKAGGS).

□ 1530

Mr. Speaker, let me say about SID, we have said a lot. Words cannot describe him. He is fair, he is a gentleman, he is thoughtful and he is a person of absolute integrity. He has a wonderful helpmate, his wife, Addie, and I want to mention her because she has been very much a part of SID's life.

I want to thank you, SID. I enjoy symphonies a lot more than I did when I started on the committee 24 years ago.

We wish you well.

Mr. Speaker, I withdraw my point of order.

Mr. OBEY. Mr. Speaker, I most reluctantly withdraw my motion to recommit.

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

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

The vote was taken by electronic device, and there were—yeas 245, nays 181, not voting 8, as follows:

[Roll No. 331]

YEAS—245

Abercrombie
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Ewing
Farr
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Martinez
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Rogan
Rogers
Ros-Lehtinen
Roukema
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Strickland
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Yates
Young (AK)

NAYS—181

Ackerman
Aderholt
Allen
Andrews
Baldacci
Barcia
Barr
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Christensen
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crane
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Everett
Fattah
Fazio
Filner
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hefley
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hostettler
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Nadler
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Riley
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Sensenbrenner
Slaughter
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Stump
Stupak
Tanner
Tauscher
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Turner
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—8

Brady (PA)
Brady (TX)
Ford
Gonzalez
Lewis (GA)
Markey
Serrano
Young (FL)

□ 1548

Mr. STRICKLAND changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BRADY of Texas. Mr. Speaker, on rollcall No. 331, I was unavoidably detained. Had I been present, I would have voted ''yes.''

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on further consideration of the bill H.R. 4194, and that I be permitted to include tables, charts and other extraneous material.

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

There was no objection.

## DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 501 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. 4194.

□ 1549

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 of the bill (H.R. 4194), making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, July 17, 1998, the bill was open for amendment from page 52, line 3, to page 65, line 16.

Are there further amendments to this portion of the bill?

AMENDMENT OFFERED BY MR. OBEY

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

The Clerk read as follows:

Amendment offered by Mr. OBEY:

On page 59, before the period on line 12, insert:

: *Provided further*, That any limitation on funds for the Environmental Protection Agency or the Council on Environmental Quality in this Act shall not apply to conducting educational outreach or informational seminars.

Mr. OBEY. Mr. Chairman, what this amendment does is to supersede language in the report on page 59 which states that the Environmental Protection Agency and the Council on Environmental Quality are thus directed to refrain from conducting educational outreach for informational seminars on policies underlying the Kyoto Protocol until or unless the protocol is ratified by the Senate. This amendment would allow such educational outreach and informational seminars to proceed.

I think most people would agree that there is considerable difference of opinion concerning the Kyoto Protocol and global warming and climate change. I think most would also agree that the only possible way to reach an understanding or potential compromise on such an emotionally charged issue is if there is a full and free exchange of information and ideas.

Having said that, though, there is truth in the statement in the committee report that there can be a fine line between education and advocacy on an issue. Assuming adoption of the amendment, I would still encourage the EPA and the CEQ to pay close attention to the line between education and advocacy and stay on the right side of that line.

Now, as to what the amendment does not do, it does not change any of the statutory language in the bill regarding Kyoto. The limitation on page 58 of the bill still prohibits the use of funds to develop, propose or issue rules or regulations or decrees or orders for the purpose of implementation or in contemplation of the implementation of the Kyoto Protocol. I am not fully satisfied with that language because I think it in fact may block some activities that it should not block, but I recognize that there should be no imposition of rules or regulations or decrees until and unless the Kyoto Protocol is actually ratified.

Regardless of the outcome of the Kyoto Protocol, we all need to know much more about the issues of potential global warming and climate change. In order to have an informed public policy debate, the Congress should be encouraging, rather than stifling, education and outreach and informational dissemination activities.

This amendment does exactly that. It takes no position on the merits of Kyoto; it just allows for the educational process and the free flow of information to continue. I think that any objective person would recognize that there is nothing wrong with that, and I would urge adoption of the amendment.

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

Mr. Chairman, I reluctantly rise to oppose the amendment of the gentleman from Wisconsin (Mr. OBEY). I appreciate very much how much he has put into the efforts to come to an agreement on this issue. I am concerned how the EPA will interpret his language. Whether or not the gentleman's amendment is approved today, I look forward to working with him and others to find common ground and clarify the intent of the language.

The Member from Wisconsin is bringing up the issue of preserving an open debate on environmental issues. Although he and I may disagree on how we get there, we both agree on the policy of an open and public debate. My work to make sure we do not implement the Kyoto Protocol until we implement ratification specifically was to ensure that we do have the debate, that we do have the debate, as the U.S. Constitution requires, in the U.S. Senate with its advice and consent.

Since coming to Congress I have supported an open and public debate concerning environmental issues, including the issue of climate change, clean air, clean water, Superfund, environmental justice, and other important environmental issues. I will continue to work to make sure the EPA does not implement environmental policies through the back door, through regulatory tactics, especially when it does not have the legal authority to proceed forward.

There have been some who have claimed the language in this bill concerning the Kyoto Protocol would stifle the debate on climate change. As far as my personal goals on this issue, nothing could be further from the truth. I have been working to ensure that the Kyoto Protocol is not implemented until Senate ratification, as required by the U.S. Constitution. This gives us the open debate this issue so richly deserves.

Let us be clear. The language included in this bill does not do anything to interfere with valuable research, existing programs, or ongoing initiatives designed to carry out the United States' voluntary commitments under the 1992 Climate Change Convention.

And, education is another function conducted by the EPA. However, it should educate using balanced information without advocacy. The taxpayers deserve a balanced presentation of information. This is especially true when the EPA conducts educational outreach on climate change. I want to caution my colleagues. There is a very fine line between education and advocacy.

The EPA should never use taxpayer dollars to advocate their own agenda when it is not the official policy of the United States of America.

The EPA must be allowed to serve its primary purpose: To ensure that we have a clean, safe and healthy environment. We may have differing views on how to accomplish this goal, but we must be able to air those differences in the light of day. I will continue to work with my colleagues and fight for open debate on these important issues. I would challenge the EPA to join me in accomplishing this rather modest goal.

Mr. BONILLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Obey amendment and in support of the language that has been put in this bill by the gentleman from Michigan (Mr. KNOLLENBERG). This entire effort is designed to protect the rights of the American people against an anti-American effort resulting from the Kyoto Treaty that has been proposed before the United States Senate. Thank goodness that the American people have risen up and said we do not want this treaty to be passed and the Senate has actually listened to the American people.

It is anti-American because it imposes a lot of strict, costly penalties on Americans, while allowing many countries, many Third World countries to continue to pollute our environment at will. Frankly, I am mind-boggled as to how the administration could look at this as a positive thing for our people, and then after the people have said no, we do not want this to be implemented because it will cost us money and jobs, to then try to implement this through the back door, trying to go through the EPA to implement some of the rules and regulations, even though we do not want them.

This is a classic maneuver that the administration has used in recent years, and when the Congress and the people say no to something, they find agencies that are currently in existence to try to implement rules and regulations and circumvent the will of the United States Congress and the American people.

So I commend my colleague from Michigan (Mr. KNOLLENBERG) for inserting this language to prohibit this back-door effort at costing the American people money and jobs to implement this anti-American treaty.

□ 1600

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, over the last several months, I have participated in more than 20 hours of discussion during five hearings on the global warming issue. I am well aware of the impacts which the Kyoto Protocol may have on this country, but I am also aware of the possible consequences of global climate change.

When we look at this weather map from CNN of July 20, 1998, we can start to see the dimensions of the problem where we have had some of the most unusual weather in this country that people have experienced ever.

All across this country, people are aware as they are sweating at home how different the weather is this year than any other year. And as scientists have looked at it, they have seen that indeed this weather has been unusually severe this summer.

We have had fires in Florida, floods in the Midwest, tornadoes destroying entire communities. And we look back at the temperature, last Wednesday the high temperature was 117 degrees in Phoenix. Today marks the 17th day in a row the temperatures are over 100 in Dallas.

Does anyone remember last winter? Not even a snowflake fell here in Washington. From January to June, average temperatures were the warmest on record. Temperatures in 1997 were the highest on record, and in 1998, so far it is even warmer.

Scientists predict that even more severe storms and unusual weather patterns will occur if we continue to pour greenhouse gases into the atmosphere.

I want to repeat: Scientists predict that more severe storms and unusual weather patterns will occur if we continue to pour greenhouse gases into the atmosphere, and we are no doubt seeing evidence of this right now.

Let us look again at some of the headlines. 1998, ''Twister Death Toll Already 121.'' That is from USA Today last month. Chicago Tribune, ''Tornado's Fury Nearly Wipes Town Off Map.'' June 17, San Antonio Texas Express, ''Heat Melts Sections of I–35 in Laredo.'' From Greensboro, the Greensboro News and Record, July 9, 1998, ''Drought, Fires Ravage State Economies.''

When we look at just the news, what we have is evidence of rapid breaking warming trends. The 1990s have been the warmest years, according to scientists. It is not a political statement. The 1990s have been the warmest years in six centuries. 1997 is the warmest year ever recorded. This June, or this past June has been the hottest June since recordkeeping began over a century ago. July is on track to beat these records.

This is a statement from the National Oceanic and Atmospheric Administration. These are not politicians debating issues. These are scientists who have experience records that cannot be contested.

But for the moment let us set all of that aside. The American people know that the climate is changing. The American people can tell us that it is hotter than ever in some parts of this country; that the weather has been crazier in some parts of this country. People know this. And yet there are those who would not let the government of the United States even study why this is happening in relationship to global warming.

Language in the VA–HUD bill does not allow contemplation of implementation of the Kyoto Treaty. It does not allow the relevant agencies to prepare to develop rules or regulations. Basic public education on the science and implications of climate change would be prohibited under the language of this bill. This language puts a gag order on the relevant agencies and stifles informed debate on global warming, which is why the amendment offered by the gentleman from Wisconsin (Mr. OBEY) is relevant.

This practice of not letting the public know the debate, this surely is not the way, this cannot be the way to assure the future of this planet. We have to prepare for all possible eventualities in order to protect the planet for future generations. We cannot be here in this Congress just for ourselves. We have to remember the next generation, and the next generation, and the next generation. It is very clear that global warming is a fact of life and it is hurting this country and the world.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I agree, as the gentleman from Wisconsin (Mr. OBEY) has already said, that no rules, no regulations that relate directly to the implementation of the Kyoto Protocols should be done in any direct way prior to the ratification of that treaty. But all his amendment does is make certain that all activities that are presently authorized by law in various other places will not be stopped on the basis of their having some implication for or some imagined implication for the Kyoto Protocols at some time.

Climate change and global warming are terms that we have heard a lot about recently. We know that there has been an enormous change in the ozone layer, a huge gap in the ozone layer that has left the whole continent of Australia in a position where they have to move heavily clothed, or at least they are advised to do so, because there is not that protection against radiation that has been with this planet for all of human existence.

Mr. Chairman, we also know, as the gentleman from Ohio (Mr. KUCINICH) pointed out, that some of the hottest summers in the last six centuries have occurred. My figure might be slightly different, but I think at least six of the 10 hottest years in this century have been within this decade. This is a trend that is going on as we speak.

National Geographic Magazine, in its last edition, had an article about extensive research by glaciologists in Antarctica where they have now looked through the record of previous ice ages and seen that the whole west Antarctic ice shelf is in danger of collapsing, which could end up in a very short period of time, in a matter of decades at most, raising the water table in this world, the water level in this world by feet. Not just inches, but feet.

So I think that the Obey amendment gives us the best chance. We cannot be in this position of only operating on the basis of what will get us through the next election. We have to think that even though our final exams in this body come every 2 years, we have got to think in terms of what is going to be happening 10 years and 20 years and 30 years down the road.

The Kyoto Protocols, from my point of view, clearly have flaws in them. They are too weak in many ways. They do not make certain that economic growth in emerging economies in the Third World is done with careful attention to how that energy is being used.

Were we to use energy in just one more nation, the Nation of China, at the same rate per capita that we are using, in the same way that our great economy uses energy, if we do not make the changes that will allow us to use energy much more efficiently, to produce much less in the way of greenhouse gases, if China were to produce and use energy in the same manner per capita as we do, we would have no chance, no chance whatsoever of turning this global warming around and getting control of it and stopping the rate at which human activity has affected the normal climate changes that this planet has gone through over a long period of time.

So, I would hope very much that the amendment offered by the gentleman from Wisconsin (Mr. OBEY) would be adopted so that we make certain that we do not, in our ''know-nothingism'' here, that we do not end up refusing to take what precautions, to add whatever research, to do those activities already allowed by law so that we can use energy in a much more efficient manner. I do not believe the Kyoto Protocols are anti-American in any way whatsoever. They may be flawed but they are certainly not anti-American. They are pro-planet.

I hope the Obey amendment will be adopted.

Mrs. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to respond a little bit about the issue of whether or not this is, in fact, the warmest June ever on record. According to Dr. John Christy of the Earth System Science Laboratory at the University of Alabama in Huntsville, who raised questions after hearing reports by the Associated Press and the National Public Radio last month, Dr. Christy researched the local records just, for example, at the Alabama State University climatology office and found that there were 6 years, 1914, 1921, 1936, 1943, 1952 and 1953, with warmer Junes than 1998, all of which were in many previous decades prior to this.

He also went on to tell us that the National Weather Service in Birmingham, Alabama, admitted that its State data only went back to the year 1958. So consequently, it is real hard to understand how the National Weather Service could possibly be speculating that this would be, in fact, the hottest June when its measures did not go back prior to that.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. DINGELL. Mr. Chairman, it is interesting to note that we are discussing global warming. The Obey amendment addresses an important question, and that is whether or not EPA should be lobbying and should be pushing a treaty that has not been ratified by the United States Senate. I think that to allow EPA to do certain intelligence informational services that do not violate the laws against lobbying makes good sense, but I think to allow them to go further makes very poor sense.

I want to commend the author of the language in the Committee Report and the bill for having done this. I do not know whether there is going to be global warming or not, and I do not know anything about climatology. I would, however, observe that I have been studying this question for a long time. I probably know about as much as anybody else in this Chamber who does not know anything about it either.

I would observe that I was over at Kyoto, and over there nobody knew anything about it at all either. Some of the scientists who came forward to talk about global warming just a few years ago were predicting a new age of glaciation in which the world was going to get colder. I guess they found that it is more profitable to be on the side of global warming. That appears to be the more popular view.

I think that we ought to look at this from the standpoint, first of all, of the Constitution, of our proper responsibilities to see what the real situation happens to be. The real situation is that until the Kyoto agreement is ratified, it does not mean anything.

It also ought to be observed that the Senate of the United States has told this administration, by a vote of 95 to nothing, that they are not going to ratify. By the way, that is bipartisan because there was nobody who voted against it; everybody voted for it. They made it very plain they are not going to ratify it until it is very clear that that particular treaty affects everybody and that the United States is not going to be the only nation in the world which is compelled to cut back as much as 30 percent on our use of energy, to sign a treaty which is going to bind nobody else the same way it binds us.

The Europeans say, well, we are going to be bound and the British are going to get out in some neat devices because they have gone to North Sea natural gas. The Germans are going to point out how they do not have to comply very much because they have the fine situation where they have taken over and closed a bunch of old, inefficient fuel systems.

The Soviet Union says, we will not be bound. Most of the former Soviet bloc countries say we will not be bound and we will not sign. Nobody in Africa and the developing countries will be signing, and they will not be bound.

It is interesting to note that India, which is a massive emitter of CO–2, is not going to be bound.

It is also interesting to note that our friends in China have told me, in a discussion I had with our delegates, that they will never be bound; they are always going to be a developing country.

So that leaves Uncle Sap, the United States, which proposes to be bound by a treaty which is going to cause enormous economic hardship.

This is not going to be ratified by the Senate. We can just bet our bottom dollar on that particular point.

□ 1615

So, first of all, there should be lobbying by EPA in favor of this. The Obey amendment makes splendid good sense, and I would hope that everybody here who is interested in the well-being of their constituents and the continued economic development of the United States would take that same view.

But the hard fact of the matter is that EPA ought not and the administration ought not and the other agencies of the Federal Government ought not be able to move forward to implement a treaty that the Senate of the United States is not going to ratify, because 95-to-0 they found it is not in the interest of the people of the United States or the economic and other welfare of the people of this country.

So I would urge this body to cease a debate which is without significance in the proceeding before us, about global warming, which has not yet been proven, and about adoption of a treaty, which is not going to be adopted, and simply adopt the Obey amendment, see to it that we curtail lobbying and other activities, including implementing by regulatory or statutory action a treaty which is, A, not in the interest of the United States and, B, which is not ratified and not going to be ratified.

That is the voice of good sense, and I hope that my colleagues will listen to it, not because it is me saying it, but simply because if my colleagues reflect on the interest of their country they will come to that conclusion. I urge adoption of the Obey amendment.

Mr. MCINTOSH. Mr. Chairman, I move to strike the requisite number of words, and in reluctant opposition, because I have a great deal of respect for the previous speaker, the gentleman from Michigan (Mr. DINGELL), and his work on this issue.

As I understand it, the Obey amendment would say educational activities would be allowed but advocacy activities would not. And perhaps I could even end up supporting this amendment. What I am concerned about, though, and was hoping to perhaps inquire of the gentleman from Wisconsin (Mr. OBEY) on some of the boundary lines between those two concepts.

For example, in my home State, in Indiana, there was a conference held in the last month at which every single one of the speakers spoke about the urgent need to do something to end the problem of global warming and urged support for the Kyoto Protocol. So there were no speakers providing an analysis of the cost, no speakers providing an alternative view of some of the science.

I wanted to ask the gentleman, if he would be so kind, how much leeway is there in the concept of educational activities versus activities that would be advocacy?

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

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

Mr. OBEY. Frankly, there is, in the human situation, always a lot of leeway. The Congress does not have the ability to serve as a nanny in dealing with every agency of government who might get out of hand to do something illegitimate.

The language of this amendment is pretty clear. The agency is expected to provide education, not advocacy. I would think that any time that the agency engages in an activity which goes beyond the line of the objective of providing information, I would think

that people on the side of the issue who think that they have been skewered by it would bring it to the attention of the Congress, and I would think the Congress would react accordingly.

I am not in the business of censorship, and I cannot be in the business of defining ahead of time whether some idiot in some agency is going to do something which they are not supposed to do under the law. All I can say is that the language is quite clear. My comments in explaining the amendment are quite clear. And if the agency goes across the line into advocacy, it does so at its peril.

Mr. MCINTOSH. Reclaiming my time, I hope the gentleman would agree with me, if it were an educational program such as the one in Indianapolis, where all of the speakers were advocates for the treaty, that that would cross the line and now we are establishing a standard that says they have to at least have some balance.

Mr. OBEY. If the gentleman will continue to yield, I do not want to comment on a conference that I was not in attendance at. I do not know whether the gentleman's characterization of that meeting in Indianapolis is accurate or not. I assume it is, but I do not know that to be the case. And so I simply am reluctant to provide an adjective describing anything that I do not know anything about.

Mr. MCINTOSH. Mr. Chairman, I appreciate the gentleman's comments, and reclaiming my time, the concern that I have, and it is with reluctance, because I think the Obey amendment has drawn an appropriate line; where educational activities would be okay, advocacy is not, rulemaking is not; and all of the other activities that are prohibited in the Knollenberg amendment would continue to be prohibited.

But I am worried that Vice President GORE has sent a signal to the agencies that regardless of whether Kyoto is implemented or not, he and the President expect them to move forward in addressing this problem. And I think we have to correct for that, and we have with the Knollenberg amendment, by saying, no, they cannot use taxpayer funds to advocate for the adoption of Kyoto; they cannot use taxpayer funds to regulate, to implement Kyoto.

So I guess I am very strongly in support of the Knollenberg language. I appreciate the work that the gentleman from Wisconsin has done to try to clarify that mere educational activities would be allowed. It is with some reluctance that I think we need to be more specific so we do not cross over into that line of advocacy.

Mr. OBEY. Mr. Chairman, if the gentleman will yield once again, I would simply note that nothing in this amendment would change the underlying law which prohibits Federal agencies from lobbying for or against legislation pending before Congress, and I assume that applies to indirect as well as direct lobbying.

Mr. TIERNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been having this discussion with the gentleman from Indiana (Mr. MCINTOSH) in committee now for quite some time, and I rise in support of the Obey amendment. During the past 4 months, in the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs of the Committee on Government Reform and Oversight, we have had at least five hearings. And what some have deemed to be the Clinton administration's back door of implementation of the Kyoto Protocol, we have been exposed and seen all kinds of frightening figures and numbers and portraits of devastating scenarios played out by a wide variety of witnesses on the possible effect the protocol would have on our economy and our jobs.

Let me assure this body, as we have assured the gentleman from Indiana and his committee, we have no intention of trying to implement the Kyoto Protocols before they have been thoroughly researched, thoroughly explained and thoroughly voted in the Senate. This amendment by the gentleman from Wisconsin (Mr. OBEY) makes this clear. But it is not sensible to prohibit the government agencies, that should be doing research, that should be educating themselves and the public, from doing that.

As a result of the hearings in that subcommittee, two things have become clear: One is that some of my colleagues are under the mistaken impression, I think, that they are, in fact, Members of the other body and it is going to be this group that actually ratifies the Kyoto Protocol. And aside from that overly generous interpretation of their role, they are also convinced that the protocol is going to be ratified tomorrow.

I think we all know that nothing could be further from the truth. We all understand the Kyoto Protocol is not going to be ratified tomorrow. We all understand that there are serious issues and concerns with its content and its intent, and that we need to explore that thoroughly and that nothing should be done to implement that protocol until the Senate, if ever, should ratify it and move forward.

But the language contained in the committee report for this bill prohibits the use of the funding from being used to develop, propose, or issue rules, regulations, decrees, orders for the purpose of implementation or in contemplation of implementation of the Kyoto Protocol. The report directs the Environmental Protection Agency to refrain from conducting any educational programs that promote policies that could be used to meet the emissions requirement called for in the protocol.

Mr. Chairman, I hope we all can agree that that is overly broad and potentially dangerous. Legitimate noncontroversial practices exist, or should exist, to improve energy efficiency and reduce emissions and pollution worldwide. We should all be committed to these goals. I am concerned, however, Mr. Chairman, that this language would thwart those efforts.

Reliable estimates show that the annual global market for energy efficient products and services is now about $80 billion, and that amount is expected to increase to $125 billion by the year 2015. This new technology is rapidly becoming one of our country's most effective generators of business, since small businesses can reap the benefits of available research and development assistance, such as the energy efficiency program supported by the Climate Change Technology Initiative and the Partnership for the New Generation of Vehicles.

That said, Mr. Chairman, access to advice and information on these programs and energy efficient products and services is imperative to create more small business and generate more jobs, which is something we should all be working to accomplish. Here is the catch, however, Mr. Chairman. The catch is some of these programs may also reduce greenhouse gases. And we all know that reduction of greenhouse gases was a part of the Kyoto Protocol's direction. But the language in the bill forbids the EPA from conducting any educational informational programs which small businesses rely on to take advantage of energy efficient technologies.

How can some of our colleagues reconcile this disparity? How can we tell our small businesses that we have founded these programs to help them utilize and benefit from energy efficient technologies, but we are not going to give them the information on how to expedite those efforts through outreach and educational programs because they happen to also promote Kyoto Protocol policies?

The Obey amendment would clarify this disparity and allow the EPA to continue the educational outreach and informational seminars that are already authorized by law. But it should not allow any funding to be used solely for the purpose of implementing the Kyoto Protocol, and I think it does not do that. This will allow small businesses and other entities to continue to benefit from the advice and information on energy efficiency, which will help them expand and grow in the long run.

Adoption of the amendment is imperative if we are to assure that the current EPA programs that have benefitted the economy and the environment are not jeopardized merely because they may also reduce greenhouse gases.

I urge all my colleagues to support the Obey amendment.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. I appreciate my colleague yielding, Mr. Chairman, and I asked for the yield simply because I agree very much with the gentleman's statement. I was inclined to accept this amendment in the initial stages, but because some of our colleagues are concerned about what the language actually means, there is reservation.

Nonetheless, I do intend to vote for this amendment and I would urge my colleagues to support it.

Mr. TIERNEY. Reclaiming my time, I thank the gentleman very much.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words.

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

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

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, let me be very frank about this issue. I happen to believe that there is a severe problem with global warming. I am no scientist, but I think that there is a significant problem. I do not know what the correct measures are to deal with that problem.

I think that the most serious environmental problem we face in the long term is probably climate change due to greenhouse gases, and if that trend is sustained, there is no question that our conifer forests, within a few generations, will no longer be in this country. They will be residing in Canada. And there is no question that if the trend continues the grain belt of today will turn into the dust belt of tomorrow.

The Kyoto conference was meant to try to discuss what the world ought to do about that. In my mind, the product that came out of Kyoto was flawed. And because it does not deal with what China and other major Third World polluters contribute to the problem, I have great doubts that that protocol will be ratified until it is changed. That does not mean that we do not have an obligation to avoid extreme reactions in the meantime.

I think when it comes to gagging the ability of the agency to even conduct educational seminars to provide not advocacy but explanation of the underlying issues, I think that is not only a right of the agency, I think they would be negligent if they did not. And I think that a Congress that did not allow them to do so would be in craven supplication to special interests in this country. So that is why I offered this amendment.

Those of my colleagues who know me know I often quote from my friend Archie the cockroach. Archie was a poet who died and came back to life in the body of a cockroach. He lived in a newspaperman's office. He would often write little messages which would appear in the newspaper the next day. He would dive from the carriage of the typewriter onto the keys and type his little messages and they would appear the next day.

□ 1630

He wrote something which is I think appropriate to this entire debate. This is what he said: ''America is a paradise of timberland and stream, but it is threatened because of the greed and money lust of a thousand little kings who slash the timber all to hell and will not be controlled and change the climate and steal the rainfall from posterity.''

Now that really is what this issue is all about. My amendment does not seek to allow the agency to lobby anyone. In fact, I would be offended if the agency did, because I do think that Kyoto Conference needs substantial repair before it is considered for modification.

But this Congress, which pretends it is interested in freedom of speech, when it protects the ability of big business or big labor to contribute hundreds of thousands of dollars, indeed millions of dollars in independent expenditures to congressional campaigns, when they pretend that they are protecting freedom of speech because they will not put reasonable restrictions on the ability of special interests to buy this House, for them to then pretend that somehow it is legitimate to say that an agency charged with the responsibility of dealing with the environment cannot even provide educational material and activities to its public, I think that is going a real stretch. That is why I have offered this amendment, and any rational view of that amendment would require its adoption.

Mr. STOKES. Mr. Chairman, reclaiming my time, I support the Obey amendment and I urge my colleagues to support it.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Obey amendment. But more important than that, I would like to make a small contribution to the better understanding of global warming.

I have been involved in this question of global warming, believe it or not, for the last 20 years. I attended some of the first conferences amongst the scientists who thought that there were signs of global warming. They were looking, of course, at the rising percentage of CO–2 in the atmosphere, and other similar indicators which has been measured for over 100 years, and they were trying to correlate those indicators with global temperature variations.

Now, this is not an easy thing to do, and anyone who tells us that there is absolute evidence that global warming is an established fact is probably misinformed or deliberately trying to deceive us. There have been occasions within the past few hundred years in which, because of other factors than human intervention, there was actually global cooling. There was a ''little ice age'' just a few hundred years ago, and we could conceivably have another ''little ice age'' in the future.

But most scientists accept the fact that we are in a situation where human intervention in the climate of the globe is causing some increases, and they want to understand those increases. If it is possible to quantify the changes, scientists want to do so. If it is possible to have some effect on the changes they obviously would like to do so.

Nobody can exactly predict the effects of global warming. It may be that the U.S. Wheat Belt will move to Canada, and the Canadians will be tremendously benefited. It may be that the wheat production of central Asia, for example, and the former Russian Republic of Georgia, will move to Siberia. The Georgians may not want to move to Siberia, but the wheat production might remain the same. This is a very delicate and difficult problem to analyze, and I do not like to see us trying to do that on the floor of the House, because we probably will not succeed.

What I do want to see us do is to better understand this problem, and take prudent steps to do whatever we can reasonably do to solve the problem. Now, one prudent step we can reasonably take is to be more efficient in our use of energy. It makes our industry more competitive and more productive when we do that. It also slightly decreases the chance of global warming, the impact of global warming, if it is due to the inefficiencies of our industrial system. Generally speaking, the large production of CO–2 reflects inefficiency in the industrial system. So there are prudent things that we ought to be doing.

Now, I feel that we should not be trying to implement the Kyoto Protocols if we have not signed them. I agree with what has been said on both sides with regard to such implementation. I think it would be highly imprudent to so curtail the agencies of the Government that they could not inform the public as to the facts of matters within their jurisdiction. If we move in that direction, we will soon be reaching the point where we will say do not do any more research on global warming, do not try to understand what is actually happening, even though, as I say, we have been doing such research for the last 20 years.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding.

I think he heard my comments earlier that the chair is going to support this amendment. But I must say that I do have some understanding of the reservations by some on both sides of the aisle, I assume because this is an agency that has a tendency to have a preestablished notion as to the way the world works and as a result they go about trying to make sure that everybody understands that they are right. And that is not exactly the way science works. So that is the reservation.

Mr. BROWN of California. Mr. Chairman, I presume that the gentleman from California (Mr. LEWIS) is trying to hint to me so that I should not beat this subject to death so we can move on with his bill. But I am very deeply concerned that we progress in terms of understanding, even if we do not always in terms of legislation.

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that Vice President Gore has demonstrated significant and important leadership on this topic that has far-reaching consequences for our generation, for future generations, for us not just as Americans but as citizens of this one planet.

As I have listened to some of this debate, I have become convinced that perhaps this very debate and some of the comments that have been made during it make the strongest case for the Obey amendment that we really do need much more education.

The Obey amendment is indeed a modest step forward. It does allow for some flexibility, and I would hope that it allows for more than just more talking on this subject. We do need to begin to start looking at some solutions to this problem, not just to talk about how severe the problem is but to actually begin to do something about it.

Where I come from down in Texas, it is at this very moment sizzling in the shade. We got our typical Texas August about the beginning of May this year, and it has stayed that way. Many regions in our State have had triple-digit temperatures now for almost 3 weeks in a row. Eighty people have already died from the heat just in the State of Texas. And we have a lot of other folks down there that are concerned that our fields will burn, they are already burning; that our cedar breaks will catch fire, just like the ones over in Florida. And we have, of course, also felt more than most other parts of the country the severe impact of looking out at the sky at noon and not being unable to see the sun or anything else because of all the smoke that has filtered up as the rain forests of Mexico have burnt in some of the driest conditions that that area has ever faced.

Meanwhile, the scientific data is mounting that at least a significant contributing factor is changing climatic conditions or global warming, and that the planet is getting hotter by the year.

What a very strange time for this Congress, as these conditions exist, to be enacting what would essentially be the ''Mandatory Ignorance of Global Warming Act of 1998.'' The language, as originally proposed, seemed to tell the folks that are involved in environmental protection for this country, ''do not even think about global warming,'' a little like those parking signs we see ''do not even think about parking here.''

Well, the subject seems to be, do not even think about global warming or anything we can do about it. It goes far beyond the language necessary to have the very legitimate debate over the precise effect and cause of global warming that the gentleman from California just referred to.

Rather, the approach of this language, as originally proposed here on the floor of the Congress, seems more consistent with redesignating our national bird from the eagle to the ostrich. Because they really are proposing to bury our heads in the sand, as the thermometer keeps counting for a rise in temperature, instead of trying to look at solutions to this problem.

I have been interested to hear people suggest that we need to focus only on America and complain about these other countries that are not participating? Unfortunately, some of the same people who have tried to obstruct in every way how this country deals with the global warming challenge went over to China and to other countries and urged those countries not to participate on this entire problem.

So it is a little bit of a conflict that they say they want to deal with this whole global warming issue in a constructive way that everyone ought to be a part of the solution, as indeed every country should be a part of the solution, and yet at the same time they were trying to twist arms and influence opinion makers abroad to keep them out of a global solution with reference to this whole matter.

I do not believe that we have to wait until the glaciers melt or until the fields and the forests are burnt or until more and more people have skin cancer to begin to study and look for solutions to deal with this global warming challenge. There are many responsible corporations who feel that way, too. And without Government involvement to any significant extent, they are already out there working to try to find a way to reduce greenhouse gases.

I believe we ought to provide them incentives, that we ought to encourage their activities to address this challenge, that recognizes that while we have 4 percent of the world's people, we are producing 25 percent of the greenhouse gases in this entire planet. I believe we have some responsibility not just to be a world follower but to be a world leader. To be a world leader, we, at a minimum, need to continue to focus on educating our own people, on educating the world about the challenge and not following the path of ''know-nothing-ism'' that was originally proposed in this bill.

The CHAIRMAN. The time of the gentleman from Texas (Mr. DOGGETT) has expired.

(By unanimous consent, Mr. DOGGETT was allowed to proceed for 1 additional minute.)

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

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

Mr. OBEY. Mr. Chairman, I would ask the gentleman, does he think we might get more votes for this amendment if we move this debate from the air-conditioned Chamber today to the steps of the Capitol?

Mr. DOGGETT. Reclaiming my time, well, we finally in the last couple of days have here in Washington the kind of weather that started out in Texas and much of this country back in May, the kind that leaves people sweltering. And while we cannot say every bit of that is the result of global warming, we do not have to wait for Alaska to have the kind of weather that we are having out here on the lawn at the front of the Capitol today or the kind that has disturbed the people of the South for the last several months before we begin to address this problem.

So I am pleased that my colleague, at least through this amendment, will allow a little education perhaps to the Members of this body and certainly the American people about the gravity of this problem. But I would hope that eventually, perhaps as we work through the process on this bill, that some of the other restrictions that have been placed in this particular appropriations act bill would also be altered, because we need the greatest flexibility to look at this problem and provide the leadership to resolve it.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

The amendment before us is one that everyone ought to support. It is common sense. The gentleman from Wisconsin (Mr. OBEY) is saying that, whatever limitations we place on the Environmental Protection Agency or the Council for Environmental Quality, we should not say to them they cannot conduct educational outreach or informational seminars.

Can my colleagues imagine, in the face of a global warming potential threat, we would say to the agencies that run our environmental policies, they cannot hold informational seminars, they cannot have educational outreach? That is absurd. That is absolutely absurd to have that kind of restriction. Yet that restriction is in the bill that is before us. And the gentleman from Wisconsin (Mr. OBEY) is trying to reach that part of the bill.

But the bill before us is even more extreme than just that, because the bill before us would stop the Environmental Protection Agency and the CEQ from looking at how to deal with the problem or developing some proposals.

□ 1645

What those who supported the language known as the Knollenberg provisions say they were trying to do was that they were trying to stop the administration and any of these agencies from trying to implement a treaty on global warming until that treaty has been ratified, as is required, under the Constitution by the Senate of the United States. I accept that. No one is

disputing that they should not implement a treaty that has not been ratified. But to say they cannot hold educational outreach, informational seminars or develop proposals is like telling them, ''Don't think about this issue. Put your head in the sand. Don't even think about this issue. We don't want you to do anything until we ratify the treaties, if we ever ratify a treaty.''

If that treaty came up, and I do not think it will be proposed in its present form, but let us say the administration has worked out a treaty on global warming, this is a threat to our planet, many nations must be involved in stopping this threat, and they wanted then to get ratification of an agreement. The first question any reasonable Senator would ask is, ''How do you plan to implement this? What ideas do you have for dealing with the problem of greenhouse gases that cause global warming?'' And if we do not change this bill, the EPA and the CEQ, the agencies that deal with these problems for the United States Government, could not even be thinking about how to implement any kind of treaty or strategies that we might want to undertake.

The Obey amendment is one that everybody ought to vote for, but it is not enough. We have got to strike the rest of the language in this appropriations bill that stops any kind of thinking through a strategy, developing a way to deal with greenhouse gases and the climate change problem. I think everybody will support this Obey amendment. Maybe a few people will vote against it. But do not feel that in adopting this amendment we have solved the problems that this legislation that is before us has created, because we must go further.

The gentleman from Pennsylvania (Mr. GREENWOOD) is going to offer an amendment shortly. That amendment would be to untie the hands of the Federal agencies when they look at the global climate issues. As I understand his amendment, he will also agree not to allow any implementation, implementation or putting into effect any proposals until there is ratification of a treaty. But he would at least allow the agencies to think through the appropriate strategies.

I support the Obey amendment. I will support the Greenwood amendment. I think we need to strike out of these funding bills language that stops government from enforcing the laws on the books and developing strategies for a problem that none of us thought about maybe 5 years ago but are starting to worry about when we hear leading scientists in the country tell us that global warming is not some theory, it is a reality that we must take seriously.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 198, not voting 10, as follows:

[Roll No. 332]

AYES—226

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bilbray
Bilirakis
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fazio
Filner
Forbes
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Goss
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Porter
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schumer
Scott
Shaw
Shays
Sherman
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Snyder
Solomon
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wynn

NOES—198

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Fawell
Foley
Fowler
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
LaHood
Largent
Latham
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Mollohan
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Radanovich
Redmond
Riggs
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—10

Brady (PA)
Ford
Gonzalez
Hyde
Lewis (GA)
Markey
Serrano
Velazquez
Yates
Young (FL)

☐ 1711

Messrs. PAPPAS, HERGER, and Mr. INGLIS of South Carolina, changed their vote from ''aye'' to ''no.''

Messrs. MILLER of Florida, GANSKE, COSTELLO, GALLEGLY, VISCLOSKY, McHUGH, KOLBE, and FOX of Pennsylvania changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word and probably for an extended period of time will do so.

Mr. Chairman, by way of informing the Members, it looks as though we will have at least an hour or so before we have a vote, just so that those who are here and wondering how quickly we will vote will be informed of that.

Mr. Chairman, I wanted the Members to know that, before we continue work on the specifics of the Fiscal Year 1999 VA–HUD and Independent Agencies Appropriations bill, I want to take just a

few moments to recognize the outstanding work of my good friend and the man who will always, in my mind's eye, be my chairman, Congressman LOUIS STOKES.

As most of my colleagues know, this will be the last VA–HUD bill the gentleman from Ohio (Mr. STOKES) and I will have the privilege of working on together. After 30 years in Congress and over 28 years on the Committee on Appropriations, LOUIS has decided to pursue other interests.

LOU STOKES clearly exemplifies everything that is good about the Congress of the United States and, indeed, everything that is great about this wonderful country in which we live.

From his early days growing up in public housing through his days of college and law school to his work as an attorney on some of the most important legal issues of our time to his service in the Congress which began in January of 1969, LOU has served with courage, with honor, with dignity, and with compassion.

He has represented his district with the finest tradition of service. I must tell my colleagues that my life has been enriched because of the friendship I have shared with LOU STOKES and his wonderful wife, Jay, for this fine American has made all the difference for me in working in this House.

□ 1715

I, for one, will miss LOU STOKES, but I dare say that this institution will miss him even more.

Mr. Chairman, I would be happy to yield to my colleague, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

Let me say that people come and go, and they either add or subtract from the places in which they work, but now and then somebody comes to this place who does his work, learns his craft, who demonstrates total dedication and produces service that, indeed, is worthy to be remembered.

LOU STOKES has many achievements. He served as chairman of the Committee on Standards of Official Conduct, he served as chairman of the Assassinations Committee, after the assassinations of Martin Luther King and Robert Kennedy; he served as chair of the Committee on Intelligence, he served on the Iran Contra Committee, he served as subcommittee chairman of this subcommittee, and, I think his most valuable service has come on a subcommittee on which he has never been chair, and that is the Subcommittee on Labor, Health and Education. It is there that I think the gentleman did the most to demonstrate that he has never forgotten his humble beginnings, unlike many other people that we often see in this society.

I referred to my good friend Archie the Cockroach once earlier today, and I would simply refer to him again. There is a piece in this book that I think sums up LOU STOKES' service to this House. It says:

The lordly ones, the haughty ones, with supercilious heads held high;
The up stage stiff pretentious ones, miss much that meets my humbler eye;
Not that I meddle perk or pry, but I'm too small to feel great pride;
And as the pompous world goes by, I see things from the under side.

I think LOU's entire career here demonstrates he understands that. He understands there are millions of people in this country who are stuck with seeing life from the other side, and in a city of 1,200 suits, LOU has never forgotten the people who wear work clothes.

I think that he has also demonstrated an interest far beyond just the interest of the poor. In a me-first era, he has remembered the answer to the question of Cain: ''Am I my brother's keeper?'' must very often be yes.

So I think in almost every way I can think of LOU STOKES' service here is a daily affirmation of the Judeo-Christian ethic which underlies our society. I want to say on behalf of all of the people in this country who need champions in Congress, even if they never know that they have them, I want to thank LOU STOKES on behalf of each and every one of them and on behalf of every Member in this House for the way in which he has graced this House with his years of service.

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

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

Mr. CLAY. Mr. Chairman, let me first of all thank the gentleman from California (Mr. LEWIS) for providing this opportunity to pay tribute to our colleague on this occasion. Perhaps the best and most succinct summary of who and what LOUIS STOKES is about can be found in a statement appearing in a Cleveland newspaper 10 years ago when Mr. STOKES was celebrating his two decades in elective office. That article stated, ''This 20-year milestone in the United States Congress gives us pause to reflect on LOU STOKES, the man, a legend in the making, as he continues to make his mark in history. He improves the quality of our lives by example and effort.''

Mr. Chairman, I want to acknowledge the friendship between Mr. STOKES and his wife Jay and my wife Carol that goes back 30 years. We came to this Congress on the same day 30 years ago, along with Shirley Chisholm, and the three of us, who joined with six other African American Members, really made history that day, because that made nine of us in the Congress, and that was the most black Members of Congress that had served together at one time in history.

STOKES said to me shortly after that that because this was historic, that perhaps we ought to band together to really make a difference. As a result of his talking with myself and us talking with others of the nine, we formed the Congressional Black Caucus. And in this 30-year period, that caucus has made a difference. But LOU STOKES has definitely made a difference, and, as a result of that difference, all of us are proud today and all of us are better off.

STOKES has made a big difference. He has put his staff, his imprimatur, on landmark legislation, which altered and affects the lives in dramatic ways to millions of citizens that have benefitted by that legislation.

STOKES' 30-year career in Congress is the most compelling evidence, Mr. Speaker, available of why we should not have term limits. Only a few, in fact, only 120 Members of this body in 200 years, have served 30 years or better. So STOKES is in a distinct, unique class of people. In fact, in the 200-year history of this Congress, only 10,000 Members have served in this body. So it is an honor for him to be in that elite group of 115 distinguished individuals.

I do not think that anybody ought to limit the number of years that a person can serve here if his constituents want that person to represent them.

Mr. STOKES, as I said earlier, has become a legend, as it was predicted. He has contributed in a most meaningful way to enhance the image and importance of this institution. Those contributions have been exceptional, singular, uncommon, as has been related by the ranking member of this committee. STOKES has been the author of numerous education programs, including the TRIO program.

Mr. Chairman, in conclusion, let me say the term ''power'' is frequently used loosely and without knowledge of its real significance. Seldom do the users of the expression bother to contemplate that all sources of power are limited inasmuch as they are to some degree dependent on other sources of power. But for LOU STOKES, some sources are more real, more independent, and more indispensable than others. He has often said that the two most devastating kinds of power are economic and political, asserting that if you have one, you are respected, if you have both, you are feared, but if you have neither, you are exploited.

STOKES comprehends the theory of power and its imposing function. He has successfully exercised his power on the House Committee on Appropriations to achieve a degree of equitable balance between the have's and the have not's, and I am proud to say that I am counted amongst his friends.

Perhaps the best and most succinct summary of who and what LOU STOKES is about can be found in a statement celebrating his two decades in elective office. It stated:

This twenty-year milestone in the United States Congress gives us pause to reflect on Lou Stokes, the man, a legend in the making. As he continues to make his mark in history, he improves the quality of our lives by example and effort.

The one person who has stood next to the Congressman in this noble endeavor for considerably more than this 30 year stretch, is his lovely charming and understanding wife, Jay Stokes. She has been the pillar of strength behind his uncharted excursion into the field of

law and untiring venture into the weightiness of politics. She has raised their four children—Shelly, Chuck, Angie, and Lori—and managed to do it with style and grace.

STOKES BROKE GROUP IN THE LEGAL FIELD BEFORE CONGRESS

In overcoming his impoverished beginnings, STOKES went on to excel in the Congress and in the legal field. He is held in high esteem by his associates in both professions. Before election to Congress, he was a celebrated practicing attorney in Cleveland, once arguing before the Supreme Court the landmark ''stop and frisk'' case of Terry vs. Ohio which is taught in every law school in the country.

STOKES AND THE USE OF POWER

The term ''power'' is frequently used loosely and without knowledge of its real significance. Seldom do users of the expression bother to contemplate that all sources of power are limited inasmuch as they are to some degree dependent upon sources of power. But for LOU STOKES, some sources are more real, more independent, and more indispensable than others. He has often said that the two most devastating kinds of power are economic and political, asserting that ''if you have one, you are respected; if you have both, you are feared; but, if you have neither, you are exploited.''

STOKES comprehends the theory of power and its imposing function. He has successfully exercised his power on the House Appropriations Committee to achieve a degree of equitable balance between the ''haves'' and the ''have-nots''.

STOKES' CONTRIBUTION TO EDUCATION

While STOKES has vigorously pursued an agenda that respects and appreciates the vital needs of the nation, he has not ignored the critical problems hampering the growth and prosperity of the black community. He has implemented new ideas and promoted a new direction in the areas of legislation dealing with the education of the African-American population.

STOKES has used his position on the Appropriations Committee to increase funding for Head Start, Safe and Drug Free Schools, Teacher Training and Vocational Education. Recognizing the critical need to prepare students for a highly technological world, he secured federal funds to support and strengthen math and science programs.

STOKES' SUPPORT FOR BLACK COLLEGES AND UNIVERSITIES

STOKES has manifested critical leadership in prodding the House Appropriations Committee to expand its funding for Historically Black Colleges and Universities (HBCUs). Through his role as a seasoned member of the committee, he has used his authority with decisiveness in protecting financial securing of these institutions which are vitally important to higher education of the African American populace.

STOKES INFLUENCES FUNDING FOR HEALTH CARE

Congressman STOKES is a respected champion on the health care front. He has utilized his assignment on the House Appropriations Committee to sponsor critical health care issues. As a result of his strong leadership, funding for diabetes, cancer, heart disease, and AIDS has significantly increased.

Since 1977, STOKES has chaired the Congressional Black Caucus Health Braintrust. This policy-making body has been effective in helping to define and to shape the nation's health agenda. Under STOKES' leadership, the CBC braintrust has fought for improved health care delivery for minorities and under-served populations; enhanced education and outreach activities; and increased minority representation in the health professions, including biomedical research.

STOKES has been instrumental in promoting community health interests, increasing minority manpower in health care professions, and providing federal funds for the enhancement of programs at medical schools.

STOKES RECOGNITION FOR LEADERSHIP

Congressional leadership has bestowed superb accolades on STOKES by having named him to prominent and prestigious positions of heady responsibility. He was appointed by Speaker Thomas P. ''Tip'' O'Neill on March 8, 1977 to chair the committee investigating the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr.

Speaker ''Tip'' O'Neill also named him to chair the House Committee on Standards of Official Conduct (Ethics Committee). And in February 1983, STOKES named by Speaker Jim Wright to chair the Select Committee on Intelligence.

STOKES' VISION IN FORMING CBC

The founding of the Congressional Black Caucus is demonstrative of the vision shown by STOKES almost immediately upon his arrival to Congress. He wasted no time seeking to establish a forum for articulating the concerns of Black Americans. He, along with several others, decided that becuase of the nearly equal ideological division in the House between liberal and conservatives—Democrats and Northern Republicans allied against Conservative Republicans and Southern Democrats—the nine black members of the House of Representatives comprised a voting block sufficient to constitute the balance of power.

Members of the CBC were determined to seize the moment, to confront racial injustice, to fight for economic equity and to raise other issues long ignored and too little debated. STOKES gave extraordinary leadership in the formative days of the movement and was elected the second chairman of the Caucus in 1972.

STOKES CHAIRED HEARINGS ON THE ASSASSINATIONS OF PRESIDENT JOHN F. KENNEDY AND DR. MARTIN LUTHER KING

STOKE's objectivity is demonstrated by his leadership of the assassinations committee. The Committee identified four main issues to be investigated:

1. Who was or were the assassin(s) of President John F. Kennedy and Dr. Martin Luther King, Jr.?

2. Did the assassin(s) have any aid or assistance either before or after the assassinations?

3. Did the agencies and departments of the U.S. Government adequately perform their duties and functions in protecting the two slain leaders?

4. Given the evidence the committee uncovered, is the amendment of existing legislation appropriate?

STOKES oversaw the 18-month investigation which ended in December 1978 with twenty-seven volumes of hearings and a final report containing recommendations for administrative and legislative reform. He performed admirably and impressively at the nationally televised committee hearings.

A DOWN TO EARTH SIDE OF LOUIS STOKES

Although STOKES is a very serious minded person, there is a lighter, more common side to the legislator. In addition to having a keen sense of humor, he often gets involved in humorous situations. One such instance occurred one night when he, Jay, Carol and I were dining at a Thai restaurant in Maryland. After carefully perusing a menu that was not familiar to any of us, we all ordered something different. When STOKES had consumed about half of his order, he observed that the meal did not seem like the one he had ordered. Complaining to the waiter, he was told that he was correct. The waiter said that they were all out of the meal STOKES had ordered and this one was a replacement.

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

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

Mr. RANGEL. Mr. Chairman, I would like to join in thanking the gentleman from California (Mr. LEWIS) for displaying his friendship and giving us an opportunity to share in that in talking about our colleague, LOUIS STOKES.

Mr. Chairman, I came just two years after Mr. STOKES came to the Congress, but I think all of us when we first arrive here, we think that anyone that was here before us just knows everything about everything, and it does not take too long after being here to find out that they do not know.

LOU STOKES was an exception to that resume, as related to me, because he continued to be a senior in terms of compassion, in terms of class, in terms of intellect, in terms of working so hard each and every night to help so many people, that even though it was only 2 years in terms of leadership, it was decades, because he came from a family that has known so little, and yet was given such great opportunities, and instead of just enjoying it, he and his late brother Carl have given back so much to Cleveland and to this great country, and, therefore, in their way to the world.

When I hear so many people say that America cannot afford a public school system or cannot afford to subsidize, giving assistance to people, or anyone has to really do it on their own or let the private sector work its will, I said how great that is for those who have. But how much more great it is to see the compassion that a country would have to have two kids living in public housing from a family who had nothing except knowing pain and poverty, to be able to see one to become the first African American mayor of a great city, and see the other to reach the heights, to achieve the leadership, the accolades, that LOU STOKES has in this United States Congress.

It was not just God's will, it just wasn't hard work, it was someone really giving his family a hand in public housing. It was having public schools there where hard working people would know that whatever they were denied, at least the kids would be given an opportunity. And, yes, in a country that

denied so much to so many people just because of their color, there came the GI Bill when the Federal Government said it doesn't really make any difference what color you are, we will give you a chance to reach the height of your potential. And to know that we never would have had an educated Carl Stokes, we never would have had an educated LOU STOKES, unless those in the Congress that preceded us were saying why not help all Americans, because you have no idea as to the great resources and jewels that we have. And this is not that unusual when there are so many people who have given so much, but never have been given the chance that LOUIS had to give back.

LOU STOKES, you have been an example for people, white or black, Jew or gentile, in this great country of ours, because no matter what the subject is, you bring a sense of class that makes us all feel proud to be politicians, to be legislators, and to be Americans. And you leave a legacy for all of us, those like me who respond sometimes in anger, to restrain if not just because it is the right thing to do, but because we owe it to the dignity of this great House to do it.

We are going to miss you, LOU STOKES, but you have set standards for all of us to follow on both sides of the aisle. Even though you only came here 2 years before I did, to me you are a giant and you remain one.

□ 1730

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

Mr. Chairman, I want to congratulate the distinguished gentleman from Ohio (Mr. STOKES), not only for his work on this bill, but for his achievements throughout an outstanding and successful career in Congress.

LOU STOKES has served the public for many, many years, and in this Congress for 30 years. He is a lawyer, he is a veteran of the United States Army, he is a lecturer, he is a writer, he has been a chairman of many committees and a ranking member of many committees.

He has served when in the majority as chairman of the Select Committee on Assassinations, the Committee on Standards of Official Conduct, the Committee on Intelligence, and chairman of the subcommittee of this particular bill. He served, as fate has dealt him, in the minority as well. In whatever capacity he has served, he has served honorably, with good humor, and with great trust for his fellow Members of his subcommittee or his committee, and in a bipartisan fashion.

LOU is an honorable man. He has left his mark on the committees in which he has served because he has done the hard work that was necessary to do honor to this institution. In his retirement, while he leaves a void in our own committee and in this Congress, we hope that his family will gain what we lose: A gentle, solid, comfortable presence.

Over the years I have heard the term ''soul'' used, and I guess many would attribute their own meaning to the word. I guess if I had to give one concept to that term, I think I would attribute it to a person who enjoys life and loves his fellow human beings.

LOU, I just want to tell you that from my very distant view, the one that has become closer over the years that I have had the honor and the pleasure to know and to work with you, you have a lot of soul.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

I rise with my colleagues at this very special moment to pay tribute to the dean of the Ohio delegation, always to me our good friend Congressman LOUIS STOKES. For myself personally, and I know for every single other member of the Ohio delegation, from our great buckeye State, when we came to Congress, LOU STOKES was here. He has always been here. For us as Members, for our State, to imagine Ohio without LOU STOKES is to imagine an Ohio with a piece of its heart missing. And this particular moment of tribute is one of those moments in Congress that each of us who has had the pleasure of working and knowing this man will not forget.

Others have detailed the congressional service of our good friend, LOU STOKES, but perhaps it is important to remember that when he was elected to the Committee on Appropriations he was the first African-American ever to serve on this very, very important committee of cardinals rising to be a cardinal in his own right.

I think as a woman having had to overcome some of the barriers in my own life, I can somewhat identify, but certainly not completely, with what that must have felt like. I think what has always amazed me about LOU STOKES is what a gentleman he has been. I think the kind of elegance with which he carries himself, the kind of elegance that causes his grandchildren to really smile at him with open eyes, is a quality that all of us truly admire and wish that we had ourselves.

I think if we look at all of the programs over which he has had jurisdiction within the Committee on Appropriations itself, whether it was the National Institutes of Health and the types of studies that are done there to recognize the types of illnesses that afflict all segments of our population, or whether we are talking about who should go on to college and who has the opportunity to become all they can be, or if we are talking about in fact the history of the U.S. military and the complete renovation of sections of Arlington Cemetery, long before the movie glory ever came out, LOU STOKES was there.

Certainly, the people of Cleveland have every right to be proud that two of their sons helped change the history of this country.

Now, LOU and I share a great affection for our families, and particularly our mothers, and I guess my one regret in knowing LOU is I never got to know his mother and Carl's mother. Because what a mother she must have been to raise those two boys in the shadow of inner city Cleveland. He took us by the housing project one day when we were touring Cleveland on a brownfields tour, and to imagine that that household, that home would have brought this man to Congress at the time that he came, the time that he came. The wounds in America of race will not heal over in my lifetime, but I know that I have met someone who has helped heal those wounds for our country.

As I have said in other venues and I will say here for the record, I think one of the memories that I will have of LOU that I never expected to have, came from one of our quiet subcommittee meetings one day in this particular committee, Veterans, HUD, NASA, NSF, EPA, when we were listening to the witnesses from Arlington Cemetery who were bringing in the books, the ledgers of those who had served our country and were buried in Arlington, and they brought in these dusty volumes.

I remember opening them up, and I was sitting next to Chairman STOKES at that time, and he opened up to one of the pages and we began to read, and we looked in such-and-such a section and at this particular plot, at who was buried. And the ledger read, no name, no name, no name. Those who had fought in the Civil War who for all of history had remained unnamed simply because they were people of color. Through his efforts, in fact, that section of Arlington has now been restored and we have recently witnessed a major statue unveiling in this city and all kinds of national programs and so forth, but LOU STOKES was there at the head of the queue long before the rest of the country was.

I know that we in Ohio who have a history of trying to remember the underground railroad know that through his efforts here as we begin to save that history and enshrine that history for all time, the 21st century will in fact be different from the 20th and the 19th, and so as just one buckeye and one member of this great Congress, I want to say to my good friend, LOU STOKES of Cleveland, thank you. Thank you on behalf of this Congress; thank you on behalf of the people of the State of Ohio that you have done proud here. Thank you on behalf of your mother and your brother for serving our country when you could have done so many other things with the gifts that life has given you. It has been an honor to serve with you. You have taught me much. You will always be the Congressman from the great City of Cleveland.

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

Mr. Chairman, there is work to be done tonight and we will get to it, but I think it is important that we take the time tonight to honor LOU STOKES.

I speak as a junior member of the Committee on Appropriations, and I speak tonight symbolically from the other side of the aisle to pay tribute to LOU STOKES and the wonderful way that he has worked with members of the majority and minority parties in this House and the great example he has set, and to say that it has been a genuine pleasure to serve on the Appropriations Committee with LOU STOKES.

I have served on two subcommittees with Mr. STOKES, Labor-HHS and VA-HUD, and I have heard tributes at the subcommittee level, at the full committee level, and I have listened with interest and with admiration and with agreement. I have heard him called by many descriptions, Mr. Chairman, and I subscribe to them all: Mentor, role model, a worthy adversary from time to time, a champion for his State and for his district, and a champion in every sense of the word, a classic, and a friend.

But, Mr. Chairman, where I come from, one of the most supreme compliments that can be paid to a man is to call him a southern gentleman, and in thinking about this I spoke with Mr. STOKES' other colleague (Mr. KUCINICH), also from Cleveland, and we decided that if one looks at the map just right, LOU STOKES comes from southern Cuyahoga County, and he indeed qualifies as a southern gentleman.

As a matter of fact, the gentlemanly conduct of LOU STOKES embodies those qualities that are universally admired, and that I have admired so much during the two terms that I have served with him on subcommittees. LOU STOKES never raises his voice. He never rails at individuals. He is effective. He gets the job done, and he has gotten the job done for his point of view, but always a gentleman in every sense of the word.

Henry Wadsworth Longfellow said, ''Lives of great men all remind us we can make our lives sublime, and departing, leave behind us footprints on the sands of time.''

Well, LOU, you are departing this House, but I do not necessarily think you are departing the scene, and I certainly hope not. I have a feeling that there is much more service to this country, to society and to your fellow man, although I do hope perhaps you have a chance to spend a little more time with your family. I salute the gentleman from Ohio. I admire him. LOU, I wish you the best of luck, and Godspeed in your next endeavors.

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

Mr. Chairman, first I would like to pay special thanks to the chairman of our committee, the very distinguished and gracious gentleman from California (Mr. LEWIS), for making available this time here tonight to pay special tribute to another very fine member of this institution.

Mr. Chairman, I rise to pay special tribute to the gentleman from Ohio, the ranking member of our subcommittee, its former chairman, and a true pillar in this House.

As other speakers have noted, this is the final VA–HUD bill that Mr. STOKES will help bring to this body. That saddens us all, because when LOU STOKES retires at the end of the 105th Congress, after three decades of faithful service to the people of the Cleveland area, this institution will lose one of its most passionate and principled representatives.

LOU STOKES is a man of keen intelligence and solid integrity who has blazed many new trails and risen to key leadership positions in this House. As chairman of the Congressional Black Caucus he dedicated himself to advancing policy issues critical to minority communities. As chairman of the House Select Committee on Assassinations he completed historic investigations into the deaths of President Kennedy and Dr. King. As chairman of the Committee on Standards of Official Conduct he handled the most delicate of cases with unfailing fairness. As chairman of the Committee on Intelligence, he helped shape policies vital to our national security. And as chairman and now ranking member of our VA–HUD subcommittee, he has exhibited a deep understanding of complex issues and has been extremely responsive to the interests and concerns of each department, each agency, each subcommittee member, each member of this House, and each constituency group within our jurisdiction. Clearly, LOU STOKES has been given a diverse group of special assignments.

But there is a common thread, Mr. Chairman. They all serve as a measure of the trust and respect, real respect in which he is held by the Members of this body. He is held in equally high regard at home. The people of Cleveland feel a deep gratitude for LOU STOKES' lifetime of service. They know that he has always fought for their best interests with great energy, skill, and far more often than not, success.

On a personal level, Mr. Chairman, I am deeply grateful to have had the opportunity to work with LOU STOKES over the years.

□ 1745

In doing so, it has been my honor to carry on a family tradition. My father and LOU served together for many years in this House, and my father has always held him in the highest esteem. So do I.

I deeply appreciate the counsel, support, and friendship that he has accorded me. LOU STOKES is a bright, skilled legislator, a hard-working representative, a great friend, and along with his lovely wife Jay, a proud parent and grandparent.

In his words and deeds he is a complement, a tribute to this House and he will be missed, while at the same time his influence on this institution will be indelible.

Best wishes to you and Jay, LOU, as you leave this House for other adventures.

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

Mr. Chairman, I may have the distinction of knowing LOU STOKES longer than any other Member of the Congress, one that I am proud of. I am closely connected to his family, and he mine. Detroit and Cleveland have always had a great interrelationship.

So, I have had the privilege of knowing the family. Jay and his late brother Carl, and his two daughters, a judge and a TV anchor. He is now a grandfather, of course. And then, of course, his son, Chuck Stokes and Trudy are telecommunications and media people in Detroit.

One of my worst recurring nightmares is that his son might choose to run for Congress in Detroit instead of Cleveland, where he ought to have run. I should not say that I have stopped having them, because he still there and I am still there.

LOU, this is a moment of joy and sadness for all of us. I remember the first day LOU got to the House and he made me feel real good. Not because I campaigned for him, which was not necessary at all, but because he told me the first bill he introduced was the Martin Luther King, Jr. holiday bill. Then he said, ''Do you think it has a chance of really passing?'' And 15 years later we found out that it did.

LOU, I thank you for your steadfastness across the years. It has been a very pleasant friendship. We have worked together on any number of activities. But to me, the issues that you have raised in connection with health, with the minority health issues, have always stuck with me more than any of the outstanding things that have you done. You have pioneered the whole notion of us understanding that there was a different dimension of health needs for those who were not affluent or able to buy insurance.

The work that you did with the African-American medical universities should be lauded for many minutes more than I am just briefly referring to them. They all know what you have done. On those medical campuses, you were able to see they got the much-needed financing and support and resources and also building activity as well, so that they could continue to put African-American medical graduates into the general population.

Then let us not forget the work you did on the committees that investigated the assassination of Dr. Martin Luther King and John F. Kennedy. That was incredibly sensitive, controversial work and your role there as the only African-American on those committees was very, very important to me.

Mr. Chairman, it should also be mentioned that LOU STOKES chaired the Committee on Standards of Official Conduct for a number of years, and did a great job. He was also Chairman of the Permanent Select Committee on Intelligence. And so I have been pleased to enjoy this close relationship

with you and Jay, the family. I hope and know that it will continue.

Finally, if nobody has said it, Attorney LOU STOKES is one of the few Members that have argued before the United States Supreme Court in the very landmark civil liberties case of Terry and Ohio.

So, Mr. Chairman, we are losing a gifted, talented Member, a brother, and a person who understands government. And I am sure from whatever position he chooses to move to, he will continue to send forth the lessons that he has learned, the principles that he has believed, fought for, and worked so hard over a period of 30 years throughout the land.

LOU, we love you and we will miss you.

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

Mr. Chairman, I played a little word association game and when I said ''gentleman,'' the first person who came to mind in this Chamber was LOU STOKES. When I thought about ''class,'' and how I would define class, I thought about LOU STOKES.

When I considered the concern that has been expressed in this Chamber by all of us about civility and the need we had to go to a special retreat in Hershey, Pennsylvania, I thought to myself, we did not need to go to Hershey, Pennsylvania, to learn about civility. All we had to do is watch LOU STOKES in action.

Then when I think about the humdrum life we all have. Washington, district, back and forth on the plane, traveling so much. So little time to really get involved in getting to know better some of our colleagues, which is a real shortcoming of this institution because it is made up of some of the finest people we will find any place in the world, Republicans, Democrats, liberals or conservatives. But we are all just scrambling to run back home and make that next meeting.

I said to myself, we are disadvantaged in many respects, but I have been very fortunate because very early in my career I got to know LOU STOKES and I got to appreciate all that he represents.

George Bernard Shaw said, ''Some men see things as they are and ask why. I dream things that never were and ask why not.'' That reminds me of LOU STOKES. Because health care, education, the environment, things that really matter for all of us, he has provided leadership in.

Then I think about my own family, my personal family. My youngest daughter, Brooke, 4 years ago moved to Cleveland. I said to the distinguished gentleman from Cleveland, ''Sort of help me out, will you?'' And boy, he has been magnificent, always there to help to make her transition from upstate New York to Cleveland, Ohio, something very special.

She lived in his district and guess what? She supported LOU STOKES, because she said, ''This guy is a guy who transcends political parties, a guy who is extra special.''

I am just so mindful of the fact that this institution and this Nation are the better for the service of LOUIS STOKES. And I personally am enriched by the friendship that I have enjoyed with this great and distinguished American. We wish you well, LOU, and we will continue to rely on you for sound counsel.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is a distinguished moment in my life, in that I have the opportunity to stand on the floor of the House of Representatives and give acclaim to a very distinguished gentleman. More acclaim because he is an African-American whose forefathers helped to work this country.

I am proud today. I am a member of the Subcommittee on VA, HUD and Independent Agencies Appropriations. I know firsthand the kind of work that LOU STOKES does. He is a multidimensional man. It is hard to describe this man, because he has done everything, he has accomplished whatever he tried. He is a distinguished lawyer; has gone before the Supreme Court and won a landmark civil rights bill; has been over ethics; has been over all of the things that we see people aspiring for here in this Congress. LOU STOKES has achieved it.

Mr. Chairman, he still is a humble man. He still is a man who is kind and thoughtful. He still is a man who wants to do the right thing for everyone.

African-Americans throughout this country are doubly proud of this man. They know him throughout this country not only for his work in health care, but I am sure that the life extension of African Americans in this country, he has shortened many of the diseases that have killed minorities in the past. He has extended the life span of minorities because he took a focus and saw health as being an important facet of African-Americans because they were dying, they were not being tested in clinical trials, they were not educating their doctors.

LOU STOKES took a handle on this. He still is the most humble man in this Congress. He is outstanding as far as the Nation's veterans are concerned. He is a scientist. He wants to see science advanced, technology and space, ethics, intelligence.

Many people in this Congress may not be keenly aware of this multidimensional man, but today we stand to let the world know that LOU STOKES is a cut above, a cut above most Congresspersons in that he has accomplished more and will do much more, even when he leaves this Congress.

It saddens me to see him leave because he has been a flagship for all of us. He is a flagship of this Congress, not only for the Members of the Congressional Black Caucus, but for everyone who would aspire to be a good statesperson. LOU STOKES has been that flagship.

He has authored many things that help disadvantaged people, both black and white. He has paved the way for thousands of poor people, disadvantaged and minority young people, to pursue careers in the health professions. Doctors, nurses, clinical researchers, these young people would not have had the opportunity if it were not for LOU STOKES.

He is from Cleveland, Ohio, but his influence has spread not only in this country, but throughout the world. He has opened up access. He has accommodated people who could not reach there themselves. This man has raised the consciousness of this Congress since he has been here. The level of understanding of this Congress has been raised by LOU STOKES. He has done things for America's most vulnerable citizens, those that do not have lobbyists here, those who do not have a voice here.

LOU STOKES has been that voice. Many times he has been the only voice, Mr. Chairman, the only one with the courage and the attunement to reach across the aisle or to reach to the southern gentleman or to reach to the northern liberals. He has reached across all of those people and he has touched their hearts and he has sensitized them to the needs not only of the urban poor but the disadvantaged and the poor throughout this country.

Many of us on the House Committee on Appropriations look to LOU for guidance. We look to him, I especially do, when I am about to do something rash, I look to LOU because LOU has that attunement, he can say, ''Well, now, Carrie, this can be done, but this is the way it has to be done,'' and it is extremely important to me, Mr. Chairman, and to other Members of this House.

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He is what I call a crossover Congressperson, who works with the needs of both black and white in the Congress. Diversity is important to him. He has teamed up with our young white-haired leader of the Veterans and VA-HUD subcommittee. He teamed up with Mr. LEWIS. I am sure he taught him a lot, because the two of them go hand-in-hand. They are just like Mutt and Jeff, because they work closely together. And I am very serious when I say to my colleagues that Mr. LEWIS' attunement, I am sure some of it came from LOU STOKES. And that, to me, means a lot.

And LOU STOKES didn't do it by rabble-rousing. He didn't do it by Bogarting. He did it because he is a statesman. He is a diplomat. He does not cringe or step back from anybody, but because of this intellectual prowess, he has been able to go in places that many others cannot.

As chairman of the Congressional Black Caucus Health Braintrust, he struck the consciousness of America with respect to the need to address the disparities in minority health care, from AIDS, to diabetes, to cancer, to

lupus, to smoking-related illnesses. The list goes on and on, Mr. Chairman.

As a result of Mr. STOKES' efforts, Mr. Clinton, our President, included in the budget this year so many things. He sent to Congress an $80 million fund for the race initiative on health. You know who stimulated that? Do you know who was the prime mover in that? LOU STOKES. To begin with, he has effectively closed this gap.

LOU, you took the path that is less traveled, and you did it with grace, you did it with dignity, you did it with intellect, and now you leave the underground railroad to us.

I have heard you talk about your mother. You addressed people over in HUD one day. These were people who were trying to understand the needs. LOU, you gave to the world the best you had and the best has come back to you.

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

Mr. Chairman, we all have a frame of reference for LOU STOKES, and nobody could have a frame of reference as wonderful as Mrs. CARRIE MEEK'S frame of reference.

When I was in high school and college the Stokes family, and particularly the Stokes brothers, came to my attention as political and civil rights leaders. But only on the television and in the newspapers did I get to know the Stokes family. Quite honestly, I never knew that I would have the privilege of serving with one of those Stokes brothers as a Member of Congress.

What an opportunity it has been for me to serve with a remarkable man, someone who, indeed, is a role model for everyone, black or white, rich or poor, an historical figure of the greatest note. And as he said the other day, as was true with Mr. MOLLOHAN and Mr. WALSH, my father had an opportunity to serve with you in the late 1960s and early 1970s. I have been very lucky to have that privilege as the second generation of my family to serve with you.

Thank you for your friendship and for your assistance on the VA-HUD committee.

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

This is a bittersweet moment for me, because as someone who is relatively new to this Congress, I have had the pleasure of knowing LOU STOKES for 30 years, but this is the first time I have had a chance to serve with him in the Congress. And I have to tell you, LOU, that I am so grateful that I have had this opportunity, even though I have only been here for a term with you.

LOU STOKES has shown that America's progress as a Nation is measured not by what we do for the strong, but what we do for the weak; not by what we do for the the haves, but what we do for the have-nots. LOU STOKES has shown that America's progress as a Nation is measured in how we as a Nation have stood up for the rights of minorities, how we have met the test.

And throughout his career, we know that LOU STOKES has met the test in fighting for voting rights, civil rights, education rights, and housing rights. LOU, in doing that, you have helped lift up not only minorities, but you have helped to lift up majorities as well because you, LOU STOKES, have ennobled this Congress and this Nation with your public spirited consciousness, with your fight for the right, with your style and with your grace.

I am so fortunate to call you my friend and to be able to call you my colleague. LOU STOKES helped me get elected mayor of Cleveland 21 years ago and gave me the opportunity to follow in the footsteps of his dear brother, also my dear friend, Carl. And together you and I, LOU, were able to prove that in the big cities, and it has to be true in State and Federal Government as well, political power can, should and must be shared. It is essential in a democracy that political power be shared with minorities.

Rudyard Kipling once wrote about someone who could walk with kings and never lose the common touch. We see in LOU STOKES' career that he has had that ability. People in Cleveland just love him. All across our city people are looking for ways to honor his career, and all across our city, people who are aware of this moment, understand why Members of Congress from East to West, from North to South are standing up to sing LOU STOKES' praises because we know LOU STOKES in Cleveland, and we love LOU STOKES because of what he has done for our city and what he has done for our country.

You know, LOU, there is a test that a lot of us from the inner city make not only of public officials but everybody we meet, and it is a test that is a spiritual test, and we have often heard it. It goes something like this: When I was hungry, did you feed me? LOU STOKES has stood up for hungry people in this country. When I was naked, did you clothe me? LOU STOKES has stood up for the dispossessed in this country. When I was homeless, did you shelter me? LOU STOKES has stood up for people when they needed housing. We love you, LOU STOKES, for the work that you have done for our people.

Somewhere in Cleveland today, you can bet on this, not only in Cleveland but in cities across this country, there will be a child living in adverse circumstance, maybe not even having a home. Maybe they are just sitting on a stoop marking the time, wondering if things are ever going to get better in their life, because things are pretty tough right now. Now, that person in America today could be black, could be brown, could be yellow, could be white. And when he or she is sitting there and feeling low, feeling down, wondering what is going to come and if things could ever get better with their life, they could think about two young African American children who were born in poverty, who lived in public housing, who, through the grace of God and a mother who worked for them, were able to move through the ranks, come to power, reach the pinnacle, make American history, and they always remembered where they came from.

Children of America, look to LOU STOKES. Look to Carl Stokes. Historically, those are two of the greatest people in American history, and they are people who you can be proud to call Americans and we can be proud to call friends.

God bless you, LOU STOKES. I love you and I am glad to be here to say this to the American people.

Ms. CARSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, and to my colleagues gathered here together as a part of the 105th Congress, it gives me a great deal of pleasure and pride and admiration to stand here in tribute to the honorable LOUIS STOKES from the State, from the Buckeye State of Ohio. And Congressman STOKES, my predecessor, Congressman Andrew Jacobs, sends his love. And he told me to remind you of the time you and him both had a date with the Supremes. Something like that. You would remember that. I hope your wives understand that you all were out with the Supremes, or perhaps where you were. But he said that was a night that he would always remember. I think it was because of LOU STOKES and not because of the Supremes, but we will understand.

I knew the honorable LOU STOKES prior to the time that I became a Member of Congress. LOU STOKES' good works has, like it was said, has been able to shine from sea to shining sea. I have been a long admirer of the Stokes family; Mayor Carl Stokes, Congressman LOUIS STOKES, in particular. He reminded me of a poet in his hard work for the people across this Nation and in instilling pride and hope; that for every drop of rain that falls a flower grows and somewhere in the darkest night a candle glows. And LOUIS STOKES was certainly that candle that glowed in the very darkest night for so many people who were reaching out for help across this country.

Throughout his life and career, he has courageously confronted very tough circumstances and assignments. He served in the segregated army during World War II, and earned a law degree when few, if any, law firms would consider hiring a man of LOUIS STOKES' complexion.

He challenged Congressional district minds in Ohio, becoming the first African American Member of Congress elected from his State and the first African American Member to serve on the House Committee on Appropriations. He skillfully served in numerous leadership roles in the House, including chairman of the Select Committee on the Presidential Assassination, the Committee on Standards of Official Conduct, the Permanent Select Committee on Intelligence, the VA-HUD subcommittee, and the Committee on Appropriations.

Mr. Chairman, the honorable LOU STOKES is widely admired throughout our Nation and our world, and certainly after his retirement the work that he has done for this country will endure. I admire, I appreciate, I am a beneficiary of his outstanding public service. And he reminds me of the psalmist that said that he shall be like a tree that is planted by the river's water that brings forth fruit in his season. And even though I know that Mr. STOKES' season has not ended, that all of the beautiful fruit that he has borne throughout his public service will continue to endure for many years to come.

I stand here in a great deal of humility, Congressman STOKES, to say thank you for all that you have done.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the last word.

The first thing I want to do is thank the people of Cleveland for sending LOU STOKES here. I watched LOU STOKES many years before I had the opportunity to come here.

When I came, I left the Texas Senate, where we had battles through debate. But LOU STOKES has taught me that that is not necessarily the way to get things done, and he has taught me that without ever saying a word to me on that issue. I simply had to watch him and that taught me.

When you go before the committee where LOU STOKES is, it is the most wonderful experience because of his partner, Congressman LEWIS, so kind and respectful, that even when you don't get what you go for, you can't even get angry because they have been so nice.

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But LOU STOKES has been steadfast. He has taken care of the very basics for every American. When it comes to housing, when it comes to education, when it comes to health care, there has never been a time when he has not had his finger right on the mark.

Everyone in those areas throughout this country, notwithstanding their heritage or background or race, know LOUIS STOKES for those areas. There are very few Americans that cannot be very grateful for the many things that he has done. The veterans know about LOUIS STOKES and health care. And of course, every poor person and every African-American knows that LOUIS STOKES has spoken up for all of the persons who have not; and LOUIS has done it with class, dignity, integrity.

Within our Congressional Black Caucus, we have a little private joke when we talk about the romance between the gentlewoman from Florida (Mrs. MEEK) and LOUIS STOKES. She got there before I did because she was on the same committee with him. We are going to miss that. We are going to miss you, LOUIS.

There is no replacement for him. There is not a single Member of this body who could tell us about any harsh word that LOUIS STOKES has ever spoken. There is not a Member of this body who could tell us that he ever disrespected them. I do not think there is even a Member of this body, even when he could not deliver on that committee, who would tell us that he has ever hurt their feelings.

It is only once in a lifetime that we have such a giant in a body like this. I am grateful for the opportunity to have served with him after admiring him for so many years. And for a committee that pleases so few people, they have some of the greatest leaders, people that are kind and respectful, smiles on their faces. And I have a feeling that LOUIS STOKES helps to influence all of it.

We are grateful for you, LOUIS. We thank you. We love you.

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

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

Mr. DIXON. LOU, first of all, I would like to thank you for your advice and counsel over the 20 years in which I have served in this House. In listening to the testimony today and the tribute to you, I recognize over those 20 years that you have provided that service and courtesy and friendship to many Members of this House on both sides of the aisle.

I am reminded, LOU, of Lorraine Hansbury's writing when she said that ''life has little else to offer except for confrontation with the problem to be resolved.'' And you and your brother Carl have been confronting and resolving problems for folks of this country for many, many years.

I cannot add much to what all of the Members have said about your fine service to this institution, whether it be on the Intelligence Committee or the House Ethics Committee. But I would like to single out something that I have noticed over the years that other Members have not addressed today, and that is your development of minority staff in this House.

Many Members of this House benefit from fine staff because you first gave them the opportunity, and there are people in government who received their first opportunities, men and women and minorities, because LOU STOKES gave them that first opportunity, and probably that will be one of your largest legacies.

I know that as you move on that you will continue the legacy of confronting and resolving problems because you are a man who lives a full life. And I firmly believe, as I think you do, that that is what life is really about.

You will be missed in this House. I know that we will all continue to have your friendship. This institution is better because you served here, and you can be assured that you will never be forgotten here.

Mrs. CLAYTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, next year the Chicago Bulls may be without their superstar, Michael Jordan. If so, that will be an irreplaceable loss. In the next Congress, we will be without our superstar, my friend, our colleague LOUIS STOKES. That will indeed be an irreplaceable loss.

We know the story of John Henry, the steel-driving man. He built the railroad with his bare hands. When all others and all else failed, John Henry performed. LOUIS STOKES is a modern-day John Henry. He has helped to build this institution, the Congress of the United States, with his bare hands. He has not used fancy gimmicks, high technology, nor futuristic gadgetry. LOUIS STOKES is not that kind of person.

Mr. Chairman, he has helped build this institution with good old-fashioned statesmanship, unblemished credibility, impeccable integrity, honest dealing, and a deep commitment to public service. While we lament the loss of LOU, we rejoice at the gain for his family, his lovely wife, his wonderful children and grandchildren, all of which grew up within the Congress and who he loves dearly.

This son of Cleveland has always been up to the challenge and prepared for the task. But most importantly, when all else failed, when the machines did not work and the mountain would not move, we could always count on LOU. LOUIS STOKES is a steel-driving man.

Born of humble means, throughout his life, LOU refused to accept mediocrity. He had hopes and dreams. He had goals. He had a vision. He dared to be different and determined to make a difference in this society. These qualities carried him through college, through law school, and these qualities compose him today.

But LOU will quickly tell us that, while motivation may have come from within, inspiration from his mother indeed was his mainstay. I am always moved by the account of how his mother struggled to provide a life for him and his brother, yet through the struggling, she never failed to push him forward, to urge him on, to make him believe in himself and what he could be and become. And he has done his mother proud. He has done us proud.

In more than two decades in Congress, LOUIS STOKES has distinguished himself, making his mark in many places, leaving his permanent imprint in the sands of time.

Tirelessly, he has been a role model for role models and a champion for all. Here he has been more than a Member of Congress. He has been the pulse of what is right, the heartbeat of the downtrodden, the standard bearer of ordinary citizens, the last line of defense for those in need of housing, the first line of defense for the homeless, the lifeblood for seniors and young people and women and the disenfranchised, the conscience of us all.

He has been especially vigilant in the area of health care, particularly in the minority community. When AIDS confounded most of us, there was one of us

who confronted it. When disproportionate Federal spending in health care frustrated many of us, there was one among us who stood firm and strong.

When the disparity in mortality rates between majority and minority perplexed all of us, there was one of us who met the matter head on.

History, we are told, is a chronological record of significant events. A significant event is an event that is momentous, profound, pivotal, an event that has made the difference in the course of our lives.

I can tell my colleagues, LOUIS STOKES has been all of that. He has been momentous. He has been profound. And, indeed, he has made a difference in the lives of us who have served with him, a difference in the lives of America. He has made history.

He leaves us now not to quit but to fight another fight, to write another chapter, maybe another book or two, to run another race. We know, as the writer reminds us, the best books have yet been written, the best races have yet been run.

Yes, the Chicago Bulls will never be the same without Michael Jordan. And I can tell my colleagues, this Congress will certainly not be the same without superstar Congressman LOUIS STOKES.

I am proud to serve with you.

Ms. MILLENDER-McDONALD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I stand, too, with my colleagues to say farewell to a giant. I never dreamt that I would be working with such a man, a man whom he has said came from humble beginnings and has stayed humble in spite of becoming a giant.

We recognize that LOU STOKES has soared in terms of an extraordinary attorney, in terms of an extraordinary congressman, in terms of an extraordinary husband and father. LOU STOKES followed in his mother's footsteps. He ensured that his children would be educated. And now he has children who have made marks throughout this country in great ways. But then he did not stop there. LOU STOKES made sure that children of this country got the very best, and he saw to that through legislation.

When I came to this House, I came knowing that I would get the advice and the strength of this great man. He showed me how I could introduce legislation that would help my constituents in terms of AIDS, in terms of bone-marrow transplants, in terms of the myriad of diseases that perplex our communities. LOUIS STOKES helped me to recognize how I could move through committees and still be humble in my presentations and yet reach a level of success.

LOUIS STOKES, the man who has been at the Supreme Court in cases that were landmark cases. This is a giant, Mr. Chairman, one whom not only the Congressional Black Caucus has recognized, but by virtue of those who have been on this floor have recognized.

He has touched many hearts and many souls. He has shown us how to be a statesman, a gentleman's gentleman. I am just all the better because I served with him, and I thank him for all of the advice that he has given me.

I thank you for being part of this great body, being a great man. Thank you so much.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank our friend and colleague, Congressman JERRY LEWIS, for asking for this time so that we may join in a tribute to this very special person who has provided such a high standard of leadership to this House for more than 28 years, a great American, founding member and leader of the Congressional Black Caucus and chair of the Health Braintrust which he established, Congressman LOUIS STOKES.

As a physician, I had the privilege of nominating Congressman STOKES for the Dr. Nathan Davis Award of the American Medical Association. I am pleased to report that the AMA demonstrated its great astuteness and insight in accepting this nomination and naming him as the 1998 recipient of this prestigious and well-deserved award.

Although he has already received our highest honor in 1994, I also look forward to being present on August 1 in New Orleans, when the National Medical Association, of which I am a member, again honors Congressman STOKES for his years of exemplary service and unwavering commitment to this country.

For all his work, his service on the VA–HUD Appropriations Subcommittee, for the Underground Railroad, and especially to me for his service on the Pepper Economics, the Labor-Health-Human Services-Education Subcommittee, and the Health Braintrust of the Congressional Black Caucus, he will leave a significant, far-reaching and enduring legacy when he retires at the end of the 105th Congress, a legacy of legislation and programs which have served to elevate the level and the standard of health and health care not only for people of color but all Americans.

And, so, I am pleased to stand here to thank you, Congressman STOKES, for many reasons. As a newer Member, I want to thank you for your stellar example and unselfish willingness to teach and to guide as I and others assumed our places in this great body. I thank you for your work on VA/HUD and especially for your contribution to our veterans. I thank you for your legacy of decency, compassion, candor, integrity, and fairness.

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I thank you especially on behalf of minority physicians, the poor and people of color everywhere, for you certainly leave us the beneficiaries of all that you have done to further health care in this Nation. And lastly I thank you on behalf of my own constituents, the people of the United States Virgin Islands, for all that you have done for us, for this Congress, and for this country.

We pray that God will continue to richly bless you and your family. Certainly your years of service which I know will not end here will not be in vain.

Ms. KILPATRICK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman from California (Mr. LEWIS) for allowing us to pay homage to our colleague. It is important that I come on the floor today, Mr. STOKES, to say to you, when I think of LOU STOKES, I think of bravery, of selflessness, of honesty, of character, of fight. A distinguished gentleman, a legislator extraordinaire and a man of principle and strength. It is important, LOU, that as you have heard and sat through this hour and a half that you know as you leave here, though you physically will leave here, what you have taught each of us in your integrity and strength will live.

As someone said before me, this body will be a better body because LOU STOKES put 30 years here. I watched you as I served in the Michigan legislature for 18 years. You certainly for me provided the insight and the intelligence that I needed to be a strong legislator, to speak up and to speak out, and to really represent those who sent us here.

Mr. Chairman, I want you to know as I know your son Chuck and as he serves in our Detroit community, both he and Trudy, that we see LOU STOKES in them, that in them and as we grow our children, all that we would want is that they too represent the intelligent and serve their God. Mr. STOKES, I am here to tell you that your son in Detroit does just that. And that as you leave this body, Mr. STOKES, health care, our veterans, our housing and those things that you fought for for nearly 30 years, we will continue the battle.

So go on, Mr. Chairman. Your wife deserves it, and certainly your grandchildren deserve it. And from the bottom of my heart, just know that as a new legislator to this body, I will carry the Lou Stokes spirit as I serve. God bless you.

Ms. LEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is really with a deep sense of honor that I join with my colleagues today to pay tribute to an exceptional man, a leader who has really been more than an example. Congressman STOKES has been a mentor and a guiding force not only to me but also to other congressional Members, to African-Americans and to America at large. A policy reformist, a health and education advocate. But he has really been a teacher. He has set the standard for quality in leadership. Mr. STOKES, as we have heard over the last couple of hours, has made an indelible mark on this institution. Throughout the years he has stood as a superior example for social advocates and activists.

In the heat of the civil rights movement, he triumphed as the first African-American from the State of Ohio to be elected to Congress.

When I was here as a staff member for my predecessor, this goes back to 1975, LOU, you were then during those years appointed to the House Select Committee on Assassinations where you served as chair and disclosed valuable information about the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr. LOU STOKES always sought the truth. I marveled at how he handled and chaired that committee. His invaluable influence guided many of us to stand up for underrepresented Americans, young and old, poor, black, white, yellow and red. His work has torn down barriers to health care and has saved lives. Congressman STOKES opened doors that would have been closed and expanded access that otherwise would have been denied. He is really what Dr. Martin Luther King called a drum major for justice. He was a trailblazer of the Congressional Black Caucus's reform efforts to reform health care. His Underground Railroad Network Freedom Act, an act to establish a memorial for African-American slaves, finally bringing them the honor that is long overdue, is historic.

Last weekend I had the privilege to visit Seneca Falls and Rochester, New York with Congresswoman LOUISE SLAUGHTER. This is an area where many stops were on this underground railroad. LOU, I just want to thank you for your vision and your hard work. We all have got to ensure that this important history is preserved. Without your leadership, this institution would not be the same.

Congressman STOKES leaves a rich legacy that will bring lasting change which has made a tremendous difference in the lives of all Americans. Today I just stand here to say thank you, LOU STOKES, thank you on behalf of the 9th Congressional District. I want to thank you for your tireless service, for your mentoring, for your guidance, for your feedback, for all of your assistance that you have provided to me as a new Member of Congress.

Great challenges are ahead for all of us. But the ground that you have laid really provides a firm foundation from which we can meet those challenges. I wish you the best. I am confident that this next chapter of your life is going to be extremely exciting. God bless you.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the last word. I do want to be here today. I was in my office, Congressman STOKES, and busy with paperwork, but I said, oh, this paperwork can wait. And so I rushed here hopefully to arrive in time to say a few things from the heart about LOU STOKES.

We all know this famous quote. If it has been repeated to this body earlier in the discussion, I apologize; but it bears repeating, because it applies so well to our colleague, LOUIS STOKES and we have all been expressing these same sentiments. It is the famous quote by one of your Democratic predecessors, Senator Hubert Humphrey of Minnesota: ''The moral test of government is how the government treats those who are in the dawn of life, the children; and those who are in the twilight of life, the elderly.'' That clearly depicts what LOU STOKES' life has been all about. You have contributed to that moral standard of government, Congressman. We are going to miss you terribly.

I must say that I did not have the privilege of working on the committee with LOU STOKES, but when I was ranking member on the Housing subcommittee, I knew that any of the good things we wanted to do in housing, we had to depend upon LOU STOKES' good word and courage and foresight to be able to implement those programs and translate them from legislation into real action in real communities. I am sorry I could not work with you more directly, LOU, but I certainly was one of your admirers and one who appreciated everything you did in the housing area. But I want to repeat to you something that I think is more overshadowing of all that we do on a day-to-day basis, and, that is, how we as a Congress address the real needs of the American people and the manner in which we do it and the moral standards that we adhere to when we do it.

I will repeat to you something that I just heard recently, not from a constituent of mine but someone I know from the Northeast who is a small businessman, has a construction company, and I have known him for many years, and his wife has a realty business. They are good, strong Republicans, LOU. But you would like them. This gentleman said to me recently when I asked him, over the fourth of July recess, ''Well, what message should I take back to those inside-the-Beltway types down in Washington?'' Without any hesitation, this conservative Republican said to me, ''Well, Congresswoman, would you please go back and tell them that we should get rid of the bitter partisanship and return civility to our national government and the way we are conducting the people's business and deal with the issues that count for the American people.'' But when I saw you here today and these accolades and these testimonials, being given to you, LOU, I thought that is exactly what this man meant. LOU STOKES is the kind of person that this businessman was talking about. LOU always stood on principles—you always have, LOU—and you have exemplefied these qualities of civility and democracy and demonstrating your respect for everyone.

LOU, we need more people like you. We are going to miss you terribly. But I hope that in everyone's mind, the image of LOU STOKES as that kind of moral being who added stature to the business of government will be remembered. We will try to follow in your footsteps. God bless you and best wishes to you always, and to your family.

Ms. WATERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I come to the floor today and take this opportunity to join with my colleagues in paying tribute to an unusual human being. I am delighted to be a part of this tribute, because long before I came to the Congress of the United States of America, I knew who LOU STOKES was. But, of course, most African-Americans in this country not only knew who LOU STOKES was, they knew about LOU STOKES and Carl Stokes. Because LOU STOKES and his brother Carl were pioneers. They were in the forefront of African-Americans getting elected to important and high offices. Most of us who watched them from afar aspired to be like them. They let it be known that they were prepared to work hard, to do what was necessary to provide leadership to this Nation. And so they helped to pave the way for us. We have watched and we have appreciated his work for many years.

He was a friend of my husband's long before I met my husband in Cleveland. My husband played for the Cleveland Browns. My husband as a football player had to have mentors and those that he looked up to. And, of course, it was LOU and Carl. They were the shining examples not only of what those who wanted to be elected officials would like to be but for all of the young men in America who were aspiring to realize their full potential. It was the LOU and the Carl Stokes of the world who helped them to understand what they could be, and what they should be.

And so I want you to know, when I came to the Congress of the United States, I came with full knowledge and appreciation for LOU STOKES. And as chair of the Congressional Black Caucus, I stepped into this role and this position behind many great individuals. LOU STOKES was one of those. He took over the chairmanship of the Caucus in 1972, and he served in 1972, 1973 and 1974 following the resignation of Mr. Diggs. And he set the tone. And he helped to make the rules. This was after he had helped to found the Congressional Black Caucus. They set the tone, they made the rules, and they determined where it was going to go, and what we should do, those of us coming behind them.

And so in my work today, I have to ask myself almost on a daily basis, what would LOU STOKES do in this case, in this situation.

□ 1845

What must I do to follow in that tradition? How must I make decisions that will make him proud of me and my work? So I have to look at what he has done.

Let me just say for the Congressional Black Caucus, we look to him for guidance all the time. When we are going down the wrong path, we will get a

visit in the Congressional Black Caucus from LOU STOKES, and he will quietly join in the discussion, and he will tell us what he thinks. No one has anything else to say after LOU has spoken. When LOU speaks, the world listens.

We know that when he takes time to give us his guidance that we should take it, and we do. I have a real appreciation for that, because this is a man who is not only a great family man, who has the kind of marriage and family that is a guide to what we should all try and do, he and his wife are a team.

When you see them together, you know right away that Jay and LOU STOKES have profound respect for each other, and they work together, not only in the guidance of their family, but carrying out much of the work of the Caucus and the spouses and this Congress.

This man, whose wife is his soul mate and his teammate have four wonderful, accomplished children and, I think, about seven grandchildren. They are truly a very strong family. I thank him for providing that picture for America so that they can see that, not all politicians, perhaps, are able to carry out this great family life, but there are some who do it and do it well. Not only is he a family man, but he is a public policy maker extraordinaire.

He really has helped to write the book about what a legislator should do and be. Yes, he has paid attention to African-Americans in this country. Yes, he understood that he was on the cutting edge of work that must be done to help give recognition to and to legislate for people who had not been legislated for in the history of the Nation.

Congressman LOUIS STOKES authored the Disadvantaged and Minority Health Improvement Act that has paved the way for thousands of poor disadvantaged and minority young people to pursue careers in the health professions. He established the Minority Access to Research Careers Program, the Minority Biomedical Research Support Program, the Office of Research on Minority Health and other offices of minority health at various Federal agencies.

He has done all of this while he certainly has been in the mainstream legislating for all of America, working with both sides of the aisle. He is a fine example of oftentimes what people say you cannot do.

He has paid attention to African-Americans in this country. At the same time, he has not been locked into legislating for any one aspect. He works better with JERRY LEWIS than other Republicans do. They work together so well, it is like watching band leaders as they plan and plot and strategize and try to respond to the requests of their Members.

I do not know how well JERRY LEWIS does for Republicans when he is working on their behalf, but I know what LOU STOKES does for us. I cannot go into detail because I do not really want you to know how much we get from that committee, but we do quite well, and that is because of LOU STOKES. He has never turned anybody down. If you go to him with a problem, he is going to work on it, and he is going to help to solve it.

This giant of a man, great family man, this great public policy maker is one of the greatest humanitarians you will ever meet any time, any place, anywhere. He cares about individuals. He cares about human beings. He wants to know what more can be done for the homeless and those who are without.

So I come today to join in the chorus. I am glad the chairman gaveled because I could talk all day about LOU STOKES, and I would do it unless the chairman told me I could not do it any longer because there is a lot to be said about him.

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

Mr. Chairman, I will not take 5 minutes, but I have long admired LOU STOKES. I remember many, many years ago when I was in grade school and I read about LOU STOKES. And he has been in public life when he had to struggle to get elected. It was a real struggle for LOU to do the things that he wanted to do.

I have got to tell you there is an old saying down home where I come from, when we lived out in the country, and if you had a chance to get away for a weekend or go somewhere, there was always a neighbor around that you would look to and you would say I want to get them and come in and look after my things. And LOU STOKES is the kind of a guy that I would trust to come in and keep my house key and do up and look after my things. He is that kind of a man.

I cannot say enough good things about LOU STOKES. His legacy will live long after he has gone to retirement. A very dear friend of mine in North Carolina, he has passed on now, and he always said in closing his statements, and I will say this to LOU, LOU, I hope you live as long as you want and never want as long as you live. Thank you so much.

Mr. MEEKS of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to say thank you to a man who is a living legend, a man who is a gentleman, a man who is a hero, not only an African-American hero, but a true American hero. For surely I do not believe that I would be standing here today in this august body as a Member of the United States House of Representatives if it was not for the trailblazing work of Carl and LOUIS STOKES.

I remember, while in high school, maybe it was junior high school, when Carl and LOUIS STOKES began to run for office in the City of Cleveland. As a young boy, I would scratch my head and say, why can we not do that in New York? That was the beginning of me having an opportunity to admire, look up to, having an idol, and having a hero and a role model in LOUIS STOKES.

I can recall attending the great Howard University School of Law; and while in evidence class, my professor was talking about the landmark case of Terry versus Ohio, and said, did you know that there is a man that works over in the Capitol that was one of the attorneys on this landmark case? That was LOUIS STOKES.

I can recall attending my first Congressional Black Caucus weekend and sitting in the seat and watching Mr. STOKES move about and being in awe. Little did I know that, at that time, that I would be having the pleasure and the opportunity of saying that I served, though ever so briefly, with LOUIS STOKES.

I recall when Willie Mays was traded to the New York Mets, there was a rookie on the team at that time. In the newspapers, they were asking the rookie, when he took his first step at the plate, was he nervous? How did he feel? All he said was, I did not even think about stepping up to the plate. I just remember sitting next to Willie Mays.

Well, I can say that my first experience here, and being next to this giant of a man in LOUIS STOKES, I shall always remember for the rest of my life. But to have that privilege to be able to tell my children and my grandchildren, and, hopefully, they can tell their children, that their great grandfather had the opportunity to serve with an individual who changed the course of history in America is an opportunity that I could not pass.

I thank God for that opportunity. I thank God for the legend, for the man who epitomizes what a legislator should be, who talks the talk, walks the walk, and the main thing is gets results.

My predecessor, I asked him before I came, I said, you have been successful, and many people have said that I have big shoes to fill. How were you able to accomplish such things? He said, ''Well, LOUIS STOKES.'' He said, ''Take advantage of all that you can while he is there.''

The biggest loss to the House of Representatives that we will have is losing LOUIS STOKES. I say to my hero, may God continue to bless you. Keep walking on. I am so thankful I have had the opportunity to serve with you.

Mr. SAWYER. Mr. Chairman I move to strike the last word.

Mr. Chairman, it is easy to forget in the span of 30 years what 1968 was like. It was an extraordinary time in America. It was a time of great difficulty and great promise.

In Cleveland, Ohio, the great promise was the light that was lighted by the Stokes brothers. We have heard much said about that. It is a light that has been a beacon that has stretched across this great Nation.

But I would like to illuminate 1968 from a different point of view. 1968, the year that LOU STOKES was elected to Congress, the year that his brother

served in his first year as mayor of Cleveland was, indeed, a troubled time.

In some ways, it was more difficult than even some of the problems that we face today. That is not to minimize the problems that we face, but that was the year that I began to teach at Cleveland Central Junior High School across the street from the oldest public housing project in the United States, not far from where Louis and Carl Stokes grew up and established their roots and blossomed into the kind of leaders that they became.

But on that November morning in 1968, following the election of LOUIS STOKES to the United States Congress, in the first classes that I taught at Cleveland Central, the kids came into that class filled with conversation about what this meant in their lives. It was a vague sense, it was an unformed sense, but it was brightened by the hope and aspirations that were giving new meaning and new life in even perhaps the most troubled year that this Nation had endured since the Second World War. It was a vision of hope.

We have heard a great deal said today about the enormity of the model that LOUIS STOKES established for children, adults, people all across this Nation in very large ways. But just let me say to my colleagues that those 600 kids that I had the privilege of teaching across the street from that housing project and who came in that classroom that next morning and said, you know, he is from our neighborhood, the opportunities that have been given to them as a product of the model that LOUIS STOKES has represented is more than that.

It is not only the model and the example, it is the real world opportunity, not only to run for office but, as we have heard, to undertake careers unthought of before, careers in law, in medicine, in research, in science, and industry. But just as important, careers as policemen and as firemen and working in places that they might a generation before never have had the opportunity to work.

That is not just a model. That is day-in and day-out effort to live in places of decency and cleanliness, to grow up in cities that are safe, to have access to what we speak frequently of as the finest health care delivery system in the world, it means little if you do not have access to it.

It has meant a time in which we have seen the life-span of Americans increase 10 years in the last 30 and even more than that for African-Americans. That is a contribution of enormous effort that saw its light bloom in the eyes of hundreds of kids across the City of Cleveland as they came back to school that morning the first Wednesday after the first Tuesday after the first Monday in November of 1968.

Their lives have been changed in ways large and small, and they will change the lives of others in ways that will spread throughout a Nation. It has been because of the work of LOU STOKES and the example that he has set for so many others. It has been a privilege to serve with him, and we look forward to his guidance for years to come.

□ 1900

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know LOU STOKES well enough to know that by now he is very uncomfortable, and I am not going to take five minutes making him more uncomfortable, because the more amazing things we say about him, the more uncomfortable Lou will become, and I can see him squirming in his seat now with discomfort.

I met this man, and I am sure LOU does not remember this, before I came to Congress, in Charlotte, North Carolina, when he was visiting with friends there and visiting his daughter, who was an anchor person in Charlotte. Neither LOU nor I had any expectation that I would ever be a member of Congress. I remember going away that evening after having met him saying, ''That is a really nice guy.'' I was not a colleague then. He did not even know me. And I think it is that quality that people pick up on that says something about LOU STOKES.

It is easy to be nice to people that you know and respect as your equal, that you are colleagues with, but it takes a special person, a humble person, to respect and be nice to everybody, and I have yet to ever see LOU STOKES not be nice to anybody.

It is that quality that I think I respect and love about LOU STOKES and that I will always remember, and that is a personal feeling that I have about it. That aspect of it I cannot ever get away from. Aside from all of the wonderful things he has accomplished, I just know that this man is humble enough and respects the views and respects other people enough to always be nice to them. I just want to tell him how much I have enjoyed his friendship and being in the same body with him.

I will yield back, so as not to continue to make him more uncomfortable.

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

Mr. Chairman, I want to join the chorus of statements about our colleague and friend, LOU STOKES. It is clear that this is not an ordinary member of Congress, when you see the number of people coming in to speak today.

I just want to say from my own memories, for people who are interested in the struggle for justice in America, in the second year of high school we learned who LOU STOKES was. Again, with great names like Mo Udall and others, he served in Congress. Like many of the people here, I never expected to have the privilege of serving with him.

I think my friend is correct, he is a little uncomfortable in this position and the time we are taking, but I would think that everyone recognizes the 30 year contribution, not just being here, but the contribution you have made to this government, to this country and its people, is well deserving of the praise. I am just privileged to have spent the last 18 years here serving with you. Like many others, I have admired your ability to fight hard, stay civil and stay committed to the things you believe in.

Thank you very much.

Mr. PAYNE of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am also very pleased to rise in this tribute to my good and long time friend and colleague, Congressman LOU STOKES, who has really been an inspiration to me personally and such a hero to many people throughout this country, including myself.

At a time when public cynicism about elected officials runs rampant, Congressman STOKES has been the embodiment of all that is good and positive about public service. During a political year marked by bitterness and animosity, LOU STOKES has remained a model of decorum, diligence, dignity and passionate commitment to the task of improving the quality of life for millions of Americans.

He has been there to fight the good fight on behalf of better housing, access to quality health care, a cleaner environment, the protection of benefits for veterans and for senior citizens, those who are the most vulnerable among us.

Even before my election to Congress, I had the pleasure of getting to know Congressman STOKES and his late brother, Carl, who served as Mayor of Cleveland and later Ambassador to the Seychelles.

As you know, it was Congressman STOKES who managed that election in the late sixties, and it was his skill and Carl's ability that made that election successful, the first major city in the eastern part of the United States to elect an African American mayor, at a time when there was a tremendous amount of civil unrest. In my City of Newark, in 1967, there was a rebellion and 28 people were killed. So it was a time of great tenseness. But it took a combination of a LOU STOKES managing and a Carl Stokes, descendants of slaves, out opposing a descendant of a former president, if my facts are correct.

So Mr. STOKES has done so much. My brother Bill, who is now a New Jersey assemblyman, and I were fortunate to form a friendship and working relationship with LOU and Carl, and we certainly were deeply saddened by Carl's passing in 1996.

Congressman STOKES has been a true friend, going the extra mile, and never asking for anything in return. When I decided to run for the prestigious and awesome position of Chair of the Congressional Black Caucus in 1993 to serve in the 104th Congress, I went to

Congressman STOKES and said I was interested and sought his approval. He simply gave me advice and encouraged me to move forward. He said, ''It is going to be a tough election, but, more importantly, if you are successful, it is going to be a tough position, and if you are not ready for it, don't seek it.'' I assured him I was ready, and, once I was elected, I always looked to Mr. STOKES for guidance.

Recently on an occasion I had the privilege just several months ago for Mr. STOKES to visit my district. He was kind enough to accept an invitation to be a guest speaker at an event in my honor. Mr. STOKES is very punctual, and he got to my city about an hour early. I had to rush and speed up to meet him at the airport. We decided, since we were early, we had a few moments, and stopped by a local eatery in my district called Mrs. Dee's.

Well, I go there often, but I never get the excitement that I got when Congressman STOKES came in. Even people in my district who did not know who I was ran up, and I said gee, I guess I am moving up in my recognition factor. And they all rushed right by me to grab Congressman STOKES and said, ''We are so happy to see you.'' I looked around, and the place went by me to just shake the hand of Congressman STOKES. That is the type of person he is. We were so honored, because he is a man of humble beginnings.

Recently many of you may know he received an award for being one of the most prestigious ''graduates,'' I guess we could say, from public housing, and that was a great honor, to be recognized in this country as a person who really looked out for the little guy, for those struggling on a daily basis to hold their lives together, to provide for their children.

When I walk through my district, I see visible reminders of what LOU STOKES has produced during his years in Congress. As a senior member of the House Committee on Appropriations, Congressman STOKES' door was always open. When I sought his assistance for initiatives of importance to my constituents, because of his efforts, we have been able to make improvements in housing, to restore a public park known as Weequahic Park, to help abandoned infants and children stricken with HIV, to train students for health and science-related work at a site called Science Park, to take a rundown and economically distressed area and turn it into a revitalized waterfront, and now we have a world class performing arts center.

Congressman STOKES has been a tireless crusader for what is right and just. He has made an enormous contribution to the field of health care, notably minority health issues, which have been shortchanged for so many years.

Mr. Speaker, we will surely miss our friend LOU STOKES and Jay, his wonderful wife, but we know that he will continue to use his talents and to voice his concerns long after he leaves this institution. We wish him well as he enters the next phase of his life, and we thank him for all he has done for this institution and for his country.

When this CONGRESSIONAL RECORD is printed tonight, when I receive my copy tomorrow, I am going to have copies sent to my local libraries, and we are going to have copies made to distribute to students in my district who feel shut out, who feel that they cannot make it. I am going to ask teachers to use this CONGRESSIONAL RECORD as a teaching tool, so that they can understand how many great African American persons are still amongst us.

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

Mr. Chairman, I rise this evening because I have LOU STOKES on my mind and LOU STOKES in my heart. I never met a man who exudes the kind of quiet leadership, the kind of quiet power, who has ever exuded the kind of excellence that LOU STOKES exudes on a day-to-day basis.

LOU STOKES' quiet leadership has endured throughout his tenure in this body. We have heard other Members talk about his soft-spokeness, but even with that soft-spoken voice, his message has resounded beyond the halls of this Congress.

When he speaks, his views contain a depth of knowledge and understanding and compassion that is unsurpassed. LOU STOKES has been an unwavering knight fighting on behalf of the underserved, those who have no voice, those who are outcast in this society. He has used a sword of public consciousness to slay the dragon of indifference. No matter what the issue is, whether it is housing, health care, civil rights, he has always remained at the roundtable of courage.

LOU STOKES, Mr. Chairman, is an individual that you cannot help but love and respect.

Mr. Chairman, I believe that God almighty ordains us, calls us to different types of ministries, and I believe that God has called LOU STOKES to the ministry of public service. I know that LOU STOKES has answered that call, because I know that people who right now feel as though they have no friend at all in government, who feel as the government does not represent them, does not care about them, I know that they all feel a certain affinity and love and respect for LOU STOKES, because LOU STOKES goes against the grain.

□ 1915

He stands up and represents those who are disheartened, those who are dispossessed, those who are outcasts. I have such a profound respect for LOU STOKES, Mr. Chairman, that I cannot even express it in words. I have such a love for this man, for his quiet strength, for his example.

Mr. Chairman, he is like still water that runs deep. He is a man who has compassion and understanding. He serves as an example for us all, Mr. Chairman, and for all of those young men, poor young men who feel a certain hostility toward the world because the world has not shown any love and compassion to them. LOU STOKES serves as an example for those who are suffering in public housing projects throughout this Nation today; for those individuals who are hungry as we speak; for those individuals who find themselves in the most humble of existences. He serves as a solid example for us all.

Mr. Chairman, I just want to take a moment to inform Members about a young man, 22-years-old, who decided at an early age that he was going to fight for change in America, a man who decided that after serving in the army for 4 years, that indeed, he was going to put on a new uniform, a uniform fighting for those who were being discriminated against and fighting for those who were victims of prejudice and biases. This young man joined an organization, Mr. Chairman, and it was a very controversial organization, and indeed, this organization stood for defending itself against one of the many issues that confronted people, police brutality, in the City of Chicago. This was in late 1969.

There was an altercation with members of the Chicago police department. Two members of this organization were killed and 7 members were wounded. Young people 17, 18, 19, 20, 21, 22, 23 years old who found themselves in this organization felt as though the world had turned upside down, the world had turned on them. The law enforcement agencies of this country had aimed their mass weaponry at these individuals. They did not know which way to turn, looking at the military might of the law enforcement agencies of this Nation. After Fred Hampton and Mark Clark were killed, chaos reigned, fear reigned.

Mr. Chairman, at a certain moment in time in Chicago, Illinois on the West Side, LOU STOKES led a contingency of black Congressmen into Chicago to find out what was going on, to expose the injustices that existed at that time, and, Mr. Chairman, I say to my colleagues today that his courage in leading that group of Congressmen into Chicago deflected the bullets that were aimed at those members of that organization. I say to my colleagues, Mr. Chairman, that right now there are only 2 members of that delegation that serve in the Congress today: The gentleman from Missouri (Mr. CLAY) and the gentleman from Cleveland (Mr. STOKES).

This 22-year-old young man who found himself as a member of that organization at that time, the Black Panther Party, now finds himself as a colleague of LOU STOKES in the United States Congress. And I know, Mr. Chairman, that my road would not have led here if LOU STOKES had not taken a moment out of his busy life to visit the West Side of Chicago to find out for himself what was going on.

That if, indeed, he had not armed himself with the shield of public consciousness and with a shield of public opinion to deflect those bullets, then I would not be here today.

Mr. Chairman, since I have become a member of this Congress, and in my life I have led a pretty full life, I have seen all types of individuals who call themselves leaders, who want people to follow them wherever they may lead. But Mr. Chairman, I say to my colleagues, there is only one endearing kind of leadership, there is only one quality that means so much that people will follow, and that is the quality that LOU STOKES has.

Indeed, Mr. Chairman, he is a quiet warrior, but a very, very effective warrior. He is not a flash in the pan, he is a person who endures. His example will be a beacon light for all of those who follow; his example will be a beacon light for all young men in America who want to rise above their conditions and become and assume the mantle of greatness.

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, just about a week or so ago I told Congressman STOKES that I had been preparing remarks for this occasion. The truth of the matter is, Mr. STOKES, I really do not want to say goodbye, and that is the honest to God truth.

On the day that Congressman STOKES was born, February 23, 1925, there was no African-American representation in the United States Congress. In fact, there had not been for a quarter of a century since January 1 of 1901, when George White of South Carolina said that, ''One day, Phoenix-like, we will be back.'' There had been 22 African-Americans that had served in Congress between 1870 and 1901, the first Congressional Black Caucus, but we did not return until Oscar DePriest, a Republican from Illinois, won the election in November of 1928. LOUIS STOKES at that time was 4 years old.

Forty years later, LOUIS STOKES was elected to the United States Congress on his first bid for public office, the first and only African-American ever elected to Congress from the Buckeye, or as the politics were known 130 years ago, the butternut State of Ohio. I am the 91st African-American ever elected to Congress. Congressman STOKES was elected to the 91st Congress and has served 15 consecutive terms 30 years since then. I was 3 years old when he came to this institution.

For perspective, there are been 11,544 Americans to serve in Congress, and only 103 African-Americans have ever had the privilege of serving in the Congress and in the Senate. Of the 103 African-Americans who have served in Congress, LOU STOKES, Mr. STOKES, is a world historical figure.

As a founding member of the second and current Congressional Black Caucus and as the Chairman of the CBC's Brain Trust on Health, he is the leading African for addressing health care needs in African-American communities. To his leadership on the special Committee on Intelligence, investigating the possible conspiratorial deaths of Martin Luther King, Jr. and President John F. Kennedy, to his current role as the third ranking minority member on the Committee on Appropriations, to the ranking minority members of the Subcommittee on Veterans Affairs, Housing and Urban Development and Independent Agencies, to his 11th ranking seniority among all Members of Congress, to his ninth ranking membership amongst all Democrats, to the recent passage on June 9, 1998 of H.R. 1635, the National Underground Railroad Network to Freedom Act, he has been a good man and an effective legislator.

With elections every 2 years for 435 Members of this body, some Members come and go having never left their mark or impacting the lives of their constituents. But as a result of his 10 tours in this body, our young people can grow up with greater expectations and brighter futures, with more health care options, with better affordable housing options and more equal educational opportunities.

I am here today to say thank you to LOU STOKES, thank you because there have been in his 30 years no letdowns, no scandals, no public embarrassment, no funny money, nothing that has shamed us. Nothing that is associated with the name ''Mr. LOU STOKES'' that brings a lack of dignity to those of us who long so hard for the opportunity to serve. So, I cannot honor Mr. STOKES enough.

When I first came to Congress all of my colleagues said, please call me by my first name because we are colleagues now. Chairman LEWIS says, call me JERRY and RAY LAHOOD says, call me RAY, and ROEMER says, call me TIM, and others want to be called by their first name. But I always called Chairman STOKES Mr. STOKES. Why? Because I cannot thank him enough for all of the health care that he has fought for, for all of the options that he has fought to open up America for more people; I cannot thank him for every affordable housing fight that he participated in. I cannot thank him for every dollar that he appropriated for historically black colleges. I cannot thank him enough for all that he has done for so many families, for people that do not even know his name, I cannot say thank you enough. So the only way that I have honored Mr. STOKES is by calling him Mr. STOKES.

Mr. OBEY. Mr. Chairman, I think everyone here has enjoyed the comments that we have heard about our colleague, LOU. As my colleagues know, we have a lot of business yet tonight. There is no desire on the part of anyone to prevent anyone from speaking, but in order to avoid some time problems, I think it would be useful if we could get an agreement.

I asked LOU if he thought it would be appropriate so that we do not unfairly shut this off, and yet can move on with our business, to ask unanimous consent that this continue for another 10 minutes with the time being divided equally among those who still would like to make comments, and then we can move on to a call of the House so that LOU can respond to all of these comments when we have a full House, and then we could move on with the rest of the evening.

Mr. Chairman, I asked the gentleman from California (Mr. LEWIS) if this meets with his approval, and it does.

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

There was no objection.

Mr. OBEY. Mr. Chairman, could I ask the Chair to ascertain how many speakers remain so that we can divide the time?

The CHAIRMAN. The Chair would request that all individuals wishing to speak so notify. Apparently 5, the Chair would state to the gentleman from Wisconsin.

Mr. OBEY. Five people, all right.

Mr. Chairman, let me explain to my colleagues. All we need is to know how many people want to speak and then we will divide the time equally so that everyone gets a fair shot at it.

The CHAIRMAN. The responsibility of counting has been left to the gentleman from Wisconsin.

Mr. OBEY. Well, I see 140.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 10 minutes.

Mr. OBEY. Mr. Chairman, I will get a list and I will yield to everyone 1 minute.

Could I start by yielding 1 minute to the gentleman from Louisiana (Mr. JEFFERSON).

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Mr. JEFFERSON. Mr. Chairman, I wanted to say something to the gentleman from Ohio (Mr. STOKES) tonight. I will not have time enough to say all that I want to say, but it is time enough to bring an end, someone had to, a merciful end, to this line of tributes to the gentleman.

LOU, I want to say what has struck me most about you is your capability for love for all of your colleagues, for the institutions that has served us all so well, the Congressional Black Caucus and the many other institutions here, and for the institution of Congress itself. That you have a great and enduring sense of humor. You and I find time to laugh on this floor all the time, and you have proven you can have fun and get something done and that while we have serious business to conduct, we do not have to take ourselves too seriously.

You have been deeply concerned about affecting the lives of other people. Your work has actually done that. The children who have lived in public housing over the years, and who live there now, people who are aspiring to get a house for the first time with the

help of your committee, and the veterans who have given so much to their country are benefiting from what you have done. Long after you are gone, not generally from this place but from this Earth, there will be folks whose lives have grown out of your life. You have made a difference from that respect.

LOU, you are the best example of a Congressman that I have encountered in this body and I hope that in some small way I could be an example for others as you have been to all of us.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, as Mr. STOKES well knows, there is not one of us that did not want to come to the floor and share with him his life, his life history and his eloquence.

Mr. STOKES, you were elected to this Congress in 1968, the year of the assassination of Dr. Martin Luther King and Bobby Kennedy. You also rose to the highest heights of arguing in the United States Supreme Court; you eloquently made the argument that just because of the color of your skin, you should not be stopped along the streets and highways and byways of this Nation without any rhyme or reason. The Supreme Court agreed with you.

I thank you for who you are. You know, I claimed you long ago as a mentor. When I came to the Select Committee on Assassinations, it was your kindly demeanor that encouraged me as a young committee staff attorney to become involved in public service. You have no shame of being an African-American. I think the fact that we come here and say you are the first of this and the first of that, there is no shame because you have led the way.

On behalf of black institutions like Texas Southern University and other such colleges around the Nation, we thank you for being the father of traditionally black colleges. And all of America thanks you for helping the least of our brothers and sisters, whether they are in Appalachia or Cleveland or Houston or Los Angeles or New York. You made sure they were housed, you made sure they were fed, and you made sure they had good medical care.

To your wife, Jay, and the family, I say we love you and we believe that this Nation's fabric will be woven with your legacy.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I simply want to echo the sentiments that have already been expressed by all of my colleagues, that LOU STOKES has no peer when it comes to service, dedication, and generosity.

We have already heard of all of his accolades. I guess Kipling must have been thinking about him when he penned those words that said, ''If you can walk with kings and not lose the common touch, if all men matters with you, but none too much.'' And finally LOU, ''If you can feel the unforgiven moment with 60 seconds worth of distance run, yours will be the world and all that is in it. And what is more, you are a man, my son.''

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me this time.

Mr. Chairman, although I have only had the privilege of serving with Mr. STOKES for the past 11 years, our families go way back. And so it is a personal as well as congressional privilege to rise and pay homage to him.

Since the time has been shortened, I will have to associate myself with the remarks of our colleagues who have gone before and just to say that the STOKES name is legendary in my family. My brother, Thomas D'Alesandro, III, served with Carl Stokes as mayors in the late 1960s and 1970s, those difficult urban years. Carl Stokes was one of the first black mayors of a big American city, mayor of Cleveland.

And LOU STOKES, there are some people who are just born with a special grace and those of us who are fortunate to work with them know who they are. Every day that we come to work we learn from you. Every day that we come to work we are inspired by your fight for people with AIDS in the minority community, your fight for economic and social justice, the lessons you teach us on how to resolve conflict in a gracious manner.

I always say that the greatest tribute to Mrs. Stokes, your mother, is the wonderful public life and private lives of Carl and LOU STOKES. Carl went on to be ambassador to the Seychelles. And now my daughter is a friend of young Carl Stokes in California, so the tradition goes on.

Mr. STOKES, you will be sorely missed. It was a privilege to call you colleague.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. STOKES, I think you know a lot about somebody by the company they keep and by the family and the service that they have provided to this country. You come from such a distinguished family of service. Your brother Carl Stokes and you have been the epitome of a public servant.

I remember going before the Committee on Appropriations not too long ago as a freshman and testifying on Close-up and TRIO. It was a long day. You had heard probably 10 or 11 hours of testimony, but when somebody testified about helping kids and the underprivileged, you perked up. You asked all kinds of questions and you said, ''We have to support those programs.'' That was the example that LOU STOKES showed to me.

You have also always stood up for the economically disenfranchised, for the emotionally discouraged, and you have lived Bobby Kennedy's slogan: When one of us prospers, we all prosper. When one of us fail so do we all.

You have ensured so much prospering on the part of the underprivileged and tried to ensure so little failure. We all thank you and salute you.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Mr. Chairman, I am happy to join my colleagues in expressing my views and my feelings about LOU STOKES.

LOU STOKES is a very interesting person. He has the ability to persuade. I remember some years ago when I was chair of the Congressional Black Caucus that a group in Cleveland had invited me to speak. I indicated to them on the phone that I could not do it. I sent them a later indicating that I could not do it, and then I had my staff to tell them that I could not do it. And all the sudden I am walking and LOU stopped me and put a hand on my shoulder and said I would like very much for you to go and address the group in Cleveland. And I said, ''LOU, I would be delighted to go and address the group in Cleveland. But I have a problem. I have already sent them a letter.'' And he said, ''I am sure you could straighten that out.''

Mr. Chairman, I must admit I sent them a letter saying it was a mistake, I would be coming. I want people to know that LOU STOKES is very interesting in a lot of ways.

Also, another thing I would like to comment about the gentleman, being around this body here now for 16 years and watching Members, LOU is special in another way. When you ask Lou for help, he does not do like a lot of Members in this body, call a press conference on you. LOU is not the kind of person that when you ask for help he calls a press conference, and then when he indicates he is going to help you he calls a big process conference. And then if he does it, he calls a real big one.

He is not like that. LOU STOKES is the kind of guy that very quietly will do whatever he can do to make life better for you as a Member and your constituents.

Lou, we will miss you in this body. In all the years that I have been here I cannot think of a finer Member than LOU STOKES. What a man. What a man. We will miss you.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I have been in and out of the Chambers for the last several hours waiting for an opportunity to come in and say a few words. This has really been unprecedented to see so many Members want to come forward to pay tribute to our colleague. One minute is inadequate but so would 5 minutes be inadequate to say the kinds of things that LOU STOKES deserves to hear.

Different Members leave different imprints for their service. Few Members can match the difference that LOU STOKES has made in this country and in this institution.

First of all, as a colleague, he has always been helpful to people. His integrity, his intelligence, his dedication to public service stand out and he will always be an inspiration to all of us. He has made a great difference to people not just in his district but all around the country when it comes to questions like housing and education and health care and environmental questions. I think that it is important for us to pay tribute to him.

I want to take this moment to thank him for his friendship. He will always serve to me as a model for what a legislator ought to be.

Mr. OBEY. Mr. Chairman, I yield one minute to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Chairman, I would like to briefly pay tribute to one of my heroes, too. Mr. STOKES is just a tremendous, tremendous person. Earlier this year I spoke, following MAXINE WATERS and Congressman STOKES, to a group here in the Capitol, and as I explained to the people, following MAXINE WATERS and LOU STOKES, you are the two people in this Capitol that are unique. One could heat this place up faster than anybody and the other could cool this place down faster than anybody. Those are both valuable tools and they are wonderful tools to have.

He is a man I have tremendous respect for, just tremendous respect, because he is a kind person and he treats people with respect. He treats issues with integrity and that to me is the most important thing a person can bring to this Chamber.

So when you go home tonight, LOU, I want you to think about Sally Fields when she accepted that Oscar and you can say, you do not have to say it here but you can say it there, you can say they really liked me because, LOU, we really like you.

Mr. OBEY. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I would simply say I know that this has taken a long time tonight and I know that it has made some people nervous who want to get on with the business of the House. All I would say is with all of the matters that come before this House that divide us, I think it is good and crucial that from time to time we have moments of grace like this which make this place in the end a much better place for all of us to work in.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today to pay tribute to a great friend and a valued colleague. LOUIS STOKES has been a trailblazer and, indeed, he blazed the trail for me and many others who have struggled against racism, prejudice and economic injustice. Since 1968, Congressman STOKES has dedicated himself to fighting for economic and social justice for all Americans, regardless of race, creed, color or gender. While he has been a steadfast champion for the rights and welfare of his constituents in Cleveland, he has been no less dedicated in his pursuit of equality and fairness for all of America's—and the world's—disenfranchised, downtrodden and persecuted people. I looked to the example of Congressman STOKES' service in Congress as a guide during my service in the Texas House and Senate before I came to Congress. I took heart from his determination and perseverance in the face of long odds during my struggles to advocate for the poor and dispossessed. As an African-American, I owe Congressman STOKES a particular debt of gratitude.

LOUIS STOKES exemplifies the finest qualities of leadership, dedication to public service and compassion for his fellow men and women. He has served with distinction in the House, including his chairmanship of the VA–HUD Subcommittee on the Appropriations Committee for 2 years beginning with the 103rd Congress and two stints as Chairman of the Ethics Committee during his 30 years in the House. Congressman STOKES stands as a living symbol of the American dream, rising from humble beginnings to the halls of Congress, the legislative body for the most powerful country in the world. It is noteworthy, that Congressman STOKES has never forgotten where he began, that he has remained committed and loyal to the community that nurtured him in his youth.

Since my election to Congress in 1992, I have turned to LOUIS STOKES for advice and counsel, for guidance on how to increase my effectiveness as a representative of my constituents. Congressman STOKES has always been unfailingly helpful and generous with his time and support. Congressman STOKES possess an amazing ability to bring clarity to debates, to cut to the heart of the issue that is being debated. He possesses an equally special talent for offering fair and equitable solutions to problems that seemingly are intractable. His knowledge, wisdom and leadership will be sorely missed in Congress by Democrats and Republicans.

In considering the sadness of Congressman LOUIS STOKES' retirement from Congress, there is only one bright spot. The Stokes family, who unselfishly surrendered husband, father and grandfather because of the demands of public service, will now have the opportunity to reclaim his time. It is my hope that, while he will be no stranger to Washington, that he will take a well-deserved rest and enjoy the luxury of having quality time to spend with his family. In closing Mr. Chairman, I thank Congressman STOKES for his leadership and friendship over the years, and I wish him all the best for the future.

Mr. PORTMAN. Mr. Chairman, today I rise to pay tribute to my friend and colleague from Ohio, the Honorable LOUIS STOKES, and to honor him for the many accomplishments of his distinguished career. It has been an honor to serve with him in the United States Congress.

I had the pleasure of working closely with LOU STOKES and his dedicated staff on the Underground Railroad legislation. This legislation will create the first link of sites connected to the Underground Railroad, many of which are in danger of being lost. During our three years of hard work on this bill, I had the benefit of his guidance and counsel. LOU was willing to make this effort a completely bipartisan one. His commitment to the passage of the legislation never wavered, and President Clinton signed the bill this week.

LOU's accomplishments are numerous. He successfully argued a landmark case before the U.S. Supreme Court. He served as Chairman of the House Committee on Standards of Official Conduct, Chairman of the House Permanent Select Committee on Intelligence, and Chairman of the House Select Committee on Assassinations. Most importantly, he met the needs of his constituents as only a true public servant could do. I have seen firsthand the enormous respect LOU has both at home and nationwide. All of us in Congress will greatly miss him.

Mr. THOMPSON. Mr. Chairman, as we debate the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for Fiscal Year 1999, I rise to pay tribute to Representative LOUIS STOKES for his twenty years of dedicated work on the subcommittee responsible for much of the work on this bill each year. Representative STOKES has always been a stout defender of the progressive and innovative efforts included in this legislation which seek to provide more Americans with the opportunity to fulfill their dreams.

Representative STOKES' career on the Appropriations Committee and the Subcommittee on the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations has left a mark forever on this House, and most importantly, on the lives of countless American families. I wish him luck and Godspeed in his well-earned retirement.

Mr. GILMAN. Mr. Chairman, I rise to join my colleagues to pay tribute to a Member of this body who will soon be leaving us but who will long be remembered.

LOU STOKES first came to Congress in 1969. In many ways, America was a different nation and this chamber was a different body back then. The concept that all Americans, regardless of race, creed, color or background had an equal place at the national banquet table was still new to many in our society. While our nation had theoretically believed that ''all men are created equal'', in reality it was only eight years since we elected our first non-Protestant President, and the number of Afro-American Members of Congress, or for that matter, women, could be counted on one hand. LOU STOKES' first election to Congress came only two years after the election of the first Black to the Senate since reconstruction.

LOU STOKES was in so many ways a pioneer and a trail blazer who by word and example inspired a generation of leaders who have come after him.

While I have admired LOU in many ways, I most value his active, enthusiastic participation in our U.S. Congress-Korean National Assembly Student Intern Exchange Program. He is the only one of my colleagues to have participated in this program since I initiated it in 1984. He encouraged young people from his own district to apply, and also welcomed Korean students to his own offices with open arms. LOU did this because he always believed in universal brotherhood. He contended that prejudice and bigotry are eradicated by knowledge and understanding, and he was a true champion of standing up for these beliefs.

Although LOU has compiled an enviable record in this chamber, many of us believe he takes the greatest pride in the success of his

daughter, Lori, who used to be a news reporter on ABC and is now one of the most respected of all commentators on CNN. The fair, balanced, and intelligent presentation of the news which has become the hallmark which has made her the talk of the nation reflects the values her father placed upon her.

To LOU, to his wife Jeanette Francis, and to all four of their children, we extend our best wishes for many happy, healthy, and productive years ahead and we assure you all that this great Member of Congress will long be missed.

Mr. LEWIS of California. Mr. Chairman, as I remind myself of that wonderful sign on a great building in Sacramento, California, ''bringing us men to match our mountains,'' I ask unanimous consent for a call of the Committee.

The CHAIRMAN. Without objection, a call of the Committee is ordered.

There was no objection.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 333]

Abercrombie
Aderholt
Andrews
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Borski
Boswell
Boyd
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Farr
Fazio
Filner
Foley
Forbes
Fossella
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Oberstar
Obey
Olver
Oxley
Packard
Pallone
Pappas
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Rush
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wilson
Wolf
Woolsey
Wynn

□ 2003

The CHAIRMAN. On this rollcall, 352 Members have recorded their presence by electronic device, a quorum is present, and the Committee will resume its business.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from California (Mr. LEWIS) is recognized for 5 minutes.

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I ask for this time simply by way of saying that we have just been through one of the more phenomenal experiences I have ever experienced in the Congress, where spontaneously this body reflected upon their own reactions to one of our colleagues in a way that can only be the greatest of tributes to LOU STOKES and his family.

Mr. Chairman, for all the time I have been in the Congress, it has been my privilege to work with, get to know well, and now have as one of my finest friends—LOUIS STOKES. When I first met him, I knew immediately of the pride with which he looked to the work of his brother, Carl, in his great mayorship that really set a tone for the country.

Over the years, he has talked about others and the contributions they have made. Seldom, seldom could you even get a hint that he had any idea of the impact that he has had upon this body and upon the country.

So, it is my privilege at this time to yield to my colleague, the gentleman from Ohio, LOUIS STOKES.

Mr. STOKES. I want to thank my distinguished chairman of the subcommittee, the gentleman from California (Mr. LEWIS) for yielding to me. But more than that, I want to thank him for providing for me today the greatest day that I have ever experienced in the House of Representatives.

JERRY, you and I have had a very special friendship and a very special relationship as colleagues. I have enjoyed working with you. You are someone for whom I have great respect and admiration not only for your hard and tireless work efforts in this House but because you are bright and because you are caring and you are sensitive, you are trustworthy, and you are loyal.

You have been my friend. My wife Jay and I had the privilege of enjoying the friendship of both you and your lovely and charming wife Arlene, and it is something that I would cherish for all of my life.

Along with you, I want to thank the distinguished ranking member of the Committee on Appropriations, DAVE OBEY, with whom I have served now almost 30 years, and on some committees we sat right next to each other for many, many years, worked together on many projects.

I have known a lot of people in the House over 30 years. There is none for whom I have greater respect and admiration and none whom I consider more of a legislative giant than the gentleman from Wisconsin.

DAVE, I want you to know that I have enjoyed your friendship, I have appreciated it, I admire you for everything you stand for, and I appreciate all that you have represented to me and to your colleagues in this country. It has been a great honor serving also with you.

To BOB LIVINGSTON, our ''big chairman,'' as we refer to on the Committee on Appropriations, I want you to know, Mr. Chairman, that you and I, too, have had an excellent working relationship over the years. I served under 6 chairmen of the Committee on Appropriations over the 30 years. Twenty-eight years I have served on that committee. You have been an excellent chairman. You have not only been a friend to me, you have been someone who has always been courteous and fair and considerate. And all of us in this body have great respect and admiration for all that you stand for, not only this body but in this country, and I thank you for the privilege of serving with you.

To each of my colleagues who have spoken here this afternoon in what has been to me the greatest experience of my career, in the 30 years that I have served here, I have never seen the type of tribute that was accorded me this afternoon.

I have been touched and moved in a way that I would never forget. Your words today will linger on in my heart for the rest of my life. It will help embellish the enriching experience I have had of serving here with those of you whom I consider to be the finest people in the world.

I have oftentimes, sitting on the floor or standing in this well, pinched myself and asked if I was really here on the floor of the House of Representatives. I was not destined to be here. I was not one who was destined to ever serve in the House of Representatives.

As you have heard this afternoon from many of the speakers, I was born in Cleveland, Ohio, born in a family where a young woman and a young man fell in love and got married and had two children. Then, when I was 3 years of age, my brother was a year old, our father died.

So my mother was left a young widow who had only an 8th grade education. She had come from the South looking for a little better life for herself other than working in the cotton fields in Georgia. And here was a lady with only an 8th grade education with two young boys, one 3 and one a year old, to try and raise.

So she did the best thing she could do. She became a domestic worker. She went out in the heights in the suburban areas around Cleveland, in the areas that I now represent in the United States Congress, the rich, wealthy, white people's homes, where she scrubbed their floors, served their dinners, took care of their children, washed their clothes, cleaned their windows for $8 a day and bus fare. And she found that she could not raise those two boys on $8 a day and bus fare, so she also went on welfare.

But during that period of time, she used to speak to both Carl and I and tell us to ''grow up to be somebody.'' She used to tell us to ''get an education.'' Her greatest dream was that those two boys would some day get a high school diploma. She knew that she could not send us to college. But in her dream, she wanted to see us both get a high school diploma. Because she had great faith in this country and she believed if these two black boys in Cleveland could just get a high school diploma that they could be somebody.

And she used to always say to us, ''get something in your head so you do not have to work with your hands like I have worked with my hands all of my life.'' And I never really understood what my mother was talking about until one night she was very ill and I heard her in the bedroom moaning with pain and I went into the room and I sat down by the bed, and she was in such great pain that I reached out and grabbed both of her hands to try to give her some solace, some comfort.

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When I felt those hard, calloused hands from scrubbing people's floors, I began for the first time to understand what she meant when she said, ''Get something in your head so you don't have to work with your hands like I have worked with my hands all of my life.''

I went on to get my high school diploma and was drafted into service in World War II. My brother Carl dropped out of school at 16. Carl quit school, went out to Republic Steel to get a job, sweeping floors. Shortly after I was drafted, he too was drafted into the service.

When I came out of service, I realized that I needed an education, I wanted an education. Fortunately some people in the United States Congress whom I never saw, whom I never knew, had the vision to provide something called the GI Bill of Rights. And so I took advantage of that.

I went home one night and told my mother that I was going to go to college and she said, ''Well, what would you do?'' And I said, ''I get $95 a month and I'm going to go to Western Reserve University full-time.'' She said, ''You can't do that. You have to go to work.'' She said, ''I've spent all these years just trying to get you and your brother a high school diploma. I need you now to help me.''

She was right. And so I went and got a job. And I went to college nights. I worked a job all day and went to college nights. I went on from there to law school. I went to law school, worked a job all day, went to law school five nights a week, sat in law class from 6 to 10 every night and studied all weekends in the library.

Carl when he came out at 21 years of age went back to East Tech High School because he saw I was going on to college. He went back to high school at 21, got his diploma, followed me then into college. Much of the rest is history. He went on to become the first black Democrat to ever be elected to the Ohio legislature, then became the first black mayor of any major American city. He served two terms. He went on to New York, he became an award-winning Emmy TV anchorman. He came back to Cleveland, went back in the practice of law, got elected to a judgeship, and then President Clinton appointed him as the United States ambassador to the Seychelles.

I on the other hand spent 14 years practicing law as a criminal trial lawyer. I had the opportunity to participate in three cases in the United States Supreme Court and, as you have heard on the floor today, argued Terry v. Ohio which has become a landmark case in criminal constitutional law.

In this body, I was given some very historic assignments: The privilege of chairing the Ethics Committee twice where we handled Abscam cases. We handled the sex and drug cases involving Members of Congress and the pages. The last case we handled was that of Geraldine Ferraro when she was running for the vice presidency of the United States. I was given the privilege of chairing the Assassinations Committee investigating the assassinations of two of the greatest men, two of the greatest Americans who ever lived, President John F. Kennedy and Dr. Martin Luther King. I was given the privilege of being the first African-American to chair the Intelligence Committee of the House. The only African-American that served on the Iran-Contra committee. I was a part of the team sent to Grenada to investigate the invasion by the United States of that tiny island Grenada.

And so I have had a great and wonderful and historic career here. This is why on so many occasions I have pinched myself to ask that this man, brought up in the housing projects of Cleveland, my mother scrubbing floors, winds up standing in the well of the United States Congress.

Today as I say farewell to the House, having had the privilege of working on my last VA-HUD bill, I can only say to all of you that I am proud that I am an American. No matter what gripes we have, this is the greatest country in the world. The story I have recited to you today of the Stokes brothers could only happen in America. Only in America, Mr. Chairman. Only in America.

Mr. LEWIS of California. Mr. Chairman, I proudly yield back the balance of my time that LOUIS STOKES and I had together.

The CHAIRMAN. The bill is open to amendment from page 52, line 3 to page 65, line 16.

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

As many Members know, I have submitted an amendment that would amend the language in the bill submitted by the gentleman from Michigan (Mr. KNOLLENBERG). The gentleman from Michigan's language makes it clear that no funds appropriated to the Environmental Protection Agency could be used in the implementation or contemplation of implementation of the Kyoto protocol.

In discussion with the advocates for this language on both sides of the aisle, the gentleman from New York (Mr. BOEHLERT), the gentleman from California (Mr. WAXMAN) and others, I have decided, Mr. Chairman, not to offer my amendment, but I would like to take this time to address the House as to why it is that I thought it was important to offer this amendment in the first place.

The issue of the Environmental Protection Agency's activities with regard to greenhouse gases has created suspicion on both sides of the argument. Suspicion on the part of industry that the Environmental Protection Agency would take a backdoor approach to implementing Kyoto. That is a legitimate concern. In fact, the United States Congress, namely, the Senate, has not given the authority to the Environmental Protection Agency to implement Kyoto and it should not do that without the proper authorization. On the other hand, Mr. Chairman, the environmental advocates in this country

are concerned and have a deep suspicion on the other side, and that is that the Knollenberg language would not be used simply to prevent EPA from implementing Kyoto but in fact would stand in the way of the Environmental Protection Agency's legitimate role in studying greenhouse gases and modeling $CO_2$ throughout the atmosphere and implementing voluntary reductions and promoting technology that would reduce carbon dioxide and in fact regulating other pollutants such as mercury in a way that has the least impact on the emissions of carbon dioxide.

Why is this important, Mr. Chairman? Why is it so important that we ensure that the Environmental Protection Agency is not stripped of these powers? Mr. Chairman, regardless of where one stands on the issues of climate change, there are certain facts that are absolutely beyond scientific dispute. One of them is that we are carbon-loading the atmosphere. We have been carbon-loading the atmosphere since the dawn of the Industrial Age. The percentage of carbon dioxide in our atmosphere is now 20 percent over what it was before the Industrial Age began. The biosphere in fact consumes carbon dioxide and turns it into oxygen. Some of my colleagues and others have said, ''Well, that is the harmless and natural state of the planet.'' Well, it is except to the extent that the human race in burning fossil fuels, coal, oil, gas, wood at an increasing and dizzying pace over the last 100 years has increased the carbon dioxide emissions into the atmosphere far more than they can be consumed by the biosphere, and the trends are known that this will get worse until we humans learn to build societies that can meet the needs of our people without unbalancing that thin and precious and delicate layer of the atmosphere that allows us to live in this thin band of temperatures in which humans and other life on this planet can live.

Mr. Chairman, we have to lead the world in research on global change, climate change. We have to lead the world in research on greenhouse gases. We cannot shrink from that. We cannot be in denial regardless of the interests that would have us do that. Some of my colleagues in the earlier debate this morning talked as if it were clear that we are experiencing global warming today. We cannot prove that, Mr. Chairman. We do not know that. What we do know is that this planet and its life is far, far too precious for us to be cavalier about this issue. Our children certainly will live in a world affected by what we do in our generation, in our time with regard to greenhouse gases.

Mr. Chairman, I will not offer this amendment this evening, but those of us who care passionately about this issue will watch the effects of the Knollenberg language. If the Knollenberg language does what its advocates purport it to do, and, that is, to simply prevent the implementation of Kyoto in ways that are unauthorized, then that will be fine and we will move on from there. But if this language, Mr. Chairman, is used to subvert EPA's legitimate role in studying carbon dioxide and other greenhouse gases, then we will be back here next year and we will fight and we will not withdraw amendments because we stand firm on the proposition that the Environmental Protection Agency must lead this Nation in the study of this phenomenon.

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The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. GREENWOOD) has expired.

(On request of Mr. WAXMAN, and by unanimous consent, Mr. GREENWOOD was allowed to proceed for 5 additional minutes.)

Mr. GREENWOOD. Mr. Chairman, I am happy to yield to my colleague, the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Chairman, I want to identify with the outstanding statement of my colleague from Pennsylvania who has been a leader in this area.

Mr. Chairman, I rise in strong support of the intent of the Greenwood amendment. While my colleague will not formally offer the amendment, it's important to understand precisely what is at stake in this critical debate.

This debate is not about the Kyoto Protocol. The Kyoto Protocol could not—and should not—be ratified in its current form, and no one should behave as if the treaty has been ratified. On that there is total agreement.

The problem is this: the fact that Kyoto is not acceptable right now doesn't mean that climate change is not a potential threat. It doesn't mean that we know everything we need to about greenhouse gas emissions. It doesn't mean that we shouldn't be encouraging actions that would reduce greenhouse gas emissions.

So how do we strike a balance? How do we ensure that Kyoto is not implemented while still allowing sensible research and planning and thinking about greenhouse gas emissions to go forward? The answer is: we strike a balance by supporting the Greenwood approach.

The Knollenberg language is a classic case of overreaching. In their zeal to prevent ''back door implementation'' of Kyoto, the Knollenberg backers have come up with a provision that is so broad that it would, in effect, prevent informed debate and sensible information gathering related to climate change. The report language accompanying the provision makes this intent clear by explicitly directing EPA to stop discussing ''policy underlying'' Kyoto.

What kinds of positive activities would the Knollenberg language stop? It would stop efforts to find out more about who is emitting greenhouse gases and about how those might be controlled. It would stop intelligent planning under which EPA would ensure that controlling other pollutants did not make greenhouse gas emissions worse. It would stop efforts to develop some programs to encourage industry to reduce emissions voluntarily. It would stop planning the other body has requested to help determine the costs of complying with Kyoto. I could go on and on.

Does it make sense to stop such defensible activities? What are the Knollenberg supporters so afraid of? It seems that they believe that any new information about climate change will weaken their case.

And remember, it's not as if Congress is powerless to influence policy absent the Knollenberg language. If the Administration did something foolish, such as try to declare carbon dioxide a criteria pollutant under the Clean Air Act, Congress has ample means to block such action without the Knollenberg rider.

So it comes down to this: regardless of how you feel about Kyoto, regardless of whether you can imagine some policy you might want to block, you need to support for Greenwood—that is, unless you disagree with the vast majority of scientists and believe that there is no chance at all that climate change is a threat.

Support for Greenwood is not necessarily support for Kyoto. Greenwood does not give the Administration carte blanche. Greenwood wishes to allow open, informed debate on climate change to continue. It represents the sensible middle ground. It has earned my colleagues' support.

Mr. GREENWOOD. Mr. Chairman, I yield to the gentleman from California (Mr. WAXMAN) if he wishes to comment.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding to me. I want to commend him on his statement. I think the gentleman's amendment is one that should be passed by the House, but I respect the fact that we are going to let the process move forward on this legislation.

I think 50 years from now, people would look back at the appropriations bill with dismay if it were to stay in its present form, because, as I read the bill that came out of committee, the Environmental Protection Agency and the Council on Environmental Quality would be restricted from educating and conducting outreach and holding informational seminars on policies underlying the protocol relating to the Kyoto Conference. And not only that, it would be prevented from thinking through and developing proposals to deal with the global climate questions.

The amendment we just adopted a while ago offered by the gentleman from Wisconsin (Mr. OBEY) would have struck, did in fact strike the most egregious parts of the committee's recommendation to us. I would hope that, as this bill moves forward, there will be other approaches that will assure those who are anxious about this matter that the treaty, if there is one, will not be implemented until it is ratified. We do not implement laws that have not been passed, and we do not allow executive branch agencies to adopt regulations to enforce treaties that have not been ratified.

I think it is a mistaken notion for fear that that treaty would be implemented in any way to stop EPA and

the CEQ from going forward and thinking about strategies and developing plans.

So I want to identify myself with your comments and to express the fact that we made a step in the right direction with the Obey amendment. I think we need to go much further on this issue when the bill moves into conference.

As I understand it, the Senate has a different approach. Even Senator BYRD has a different approach than what is in this legislation. I would think it would be doing a disservice to the American people if we stopped everybody from looking at this problem because the problem is not going to go away.

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

Mr. Chairman, I would like to engage the chairman of the subcommittee in a colloquy, but first I would like to thank the chairman for all of his hard work on a complicated and important appropriations bill which funds the Department of Veterans, Housing and Urban Development, and independent agencies. I would also like to commend his staff who have so diligently worked with me on an important issue concerning my district.

Mr. Chairman, I understand that the report language to H.R. 4194 indicates that the EPA should take no action which will utilize dredging as a remediation tool until a joint EPA-National Academy of Sciences study has been completed and analyzed. This study is needed to help determine in what situations dredging is an appropriate method of remediation.

The EPA has recently signed an action memo to begin a dredging project of the Pine River in St. Louis, Michigan, in my district. St. Louis badly needs EPA action, which includes dredging, to save this important river.

It is the gentleman's understanding that the language in the report is not intended to prevent dredging in the case of the Pine River project and that he will work to address this issue further in conference?

Mr. Chairman, I would yield to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, first, let me express my appreciation for the gentleman's cooperation and the work that we have been able to do together on this matter. Yes, it is my understanding, as you have outlined. As we move to conference, I would be happy to work with the gentleman to address the issue further.

Mr. CAMP. Mr. Chairman, I thank the gentleman from California for his commitment to our Nation's environmental resources and again for his hard work on this bill.

AMENDMENT OFFERED BY MR. WAXMAN

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

The Clerk read as follows:

Amendment offered by Mr. WAXMAN:

Page 59, after line 12, insert:

Any limitation on funds in this Act for the Environmental Protection Agency or the Council on Environmental Quality shall not apply to:

(1) regulatory determinations for mercury emissions from utilities;

(2) utilizing dredging as a remediation tool;

(3) implementation of the Food Quality Protection Act;

(4) implementation of the Regional Haze Program; or

(5) cleanup requirements for facilities licensed by the Nuclear Regulatory Commission;

where such activities are authorized by law.

Mr. WAXMAN (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 California?

There was no objection.

Mr. WAXMAN. Mr. Chairman, since the beginning of 1995, the House has produced a steady stream of assaults on the environment. Bills have been introduced to repeal the Clean Air Act, simply repeal it. Riders have been snuck in to must pass legislation, particularly appropriations bills, to cripple protection of endangered species, exempt oil refineries from air pollution laws, and block the Environmental Protection Agency from regulating arsenic levels in our drinking water.

Earlier this year, I had thought that the House would finally halt its war on our environment. I had hoped that the sneak attacks on the environment would cease, and I would hope that we would reject the antienvironment extremism that is so out of touch with American values.

Unfortunately, it seems that, once again, our environment is being attacked. As in years passed, the VA-HUD appropriations bill contains antienvironmental riders in both the bill and the report accompanying this legislation which would hinder our efforts to protect the environment under existing successful programs.

Specifically, there is language that would prevent the cleanup of PCB-contaminated sediments, stall implementation of our pesticide safety laws, prevent adequate cleanup of old nuclear facilities, interfere with efforts to control air pollution in our national parks, and block controls of dangerous mercury air pollution.

These riders do not belong in this legislation. This is a bill to fund the EPA and other agencies. They do not belong in this bill, and they are all an affront to every person who cares about the quality of the air we breathe and the water we drink.

My amendment would prevent a rollback of our important and popular environmental programs. It would strip out the environmental riders attached to this legislation. In effect, it would halt this attack on our environment.

One of the provisions of the bill and the report accompanying the bill prevents EPA from regulating emissions of mercury pollution. This provision is extremely damaging, not only to our environment, but to people's health.

Mercury is a known toxic pollutant of special concern to pregnant women. Important studies have been released this year on the massive mercury air pollution caused by emissions from power plants. Yet, despite these substantial threats for mercury, the report contains language which could block any regulatory determinations regarding mercury air emissions for years.

The report accompanying this bill also contains language which would block the cleanup of PCB-contaminated sediments. PCBs are known to cause cancer and contaminate large areas of the Hudson and Housatonic Rivers of the Northeast and a large area off the coast of California.

Many experts have called for removing this contamination through dredging, but the report language would prevent EPA from requiring any dredging, leaving the local communities contaminated.

There is also language that would make it hard for EPA to ensure that pesticides do not exceed safe levels in our food. In 1996, just 2 years ago, Congress unanimously passed legislation to make sure that all food is safe from pesticides that might harm infants and children.

We must allow this law to be implemented, not impede its implementation as the report would do. The goal of my amendment is simple. It would eliminate those and other objectionable antienvironmental riders.

Some of my colleagues urged me not to address global warming issues in this amendment, and I have modified my amendment so as not to address global warming. I believe it is essential to remove those extreme restrictions on the administration's ability to deal with global warming, but in deference to my colleagues, the global warming riders are not being addressed in this amendment.

The CHAIRMAN. The time of the gentleman from California (Mr. WAXMAN) has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 3 additional minutes.)

Mr. WAXMAN. Mr. Chairman, the Knollenberg provisions are not affected in any way by this amendment. The riders my amendment addresses are contained in the report on this bill. Technically because these directives are report language, they are not binding on the agencies, but that is only technical.

It is, however, important to realize that they are a message to the agencies to not go forward with enforcing existing laws. That is why it is important to eliminate them in order to clarify that they should not affect the agencies in any way.

Mr. Chairman, Congress should be working to solve our environmental problems, not working so secretly to include antienvironmental provisions in appropriations bills at the request of many big polluters. Let us not roll

back our environmental laws with these antienvironmental riders.

I urge all Members to support this amendment and give us a clean VA-HUD appropriations bill.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, very reluctantly I rise in opposition to this amendment by my colleague the gentleman from California (Mr. WAXMAN). As many of you know, HENRY WAXMAN and I have worked on a number of issues in the past that relate to the environment, and we have done things like sponsoring alternative fuels for clean air purposes. The gentleman knows of my work in connection with the clean air amendments in California.

But having said that, let me say that this amendment, together with some of the advertisements distributed by what can only be either misinformed or very extreme environmentalists within that community, is nothing less than a bizarre attempt to create controversy where none should exist at all.

To label the committee's direction to the EPA, direction that is contained solely within the report accompanying the bill, as somehow being a rider is about the furthest stretch of imagination that I can fathom. These folks are really scraping the bottom of the barrel if their primary objections would somehow raise report language to the level of statutory law.

But let me take just a few moments to specifically address some of the concerns raised in the Waxman amendment. With respect to mercury, the committee report directs the agency to, first, complete an ongoing Federal-State study on mercury transport in Lake Superior; secondly, complete another ongoing study on fish consumption and mercury ingestion; and, thirdly, enter into a final study agreement with the National Academy of Sciences in order to prepare recommendations on the appropriate level of a mercury exposure reference dose.

Mr. Chairman, these are not new issues. The committee is merely attempting to push the EPA to finish its research before issuing regulations.

With respect to utilizing dredging as a remediation tool for contaminated sediments, the committee last year asked EPA to contract with the NAS to conduct a thorough study of this method which was requested to be completed by April of 1999.

In part, this study was requested because EPA itself stated in a 1996 report that the preferred means of controlling sediment contamination risk is through national recovery. Subsequently, the committee has become aware of what may be a reversal of this policy. It occurred to us that maybe we should let the NAS report shed some light on this matter before we allow EPA to stir up billions of cubic yards of contaminated sediments.

Regarding directions of the committee relative to the Food Quality Protection Act and the Regional Haze Program, the language merely suggests that the agency should follow both its spirit and the letter of the law in implementing these programs. The Regional Haze Program is a case in point.

The Clean Air Act sets up a regime for the States to develop visibility transport commissions in order to research and monitor visibility impairment. The law also requires EPA to report to Congress on visibility improvements achieved through implementation of other sections of the Clean Air Act.

These and other provisions of the law have been ignored by the agency, and the committee's language merely directs the EPA to get itself back on a firm statutory footing.

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Finally, the committee's direction with respect to cleanup requirements for facilities licensed by the Nuclear Regulatory Commission would do nothing more than tell EPA to maintain the status quo with respect to regulatory oversight of nuclear facility clean up.

The Congress has given the authority to the NRC, not to the EPA. Not surprisingly, the EPA is trying to further enlarge its domain by claiming jurisdiction where they do not now have any. If the Congress in its wisdom wishes to give such authority to EPA, so be it. In the meantime, however, this body should not allow the Waxman amendment to circumvent the law and permit his favorite government agency to grow even larger.

Mr. Chairman, these and other directions of the committee as contained in the report accompanying H.R. 4194 are intended to put the EPA back on a path of following the law. None of these directions reinterpret the law in any way. None of these directions put a political or partisan spin on what EPA is expected to do. But, for the life of me, Mr. Chairman, I cannot understand why anybody in this body would want the EPA to ignore the laws that Congress has passed. For the life of me, I cannot understand why anyone would want this agency to enlarge its domain through its interpretation of what the law means. Yet that is exactly what my colleague from California by way of this amendment would allow to happen.

I strongly urge that the gentleman withdraw his amendment, and, if not, that it be soundly defeated.

Mr. MCINTOSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first let me point out that one of the items mentioned here, the regional haze regulations, are in fact one of the areas where we are concerned that EPA may be preceding to implement a global warming policy without that Kyoto Protocol being ratified by the Senate. We have not definitively heard back from the agency on that because they have not yet complied with our request for information on the oversight hearing, but it is an area of great concern to us.

Let me also say, harking back to the amendment by the gentleman from Pennsylvania (Mr. GREENWOOD), which he withdrew, I appreciate his doing that. I will include my statement to be put into the Record following the discussion of that subject, including a list of all of the countries and whether or not they are covered by the treaty and the study and the state-by-state breakout of the economic costs.

Mr. Chairman, I would at this point yield to one of my colleagues, the gentleman from Pennsylvania (Mr. PETERSON) the balance of my time for his remarks on that subject.

Mr. PETERSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MCINTOSH. I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, it has been interesting tonight as we have heard the discussion here about a number of issues dealing with EPA, an agency that I find sometimes more troubling than the IRS. They have one of the most important jobs in this country. But if you ask your local communities, you ask your state agencies, you ask anyone who deals with them, they are one of the most difficult.

One of the issues that was shared here a short time ago was that the Knollenberg language was going to prevent the EPA from doing their job. This administration asked in this year's budget for $6.3 billion on the Kyoto treaty and global warming. Now, they claim they do not want to implement, but many Members have said they are going to implement and they have done many things that would start that process.

$6.3 billion is almost equal to the EPA budget. I guess that is beyond my imagination, that a government would ask for $6.3 billion to market a theory, ''global warming.''

When this issue started, I asked one of the top climatologists in America, who was having lunch with me downstairs, if there was global warming, because I wanted his opinion. Without any doubt he just looked at me and said, ''There is no evidence, and I have been in this business all my life.''

I want to share with you that climate researchers do not agree whether the earth will become warmer during the coming century. Seventeen thousand scientists have recently signed a petition stating that man-caused climate change does not exist, 17,000.

The petition states, in part, ''we urge the United States Government to reject the global warming agreement and other similar proposals. The proposed limits on greenhouse gasses would harm the environment, hinder the advance of science and technology, and damage the health and welfare of mankind.''

''There is no convincing scientific evidence that human release of greenhouse gasses is causing or will cause

catastrophic heating of the Earth's climate. Moreover, there is substantial scientific evidence that increases in atmospheric carbon dioxide produces some beneficial effects upon the natural plant and animal environment of the earth.''

One of the reasons for such certainty and optimism about the future of these 17,000 scientists is that both written and oral history informs us that between 900 AD and 1300 AD, the Earth warmed by some 4 to 7 degrees, 4 to 7 degrees Fahrenheit, almost exactly what the current computer models now predict for the coming century.

Did this warm period produce the catastrophe being sold to us by alarmists? It did not. The warming created one of the most favorable periods in human history. Crops were plentiful, death rates diminished, and trade and industry expanded, while art and architecture flourished. There was less hunger, as food production surged because winters were milder and growing seasons longer. Southern England developed the wine industry, and Viking settlers pastured cattle in Greenland on what is today frozen tundra. Soon after 1400, however, the good weather ended and the world dropped into what is called the Little Ice Age.

Recently Dr. Sallie Baliunas, an astrophysicist with Harvard-Smithsonian Center for Astrophysics and one of the Nation's leading experts on global climate change, believes we may be nearing the end of a solar warming cycle, and that there is a strong possibility that the Earth will start cooling off in the early part of the 21st Century.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. MCINTOSH) has expired.

Mr. MCINTOSH. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

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

Mr. WAXMAN. Mr. Chairman, reserving the right to object, I do so only for the purpose of informing the gentleman that this amendment contains nothing on global warming. That was discussed as a possibility in this amendment, but, as I announced in my opening remarks, we withdrew that particular section from the amendment. So we are not dealing with the global warming question.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. MCINTOSH. I yield to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, it says we may be nearing the end of a global solar warming cycle, and that there is a strong possibility that the Earth will start cooling off in the early part of the 21st Century.

Still none of the global warming computer models, the foundations for nearly all the claims that warming is the result of man-made greenhouse gasses, account for solar variability, and none adequately account for the interaction between the oceans and the atmosphere, or the addition of a large portion of the very warm South Pacific to the worldwide grid of temperature reporting stations in the past half century. Also, satellites and weather balloons that have been tracking temperatures for the last 20 years show a slight cooling.

I would like to conclude my comments by saying we have 16 agencies being funded by the EPA to propose and sell the global warming advocacy. The Greenwood amendment, which was before us a little while ago, in my view, I was very pleased that he withdrew that, because it really cleverly destroyed the well-crafted Knollenberg language that was so vital.

The interesting thing I would like to say, in conclusion, the Kyoto treaty is so flawed, if all of the countries that have agreed to bring it to their governments for approval follow it to the hilt, the developing countries, the 132 which are the growth areas of the world will more than make up for the savings. There will be no change.

It seems pretty flawed for Americans to take it in the neck and let the developing world steal our jobs. There are many who feel that as many as 1 million American jobs will move to Third World countries, where there will be no controls, where there will be no penalty paid, and our American workers will take it in the neck.

It is an ill-conceived treaty. I think it is time to send someone to the next treaty, besides AL GORE, to negotiate a treaty that is a fair to American workers.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that my colleague, my friend from Pennsylvania who preceded me, points out by example the reason we should not have the type of language in this bill. In fact, I know it is a time-honored tradition of the Committee on Appropriations to try and micro-manage and administer the specifics of many laws, but the fact is, when I voted for these laws, that is what I meant. I meant that I wanted our Superfund dollars used to clean up the problems.

This bill prevents the use of the brownfields dollars to clean up. I wanted the mercury out of our air. That is what I wanted the EPA to do. This particular provision stops the EPA from implementing the removal of mercury and of necessary standards for utilities. I wanted the PCBs that are lining our lakes and waters and riverways cleaned up so that it was not in our waters and riverways. This particular provision in the bill before us micro-manages the EPA and says you cannot do that particular dredging.

When I voted for the Food Quality Protection Act, I wanted the pesticides out of our food, as did almost every other Member. And I do not want some staff member or other groups that are there making a contrary decision in appropriations report language, I want the EPA, the scientists and the other professionals, to set those pesticide standards so that I am not eating such pesticides, and so do the people I represent.

When we voted for the Clean Air Act, we wanted to in fact be able to see the Grand Canyon and the other vistas that are on our American landscape; not putting this off and postponing it and frustrating the implementation of these laws.

Finally, of course, we do want our radioactive waste materials cleaned up. For my part, I think the Nuclear Regulatory Commission needs a challenge to the type of job they have done in the past, and I think the EPA is pursuing this. I do not want to strip them of some responsibility with regards to radioactive wastes.

So I hope my colleagues will look at this, and recognize the importance of letting the administrators and others that are supposed to administer and implement our laws do their job, and not be frustrated and hamstrung and limited by these inappropriate type of second-guessing that is going on here, and often I think with the type of scientific analysis I heard here on greenhouse gasses preceding me.

That is not the type of effort, that type of guessing, that type of unusual theories that seem to abound, that I want guiding and implementing our laws. I want the EPA and the administration, and they are held accountable, incidentally, by courts and by results and regulations and open hearings. Once that process gets done, which is sometimes very, very long lengthy, takes a long time, I do not want the Committee on Appropriations coming back and pulling the rug out from under them and then frustrating the implementation of the laws.

That is what is happening in this instance, and that is why we need to vote up the Waxman amendment or defeat this bill.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very, very strong support of the Waxman amendment. I do so because passage of this amendment is critical to moving forward on a number of important environmental issues, including a matter close to the hearts of many New Yorkers, cleaning up the Hudson River.

Among the many egregious legislative riders tucked into this bill is a provision which would delay cleaning up PCB contamination in the Hudson River, as well as the Housatonic River in Massachusetts and Connecticut. Thanks to 30 years of PCB discharges, the upper Hudson River has the distinction of being one of the Nation's largest Superfund sites. Not surprisingly, the upper Hudson River has also been designated as one of the most endangered rivers in the United States by

North America's leading river conservation organization, American Rivers.

□ 2100

PCB contamination in the Hudson has taken a huge toll on the River's economic recreational and environmental resources. Fish caught throughout 200 miles of the river are contaminated at unsafe levels. As a result, the river's commercial fishery industry, valued at more than $40 million annually in 1976, has been almost completely closed down.

In addition, PCBs from the upper Hudson are responsible for about half of the sediment PCB contamination in New York Harbor. This contamination greatly increases the cost of dredging the harbor, which is so critical to the economic vitality of the New York metropolitan region.

Most troubling is the threat to public health posed by PCBs. These chemicals have long been regulated as human carcinogens, and scientific evidence continues to mount about PCBs' impact on disease resistance, reproduction and cognitive development. For example, studies of PCBs in the Great Lakes region have shown startling effects on the birth weights, cognitive abilities and emotional stability of children exposed in utero.

The EPA has spent years examining the Hudson's PCB contamination in order to develop an appropriate cleanup plan. This process is already years behind schedule, and that is bad enough. We certainly do not need more delay, but that is just what this bill will do, and that is why I urge support of the Waxman amendment, so that the long awaited cleanup of the Hudson can move forward.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentlewoman for yielding, for I know that she is very, very seriously concerned about the questions that she has raised, especially about the Hudson. I think the gentlewoman also knows that EPA has not spent years figuring out whether dredging is the best way to solve that problem.

We are just suggesting, not in statutory language, in report language, that EPA follow the direction of the Congress and the law. Report language, as the gentlewoman knows, is not law. It is just trying to get their attention, because they have been off track on this issue and on many other issues for too long now.

So I urge the gentlewoman to actually look at our report language.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I would just like to say to the Chairman, having worked on this issue since the 1970s when there were many, many different heads of EPA, I am aware of the complexity of this issue.

There have been serious debates on whether dredging or remediation or covering the PCBs is the best method to move forward. However, as I understand it, the report was completed last year, reading from a letter from the current head of the Environmental Protection Agency, Ms. Browner, and there are areas, such as in the Housatonic, smaller areas, where they could move forward on the dredging.

However, there is concern, and I would appreciate any further elaboration, that this language does hold up that process. Because of the complexities of a river such as the Hudson, they are still determining which is the best method, and I believe that study will not be completed until the year 2000.

Mr. LEWIS of California. Mr. Chairman, if the gentlewoman will continue to yield, I certainly would not want to interrupt the process here, but I think the gentlewoman knows that the National Academy of Sciences report is not due until April of 1999, and, indeed, this is report language that simply puts the needle where it ought to be applied, to this agency that tends to want to do its own thing, almost regardless of what the law says or what Congress says.

Mr. WAXMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I would like to inform the gentleman from California (Mr. LEWIS) that the National Academy of Sciences last year issued an authoritative report on cleanup strategies for contamination.

The CHAIRMAN. The time of the gentlewoman from New York (Mrs. LOWEY) has expired.

(On request of Mr. WAXMAN, and by unanimous consent, Mrs. LOWEY was allowed to proceed for 1 additional minute.)

Mrs. LOWEY. Mr. Chairman, I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, just last year the National Academy of Sciences issued this authoritative report on cleanup strategies for contaminated sediments. So this is just simply, they say, a provision in the bill asking for a study.

Well, they are asking for another study and they are telling EPA, do not do anything, after all these years of studying, after all the years of working on this problem with the National Academy of Sciences telling us that there are strategies that we ought to be using to protect people from PCBs. For God's sake, that is what causes cancer, and they want to stop indefinitely the EPA from acting until another study and another study and another study. It is a dilatory tactic.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I would like to remind my colleagues that I began working on this issue when I was at the Department of State in the 1970s. EPA has delayed this and delayed this decision. We are concerned. As I said, the decision has been delayed and delayed because of the complexity of the issue.

As I understand it, the decision has just been delayed 18 months again, will not be completed, and the decision will not be made until after the year 2000. There is great concern from Carol Browner that this language would then delay it even further.

So for many of us who are concerned about this issue, who respect the complexity of the decision, we feel after this report has been filed, it is time to move forward, based on the scientific evidence and make an appropriate decision.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentlewoman yielding. The question really is by way of comment. The gentlewoman knows that there will be huge amounts of material if dredging is the way we solve this problem. As of this moment I do not believe EPA can tell us what they are going to do with that material. Maybe we are going to create another huge Superfund site, that they can have another area of activity to broaden their responsibilities. But, indeed, all we are doing is by way of report language, no weight of law, per se, nudging this agency to get back on track.

The CHAIRMAN. The time of the gentlewoman from New York (Mrs. LOWEY) has expired.

(By unanimous consent, Mrs. LOWEY was allowed to proceed for 1 additional minute.)

Mrs. LOWEY. Mr. Chairman, I would just like again to say to my distinguished chairman that we understand the complexity of the Hudson. It has already been delayed an additional 18 months, after many years of delay, but it is my understanding from Carol Browner that there are areas, such as the Housatonic, which could move forward, could be an important demonstration, so we can make an appropriate decision as to what to do with the Hudson, understanding the complexities, and this report language would just delay further.

Mr. LEWIS of California. Mr. Chairman, if the gentlewoman would yield further, in the Housatonic, I believe they are planning to dredge 12 miles of the river. I have no idea what they are going to do with that dredging material. But, in the meantime, it is amazing to me that my colleague from California would raise the statutory level, when the report language is simply trying to urge this agency to get back on track and follow the laws we have outlined.

Mr. WAXMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, this language does limit the agency. I do

not think it is binding, but they feel a limitation when the committee that is appropriating their money to stay in existence tells them not to do anything until you get another study, and this additional study would keep them from doing things like putting a cap on settlement of PCBs.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

I oppose the Waxman amendment.

Mr. Chairman, I just wanted to take a couple of seconds, as I was unable to be here when this House paid tribute to the gentleman from Ohio (Mr. STOKES).

This last month I heard four of the greatest speeches of my life: The speeches of the gentlewoman from Connecticut (Mrs. JOHNSON); the gentleman from Indiana (Mr. HAMILTON); the gentleman from Illinois (Mr. HYDE) today; and certainly the gentleman from Ohio (Mr. STOKES).

Cleveland would not have transformed itself into the great city it is without Mr. STOKES, who never got the credit for that politically. Without LOU STOKES, Cleveland would not be the city it is.

Mr. Chairman, we will be through our committee finding a building to name to pay tribute to our great distinguished leader from Ohio, and I would ask all of my colleagues to cosponsor that when the building is selected.

Today I heard one of the finest speeches I have ever heard from the gentleman from Ohio (Mr. STOKES), and we are very proud of him.

With that, I oppose the Waxman amendment. I think the Environmental Protection Agency has got into a little too much all over our country, and I think there is a balance between jobs and protection, and sometimes we have been a little zealous.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, I rise in very strong support of the Waxman amendment. This is the amendment that would allow the agencies covered by this bill to continue to carry out the laws of the land, as is their constitutional responsibility.

What we see in this legislation, whether it is in legislative language or whether it is report language, is we see a continuation of an assault by the Republican Party of the environmental laws of this country, the very basic, basic fundamental laws of this country, clean air and clean water.

They tried it once in a frontal assault in 1995. They were turned back by the minority in the Congress, and they were turned back by the American public. Since that time they have been having tree planting days, they have recognized the African elephant, they have tried to recognize the Year of the Ocean, and they have had Tropical Rain Forest Week, all of which was to suggest that they were environmentalists.

They have issued instructions to the Republican majority to plant trees, invite the press, try to show up at environmental events, to give themselves a ''green'' look. But when it comes to the hard ball legislation, they are right back at it.

In this bill, what they seek to do is to keep the Environmental Protection Agency of the United States of America from doing its job. What is its job? It is to protect the American public from the polluters who would pollute our waterways, our lakes and our streams, our recreational areas; it is to protect the American public from the polluters who would pollute our air as it moves across all jurisdictions. It is a national problem. Emissions in one area cause cancer and in another area cause asthma and in another area cause children to have serious health disruptions.

That is what its job is, is to protect Americans. It is the Environmental Protection Agency. It is to make sure that in fact Americans have the ability to have a quality of life that they think that they are entitled to. Maybe the Republicans do not support the Environmental Protection Agency, but over 80 percent of the American public supports the Environmental Protection Agency, because they know that it is all that stands between them and the corporate greed of the polluters, the same polluters who have polluted our streams and polluted our water, the huge corporate farms that pollute the waters of the central valley or the waters of the Midwest now as they run huge hog operations, the same polluters who dump into the Chesapeake Bay. They were not turned back by voluntary action.

San Francisco Bay was cleaned up and is being cleaned up because of the EPA. The Chesapeake Bay is being cleaned up because of the EPA. The Great Lakes are being cleaned up because of the EPA. The air today is cleaner in California than it was 20 years ago because of the EPA.

Now they want to strip that. Why? Because we have a very effective and tough administrator. They have dragged her up here time and again in front of numerous committees to beat up on her, and most of them do not have enough comprehension of the subject matter to ask a question. But they are going to continue to do it. It is a little disingenuous, unless one just showed up in Congress in the last week or two to say, well, this is just report language.

No, this is not just report language, this is a means by which, in a few months from now, if EPA does not do what they want to do, they will drag them up in front of the committees; they will accuse them of not carrying out the will of the Congress; they will beat up on the administrator; they will beat up on the regional people; they will tell them they are exceeding their authority. Why? Because they are trying to get to the Election Day, when they think they can take over the presidency and get rid of EPA. So they want to delay all of these projects, the cleanup of the Hudson River, the brownfields, the cleanup of the Superfund sites, the mercury emission standards, and all of the rest of it. They are trying to delay that. Why? Because their corporate clients want them to delay that, because they think they will get a better shake after the next presidential election.

This is fundamental politics. This is about our environment. This is about whether our children have a safe home, a safe environment and a safe school, because nobody volunteered to clean it up. They had to be taken to court and they had to have regulations issued, and that has been the 30-year history of this agency. It is what has made America better, it is what has made our schools safe, it is what has given our children the chance to have a decent neighborhood and to breath clean air, to reclaim the rivers that when I came to Congress were on fire, rivers we could not touch. When I came to Congress, they told us, ''Don't touch the Potomac River.'' Today people water ski and they have crew races. That is because of the EPA.

Now, the oil companies do not like it, and the chemical companies do not like it, and the mining companies do not like it, and the big farmers do not like it. Who gives a damn? The American people like it. The American people like it, because they can see the tangible benefits.

So let us not pretend that this amendment somehow is only report language, that this is just an innocent effort.

The CHAIRMAN. The time of the gentleman from California (Mr. MILLER of California) has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would caution the Member against the use of profanity.

Mr. MILLER of California. I thank the Chairman.

Mr. Chairman, this is not an innocent effort. This is going around through the back door, because politically they are afraid to go through the front door because they were turned back by the American people. When the American people understood what the Republicans meant by regulatory reform, they overwhelmingly rejected it and it was abandoned.

The American people know a good deal when they see it, and the Environmental Protection Agency is a very, very good deal for the American public.

□ 2115

It is a very, very good deal for the health of the American public, and it is a very, very good deal for the health of the American environment.

Mr. CALVERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman from California (Mr. CALVERT) yielding to me. I asked him to yield to respond in part to the comments made by the gentleman from California (Mr. MILLER).

Mr. Chairman, I must say that my colleague knows very well of my involvement, my personal involvement, in environmental matters over the years I have been involved in public affairs. I wrote the law that created the toughest air quality management district in the country that others are trying to replicate—the South Coast Air Quality Management District. To suggest that we are not concerned about air and about these other matters, to say the least, extremism.

I further object to the gentleman from California suggesting that we would design these report language items in order to bring people before our committee and beat them over the head or otherwise. I do not know how the gentleman ran his committee when he was Chair, but we do not bring people in to beat them over the head.

We are in the business of responsibly developing public policy direction here, and to have that kind of frontal attack is not helpful, acceptable, or appreciated by this Member.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Waxman amendment and I thank the gentleman from California (Mr. WAXMAN) for offering this amendment and allowing me to speak on this amendment and doing what he has done on his committee, to protect our environment.

This amendment would eliminate controversial anti-environmental riders that threaten the public health and safety of citizens from my State of Connecticut and from States across this Nation.

This amendment would override language that interferes with agency actions to protect our environment and clean up hazardous waste materials in our rivers and in contaminated industrial sites known as brownfields.

The Waxman amendment is particularly important in my home State of Connecticut, because it will allow the dredging of the Housatonic River to clean the riverbed that has been contaminated with PCBs. The Connecticut Department of Environmental Protection and the Environmental Protection Agency have both stated that the prohibition on the use of dredging as a means to clean up the river pose a serious threat to the ability to take the next actions to control immediate threats to public health.

Exposure to PCBs is dangerous and poses health risks to intellectual functions, the nervous system, the immune and reproductive system. We in Connecticut know that the Housatonic is unacceptably polluted. It is unconscionable for the House to tie the hands of the EPA in an effort to clean up contaminated sites like our river and others like it across the country.

I am also pleased that the Waxman amendment would allow the EPA to issue regulatory determinations for mercury emissions. Mercury is highly toxic and exposure can cause serious neurological damage. It is critical that we permit EPA to take steps to control mercury emission into the air and into the water.

According to the Toxic Action Center, there is a mercury advisory for every single lake in the State of Connecticut. We need to control the release of mercury. These regulations are an important step toward cleaner air, cleaner water, a cleaner environment. I thank Mr. WAXMAN for offering this amendment this evening.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am in earnest support of the amendment offered by the gentleman from California (Mr. WAXMAN) because it would remove dangerous anti-environmental riders from this piece of legislation, as well as other aspects of the bill which would be very dangerous to the environment and very dangerous to public health.

There is report language, as has been discussed already, in the bill which directs EPA to take no action which will utilize dredging as a remediation tool until a referenced National Academy of Sciences study has been completed and distributed and analyzed by all interested parties. That is an issue which will bring about very substantial delay in the remediation of many places that contain PCBs and other contaminants.

The effect of this would prevent the EPA from dredging the Housatonic River of PCBs and will prevent the EPA from dredging the Hudson River of PCBs. And what will the effect of that be? The language in the report appears to be intended to promote indefinite delay. It does not tell the EPA to halt action until the NAS report is out; it orders delay until ''all interested parties'' have had time to analyze it.

The interested parties certainly include the polluters. In the case of PCBs in the Housatonic and the Hudson, that is the General Electric Company. General Electric favors a cheaper answer. GE analyzes every move EPA makes at great length. How much time will this financially interested party require to ''analyze'' this report? A long, long time I am sure.

What is at stake here? First, human health. PCBs are a known carcinogen in animals and a probable carcinogen in humans. They are also suspected of being a serious endocrine disrupter and of being responsible for other serious health problems.

New Yorkers have been strongly advised to limit their intake of local fish for this reason, and EPA has just announced additional funding to educate people about the dangers of locally caught fish. The contamination damages the fish and other wildlife in and around the river.

New Yorkers want the PCBs cleaned up. They do not want our river to be an experiment used by the General Electric Company, or anybody else, for their particular chemistry work.

The report language uses an earlier EPA survey of how to deal with contaminated sediments as the basis for the committee's direction. It implies that EPA's own science has concluded that the GE so-called ''natural recovery'' method is the best way. It should be clear that EPA does not agree with this interpretation of the study.

EPA points out that there are different kinds of PCBs, different kinds of deposits, different kinds of rivers, and there is no one solution that applies to all. EPA has been studying the Hudson River situation, reassessing it for years, and many of us have been unhappy with the repeated delays because of EPA's own painstakingly slow review.

We do not want further delays, and we certainly do not want the public health and the river's health left hanging while all interested parties are given more time to think about it.

Just today, new information has come out which reveal that the PCB deposits in the upper river of the Hudson are moving out. Forty percent of those deposits are moving out from where they are located, and 75 percent of those deposits that are moving out are becoming involved in the water column.

This information just out today tells us very clearly why all aquatic life in the Hudson River is now infected with PCBs. The PCBs in the Hudson River are ubiquitous. They are affecting every form of aquatic life. And we know how dangerous and damaging PCBs are. They cause cancer in animals. They are a probable carcinogen in humans. They cause abortions and they cause nerve disorders and endocrine disorders in human beings.

Mr. Chairman, this is a very serious problem. The delay that is contained in this legislation only prolongs the period where these PCBs will remain in the river, remain in the aquatic life, contaminate the estuary and the river basin itself, and become involved with people's lives and be damaging to public health.

That is why the Waxman amendment must be passed, because it deals forthrightly and directly with this problem and would remove this report language from the legislation.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from New York (Mr. HINCHEY), and several others, have focused in on the Hudson River where I happen to live. I have lived there for 40 years. I have raised

my family there and my six grandchildren and my five children.

We drink the Hudson River water, and we have done quite well drinking that Hudson River water. Not only does my family drink that Hudson River water, but it is the auxiliary emergency supply for 8 million people in a place called New York City, which is 200 miles downstream from where I live.

About 40 miles upstream are cities like Poughkeepsie, Hyde Park and Red Hook and Rhinebeck and Hudson and all the way up to where I live. And we take our drinking water directly out of the Hudson River.

It is approved by the Environmental Protection Agency. It is approved by the New York State Health Department and the New York State Environmental Conservation Department, two of the toughest regulatory agencies in America. They are so tough, that they even take precedent over the regulatory EPA. Think about that.

I hear a lot of arguments about why these PCBs ought to be dredged.

First of all, I represent the twentieth largest dairy producing district in America.

Mr. Chairman, I know you represent a few cows, too. We represent a lot of corn growers and we represent a lot of apple growers. We live in the Rust Belt. From New York City to Albany, New York, is the old Rust Belt. We have lost all of our jobs. They have all moved either to Maquilladora out in Mexico or they have moved overseas to China. We had that debate yesterday.

I have constituents who now are in their forties and fifties, I mentioned this yesterday, and they worked all their life at manufacturing and now the manufacturing jobs are gone. They do not want to move out of the beautiful Hudson Valley. That is where they live. That is where their kids grew up. That is where their grandchildren are, but they cannot find jobs.

So what do they do now? Some of those people that were now making $40,000 a year, they now work for McDonalds and maybe they take home $15,000 a year on that job but they carry a second job and maybe they make an extra $10,000 there, and that is about it. They have lost half of their earning capacity.

Why would JERRY SOLOMON stand up here and argue against dredging PCBs? Well, first of all, back in the early seventies and I was a town mayor and then a county supervisor and a State legislator and now a Congressman, and I have been there where the General Electric Company used to put PCB-laden water into the Hudson River.

You know why they did it and how they did it? They did it with a permit from the Federal Government and they did it with a permit from the New York State Environmental Conservation Department. They were forced to do that because before that they were using, in making capacitors, they were using a formula that created fire hazards and something had to be done about it. It was dangerous. So they switched at the request of the Federal Government and the State government.

It was all legal, whatever they were doing, maybe you want to call it polluting but they were putting PCB-laden water into the river.

All of a sudden, one of the public utilities, like you have in your community, decided they wanted to remove a dam just below these factories and the Federal Government and the State government gave them permission to remove this dam. Well, this dam had been there for 100 years. Guess what was behind that dam? You cannot believe what was behind the dam. All of the stuff that had come down from all of the papermaking industries, and that is the only jobs practically we have left now, but all of the chemicals used had piled up behind this dam and some of the PCBs but, sure enough, when they were given permission to remove the dam all of this stuff began to flow downstream for awhile.

Most of it just went on downstream 200 miles and went out into the Atlantic Ocean and that was the end of it, but the bit that did not were 40 hot spots which are stretched over about a 40 mile area and those 40 hot spots have been silted over now for 30 years.

So what my good friend, the gentleman from New York (Mr. HINCHEY) and others are talking about happened 30 years ago. You would think that this happened just yesterday or last year or the year before. It happened 30 years ago. Those hot spots are silted over.

Now, why could we not just go in there and dredge those hot spots out? Let me tell you what would happen. We all know when we take a glass of water and we put some sand in it and then we take a spoon and stir up the sand, what happens? The whole glass of water has got sand all through it.

From New York City to Albany, we have a 34-foot deep water channel.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 5 additional minutes.)

Mr. SOLOMON. Mr. Chairman, we have a 34-foot deep water channel, as I was saying. It has to be dredged every year because the Hudson River, different from where I live because the Hudson River is only an inch wide where I start, when you get down to New York City it is a mile wide or more, but Hudson River has to be dredged. It has a sandy bottom. So we can get our oil barges up and we can get our feed grain barges and we can get our food supplies up the Hudson River by barge, we have to keep it open. So the Army Corps of Engineers every year comes in and dredges a portion of this 150-mile long 34-foot deep water channel.

If we were to go ahead and dredge the PCBs, which are laying there dormant, buried and will not surface unless there is some major, major flood that has not taken place in 100 years, they will lay dormant.

□ 2130

But if we go in and dredge them, what happens? And this is what the scientists will tell us. And this is what the National Academy of Sciences is going to tell us in about 4 or 5 more months. If we dredge the PCBs upstream, it raises the level of PCBs all along the 200 mile long corridor. Then we have to dredge the channel every year.

Now, presently, when we dredge that channel, and my colleagues have seen a dredge barge come up and they throw the sand on the lower banks of a river and then it is above water level, just above water level, and that dredging material volatilizes, gets into the air, goes into the corn and the apples and the crops that are grown along there, and there is no problem. But when we raise the level of PCBs downstream, not only do we begin to affect the water supplies, which are healthy now and there is no problem from any of these regulatory agencies about it, about the drinking water, now where are we going to put these dredge materials? If we throw it on those lower banks and it volatilizes, we are then putting PCBs over a 200-mile long stretch.

Now, what do we do? We either do not dredge the Hudson River or we encapsulate these dredgings about every 30 or 25 miles along the river all the way up to where I live. Now, 57 municipalities representing about 700,000 people have come out with resolutions saying please do not dredge this Hudson River. Please do not do this. The New York State Farm Bureau, and the New York State Department of Agriculture have all come out and said do not dredge the Hudson River until we know for sure that there is not a better way.

The better way is contained in this report language, which is not law, as the gentleman from California (Mr. JERRY LEWIS) has said. The report language simply says, and I would just say to my good friend, the gentleman from New York (Mr. HINCHEY) and others, where were they last year when this language was ordered in the report? Not a word was raised on this floor about asking for this study that will be completed in about another 8 months. Not one word was raised on this floor.

Let me briefly just read the actual language so we all understand what we are voting on here. The language says, ''The committee is aware of EPA's draft National Sediment Quality Survey issued in July of 1996 in which the agency concluded,'' listen to this, ''the agency concluded, among other things, that the preferred means of controlling sedimentation contamination risk to human health and the environment is through natural recovery.'' Natural recovery.

''Despite this,'' this is continuing with the language, ''Despite this conclusion, however, dredging is currently

being considered as a remedial tool, even though the impact of such an invasive approach is often unknown. Last year the committee directed the agency to enter into an arrangement with the National Academy of Sciences to conduct a review which evaluates the availability, effectiveness, cost and effects of technologies for the remediation of sediments contained in these kinds of things.''

Then it goes on and it says, ''In light of this, the committee directs the agency to take no action which will utilize dredging as a remedial tool until this study has been completed and distributed and analyzed by interested parties, including Congress.''

Now, let me tell my colleagues something. My colleagues have heard about 700,000 people that are opposed to this and all these municipalities. Who wants this dredging to take place? I can tell my colleagues who it is. It is a very, very small group, and we can count them on our fingers and toes, of some extreme environmentalists down in Westchester County or someplace down there who really want to upset the lives of all of these farmers that I represent up river. That is who is for this. Nobody else is for it. So all we are asking, in other words, all I am asking, is that we wait until April of 1999.

Now, Mrs. Browner has already agreed to do this. She has agreed with me, with a quid pro quo and with others, with the New York State Farm Bureau, that we will wait until the year 2001.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has again expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 2 additional minutes.)

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

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

Mr. HINCHEY. With regard to the report language, the gentleman knows full well that there was an earlier attempt to put that specific same language in the ISTEA bill. This House passed that bill. We were successful in getting this language, this anti-dredging, anti-environment, pro-pollution language out of the ISTEA bill over in the Senate.

That having been done, now some people are coming back here putting this anti-environment——

Mr. SOLOMON. I will just have to reclaim my time.

Mr. HINCHEY. Pro-pollution language——

Mr. SOLOMON. I ask for regular order.

Mr. HINCHEY. Into this bill.

Mr. SOLOMON. The gentlemen are out of order.

The CHAIRMAN. The gentlemen will suspend.

Mr. SOLOMON. I have reclaimed my time.

The CHAIRMAN. Both gentlemen will suspend.

Mr. SOLOMON. The gentleman knows better than that.

The CHAIRMAN. The gentlemen from New York will suspend. The gentleman from New York (Mr. SOLOMON) reclaims his time and may proceed.

Mr. SOLOMON. Mr. Chairman, as I was about to say, Helen Browner and the EPA have entered into a quid pro quo where they will wait until the year 2001, until we know exactly what the results are, and then they will take some action.

Now, the only problem is we have these environmentalists that are stirring things up, they are trying to stir up the Hudson River, but they are stirring things up and now they are trying to get her to change her mind. So that is why we ought to defeat this amendment.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. I would like to say to the gentleman, Mr. Chairman, that the time he has used has been very valuable to the debate. It was a very articulate presentation of the real world, where the gentleman lives and, frankly, it is helpful to the discussion and a very positive contribution.

Mr. SOLOMON. Mr. Chairman, I invited all my colleagues to come up to my district and have a drink of water. They will love it.

Mr. BALDACCI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am here today in support of my colleagues from Maine and California and everywhere in between who are trying to ensure that the Environmental Protection Agency has the ability to make the regulatory determinations for mercury emissions from utilities.

The committee report contains language that limits the ability of the EPA to issue rules on mercury emissions. We are working to make sure that such restrictions do not apply to activities authorized by law.

I would like to emphasize a few points. The health risks of mercury are proven and they are significant. They are threatening society's most vulnerable: Pregnant women and young children.

Mercury has spread and accumulated far throughout the United States. Officials in a total of 39 States have warned their citizens about the danger of consuming fish caught in streams, rivers, ponds and lakes. The fish contain levels of mercury that trigger the warnings. In about a dozen States every single body of water is posted with a health advisory.

Earlier this year the EPA released a report to Congress in which it identified mercury emissions as a hazardous air pollutant of greatest concern for public health, and EPA's scientists offer additional monitoring of emissions from power plants.

The provisions in this bill and language in the report would prevent the EPA from even gathering that data; that information that is needed to better gauge the scope of the problem.

Last spring the Maine legislature passed and the governor signed landmark legislation that would slash emissions of mercury from in-State sources. We are taking care of our own. The people of the State of Maine are looking upwind to see what steps are being taken in the regions that produce the emissions.

Last month the governors of New England and the premiers of Eastern Canada called for, and I quote, ''The virtual elimination of discharges of mercury from human activity into the environment.''

One of the key components of their action plan was the recommendation for more research, more analysis and strategic monitoring. They saw the need to identify and to quantify sources of mercury deposition. They want to monitor deposition patterns and to develop ways of measuring and tracking progress.

The report would prevent the EPA from providing assistance in the cross-border effort. The report would prevent the EPA from taking the steps that are essential to protect the health of young children and women of childbearing age.

Mr. Chairman, I urge the adoption of the amendment.

Mr. FARR of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it appears from this discussion that the only thing that Congress fears is fear itself. We are afraid of existing law because the existing law is feared by special interests. We fear the cleanup of licensed nuclear facilities. We fear the cleanup of the air in Yosemite and the Grand Canyon, the hazy air. We fear the pesticide manufacturers, who oppose the implementation of the Food Quality Protection Act. We fear, as we have heard, New York and New England industries who oppose the dredging as a remediation tool. We fear the utilities, who oppose the regulatory determinations for mercury emissions. Most of all, we seem to fear our very own Environmental Protection Agency and the Council of Environmental Quality.

My colleagues, this fear can be conquered. It is very simple. It only requires that we vote in favor of the Waxman amendment.

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for anyone who sacked out back in 1995 and pulled kind of a mini Rip Van Winkle and just woke up this week, we are right where they left off when it comes to clean air and clean water, because the same anti-environmental spirit that dominated this Congress back in 1995 is alive and well tonight.

Now, most Americans remember 1995. They remember not the words of Democrats, perhaps, but the words uttered at

that very microphone by one of the top three members of the Republican House leadership, who stood there and said of the chief environmental law enforcement agency in this land, his words were ''It is the Gestapo of America. It has its claw holds in the backs of Americans.''

That is the philosophy of the House Republicans. It has not changed. The attitude is still there. The philosophy is still there. The effort is still there. But they have become a little more subtle in their tactics, and that is what this Waxman amendment is all about, the subtlety of those tactics.

The American people want clean air. They want their children to have clean water to drink, they do not want it full of mercury or PCBs. They want their children to have a healthy environment. So, unable to come to this floor and legislate directly on these issues, these Republicans come and do it indirectly by legislating on an appropriations bill; and, in some cases, even more subtly, afraid to legislate in the appropriations bill, they just write a command into the committee report.

I have enjoyed the Republican responses to our concerns: ''Oh, don't worry. We just wrote it in the report. It doesn't really make any difference.'' Well, they were not writing it in the report to just fill white pages with black ink. There was a purpose in writing it in the report. These are the folks that write the budgets for the people that enforce our Nation's clean air and clean water laws.

What do my colleagues think those people think when they get a command from the people that write those laws, that also happen to write their budget, that sets their salary, that sets their travel, that sets all the support money that they have to enforce the laws of this land for clean air and clean water? They do not just view it as an idle thought. They view it as a command.

That is why even this more subtle tactic of sticking it in the report is very, very important. When we look through these riders we find the same Republican Party that talks about less government and less red tape, trying to tie up the chief environmental law enforcement agency in this country and prevent it from doing its duty of enforcing the law of the land.

Let us look at the specifics. The requirement that the EPA, though authorized under existing law to reduce the dangerous levels of mercury into the air, they want to force the EPA to study that some more. Mercury has been responsible for killing fish in 50,000 different bodies of water across this land. It can have life-threatening effects, and yet they say that the Environmental Protection Agency cannot make any regulatory determination; that they must study and study some more.

The same thing with reference to the food supply for infants and children. The only study they really want there is to study how to exempt more food providers from those rules.

Let me tell my colleagues about these studies. They are being urged by the same group of people that when they heard from the Surgeon General in 1964 that tobacco causes lung cancer and emphysema, they are the same folks that are still studying it today, and not wanting to do anything about it on the floor of this Congress.

□ 2145

They are going to study it until time eternal rather than taking effective action to do something to protect our clean air and our clean water.

Then the other excuse that was advanced this evening was the suggestion that if we dealt with haze, the kind of haze we hear about down on the Rio Grande River or the kind of haze that sometimes lingers over the Grand Canyon, spoiling that wonderful vista, that if we dealt with haze in the air, that that might be because, and they do not have all the documents they contended, that might be some way that they are actually going to do something about global warming. Heaven forbid.

The very thought that the ostrich would take its head out of the sand, getting hotter all the time, and actually do something about global warming before the glaciers melt and the forests and the farms are burnt up. What a horrible thought that is that they might actually do something.

The CHAIRMAN. The time of the gentleman from Texas (Mr. DOGGETT) has expired.

(By unanimous consent, Mr. DOGGETT was allowed to proceed for 2 additional minutes.)

Mr. DOGGETT. Mr. Chairman, so eager are they to thwart even the possibility that someone might study this growing danger of global warming, of the greenhouse effect, of the fact that a lot of this planet is warming up, much warmer than this debate I must say, and the threat that that poses to the health and safety of the future of all the people on this world, so eager are they to prevent even a study that they have come in and tried to limit a study of haze that relates to the ability to see the great national wonders in our national parks and forests across this land.

That is the same extreme position that led one of the Republican leaders to talk about our environmental law enforcers and to denigrate them as the gestapo of America.

Then there is the issue of PCBs in our water. It was only a few decades ago that one of our Nation's leaders was said to have commented about the Housatonic. There is no tonic quite like the Housatonic. Well, I do not think he had in mind a river that was full of PCBs. The EPA is talking about trying to do something about it. There is a fear that they might actually go ahead and do something about it.

All this talk about things just being report language, when is it that we are going to see in a report that we want the Environmental Protection Agency to do a more vigorous job of enforcing our laws, cleaning up our water, cleaning up our air, protecting our natural resources so they will be there for our children in future generations?

That is the kind of report language I would like to see in this report instead of tying the hands and crippling the efforts of this agency to do its job. That is what is going to happen when we adopt the Waxman answer and reject this extremist agenda.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment of the gentleman. This amendment would override several provisions of the VA-HUD report, and I would like to speak to two of them.

First, the amendment of the gentleman would roll back a much needed report on mercury emissions, language that will direct EPA to complete the scientific research it needs to make informed regulatory decisions.

EPA recently settled a mercury-related lawsuit brought by the National Resources Defense Council. In that settlement, it promised to decide by November 15 of this year whether more stringent controls on mercury emissions are needed.

What is the problem with that settlement? The problem is that there are large gaps in our scientific knowledge about mercury. Most scientists agree that a certain amount of mercury is safe to ingest. However, EPA and the other government agencies do not agree, do not have a common understanding about what the levels are.

So it is perfectly reasonable, it seems, to ask EPA to step back and work toward some inner-agency agreement before issuing mercury regulations that, in all likelihood, will be more stringent than necessary and which has real job consequences.

Therefore, this VA-HUD language would simply require EPA to work with federal agencies, like the Food and Drug Administration, the Agency for Toxic Substances and Disease Registry, and the National Academy of Sciences. Together these agencies will, under this language, complete several ongoing studies on mercury transport and safe levels of mercury ingesting, giving EPA the sound science needed to reach common sense, informed regulatory determinations.

Mr. Chairman, secondly, in addition, I would like to comment on the regional haze provision of the amendment offered by the gentleman from California. I am a bit unclear if this portion of his amendment would have the effect which he intends. But recently many States raised concerns about EPA's regional haze implementation schedule.

It appeared as though EPA was going to use its regional haze program to accomplish what it had agreed not to do under the new particulate matter implementation schedule. However, these

concerns were addressed in the recently enacted ISTEA reauthorization. Language in that legislation linked the PM 2.5 implementation schedule to EPA's regional haze program, and the effect is to prevent EPA from taking any action to implement the regional haze program before it implements the 2.5 standard.

Nothing in the VA-HUD report can change that or does. It is for this reason that I do not understand the purpose of this portion of the amendment of the gentleman. The language in the VA-HUD provisions only does one thing, direct money for EPA to establish up to eight regional visibility transport commissions, VTCs.

The organization of these VTCs will fully engage the States and the program, and this fulfills the Clean Air Act provisions that give the States the lead roll in addressing regional haze.

To date most States have not been able to take part in these. Only one has been established. The Grand Canyon VTC was formed in 1990 as a model and a model that, for whatever reason, has not been duplicated. The language in the VA-HUD report would do nothing more than correct this.

For these reasons, with regard to these two provisions of the gentleman's amendment, I urge my colleagues to oppose the Waxman amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the gentleman from California (Mr. WAXMAN) for the careful work he has done on this amendment and for his effort to ensure that activities authorized by law to protect the environment and the public health are not compromised.

In that spirit, I would like to ask the gentleman to enter into a colloquy to clarify the effect of his amendment on report language regarding the Food Quality Protection Act.

As the more dangerous pesticide uses are eliminated under the Food Quality Protection Act, as they should be, it will become very important for farmers to have new, safer substitutes to continue growing high-quality crops.

Short-term emergency exemptions, such are allowed under current law, will in some cases be necessary where no viable new alternatives are available. The report language directs the EPA to devote sufficient resources to increase the pace of registration decisions and emergency exemptions.

Would your amendment affect the committee's direction in this area?

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

Mr. PRICE of North Carolina. I yield to the gentleman from California.

Mr. WAXMAN. It is not the intention of this amendment to slow down EPA's implementation of the Food Quality Protection Act in any way. Registration of new, safer pesticides and issuance of emergency exemptions are important to agency functions, just as tolerance reassessment is.

My amendment would address the concern that report language accompanying this bill could be construed to reprioritize implementation of the Food Quality Protection Act away from public health protection and undermine the new statutory safety standards established by the FQPA.

Mr. PRICE of North Carolina. Mr. Chairman, reclaiming my time, the report also directs the EPA to issue regulations governing emergency exemption tolerances which were statutorily required by August 3, 1997.

I assume that your amendment would not affect this language.

Mr. WAXMAN. The gentleman from North Carolina is correct. This rule is long overdue and should be issued immediately. Nothing in my amendment would prohibit the EPA from implementing any statutory requirement under the Food Quality Protection Act.

Mr. PRICE of North Carolina. The report instructs the EPA to review and issue emergency exemption tolerances in a manner which minimizes resource demands. Would the intent of your amendment affect this language?

Mr. WAXMAN. No, it would not. Obviously, for emergency exemptions to be effective they must be issued in a timely manner. Nothing in my amendment would undermine that goal.

I am aware that there is disagreement among stakeholders on what EPA's priorities should be in the implementation of this law. It is my hope and expectation that the Tolerance Reassessment Advisory Committee, convened at the request of Vice President Gore, will help to bring consensus to implementation of our pesticide laws.

Mr. PRICE of North Carolina. Finally, I would like to ask, as the report instructs the EPA to ensure the use of reliable data in calculating exposure to pesticide residues and to clearly explain the legal and scientific basis for its policies, would the intent of your amendment affect this directive?

Mr. WAXMAN. The gentleman is correct that EPA should clearly explain how it is reaching its decisions. I am aware that EPA is currently developing guidance to help in this regard, and my amendment would not interfere with this process.

I also agree that EPA should use reliable data when available. However, sometimes reliable data is unavailable and EPA must make reasonable assumptions in order to not ignore legitimate public health concerns. When these assumptions are not dictated by the statute, the agency has greater discretion.

I hope that the EPA's guidance will help clarify issues regarding what information is required and how and when assumptions are used so that all stakeholders can understand how the law will be implemented.

Additionally, I expect the agency will fully consider any data brought to them.

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentleman for taking the time to clarify the intent of his amendment on these points.

The Food Quality Protection Act is an important tool for improving the safety of our food. We should work to implement it in a timely manner. At the same time, we must make sure that farmers continue to have the tools which allow them to make a living, producing safe, high-quality food.

Mr. WAXMAN. I thank the gentleman from North Carolina and commend him for his leadership on this issue.

There has been recent misinformation on this issue, and I congratulate the gentleman for working towards a consensus approach.

Mr. PRICE of North Carolina. Mr. Chairman, I yield now to the gentlewoman from North Carolina (Mrs. CLAYTON), who also has expressed concerns about these matters.

Mrs. CLAYTON. Mr. Chairman, I want to first thank my colleague from North Carolina in bringing this colloquy to clarify some of the misconceptions about the inability for farmers to proceed in getting the protection they need under the Food Quality Protection Act. I think this means that we can have both an environment that is safe but also for the opportunity for farmers to move forward.

I thank the gentleman from North Carolina (Mr. PRICE) and I thank the gentleman from California (Mr. WAXMAN) for his response and clarifying the record that this is not an anti-farmers provision.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Chairman, I was not sure that I wanted to become engaged in this debate. But I do have some concerns about the Food Quality Protection Act; and since we have been discussing that in a very enlightening way, I thought that I would proceed with the remarks which I had prepared.

I am speaking as a member of the Committee on Agriculture and one who has been involved in working on pesticides for about the last 25 years. I thought that I was finally witnessing some substantive progress with the passage of the Food Quality Protection Act in the 104th Congress. I should have known it was too good to be true.

The committee report language appears to place pesticide decisions into two categories: the ''please-go-faster'' category includes registering new products and granting emergency exemptions.

I note that reregistration decisions are not included in this category, even though we have been promising the public and the farming community for over 26 years that all pesticides on the market today would be reviewed to ensure that they meet contemporary health and safety standards. We have yet to keep that promise.

In the ''please-go-slow-if-you-go-at-all'' category includes the implementation of the science policies and new methodologies required to fulfill the mandate that Congress gave the agencies 2 years ago to take account of the special needs of infants and children. And we have had some serious public furor over that, as some of my colleagues who may remember the Alar controversy with regard to apples will recall; consider cumulative pathways of pesticide exposure; and to address groups of chemicals which have a common mode of action.

All of these, after all, might lead to further restricting pesticide use or to the agency making a decision to cancel the older, riskier products that have been on the market for decades and whose continued presence acts as a disincentive for farmers and consumers to use newer and safer products.

□ 2200

I recognize a period of transition is inevitable with the passage of any new law. The need for a transition should not become an excuse for paralysis in decision-making at the agency. Many decisions the agency needs to make are long overdue and should not be deferred indefinitely while we develop perfect scientific information or a consensus of all interested groups. The days of politically safe and scientifically perfect decisions will never arrive. I can guarantee you that.

The Administration and the Congress promised the public a science-based food safety law that would ensure that safe pesticide products would be used in our homes, workplaces and to grow our food. We said we could accomplish this without hampering our farmers' ability to grow the products we all need and enjoy. The colloquy that we just heard a few minutes ago confirms that. We should not be so afraid of change that we cannot make good on these promises and move ahead to further improve the safety of our food supply and the health of our environment. We should not get caught in the trap that has immobilized progress on this issue for the last quarter century.

I urge Members to vote for the Waxman amendment.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from California.

Mr. LEWIS of California. One of the needs for this report language is that it would appear as though the agency is cherry-picking the way it will interpret the very law that your committee wrote, and it is a comprehensive bill. Remember, Mr. BROWN, that this is the same agency that has a hand in the problems in our own territory like the Delhi ever-loving sand fly and the San Bernardino kangaroo rat. The EPA needs some direction. That is all this report language does.

Mr. BROWN of California. Let me say to my good friend from my neighboring congressional district that I am well aware of the defects in the way the EPA operates. I have no objections to giving them some direction. I do not wish, however, to withdraw the direction that we may have already given them in which they are not fulfilling at the present time.

I think that this is the whole intent of the Waxman amendment. I cannot perceive why it should even be controversial. I do not object to the directions coming from the Committee on Appropriations except modestly when they intrude on the prerogatives of the authorizing committee, but I even overlook that once in a while when I feel that the goal is worthwhile. But I think in this case, we may have gone too far in an effort to prevent the agency from doing the job that we have told it we want them to do.

Mr. ALLEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the amendment offered by the gentleman from California (Mr. WAXMAN). I had planned today to offer my own amendment to nullify one of the antienvironmental riders attached to the VA-HUD appropriations bill but instead my language will be included in this amendment and I want to thank the gentleman from California for his support and leadership on this matter.

This bill includes detrimental report language that would seriously and unnecessarily delay the EPA's efforts to address the risk of exposure to mercury contamination from utility emissions. Let me be perfectly clear. The effect of the language is to say that EPA can issue no regulations with respect to utility emissions for 3 years. That is the effect of this language. It is significant, and that is why those on the other side are fighting so hard to keep it in.

Mercury is a naturally occurring element that has built up to dangerous levels in the environment due to releases from coal-fired power plants, waste incinerators and other types of manufacturing plants.

After mercury is released into the air, it can travel great distances. It eventually settles in water, and, unlike other pollutants, it accumulates in the aquatic food chain and becomes more, not less, toxic over time in the tissue of fish. There in its most toxic form, methyl mercury, it contaminates humans who eat the fish.

The health risks related to mercury exposure are significant. The most vulnerable to mercury contamination are pregnant and nursing women and young children. Mercury poisoning can result in severe neurological damage to developing fetuses. Older children and adults can see effects such as paralysis, numbness in extremities and kidney disease.

In my home State of Maine, loons hold a special place in our hearts, but U.S. Fish and Wildlife studies have shown that loons in Maine have the highest level of mercury recorded in this country, far higher than in States to the west.

The 1990 Clean Air Act did not address mercury utility emissions but it did require the EPA to report to Congress on the impacts, sources and control strategies for mercury. That long-awaited report, and, I would say, delayed report finally was delivered to Congress this past September. Here it is. This is the executive summary of that EPA report to Congress. The whole report is huge.

Here is another report. The States are acting on their own. The northeastern States together with the maritime provincial governors have gotten together and done a study of mercury. We have studies. We have got plenty of studies on mercury. What we need now is for EPA not to fall behind but to keep up with our State departments of environmental protection.

Now, those reports conclude that there are serious health risks involved with mercury exposure and that contamination is on the rise.

We have heard statements tonight about the big, bad Federal agency, the EPA. Take a look at this chart. Thirty-nine States have water body advisories related to mercury contamination. Thirty-nine States. I ask those on the other side, take a good look at this map. Chances are your State is one of those States that has a mercury water body advisory. This is not the EPA. This is your State Department of Environmental Protection, the biologists. To those that oppose the Waxman amendment, what I say is what are you going to tell your States, what are you going to tell your State biologists, what are you going to tell the mothers and children in your States who are at risk of mercury contamination, and frankly many of them do not know that. Are you going to tell them that, well, we ought to do nothing for 3 years?

I do not think that is an acceptable approach. These reports conclude that coal-fired power plants emit more mercury into the air than any other source. Estimates are that they release 52 tons of mercury every year, one-third of the annual emissions.

Now, what we are asking is for EPA to go to the utilities and gather information about utility emissions. We do not want to stop that. We want that to continue because the public has a right to know. They have got a right to know this information.

Right now EPA is finalizing its information request to utilities. We know the problem. We know the sources. And accurate monitoring data by the EPA is necessary. We need to know. The report language would require several studies to address what are claimed to be current gaps in the scientific understanding of mercury. But the studies that we are waiting for, that those on the other side want to wait for, are not expected to be completed until 2002.

The CHAIRMAN. The time of the gentleman from Maine (Mr. ALLEN) has expired.

(By unanimous consent, Mr. ALLEN was allowed to proceed for 1 additional minute.)

Mr. ALLEN. Mr. Chairman, waiting for duplicate studies before we act will only achieve further delay in the agency's efforts to address the risk from mercury exposure.

We know there is a link between mercury emissions from power plants and the contamination in our Nation's lakes, rivers and streams. It is in our neighborhoods. It is affecting our children. We do not need additional reports to tell us that. I urge my colleagues to protect the public's right to know and support the Waxman amendment.

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

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

Mr. WAXMAN. I thank the gentleman for yielding. I want to commend the gentleman for his leadership on this issue. I know he had a similar amendment which we have incorporated into our amendment. It is important that we deal with this issue. I was pleased by the assurances from the gentleman from California (Mr. LEWIS) that these report language provisions do not have any binding impact on the agencies. But I fear that when we ask them to do another report after they have already done so much, as the gentleman so eloquently pointed out, that it may be intimidating on them to go forward. I think that is a reason why we need to adopt this amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. KUCINICH. Mr. Chairman, the gentleman from California (Mr. WAXMAN) is right. Report language does state that the EPA not issue any regulatory determination for mercury emissions from utilities until more studies are done.

But studies have already been done. It is a fact that coal-burning utilities emit mercury from their smokestacks. It is a fact that mercury gets deposited in our soil and water. It is a fact that mercury accumulates in fish. It is a fact that mercury works its way up the food chain to people. Coal-fired utilities emit 52 tons of mercury each year nationwide.

Mercury contamination is a serious problem in Ohio. The National Wildlife Federation has determined that coal-burning utilities are responsible for 55 percent of the State's total mercury emissions. These utilities are responsible for more than 9,000 pounds per year of mercury released into the air. The Ohio Department of Health has issued a statewide fishing advisory for every river, lake and stream in Ohio due to mercury contamination in Ohio's waterways. Ohio affects New York, Pennsylvania, Maine, Vermont, New Hampshire, Massachusetts, and Canada as well with mercury contamination. These emissions are damaging our quality of life, the areas where we live, where we work and where we play.

Yet the committee language will prevent the EPA from acting now. We cannot accept and we do not have to accept the logic that jobs depend on pollution because everyone knows that in the next millennium we can have both jobs and a clean environment and that pollution represents wasted resources.

Mr. Chairman, one of the most disconcerting aspects of the environmental debate is that it demonstrates a kind of thinking that man has disconnected himself from his natural environment. We speak of the air as if it is out there. We speak of water as if it is a wet abstraction. We speak of global warming as if the globe is somewhere other than that upon which we stand, where we live.

Human life depends on the life of the planet. Our children's life depends on the life of the planet. A famous Indian chieftain once said, I think it was Chief Seattle, ''The Earth does not belong to us, we belong to the Earth.''

The Earth and the environment which contains it are the fundamental preconditions of life. Now, if you believe that life is sacred, and I do, then you believe that it is a seamless web. That if life is sacred, the Earth is sacred. If life is sacred, the air is sacred. If life is sacred, water is sacred. If life is sacred, the globe is sacred and all who live upon it are sacred.

Now, this is not a mere rhetorical or philosophical proposition. This is not about the intricacies of environmental politics. This is a spiritual imperative. Without a place for us to work out our fate, there is no physical life for us to do the work of the spirit. This is a matter of life. The God on which our Nation trusts is the same God whose work is all creation. Creation is the work of God and if we are created in God's image, then we ought to have more respect for God's creation. The mere possibility, the mere hint that greenhouse gases may be changing our global climate, that PCBs are contaminating our waters, that mercury is poisoning people should cause Members of this House to leap to the defense of our common home. It is time to reconcile with the Earth, it is time for us to remember where we came from, and to remember that all life is precious and that life depends on us.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am somewhat taken aback by the distinguished chairman's belittling of the importance or impact of the report language here. I have to think that if he really believed that, that that language was so weak, that he ought to be supporting this amendment and we could have saved a great deal of time this evening and he could have sent a letter or two letters or a series of letters to EPA on this point with at least equal effect.

□ 2215

In fact, he does not believe that. He knows that this is more important language, and that is why we are having this debate.

But I think what we have got, then, is something that I will characterize as ghost riders. The appropriations process that we have before us is haunted by these ghost riders. We passed the bill last night and voted on several of them today, and it attempts to remove several of these ghost riders from that bill and those were unsuccessful.

Here we have a series of these antienvironmental ghost riders on today's bill that threaten the public's health and safety. This is a simple strategy that every American can read. The strategy is to tie the hands of the EPA and prevent them from performing the duties that they were statutorily charged with carrying out. The American people sent us here to serve them. The people who sent us here both expect and deserve more.

Now we have rivers that are not safe to swim in. The fish from those rivers are not safe to eat. The river banks are not safe for children to play along. I think it is clear that we need an Environmental Protection Agency that is armed with all of its tools.

The majority in this House wants to suspend river cleanup and pretend that PCBs and DDT will simply go away on their own. They are not going to go away on their own. Polychlorobiphenyls are among the most stable compounds, chemical compounds that we know. Their solubility in water is extremely low so they get caught up in the sediments.

They are not going to stay under the sediments when the rivers' oxbows move. By the normal action of the river, those sediments turn over, those PCBs or DDT. DDT and PCB are similar really only in the fact that they are both heavily polyalginated, and that is really their only similarity other than the fact that they are both proven carcinogenic compounds.

The kind of normal action of the river continually releases that material into the environment again time after time and keeps the rivers unclean. However, the PCBs, when ingested by human beings or by fish, they go into the fatty tissues; and that is the route by which they become carcinogenic.

Our rivers should be available to the owners of the banks of those rivers, if we have any concern for private ownership, for them to use. They should be available for vacationing families. They should not be closed with ominous ''keep out'' signs with skulls and crossbones that say ''do not eat the fish.''

There is an implication here that dredging is not a tried and proven method. It has been used. It has been a steady part in 23 of the 25 Superfund cleanups involving PCBs or DDT, either one of them, in river sediments. It is a remedial dredging procedure that has been used again and again successfully. There is no question about its having been used and it being tried.

The National Academy of Sciences presented a study entitled ''Contaminated Sediments in Ports and Waterways, Cleanup Strategies and Technologies.'' Doing another study when they have already done that in the way they have is basically unnecessary. It is dilatory. It ends up leaving us in a position where we may not be able to reach a conclusion here at all.

My district is the Housatonic River. The Housatonic River, when PCBs run down that river, goes on into Connecticut and affects the districts from several Members of the State of Connecticut.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. OLVER) has expired.

(By unanimous consent, Mr. OLVER was allowed to proceed for 2 additional minutes.)

Mr. OLVER. Mr. Chairman, as I was saying, that river is completely outside the area that is represented by the gentleman from New York, the chairman of the Committee on Rules.

The people in our area and the people in Connecticut and the governmental authorities in both Massachusetts and Connecticut are deeply concerned about making certain that this process is not slowed down, that it goes forward.

All the Environmental Protection Agencies in those States and the law enforcement agencies in those States are agreed upon that. We can argue about the merits of a do-nothing Congress in the case of these ghost riders. I suspect that the American people would be very much served and very happy if we did exactly nothing in relation to such items that have been attached to the report language of the bill. But at least then the Congress would be doing no harm. Surely, to do no harm ought to be the goal for every one of us.

But American people at least in my area surely do want the EPA to do its job. So we should adopt and support the Waxman amendment in order to eliminate these ghost riders from this bill.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise, obviously, to oppose the amendment and with some concern because I do not wish to discuss the amendment. We have had a lot of time to consider this amendment and several others in this bill. I do wish that we could conclude our debate and bring it to a close, because I think it is a very important bill that should be concluded tonight, and we can go on to other business.

I cannot for the life of me understand why we are dragging out the debate as long as we are. But since we are dragging it out, it has given me an opportunity I do not often get; that is, to read the New York Times. I mean, I come from New Orleans. We have the Times-Picayune. Then when I am in Washington, sometimes I read the Washington Times and even the Washington Post. I venture forth and sometimes I read the Wall Street Journal going all the way up to New York.

I picked up the first copy of the New York Times I have seen in months, perhaps even years. I am sitting over there waiting for this debate to be over with. For the life of me, when is it going to be over? It is no reflection on the author of the amendment. He means well. And all the opponents, they mean well. And good grief, we just keep debating it.

So I am reading this lead editorial. It says ''The Firestorm Cometh,'' Mr. Chairman. I would like to take an opportunity to read it.

Charles Labella, who has been leading the Justice Department's campaign finance investigation, has now advised Attorney General Janet Reno that under both the mandatory and discretionary provisions of the Independent Counsel Act she must appoint an outside prosecutor to take over his inquiry. The other important figure in this investigation, Federal Bureau of Investigation Director Louis Freeh, has already recommended an independent counsel. Ms. Reno can give her usual runaround about being hard-headed, but she cannot hide from the meaning of this development.

The two people in the American Government who know most about this case, the lead prosecutor and the top investigator, are convinced that the trail of potentially illegal money leads so clearly toward the White House that Ms. Reno cannot, under Federal law, be allowed to supervise the investigation of her own boss. When it comes to campaign law, this is the most serious moment since Watergate.

These are not the judgments of rebel subordinates or hot-headed junior staff members. Freeh, a former Federal judge, has been, if anything, too loyal to Ms. Reno during the nine long months that she has ignored his advice. Labella was hand-picked by Ms. Reno on the basis of his experience and skill to run this investigation. Either she has to come forward and make the impossible argument that they are incompetent or bow to the law's requirements.

I got to this last paragraph, and I had to stop. I said, is this the New York Times? Certainly it is the Washington Times or maybe the Times-Picayune. But I checked the headline. No, it is the New York Times, right out of New York City. It is the lead editorial.

This is the last paragraph. It says,

Ms. Reno may grumble about leaks of supposedly confidential advice, but the fact is that the American people need to know that the two top law enforcement officers believe the Attorney General is derelict.

The New York Times.

Moreover, Freeh and Labella are right to separate themselves from Ms. Reno, because if her attempt to protect Presidential fundraising from investigation continues, it will go down as a black mark against Justice every bit as historic as J. Edgar Hoover's privacy abuses. ''Firestorm'' is an overused word in Congress, but if Ms. Reno does not make the appointment, the Republican Senate leadership ought to ignite one, today.

I think the gentleman's amendment ought to be rejected, but this is something to consider.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words, and I will not use the 5 minutes.

Mr. Chairman, I thought I had to be in the Senate to listen to an old-fashioned filibuster, but at least the gentleman from Louisiana gave me the opportunity to witness one for the first time. So I appreciate that.

Let me just say that I hope that the Republican leadership understands from this debate tonight that Democrats will not stand by and let the Republican assault on the environment through these various riders continue.

I was very happy to see so much debate on the issue of the riders, because I think it shows that we, as Democrats, intend to draw the line on these various appropriations bills, and that is why we support the Waxman amendment tonight.

I am just going to mention two brief things. First, with regard to the provision prohibiting the EPA from taking any action to remove contaminated sediments from rivers, lakes, and streams, I just wanted to point out that there are numerous sites in the United States that are on the national priority list of Superfunds and that might be listed on the Superfund site list in the future that could require the removal of contaminated sediments.

Since 1984, the EPA has included the remedial dredging of 23 of 25 Superfund decisions at sites with PCB-contaminated sediments. To prohibit or delay the EPA's ability to use dredging at these sites is to greatly increase the risks for America's citizens or serious health impacts and even greater environmental degradation than has already occurred from these sites.

So we have to pass this Waxman amendment, otherwise we are going to have even more problems with our Superfund sites.

Secondly, with regard to a rider that would delay an already prolonged process from reducing mercury emissions from electric utilities, just last Thursday, I spoke at a press conference to launch the release of a report that addresses mercury emissions from utilities.

My colleagues have talked about this because of the concern that this type of pollution from utilities causes to the environment, and I just wanted to say that, as States and eventually the Federal government move towards a more competitive electricity utility market, addressing mercury and these kind of emissions in a uniform and equitable and prompt matter is going to become increasingly important.

We simply have to recognize that this rider will make it only more difficult to address mercury pollution in the context of electricity deregulation.

So I just want to say, Mr. Chairman, I urge my colleagues to support this critical Waxman amendment, to protect the environment and America's taxpayers. This really is a serious issue. Although some on the other side think that we can just as easily read the telephone book, the fact of the matter is that this is important for us. I am very proud to see that so many of

us on the Democratic side stood up tonight and pointed out that this continued assault on the environment will not continue to take place in this House as long as we are around here and able to express ourselves.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I rise in strong support of the amendment offered by Mr. WAXMAN of California. This amendment would eliminate controversial, anti-environmental riders attached to the bill at the last minute. This amendment would override language which interferes with agency actions to protect the environment and public health authorized by existing statutory authority. Specifically, the amendment would override provisions in this bill which would significantly delay efforts to clean the PCB contaminated Housatonic River in my home state of Connecticut. The Connecticut Department of Environmental Protection has contacted me in opposition of these provisions and the Environmental Protection Agency has indicated that these provisions pose a serious threat to their ability to take actions necessary to control immediate threats to public health.

PCB contamination poses threats to the health of individuals who come in contact with PCB contaminated soils, sediments, and wildlife. Exposure to PCB is carcinogenic, and poses health risks to intellectual functions, the nervous system, the immune system, and the reproductive system. The amendment would also correct language which would delay the cleanup of sites contaminated with mercury, exposure to which can cause serious neurological damage.

We must act immediately to clean up these contaminated sites and reduce the possibility of exposure to these dangerous chemicals. This amendment is supported by the National Environmental Trust, the National Resources Defense Council, the Public Interest Research Group and the Sierra Club, and several other environmental groups. I urge my colleagues to support this important amendment and protect our children from exposure to environmental hazards.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 243, not voting 16, as follows:

[Roll No. 334]

AYES—176

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Edwards
Ehlers
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Forbes
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Green
Greenwood
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Lee
Levin
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Porter
Poshard
Price (NC)
Ramstad
Rangel
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schumer
Scott
Shays
Sherman
Skaggs
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stokes
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Woolsey
Wynn

NOES—243

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kanjorski
Kasich
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Manzullo
Martinez
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sandlin
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Wicker
Wilson
Wise
Wolf

NOT VOTING—16

Brady (PA)
Conyers
Ford
Gonzalez
Hall (OH)
Lewis (GA)
Markey
Moakley
Serrano
Shuster
Smith (OR)
Stark
Whitfield
Yates
Young (AK)
Young (FL)

□ 2248

Messrs. WISE, REDMOND and REYES changed their vote from ''aye'' to ''no.''

Mr. SHERMAN changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to this section of the bill?

Mr. DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to bring to the attention of the distinguished gentleman from California (Chairman LEWIS) a problem with the Environmental Protection Agency. Since early this year, I have been working with the EPA on a support contract for the Superfund reportable quantities on oil spill programs.

These discussions focus primarily on the issue of bundling non-Remedial Action Contractor (RAC) restricted work with a RAC-restricted work in a single competitive procurement and limiting competition to non-RAC firms only.

Mr. Chairman, as the gentleman from California knows, a constituent company of mine located in Fairfax has been performing a scope of work for EPA that is deemed highly necessary in this program. The contracting vehicle is due to expire. Rather than conducting a new competition, EPA has arbitrarily and without justification decided to include this work under a restricted contracting vehicle, for which my constituent and every other RAC-restricted contractor would be precluded from competing as a Remedial Action Contractor. This violates Federal competition in contracting rules and is clearly unfair.

Mr. Chairman, I have attempted to resolve this matter by working with EPA, but in a letter to my office dated June 16, 1998, EPA reasserted its position to exclude RAC contractors from competing for bundled Superfund work.

I rise today to seek the assurance of the gentleman from California that if EPA does not move expeditiously to resolve this important matter prior to conference, that he will work with me in the context to reach a resolution.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Virginia (Mr. DAVIS). In May, I joined the gentleman in sending a letter to EPA attempting to resolve this important issue. I am disappointed in the response we have received and hope that the gentleman from California (Chairman LEWIS) will work with us in conference, should congressional action be necessary.

Mr. DAVIS of Virginia. Mr. Chairman, reclaiming my time, I thank the gentleman from Virginia (Mr. MORAN), my friend, and would ask if the gentleman from California (Chairman LEWIS) can help us in this endeavor.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman from Virginia (Mr. DAVIS) and would like to offer my assurance that should EPA not work to resolve this issue prior to conference, that I will work with the gentleman on language addressing this issue at that time.

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

Mr. Chairman, I rise for the purpose of engaging the gentleman from California (Mr. LEWIS), chairman of the Subcommittee on VA, HUD, and Independent Agencies Appropriations, in a colloquy.

Mr. Chairman, in 1995, in a bipartisan effort, the Edible Oil Regulatory Reform Act, Public Law 104–55, was signed into law. This law required the Federal Government to differentiate between edible oils and other oils, such as petroleum, when issuing or enforcing any regulation relating to the transportation, discharge, emission or disposal of oils under Federal law.

Unfortunately, the EPA has yet to provide for differentiation treatment of these oils, despite common sense industry proposals for bringing the agency's rules into compliance with the Edible Oil Regulatory Reform Act.

The animal fats and vegetable oil industry has been working with the Congress and the Federal Government on this issue for more than 6 years. The Congress expressed its will when it passed the legislation in the 104th Congress.

It is time to bring this issue to conclusion and stop the bureaucratic red tape. The Senate has included an amendment to the EPA appropriations that requires the EPA to promulgate a rule by March 31, 1999, that will bring this issue to closure and provide for a regulation that is in compliance with the law that this body passed by unanimous consent in 1995.

The House Committee on Appropriations has included report language also calling for closure to this issue by March 31, 1999.

I would urge the Members to include the Senate language in the final version of this legislation as it makes its way out of conference. I hope the Members would agree that the EPA should move forward with common sense and balanced regulations on these nontoxic edible animal fats and vegetable oils.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I thank my colleague, the gentleman from Illinois, for bringing this matter to our attention. I certainly agree that the EPA should move forward in this matter and we will work closely with our Senate counterparts in conference to see that the Agency does so.

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

Mr. Chairman, I would like to engage our distinguished chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations, in a colloquy.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, I would be happy to join in a colloquy with the gentleman from Wisconsin.

Mr. NEUMANN. Mr. Chairman, as you know, I am a former home builder and very familiar with the role of home mortgages in the country. We have about 23,000 mortgage brokers that originate half of all home mortgages throughout the country. These are small businessmen and women who provide a convenient and valuable service to both wholesale lenders and home buyers.

Sometime the lender pays the mortgage broker for their services which allows lower upfront costs to the home buyer. These payments are known as lender paid mortgage broker fees or yield spread premiums.

Confusion has arisen over the legality of lender paid broker fees. Nearly everybody agrees that Federal law does not make lender paid mortgage broker fees automatically illegal. Yet, HUD has difficulty in fully clarifying this point.

Although the bill does not help HUD clarify this issue, I know the gentleman shares my concern and I appreciate his efforts during the committee markup.

Is it the Chairman's intention to address the lender paid mortgage broker fees in the conference committee?

Mr. LEWIS of California. Mr. Chairman, first, let me say to my colleague, who is a member of the subcommittee, that I absolutely do intend to continue working with the gentleman. The gentleman's effort to make sure that we are on target in connection with this issue has been very, very helpful. We want to provide clarity on the legality of lender paid mortgage broker fees and will do so in the conference report. Between now and then, I know the gentleman will make sure that I pay attention.

Mr. NEUMANN. Mr. Chairman, I appreciate your assistance.

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

Mr. Chairman, I rise today to enter into a colloquy with my good friend, the gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on VA, HUD and Independent Agencies, to discuss a matter of concern that impacts my district, the 17th District of New York, and is also a matter of national concern.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, I would be pleased to enter into a colloquy with the gentleman from New York.

□ 2300

My sense-of-the-Congress amendment supports expanding the ability of States and localities to recommend alternative methods to filtration for meeting EPA water standards, by applying to the Federal Government the filtration avoidance based on information, technology, or evidence not available prior to an EPA determination that the State or locality had to adopt filtration. Under my proposal, if the EPA determines that the States or localities' alternatives do not comply with Federal standards, the EPA can still reject the State alternatives.

I do not believe my amendment is controversial, and I have received support from the gentleman from Texas (Mr. BARTON) and a number of Members from both sides of the aisle who have gone on record in their willingness to work with me in a bipartisan manner on this important issue.

I hope that I can work with the gentleman from California (Mr. LEWIS), the gentleman from Virginia (Mr. BLILEY), and the EPA as we go to conference and over the next year to resolve this very important issue.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I would like to thank the gentleman from New York for his work on this important issue. The committee encourages EPA, States, and localities to work together in finding better solutions to protect our environment.

I would encourage EPA to work together with the gentleman and the Committee on Commerce over the next year in resolving the problems facing the gentleman's district and the Nation. Presently, the Committee on Commerce is considering the proposal, and I will work with that committee and the gentleman from New York as we move toward conference and over the next year.

Mr. ENGEL. Mr. Chairman, I thank the chairman for his encouraging words and look forward to working with him and the gentleman from Virginia and the EPA over the next year to find a way to afford my community and others even greater flexibility in their efforts to offer Americans the cleanest water possible.

Mr. Chairman, with the gentleman from California's reassurances at this time, I will not offer my amendment.

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

Mr. Chairman, I would like to thank the gentleman from California (Mr. LEWIS), the chairman, and the gentleman from Ohio (Mr. STOKES), the ranking member, for engaging in this colloquy with me and with the gentleman from Maine (Mr. ALLEN). I appreciate their work on this very important legislation.

We rise to discuss the Veterans Equitable Resource Allocation, or VERA system. My colleague from Maine and I have been confronting a very difficult situation in our State of Maine, which is part of Veterans Integrated Service Network, or VISN, 1. Under the VERA system, VISN 1 has lost funding in the past, and is expected to lose additional funding this year. We are concerned about the level of care that our veterans are receiving.

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

Mr. BALDACCI. I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the Togus, Maine VA Medical Center has been recognized in the past as a center of excellence. Now, however, the Maine delegation is hearing continual complaints from Veterans that they are having to wait longer for appointments; that they are being asked to travel out of Maine to receive services; and that their doctors do not have time enough to spend with them. I am concerned that VISN 1 is not receiving adequate resources under the VERA system to serve Maine's Veterans.

Mr. BALDACCI. Mr. Chairman, this is not a new concern. Last year the House VA–HUD conference report requested a GAO study of how the VERA system affects the VISNs. We had expected this report to be concluded by this point so we could have the information before voting on another appropriations bill. It is now my understanding that the report has been significantly delayed and is not yet available.

I would ask the chairman and ranking member when are we expecting the GAO report to be issued?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, it is our understanding that the GAO intends to issue its report by September 1 of this year.

Mr. ALLEN. Mr. Chairman, if the gentleman will continue to yield, my colleague and I expect that the information to be concluded in the GAO report may assist the subcommittee and all Members in examining the reallocations that are underway. It would have been our wish, and I suspect the wish of the chairman and the ranking member, to have this information in hand before considering this legislation. At a minimum, we hope that it will be given careful consideration during conference.

Mr. BALDACCI. Mr. Chairman, to ensure that this year's appropriation bill provides adequate resources to every VISN to provide every veteran with the quality health care to which he or she is entitled, I would ask the chairman and ranking member to assure the body that as this legislation goes to conference that they will do all they can to ensure the recommendations of the GAO are taken into consideration.

Mr. LEWIS of California. Speaking for myself, I tell the gentlemen from Maine that we will carefully examine the GAO report and will take the GAO's recommendations in due consideration as we go through the conference.

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

Mr. BALDACCI. I yield to the gentleman from Ohio.

Mr. STOKES. Also speaking for myself, I similarly assure the gentlemen from Maine that I will carefully examine the VERA allocations and the GAO's recommendations. Providing quality health care to all of our Nation's veterans must be our highest priority.

Mr. BALDACCI. Mr. Chairman, I thank the chairman and the ranking member for their commitment to the veterans of this country.

Ms. HOOLEY of Oregon. Mr. Chairman, I move to strike the last word.

I rise to engage the distinguished chair from California in a colloquy. I want to highlight the merits of an innovative approach to water-management related plant research and wastewater system management that has been initiated by a terrific project called the Oregon Garden Project in Silverton, Oregon. It has national implications and is a national model.

By publicly showcasing how wetland functions as a natural water filtration system, and demonstrating unique water conservation techniques within a world class garden, the project provides an outstanding public education opportunity.

The garden, a $16 million construction project, is being funded by $8 million in private dollars and contributions from a partnership of State, Federal and local government. In fiscal year 1999, I am requesting a final $1 million to be provided within the EPA account for completion of construction, complementing the $2 million already federally invested.

The Oregon Garden holds a great deal of promise for teaching the public and developers about the critical role wetlands play in habitat and ecosystem management. While developed wetlands will never be able to replace preservation of existing wetlands, the reality is that wetlands must be restored and created. Developers must know how they function to accommodate runoff from community growth. The Oregon Garden will also serve as an educational site for horticulture, wetland management, and wastewater processing.

The nursery industry in the State of Oregon is the fastest growing industry in our State. It holds great potential for job development. We feel like the more than $9 million that have already been invested in this project makes us an excellent partner.

I recognize the chairman cannot grant every request, but I wonder if the chairman would work with the other body in the conference and try to find funding for the Oregon Garden.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Ms. HOOLEY of Oregon. I yield to the gentleman from California.

Mr. LEWIS of California. The gentlewoman probably does not know this, but my first grandchild, being born some years ago, the kids named her Katelyn Rose, and since that time I have been in the gardening business. So I want the gentlewoman to know that not only do I appreciate her making this effort, we will try to do everything we can to move the item along and we will be glad to be cooperative with her.

Ms. HOOLEY of Oregon. Mr. Chairman, I thank the gentleman very much.

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

Mr. Chairman, I thank my colleague from California [Mr. LEWIS], the chairman of the VA–HUD appropriations subcommittee, for the time and hard work which he and the gentleman from Ohio (Mr. STOKES) have rendered in bringing this legislation before the House. I want to raise an issue related to a component of the bill before us today, the Federal Emergency Management Agency [FEMA].

On July 6, residents of my district and five adjacent districts in Los Angeles County came under a mandate to purchase flood insurance through the National Flood Insurance Program administered by FEMA, the Federal Emergency Management Agency. This has caused a spirited debate within the region as to the necessity for this insurance and the accuracy of the maps of the Los Angeles County Drainage Area, which includes the Los Angeles River, the Rio Hondo River, and the San Gabriel River. Those maps simply are not accurate, and yet one has to purchase insurance based on those maps.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Is it not correct that the city of Lakewood,

California, paid for a new survey and found that almost 5,000 homes and businesses were mistakenly included in the floodplain and, thus, would have been required to purchase insurance when it was, in fact, not required?

Mr. HORN. That is true, and 5,000 structure were exempted.

Lakewood did this at no small cost based on its limited budget. The city undertook the survey to ensure that the revised insurance rate maps were as accurate as possible. And as I say, there were many inaccuracies.

It strikes me as unfair that the Federal Government has placed this insurance mandate upon 500,000 constituents from six congressional districts. But FEMA has not made the proper flood plain insurance maps as accurate as possible.

□ 2310

James Lee Witt, the director of FEMA, has been very helpful over the years and I commend him for his willingness to work with us on the many issues related to this new mandate.

However, Mr. Chairman, I feel that before the Government acts, it should make a good-faith effort to use the best information that is available, particularly when good citizens—and many of these citizens are in a lower-economic category—must pay out of their pockets for any mistakes the Government might make.

For this reason, I would like to ask the distinguished chairman if funding could be made available to ensure that new maps would be prepared more accurately and reflect the true areas which might be impacted by the 100-year flood event.

I would hope that the flood insurance now being imposed would also have a moratorium placed on it until the maps of the flood plain prove to be accurate.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, my colleague is raising a very, very important point; and this issue is one that has been around for a while and yet it needs some serious oversight and review. It is a problem that I would like to continue to explore with my colleagues, especially the gentleman from California (Mr. HORN) and I appreciate his bringing this to our attention further.

Mr. HORN. Reclaiming my time, I would hope that something could happen in conference or in another way.

Mr. LEWIS of California. If I know the gentleman from California (Mr. HORN), he will see that we try.

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

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

Mr. STEARNS. Mr. Chairman, I rise to speak about my amendment and engage in a colloquy with the gentleman from California (Mr. LEWIS).

As the gentleman is undoubtedly aware, the American Heritage Rivers Initiative was established by an executive order and has not gone through the entire committee process. It has not received any Congressional authorization. It has not received any appropriation, and it has not received sufficient oversight by the committee of jurisdiction.

A number of Members, including myself, are very concerned about this American Heritage Rivers Initiative program primarily because it has not been authorized by Congress. So I rise today to ensure that the Congressional intent is not to be misconstrued by the Council on Environmental Quality, or CEQ.

The CEQ should not rely on the Committee on Appropriations VA-HUD Appropriations report language to fund the American Heritage Rivers Initiative, and I am just asking the chairman, the gentleman from California (Mr. LEWIS), if that is his understanding.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I am very well aware of your concerns; and if you recall, I shared them with the administration on several instances during the past year. It is not my intent that the report language be a base for funding.

Mr. STEARNS. Reclaiming my time, I appreciate the concern of the chairman because, as it points out, the committee states that the Council on Environmental Quality should ''strike a balance when allocating resources so as to adequately fund Congressional priorities as well as the administration's priorities such as the American Heritage Rivers Initiative.''

So primarily I was concerned that CEQ would construe that statement through the House committee report that it spoke for the entire House. So I appreciate the statement of the chairman on this.

Mr. Chairman, do you acknowledge this as a program that has really not been approved by Congress?

Mr. LEWIS of California. I do not only acknowledge but state flatly that this is an unauthorized program, and I want my colleague to know that I intend to make certain when we go to conference that both the House and Senate are very clear on this matter.

Mr. STEARNS. Mr. Chairman, reclaiming my time, I appreciate the concern of the gentleman and I appreciate what he just spoke, the endorsement.

The language as is written could be construed, but I think my colleague has made it clear tonight, that if a program is not authorized by Congress, and this report language does not do that.

As the chairman is aware, the federal involvement in local land issues has been a rocky history lately.

At this point I include for the RECORD, Mr. Chairman, the following body of my remarks, which gives this rocky history without belaboring it here on the House floor:

By way of background, on April 13, 1998, a US District Court Judge ruled that the National Park Service had the authority to block the construction of a proposed St. Croix River Bridge connecting Stillwater, Minnesota, with Houlton, Wisconsin. Minnesota and Wisconsin spent $14 million on bridge design and purchase of required right-of-way. This construction block was allowed despite Department of Transportation approval of the project. Why was the project halted? Because the St. Croix River is designated as a Wild and Scenic River, under the Wild and Scenic Rivers Act of 1968. This Act was the basis for the National Park Service's Authority.

The decision turned on the interpretation of the project as a ''water resource project'' by the National Park Service. This gave the National Park Service authority over the project, even though apparent Congressional intent was to prevent any bridge over a designated river to be considered a ''water resource project'' under the Wild and Scenic Rivers Act.

In the case of the American Heritage Rivers Initiative, as Congress was not involved in the creation of the program, courts would have no Congressional history as guidance should disputes arise.

If the Wild and Scenic Rivers Program is any indication, we have reason to be concerned about increased federal involvement in our local affairs. It is still unclear exactly what American Heritage Rivers designation means.

Already, we are seeing that the policy on this Initiative is far from clear. I wrote to the CEQ over a month ago to request clarification on what a kind of an exemption a Congressman whose District was opted out could expect to receive. I still have received no response from the CEQ.

Does the Chairman agree that the CEQ should not use VA/HUD appropriation funds to operate the American Heritage Rivers Initiative without Congressional approval?

Mr. LEWIS. Yes, I do. I will work with concerned members of this body to make sure that we prevent the CEQ from operating the American Heritage Rivers initiative with public money without Congressional Approval.

Mr. STEARNS. Given Mr. LEWIS' agreement to resolve this situation, I would like to withdraw my amendment to prevent the CEQ from using VA–HUD Appropriation funds to administer the American Heritage Rivers Initiative. I look forward to working with the Chairman and ensuring that the CEQ does not use federal funds to operate the American Heritage Rivers Initiative without Congressional approval.

I would like to thank the gentleman for his continued leadership on this issue.

Mr. Chairman, let me conclude by saying, does the chairman agree that the CEQ should not use VA–HUD appropriation funds to operate the American Heritage Rivers Initiative without Congressional approval?

Mr. LEWIS of California. That is the strong position of the chairman.

Mr. STEARNS. Mr. Chairman, I appreciate the comments of the gentleman from California (Mr. LEWIS) here and I look forward to working with him in ensuring that the CEQ does not use federal funds to operate the American Heritage Rivers Initiative without

Congressional approval, and I thank the gentleman for his continued leadership.

Mr. LEWIS of California. I appreciate very much the colloquy and agree with the gentleman.

Ms. BROWN of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am glad that the gentleman from Florida (Mr. STEARNS) did not offer this amendment. Let me say that the American Heritage Rivers Initiative has garnished more support in northeast and central Florida than any other issue in recent history.

Why? Because this involves one of our Nation's most important resources, the St. Johns River. This initiative was announced by President Clinton in his 1997 State of the Union address. But it was pursued by local and State leaders. This is the only way a river can be a part of this program, through local efforts. So this initiative is a perfect example of the partnership that we should support, not eliminate.

In Florida, we value our natural resources. The local elected officials throughout the Third Congressional District, both Republicans and Democrats, put all of their efforts into getting the American Heritage Rivers designated for the St. Johns.

Our river has been recommended for the list of 10, and I stand here to let my colleagues know that the Stearns amendment or the comments of the gentleman from Florida (Mr. STEARNS) do not reflect the sentiments of Florida.

I am glad that he did not offer the amendment, and I urge all my colleagues to support the environment and support restoring our Nation's rivers, which we all treasure in our community.

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

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

Mr. VENTO. Mr. Chairman, I wanted to point out that I have two amendments, amendments No. 10 and 11, both of which would have restored nearly $30 million to successfully yet consistently underfunded FEMA emergency food and shelter program with an offset for various other accounts.

This emergency food and shelter program is a unique program that partners the Federal Government with some of the largest national charity organizations down to the local level. These charities work in partnership with FEMA. They do great work, Mr. Chairman. Second Harvest reported 8 million children, 3.5 million seniors were served in 1997.

I would point out that this amendment and initiative was supported by various groups, including the American Red Cross, Catholic Charities, the United Way, Council of Jewish Federations, and many others. I have been supported by many Members on this, not the least of which is my colleague and friend the gentleman from New York (Mr. WALSH), who I yield to at this point to make a statement and to enter into a colloquy with the gentleman from California (Mr. LEWIS).

□ 2320

Mr. WALSH. I thank the gentleman for yielding. I would otherwise have risen in strong support of the gentleman's amendment. But what we have decided is we will have a colloquy to discuss this. If the gentleman from California would join us, I would like to ask a question.

Mr. Chairman, as the gentleman from California is aware, the Emergency Food and Shelter Program is a model program that acts as a vast safety net for homeless and hungry individuals nationwide. I know that the gentleman has been supportive of this program and has indicated a willingness to see what can be done to provide additional resources for this program.

Would the gentleman agree that the Emergency Food and Shelter Program is an effective, well-run program and that it has become increasingly difficult to accommodate all the requests from charitable organizations for emergency food assistance?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. I concur with the gentleman from New York that the Emergency Food and Shelter Program is a well-administered, effective program. The program is a model of public-private partnership with local boards distributing funds quickly and efficiently to the neediest areas of the country with minimal but accountable reporting. I also recognize that there are growing requests for emergency assistance from charitable organizations that have made it increasingly difficult to meet all the requests for food assistance.

Mr. WALSH. Mr. Chairman, in the event that additional resources become available when the House conference with the Senate begins on this bill, will the gentleman work with us to see if some additional funds may be made available for this effective, vitally needed program?

Mr. LEWIS of California. I appreciate the gentleman's continued interest in this program. Let me assure the gentleman from New York and the gentleman from Minnesota and others with an interest in supporting the Emergency Food and Shelter Program that to the degree that additional resources become available when we go to conference on this bill, I will continue to work together with these gentlemen to see if additional resources can be found for this important program.

Mr. WALSH. I thank the gentleman.

Mr. VENTO. Mr. Chairman, I, under the circumstances, will not offer the amendment. I would just point out that these are effective programs that very often the benefits go directly to people. There has been very little in increase that has been provided for these programs over the last 4 or 5 years. I think that they are due an increase especially because the local groups that are in fact operating these programs are operating on overload and much need help. I appreciate the gentleman's willingness to work with us and therefore will not be offering the amendments and will withdraw them.

The Emergency Food and Shelter program is a unique program that partners the Federal Government and some of the largest national charity organizations down to the local level. The charities that work in partnership with the FEMA program are continually on overload. Demand for food and shelter is rising and the funding level of EFS has not kept pace with the need. Second Harvest has reported to us that 8 million children, 3.5 million senior citizens, and millions of the working poor people sought emergency food assistance in 1997. The U.S. Conference of Mayors has reported that 86 percent of cities cite an increase in food demand and that some 19 percent of the requests for food have gone unmet.

Given this additional funding, the Emergency Food and Shelter program through its partners, can help these citizens in need. The EFS program has had an outstanding record of fast allocation of funds to the neediest areas in our country. The Emergency Food and Shelter Program provides just that, food and shelter or emergency housing assistance, to hundreds of thousands of families, with 97 percent of the funds going directly for food and shelter services.

The offset for this bill is coming from a program that has received a $268 million increase over FY 1998 funding, while the EFS program has not received an increase of even $1 million since 1990 and in fact, it was cut by $30 million in FY 1995.

The effort to increase funds for this program is supported by a solid group of organizations deeply concerned about the increased demand for emergency food and shelter. Groups like the American Red Cross, Catholic Charities, the United Way, Council of Jewish Federations, Food Research and Action Center, the National Council of Churches, Bread for the World, National Alliance to End Homelessness, National Law Center on Homelessness and Poverty, National Low Income Housing Coalition, Second Harvest, and many others. This effort is deserving of other members support as well.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word. I move to do this in order to recognize the statesmanship of the gentleman from California (Mr. ROHRABACHER) who has put his 5-minute speech in the RECORD. I will put my 10-minute speech in the RECORD, also.

Mr. Chairman, a mere 10 minutes is not enough to praise the gentleman from California (Mr. LEWIS) and the gentleman from Ohio (Mr. STOKES) for the way in which they have conducted themselves.

I do want to take a minute for a very brief colloquy with the gentleman from California with regard to FEMA if he is willing to do so.

I want to commend the gentleman from California (Mr. LEWIS) for directing the Federal Emergency Management Agency in last year's bill to submit a report assessing the need for additional Federal disaster response training capabilities.

It is my understanding that FEMA acknowledged the need for an expanded program to meet the increased demand for training of emergency personnel. Therefore, I would like to inquire as to the gentleman's intent regarding the development of an additional FEMA training facility. Is it the gentleman's intention to encourage FEMA to take a more thorough look at this option?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from California.

Mr. LEWIS of California. First let me say I very much appreciate my colleague from California raising this question. I very much appreciate not only his interest but our mutual interest in this subject, the item having to do this with this colloquy about having FEMA establish an additional disaster procedures training center in or near the territory that we represent. It is absolutely my intention to see that this project is given additional consideration and to work closely with the gentleman toward that end.

Mr. BROWN of California. I thank the gentleman for his response.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word to enter into a colloquy with both the gentleman from California (Mr. LEWIS) and the gentleman from Ohio (Mr. STOKES).

Mr. Chairman, I would like to thank the gentleman from California and the gentleman from Ohio for engaging me in this very important colloquy. The State of Texas, along with my district in Houston, faces a grave heat crisis. This current disaster has resulted in hundreds of dead cattle, wasted crops and diminished water sources throughout Texas. Worse yet, there are reports of people dying in Houston as a result of the torrid heat. Sadly, it appears that our elderly are the greatest at risk. Over 2.5 million Texans are at least 60 years old, 14 percent of the overall population. Additionally, my district includes many low-income Houstonians living in homes without air conditioning. According to reports from FEMA after convening many Federal agencies including the National Weather Service, this crisis will persist into the winter.

Mr. Chairman, I urge us to examine how FEMA can address and provide relief for this crisis across the Nation. I believe that the Federal Government should work concurrently with Houston and the Texas State government to rectify the situation.

I would like to clarify several points. One, the State of Texas experiencing this heat crisis, which is an act of nature, can receive help from the Federal Emergency Management Agency. Number two, FEMA could act to assist by the request of local officials through their State government. FEMA is not precluded from using the proper appropriated funds for the easing of this heat crisis in Texas and other States. And FEMA will not be precluded from consulting with local officials in helping to develop a format for outreach teams to visit Houston neighborhoods and determine the extent of the crisis and need.

FEMA may find solutions in funding to provide cooling equipment, alternative sources of water, educational forums for citizens to learn how to counter the harmful effects of the heat and other forms of relief. Today the President has astutely recognized our current plight and has provided $100 million in relief to the 11 States plagued most by the unrelenting heat which includes Texas. FEMA's expertise in fighting the devastating effects of a national disaster will be an important component to the President's newly announced assistance.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. LEWIS of California. I would like to thank the gentlewoman from Texas for bringing this very important matter to the VA-HUD appropriation subcommittee's attention. I agree that the present heat crisis threatens both the lives and livelihoods of a great many of our citizens. FEMA has pledged to reduce loss of life and property and has promised to protect our Nation's critical infrastructure from all types of hazards. We will do everything within our power to work with you until a viable solution is available for everyone. I want the gentlewoman to know that it is my intention to work very closely with her and with FEMA on this matter.

Mr. STOKES. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Ohio.

Mr. STOKES. I thank the distinguished gentlewoman from Texas for yielding to me. I would say to her that I must concur with the chairman. I too thank her for bringing this serious item to our attention. FEMA is a Federal agency with more than 2,600 full-time employees. FEMA often works in partnership with other organizations, including State and local emergency management agencies. We would encourage FEMA to work with Houston and Texas authorities to bring a quick end to the current problem in hoping to bring relief to this current devastating heat.

Ms. JACKSON-LEE of Texas. I thank both the gentleman from California and the gentleman from Ohio. I thank them for their concern and their willingness to help. I bring this serious matter to the attention of the VA-HUD appropriations subcommittee and the whole House because we must be concerned about how we will protect our citizens from this deadly and unusual heat. Texas, especially its elderly citizens, deserves our help. I urge Congress to endeavor to resolve this severe situation with FEMA's assistance. I thank them very much for their cooperation.

□ 2330

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

Mr. Chairman, just a few moments ago, several of our colleagues engaged in a colloquy with regard to the subject of the Veterans Administration and the implementation of the Veterans Equitable Resource Allocation System.

From the course of that colloquy, they drew the attention of the House to the impact of the implementation of this system on the funding for the veterans services, particularly veterans health care services in the State of Maine and elsewhere in New England.

I intend at the appropriate time of the consideration of H.R. 4194 to offer an amendment which would prescribe that none of the funds available in the act may be used by the Department of Veterans Affairs to implement or administer the Veterans Equitable Resource Allocation System.

The reason that I will do that is because there is nothing equitable in the administration of this system by the Veterans Administration. In fact, it is having a profound negative effect on the quality of health care in many of our veterans health care institutions across the country, resulting in the deterioration of the health care of veterans and their health and even the loss of life in many instances.

Mr. Chairman, I would like at this time to draw to the attention of the House to the impact of these proposed cuts in veterans health care funding in various sectors of the country which will take place shortly unless we intervene and make it impossible for the Veterans Administration to implement this program.

They are as follows: For network number 1, Boston, serving Maine, New Hampshire, Vermont, Rhode Island, and Massachusetts, the cut there will be $38.8 million. For Albany, serving upstate New York, the cut there will be $12 million. For New York City, serving lower New York, Newark, and New Jersey, the cut there will be $48 million. For Pittsburgh, Pennsylvania, serving Pennsylvania, Delaware, and part of West Virginia, the cut there will be $3 million. That is network number 4.

For network number 6, headquartered in Durham, serving North Carolina and part of West Virginia and Virginia, the cut there will be $1 million. For network number 9, headquartered in Nashville, serving Tennessee, part of West Virginia, and Kentucky, the cut there will be $12 million. For network number 12, headquartered in Chicago, serving part of Illinois, Michigan, and Wisconsin, the cut there will be $28 million.

For network 15, headquartered in Kansas City, serving Kansas, Missouri,

and part of Illinois, the cut there will be $20 million. For network 17, headquartered in Dallas, serving Texas, except for Houston, the cut there will be $10.5 million. For network 19, headquartered in Denver, serving Colorado, Wyoming, Utah, and Montana, the cut there will be $13 million. In network 22, Long Beach, serving California, lower California and Nevada, the cut there will be $23 million.

Mr. Chairman, I will offer at the appropriate time an amendment to strike this provision from H.R. 4194, which will result from these cuts taking place. I wanted at this moment to take this opportunity to bring to the attention of the Members of the House the impact of these cuts.

Mr. Chairman, I yield to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, what the gentleman is proposing is to roll back VERA, which was passed last year, which made an allocation on funds based upon population. As the gentleman knows, there has been many, many years with the population, particularly the veterans who have been moving to the Sun Belt. As the gentleman knows, lots of hospitals have given back money that they could not even use. So the VERA allocation was worked out in the Senate and the House after strong long deliberations.

Mr. HINCHEY. Mr. Chairman, reclaiming my time, I would like to respond to the gentleman because he raises a very important point. The gentleman suggests that the Veterans Administration has even required funds to be returned from certain Veterans Administration hospitals. This is absolutely true. In fact, $20 million was returned from veterans hospitals in southeastern New York.

At the time that that $20 million was forced to be returned by the Veterans Administration, alleging that it was excess money, enormous profound problems were taking place at the Castle Point Veterans Hospital and the Montrose Veterans Hospital.

The CHAIRMAN. The time of the gentleman from New York (Mr. HINCHEY) has expired.

(By unanimous consent, Mr. HINCHEY was allowed to proceed for 2 additional minutes.)

Mr. HINCHEY. Mr. Chairman, I will not go into detail at this moment about the profound health care affects except to say that many veterans lost their lives as a result of the return of this money. That is substantiated by a report which was done by the Inspector General of the VA itself.

So while this Veterans Resource Allocation Program is going forward, it is causing veterans to suffer unjustly and unfairly and unreasonably and is also resulting in the loss of life of veterans in these hospitals.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if the gentleman from New York will rise, I do want to join in his statement and make a very strong statement of my own on behalf of New Jersey, which he did reference in his statement. But it is true throughout the Northeast and really in different locations across the country. Believe me, this should not be a regional fight.

But may I ask the gentleman, is he withdrawing his amendment in deference to the colloquy that was conducted?

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

Mr. HINCHEY. Mr. Chairman, I did not hear the question.

Mrs. ROUKEMA. Mr. Chairman, there are a couple of questions here. We did not hear the gentleman's introduction. But I had come here with the intention of joining in his amendment and supporting his amendment. However, did the gentleman indicate on the face of the colloquy that was conducted that he is not presenting the amendment?

Mr. HINCHEY. Mr. Chairman, If the gentlewoman will yield, I thank the gentlewoman for the question, and I appreciate the opportunity to, once again, make it clear that, at the appropriate moment in the consideration of this legislation, I intend to offer this amendment.

Mrs. ROUKEMA. That was my understanding. But the question had been raised on this side. I certainly would look forward to that, because this should not be a regional issue. Clearly, the issue has been distorted here in terms of the certifiable health needs of the veterans in our region.

Mr. HINCHEY. Mr. Chairman, the gentlewoman is absolutely correct. That is my understanding. This is a very serious matter. We believe that, at this particular moment, this is the proper way to address it.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I am happy to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would suggest to all the parties involved that, if there is going to be an amendment later, we could discuss this later instead of talking about it now.

Mrs. ROUKEMA. That is certainly correct. And I wanted to clarify the point.

The CHAIRMAN. If there are no further amendments to this section of the bill, the Clerk will read.

The Clerk read as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,026,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $2,675,000: *Provided,* That, notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality and Office of Environmental Quality: *Provided further,* That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $34,666,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $307,745,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $1,355,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $440,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $171,138,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the Inspector General Act of 1978, as amended, $4,930,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.

5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $231,674,000: *Provided*, That for purposes of pre-disaster mitigation pursuant to 42 U.S.C. 5131(b) and (c) and 42 U.S.C. 5196(e) and (i), $30,000,000 of the funds made available under this heading shall be available until expended for project grants. The U.S. Fire Administration is to conduct a pilot project to be completed within 15 months from the date of enactment of this Act, to promote the installation and maintenance of smoke detectors in the localities of highest risk for residential fires. The U.S. Fire Administration shall transmit the results of its pilot project to the Consumer Product Safety Commission and to the Committe on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

There is hereby established in the Treasury a Radiological Emergency Preparedness Fund, which shall be available under the Atomic Energy Act of 1954, as amended, and Executive Order 12657, for offsite radiological emergency planning, preparedness, and response. Beginning in fiscal year 1999 and thereafter, the Director of the Federal Emergency Management Agency (FEMA) shall promulgate through rulemaking fees to be assessed and collected, applicable to persons subject to FEMA's radiological emergency preparedness regulations. The aggregate charges assessed pursuant to this paragraph during fiscal year 1999 shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for such fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 1999, and remain available until expended.

For necessary expenses of the Fund for fiscal year 1999, $12,849,000, to remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $100,000,000: *Provided*, That total administrative costs shall not exceed three and one-half percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed $22,685,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $78,464,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2000. In fiscal year 1999, no funds in excess of: (1) $47,000,000 for operating expenses; (2) $343,989,000 for agents' commissions and taxes; and (3) $60,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations. For fiscal year 1999, flood insurance rates shall not exceed the level authorized by the National Flood Insurance Reform Act of 1994.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $2,619,000, to be deposited into the Consumer Information Center Fund: *Provided*, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,500,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1999 in excess of $7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,309,000,000, to remain available until September 30, 2000.

□ 2340

AMENDMENT NO. 5 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 No. 5 offered by Mr. ROEMER:

Page 72, line 15, strike ''$5,309,000,000'' and insert ''$3,709,000,000''.

Mr. ROEMER. Mr. Chairman, I rise to offer an amendment with my friend, the gentleman from Michigan (Mr. CAMP), to cancel the funding for the International Space Station. While I have the deepest respect for my chairman, the gentleman from California (Mr. LEWIS), and my dear friend, the gentleman from Ohio (Mr. STOKES), who has received so many accurate tributes tonight, I deeply disagree with them on the funding for this Space Station.

Now, while the facts continue to pile up for, I think, our side to cancel this Space Station, the votes continue to go down, but I hope that my colleagues will pay attention to the debate tonight and to three reasons why I think we should cancel this Space Station.

Mr. Chairman, I hope that my colleagues will be patient at the late hour of this evening. I have three arguments to cancel the Space Station: The Space Station of the past, the Space Station of the present, and the Space Station of the future.

First of all, the past. When the International Space Station was first devised by then-president Ronald Reagan, President Reagan said that the cost of the Space Station would be about $8 billion, would house eight astronauts and do eight scientific missions. It would be completed in 1992.

Mr. Chairman, today, in 1998, the International Space Station, according to the General Accounting Office study, the total cost of maintaining, of research and development, of protecting the International Space Station, has gone from $8 billion to $98 billion.

Now, one might say, $98 billion for eight missions, that is not too bad. Well, of the eight missions, staging is gone; transportation, no, we cannot do that anymore; manufacturing facility, we cannot do that anymore either; assembly facility, storage facility, we cannot do any of those. But for $98 billion, I have a bargain for you. We can do some research.

$8 billion for eight scientific missions has gone now to $98 billion and one scientific mission. That is the General Accounting Office. That is not TIM ROEMER, that is not the opponents, that is a bipartisan study. That is the Space Station of the past.

The Space Station of the present: Mr. Golden, who I deeply respect running NASA now, has appointed an outside accounting of what the Space Station is going to cost us in the future.

I was delighted to see our chairman, the gentleman from Louisiana (Mr. LIVINGSTON), he has read the New York Times, he said for the first time in a few months. Those of us who are reading the New York Times and the Post and our daily papers have also discovered that the Russians need a $22 billion IMF package. Yet they are our key partner in putting the Space Station together. They cannot come through with funding the Space Station. They need $22 billion from the IMF.

Who is going to pay for the Russian participation? You got it. The taxpayer. The taxpayer is going to pay.

Mr. Chairman, the Space Station of the present, according to the Jay Chabrow report, appointed by Mr. Golden, if everything goes perfectly now with the Space Station, it will cost us $100 billion. But if the Russians pull out, they are just getting a $22 billion bailout package, they are not going to be able to pay for their fair share. The costs do not cover the likelihood of losing a launch vehicle, they do not include delays, they do not include what this report, the Jay Chabrow report, indicates that will be somewhere between a $130 million and $250 million cost per month, per month, from now into the future.

So that is the Space Station of the past and the Space Station of the present. What about the Space Station of the future?

The CHAIRMAN. The time of the gentleman from Indiana (Mr. ROEMER) has expired.

(By unanimous consent, Mr. ROEMER was allowed to proceed for 3 additional minutes.)

Mr. ROEMER. Mr. Chairman, the Space Station of the future, what we

have in this bill, and we have agreed to a balanced budget, we have in this bill zero funding of AmeriCorps, yet full funding for the Space Station. The President asked for 100,000 Section 8 vouchers for the poorest of the poor in our communities. We could not even pass an amendment to get vouchers for 35,000 of those poor people. And $80 million is cut for community development block grants from the 1998 level, again for the poorest of the poor, the people who have not benefitted from the economic bull market. That is the Space Station of the future, taking money away from other valuable programs.

□ 2350

The past, going from $8 billion to $98 billion. The present, Chabrow saying $120 million to $250 million cost overruns per month. The future, not funding other important programs.

In conclusion, let me quote from Shakespeare in the Merchant of Venice. He said, ''They are sick that surfeit with too much, as those that starve with nothing.'' ''They are sick that surfeit with too much, as those that starve with nothing.''

Mr. Chairman, the choice is easy. Do we continue to pour 10 and 20 and 30 billion dollars into a science program that we can admit has not been successful? And do we starve with nothing the people that have not benefited from this economy? The people that did not invest in this stock market? The people that are not in the winner's circle in this economy? The people that are not getting Section 8 vouchers? The Community Development Block Grants that are not going to our inner cities?

Mr. Chairman, we are a great country because we are a good country, and we will only continue to be great if we are good. Let us be good and fair in the allocation of our resources. Let us be good and fair in the allocation of those resources to the most vulnerable people in our society.

The gentleman from Ohio (Mr. STOKES) talked so eloquently about a GI program that helped his family, and about temporary welfare. What about AmeriCorps to help our people get to college? What about Community Development Block Grants to help our inner cities? What about justice and fairness? Let us make some of these tough decisions to be just, fair, and right to all Americans.

Mr. Chairman, I urge my colleagues to please support the bipartisan Roemer-Camp amendment.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would first like to inquire of the gentleman from Indiana (Mr. ROEMER), we have had this debate on a number of occasions, as the gentleman knows. If people do appear restless, it is not just the hour, but it is we have heard the argument so many times.

Mr. Chairman, I would inquire of the gentleman whether he is in a mood to consider some time limitation on this amendment.

Mr. ROEMER. Mr. Chairman, if the gentleman from California (Mr. LEWIS) would yield, let me say to the distinguished gentleman that I have not been able to control the time that has been allocated to this bill all day.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I can tell that the gentleman is not interested.

Mr. ROEMER. Well, we may not have very many speakers, Mr. Chairman, and we may not need a time agreement. I am sure after the gentleman from Michigan (Mr. CAMP) speaks, we may not have very many more.

Mr. LEWIS of California. Mr. Chairman, again reclaiming my time, let me say that we have had this discussion on many an occasion. The last time we had a vote on this same proposal, admittedly that vote was on the authorization bill, the vote was 305 to 112 in favor of maintaining the station.

The important point here is that I think my colleagues recognize that one of the reasons that this bill is so difficult, and that the gentleman from Ohio (Mr. STOKES) and I work so hard to provide some balance in this bill, is because we have got a variety and mix of important Federal responsibilities within this package.

The question of VA medical care is a very, very critical part of this bill. Our housing programs are a very important part of the bill. EPA is. But also NASA's work happens to be a part of our bill. And for someone to suggest that one way or another we are going to juxtapose our vital work in space versus housing programs is not only not fair, it is a reflection of a lack of understanding of the significance of the work of this subcommittee.

There is not any doubt that Space Station is fundamental to our future work in space. And, indeed, if we find ourselves at one point or another faltering on Station, then NASA, in my judgment, will all but disappear from being the agency that we now consider it to be. Its budget will shrink dramatically and our role in space will be radically impacted.

I think it is important for my colleagues, those who are especially mindful today of the role and importance of the United States human space flight program, I think it is important for them to focus upon the sad news that we received yesterday of the death of Alan Shepard, the first American in space.

On May 5, 1961, Alan Shepard was launched into space aboard a converted missile which had an imperfect success record in a capsule that had never been tested with a human occupant, with many, many questions about what the impact of space flight would be on human beings. It was this Nation's first step in human space flight.

Alan Shepard was welcomed back from his brief 15-minute suborbital flight 115 miles into the Florida sky and 302 miles downrange, and as a true American hero he was welcomed back. He was awarded the Congressional Medal of Honor for space, two NASA Distinguished Service Medals, Exceptional Service Medal and numerous other medals and awards.

His death is a great loss to the Nation and I join with all of those who mourn his passing and celebrate his life, but indeed there is little question that America is most interested and supportive of man's role in space. Fundamental to that role in space is the work that we are about Space Station.

Indeed, to step back from that at this point in time would really be a great disservice, not just to our country but to the world's interest as well as our future in space.

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

Mr. LEWIS of California. I yield to the gentleman from Wisconsin.

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

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from California for yielding. Let me associate myself with his remarks. Voting down the Roemer amendment is essential if NASA is to stay alive. We have spent $22 billion already on the Space Station. There are several hundred thousand pounds of materials that are set and ready to go for launch. We should put those in orbit. We should not put them in a museum.

I have a rather lengthy statement in support of the Space Station and against the Roemer amendment, which I will not give due to the lateness of the hour.

Today, Representative ROEMER is offering an amendment to cancel the International Space Station. While he has offered the amendment before because he felt this was a poor investment of taxpayer money, he is the unexpected beneficiary today of the fact that the Space Station has run into difficulty.

Nevertheless, this amendment asks Congress to turn our backs on a commitment the United States made to 15 other countries investing billions on their contributions to the International Space Station. This would have us throw away some $22 billion the American taxpayers have already spent building the hardware for the International Space Station. Most of that hardware already exists. Several hundred thousands of pounds are being processed for launch into space at Kennedy Space Center right now. The Station's opponents would have us forego all of the scientific benefits that are going to flow from this unique research laboratory. Finally, it would turn us away from our future in the human exploration and development of space. That is not the vision of a space program that most of us have. It is not the space program that the American people want, and it is not the space program we should pass on to future generations.

The responsible thing to do for the International Space Station is to offer solutions to the program's problems, which this body did last year in passing a two-year NASA authorization. That bill contained a decision-tree that would prevent these problems from continuing and offered commercialization options that would reduce the obligations the taxpayers face while preserving the scientific research they deserve.

Since the President has declined to suggest a solution of his own to the problems created by Russia's involvement in the program or to enforce his own budget caps, Congress must hold the Administration's feet to the fire.

The Senate has proposed one option of isolating the International Space Station in its own appropriations account in order to end the financial shell games that the Administration has been playing for the last few years.

While this is an important step, we also need to hold the President to his promises. H.R. 4194 does just that, providing all of the funding for the International Space Station that the President originally promised us he would need. But, in holding the President to his original promise that the Station would cost no more than $2.1 billion a year, this bill reflects a lack of confidence in NASA's justification for program increases in the absence of meaningful reforms necessary to prevent further schedule slips and cost overruns.

The decision to fund the International Space Station at $2.1 billion despite the Administration's $2.27 billion request reflects the reality that NASA's budget numbers for this program have no credibility. In recent years, NASA has a track record of revising their estimates just a few weeks after Congress funds the Station at their requested levels. I don't think anyone should be surprised that this budget strategy has worn thin. NASA has $400 to $500 million of carryover in the Space Station program which should satisfy any budget shortfall.

Members who vote against the amendment offered by the gentleman from Indiana will vote to provide an adequate level of funding while sending a message that NASA must get its fiscal house in order.

In closing, Mr. Chairman, I feel the underlying bill continues our commitment to the human exploration of space while responsibly addressing the program management's flaws. I urge my colleagues to support human space exploration, our international commitments, and those who have dedicated themselves to get this research laboratory off the drawing board and into space.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I would announce to Members that because there is no time agreement, this will be the last debate this evening and there will be no more votes.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OBEY. Mr. Chairman, I did not hear what the gentleman from California said and I am not certain what he meant by what he said.

The CHAIRMAN. The gentleman stated that the debate on this subject would be the last debate tonight and there would be no more rollcall votes tonight.

Mr. OBEY. Does that mean that the gentleman intends to finish the debate on this amendment tonight?

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, I do intend to finish the debate on this amendment this evening. We will roll that vote. We will not go any further than the NASA section this evening and so essentially this will be the end of the debate.

Mr. OBEY. Mr. Chairman, could I ask, has that arrangement been cleared with our leadership?

Mr. LEWIS of California. I believe that is correct. I have been instructed that is correct.

Mr. OBEY. That the debate will continue on this amendment until it is finished tonight, but no more amendments?

Mr. LEWIS of California. No more amendments, that is correct, and no votes. In other words, the vote will be rolled until tomorrow.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I did not intend to speak on this amendment but, frankly, we have had a good day filled with a lot of congeniality and camaraderie, but one of the observations made by the subcommittee chairman frankly got my dander up a little bit.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, I did not mean to do that, I want the gentleman to know.

Mr. OBEY. I simply want to suggest that I do not think that the juxtaposition that the gentleman from Indiana laid out between spending in space and spending here on the planet is at all illegitimate, as the gentleman seemed to suggest.

□ 2400

I remember being thrilled when Alan Shepard went into space, and I am still thrilled by the prospect of space exploration. But times have changed and budgets have changed. When Alan Shepard went in space, we were meeting our obligations to house people on the ground, we were meeting our obligations to our environment, we were meeting our obligations to the poorest among us. We still had national standards for the treatment of persons who were not in the winner's circle. Today, we have none of those.

It just seems to me that when we see that this system has been redesigned seven times, when we see that the cost has exploded, when we see that this Congress is apparently willing to kill the low-income heating assistance program to keep houses warm for four million people on the face of the Earth, then I feel no guilt whatsoever in suggesting that we ought to shut down that fancy house in the sky for eight people.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I do appreciate where my colleague is coming from. We have had this discussion a number of times on the floor, as the gentleman knows. And the gentleman certainly knows that our committee is doing everything we can to adequately fund those programs.

But having said that, within this specific category the entire administration is supporting our position regarding this.

Mr. OBEY. Reclaiming my time, Mr. Chairman, that, to me, frankly, is irrelevant. The fact is that none of these discussions have taken place on this floor since the gentleman reported out on his side of the aisle the labor, health, education and social services bill, which guts services to the most defenseless and vulnerable people in this society. And we need in that context to debate the issue that the gentleman from Indiana is trying to debate tonight.

When we are willing to kill 500,000 summer jobs for kids who started out in life just like the gentleman from Ohio (Mr. LOU STOKES), then I apologize not one whit for suggesting that the money that is being spent on the Space Station, for now, perhaps, ought to be spent down here on the ground.

When the gentleman indicates that he is willing to cut, to absolutely wipe out reading and math help for 520,000 kids in our society, then I make no apology for saying perhaps the Space Station ought to take the back seat.

When the gentleman is going to kill safe haven after-school centers for 400,000 kids on the ground, then I make no apology for trying to take on or to raise the question of whether the spending in space ought to be cut back.

We talk about making tough choices here. Oh, yes, we are really tough if we are willing to take on the kids, if we are willing to take on the poorest people in this society with no lobbies. But, boy, I do not see anybody very tough when it comes to taking on the contractors who are behind this, or behind the C–130s, or behind the F–22s, or any of the other hardware that produces the glitz and produces the campaign contributions. Not many campaign contributions for supporting help to low-income kids.

And I think that is why we will have a quite different outcome on these votes. And I could not help but say that after I heard the direction that this debate was taking.

Mr. CAMP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Roemer-Camp amendment. Last year I stood on this floor and urged my colleagues to vote down additional funds for the International Space Station, and at that time the launch of the first module was scheduled for November and the total cost of the project was estimated to be $94 billion. Well, guess what? The module was never launched and now the cost overruns estimate this project at $98 billion.

Last year the Congress decided to stick with the Space Station. I now ask my colleagues when is enough enough? Will we vote to end funding when the costs pass $110 billion, $120 billion, $150 billion? How high do we have to go before we say no more?

Many of the original uses for the $8 billion Space Station, as were so ably pointed out by my colleague, the gentleman from Indiana (Mr. ROEMER), have now been superseded by other

NASA projects and missions and other technological advances. Now the Space Station is simply a floating lemon that will cost 24 times its weight in pure gold. This is a project plagued with delays, cost overruns and unfulfilled promises. The Russian assurances have fallen short and the American taxpayer has been left picking up the tab.

The other day I listened to two renowned scientists argue this $98 billion black hole is not necessary and is actually hurting the sciences. In fact, the presidents of 10 different scientific societies have called the Space Station, and I quote, ''A project of little scientific or technical merit that threatens valuable space-related projects and drains the scientific vitality of nations.'' The $80 billion not yet spent on the Space Station could provide an enormous benefit to earth-based research.

I am not advocating we stop exploring space. In fact, I support space exploration. But we must recognize the costs of this project far exceed the benefits. Last year NASA captivated the world when it successfully landed the Pathfinder on Mars at a cost of $267 million, a mere fraction of the cost of the Space Station. Let us not forget that while space is infinite, the American taxpayers' deep pockets are not.

We must get serious about what the core functions of the Federal Government are. We continue to pay over $350 billion of interest on the debt year after year. And while children have been amazed by the promises of space exploration and the excitement it generates, I am concerned with the debt each of these children will inherit. Congress should invest the $80 billion in those children's future, not in a flying lemon.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the persistence of the gentleman from Indiana and the gentleman from Michigan. The Space Station was being debated when I first got here. And one of the major arguments for it was that we had to do it before the Russians did. I would recommend that people go back to the CONGRESSIONAL RECORD. This started out as something we had to do to frustrate the Russians. We now have to do it to help the Russians. The justification has flipped on its head, but the thrust goes forward.

The gentleman from California does do, in my judgment, a very good job within the constraints that he has. We want to lessen his constraints. I do not know how many Members of this body have told veterans how much they regret having cut the smoking benefit. I daresay that a great majority of the Members of this House have said to the veterans, ''I am very sorry, but the constraints made me do it.'' This is the very appropriations account where we could reinstate that veterans health benefit for smoking simply by reducing this particular item.

So the gentleman says, well, we do not understand how the Committee on Appropriations works. We do. We have rules, and the rules say the allocation goes to this particular subcommittee and they decide among NASA and EPA and HUD and the Department of Veterans Affairs. Members have a right to say that they want to continue with the Space Station. I do not think Members have the intellectual or moral right to say to veterans that they are very sorry that they could not fund their health benefit if they vote to go forward with the Space Station. That is the kind of choice we are making. Or to say to people, we wish we could clean up more Superfund sites, or house more people who are hurting.

The other thing I must say. We sometimes get into rhetorical excess. The worst things I have ever heard about NASA sometimes comes from its defenders, because people come to the floor and say if we kill the manned Space Station we are killing NASA. What an unfair denigration of the important scientific work of NASA. The gentleman from Michigan just mentioned the Mars Pathfinder. That was not dependent on the Space Station. Indeed, those other things are competitors with the Space Station.

The gentleman from California correctly mentioned Alan Shepard, one of our great heroes. And we all lament the fact that he died. We care a lot about human life.

□ 0010

When we put human beings into the situation, we greatly increase the cost because of our concern for human life. There are times when human participation is scientifically very important.

The justification for the amount of money being spent to put those people up in space in a Space Station is not scientific. It is psychological. It is political. Go back and look at what the arguments used to be.

No one has argued to me and I have never seen any group of reputable scientists not directly involved in this project say that if the Federal Government were to make available to scientists this amount of money, that is how they would choose to use it.

Of course there is some worth to it. It is not money wasted. The question is not whether it has got any value at all but whether this is the single best use of that money. And no one thinks there is a scientific justification. As I said, this started out with a political justification and a military justification.

I am sorry I did not have time to go back into old CONGRESSIONAL RECORDs of 10 years ago, when we were being told we had to do this as a matter of national security, we had to do it because if we did not do it the Russians would do it. Now it has become a part of the foreign aid program.

The general point is very clear, as the gentleman from Indiana (Mr. ROEMER) has made clear, the money has been spent. The gentleman from Wisconsin said we already spent $22 billion. I assume what he was doing was submitting for us an illustration in the dictionary of idioms.

The gentleman from Wisconsin wanted to illustrate the meaning of saying ''throwing good money after bad.'' Because the argument that having spent $22 billion on a project that was originally supposed to cost 8, we should now spend another 70, has a logic which defies me.

I do not understand why having already spent three times as much we were told we should, we should go on so we spend 12 times as much. We are in a very constrained situation. There is no case to be made that this is the best use of the money.

I hope the amendment is adopted. If the amendment is adopted, we would have more money to use for housing, for the Environmental Protection Agency, for restoring the smoking health benefit for veterans, and to enhance the scientific mission of NASA. Because the great bulk of the money could go back to NASA.

The gentleman from Indiana (Mr. ROEMER) has made an excellent case. Does anyone think if we had been told at the outset that this is what the Space Station would cost and what it would give us that we would have voted for it? The answer is no. It is not too late to ask for the correct information.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened with interest to the gentleman from Massachusetts (Mr. FRANK) try to set a comparison about how we spend money in the Government. And I want to commend the chairman, also a member of the Committee on Appropriations, not the subcommittee, but the whole committee, and I appreciate the chairman and the subcommittee allocating the funds appropriately in a very tough budget climate.

I would just say to my colleagues, what is it worth to cure cancer, that is what we are talking about, or helping cure diabetes, or helping cure paralyses? There is a great body of scientific research going on through NASA that is planned for the International Space Station to cure these diseases, to grow cells and try to see what impact microgravity or near-zero gravity has so that we can employ that kind of technology and research and information and bring it here on earth and replicate it and cure disease.

So I think I make the argument very forcefully that I think we are going to do perhaps more to help people in the years ahead through the International Space Station through medical research. It has got a tremendous potential to help people in need. And there is nothing that has a greater need in our society than health care for our people and in combating disease.

I was in Huntsville and went to the Marshall Space Center just about 2 or 3 weeks ago and had a wonderful opportunity to see what is going on there.

And I can say to my friends from first-hand experience, and I do not know if the gentleman from Indiana (Mr. ROEMER) or the gentleman from Michigan (Mr. CAMP) or others have gone there, but if they have not, I suggest they do to get a sense of what is being planned.

They can see the American portion of the Space Station built. It is being built now in a very high-tech environment, in a high-energy environment I might say. Certainly, Boeing is the contractor and has an interest in this, which has an interest in my state. Well, that is fine. But I tell my colleagues, the morale of the people working on the Space Station is extremely high. They have great hope and great interest in the good things that will come of this Space Station.

So I would just say to my friends and my colleagues, I think this has great, great future value, this whole Space Station concept and all the medical research. Just from a medical research standpoint, I think there is tremendous potential in the disease areas that I mentioned earlier, cancer, diabetes, microgravity and paralysis. I mean, there is a tremendous potential here that we should not overlook and be short-sighted about.

So I urge rejection respectfully of the Roemer-Camp amendment because I really think this is something we have to do in order to meet the future needs of our country and pay attention to the future and certainly the health future of this great Nation and the world.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Roemer-Camp bipartisan amendment. And to my colleague from California, the subcommittee chairman that I respect so very much, I think we should know that maybe the reason this discussion is ongoing from year to year to year is that each year we are trying to make it clearer to those who are voting here on the House floor that our investment, that of the United States, and Russia's investment is going deeper and deeper in the hole and, in turn, it is negatively affecting our very own domestic budget. And those of us that keep talking about this do it for a purpose. I mean, bad money after good money does not make sense when we have such tight budgets.

I oppose further funding for the Space Station because I believe it is wasteful. It is wasteful spending that drains resources from our Nation's most urgent needs. This project, I believe, is an unwise investment for our Nation, not only fiscally but also scientifically.

To date, the Space Station has experienced cost overruns resulting in billions of dollars that our taxpayers are paying, and it comes out in bills to them. Even worse, Russia's inability to pay its fair share of the project is extremely troubling to me. This is an international project. I mean, it is supposed to be. I think that is one of the things we should be deciding, is it or is it not an international project.

Also, supporters of the Space Station say we can learn many things from microgravity research. We just heard that. Well, with $1.6 billion savings from this amendment, we could offer college education, including tuition, fees and books to 500,000, a half a million, students who could not otherwise afford college right here on earth.

With $1.6 billion, we could provide prenatal care to pregnant women who do not have access to routine health care right here on earth. With $1.6 billion, we could expand the WIC program so that all eligible pregnant and nursing mothers can get the food supplements; and we would still have money left over.

Supporters of the Space Station make claims that research in space will advance health research. Well, with $1.6 billion, we could fully fund the National Heart, Lung and Blood institutes right here on earth.

With limited funds available for programs right here on earth, we must focus our resources on our Nation's most urgent needs in order to ensure a bright future for our children.

Let us not send our tax dollars out in space on a project that is clearly lost in space when we have needs not met right here on earth. Let us cancel the Space Station. Do it now. Stop wasting money. Vote yes on the Roemer-Camp amendment.

□ 0020

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words. I rise in strong opposition to the Roemer amendment. In this era, more than at any other time in history, our future depends on our staying on the cutting edge of the knowledge frontier. That is why in this budget and other parts of the budget we have this year and we have other years increased our investment in NIH, in the National Institutes of Health. That is why we struggled to get more and more money in the National Institutes of Science. That is why we support R&D tax credits, to help companies invest the amount into research and development that they need to be on the cutting edge of product development. If you are not on the edge of science, if you are not out there pressing the frontiers of knowledge now, in this era of extraordinary, fast-paced change, our children will not have the economic opportunity we would hope for them nor the opportunity to improve the quality of their lives that we have had.

Investing in the Space Station is part of keeping America at the cutting edge of the knowledge frontier. That will have enormous dividends for people here and now. Our work on the Space Station is leading to developments that could more than make up for our Federal investment. For example, the U.S. is currently using space-based research to gain a better understanding of combustion, which accounts for nearly 85 percent of the world's energy production and is a leading cause of the world's atmospheric pollution. Consider that U.S. fuel consumption is approximately $300 billion a year. If microgravity combustion research helps make our energy use more efficient, even if we only use 1 percent less fuel, we will save more than $3 billion a year and reduce industrial pollution at the same time. The kind of research that can go on in space is the kind of research that cannot go on elsewhere and can have enormous dividends both in freeing up resources and in attacking some of our most serious problems. But it is not just what we can do when we get there. It is what we are doing in the process of going there. And, yes, it has been more expensive than we thought because we have never done it before. It has taken longer than we thought, because no one has ever done before what we are trying to do in building this Space Station. But we are learning an enormous amount along the way. What we are learning is strengthening our manufacturing base and our capabilities in many, many ways.

To build a Space Station, you have to build product, parts, components to a 30-year life standard. You cannot run down to the hardware store and get something to repair it if it does not work in space. You cannot run back down to Earth and get a fix-it quick. When we work to build a Space Station, we are building to 30-year life standards and that has never been done and has extraordinary implications for manufacturing and other areas. It has led to the development of increased productivity through integrating design and manufacturing in frankly truly revolutionary ways.

When I go through the plants in my district that are building parts for the Space Station and see the developments that have come out of this demand for 30-year life, it is awesome. It is going to have enormous implications as the years go by for the quality of products like automobiles, for their safety, for their strength, for so on and so forth. When I go into companies in my district that design and produce for the Space Station, I am struck by the extraordinary challenge of keeping a clean environment, clean air, clean water within a tight capsule for months and years at a time. Think what that has already done for the science of cleansing air, for managing liquids. It is extraordinary what we have already learned just in trying to invent to the standard that the Space Station challenge puts upon us.

And so along with the Space Station commitment goes the development of many, many thousands of high-paying jobs, 500 high-paying, high-tech jobs just in the companies in Connecticut. These are the very kinds of jobs that not only can do this job but keep America at the cutting edge. I urge

Members to be far-sighted and oppose this amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment. This amendment would end U.S. participation in the international Space Station program. Once again as we do year in and year out, we find ourselves debating whether or not to continue U.S. leadership in this vital space initiative. Opponents of this program ask you to focus on cost. But any cost analysis must also involve a benefit analysis. The benefits to be gained from research and technological leadership reverberate far beyond space exploration and will be shared by all Americans.

The international space station will serve as a research laboratory for present day advances in medicine. Information gained will lead to enhanced drug design and better treatment of diseases.

Technology developed for the space station will also lead to advances in numerous fields, including environmental systems, communications, and computer technology. Micro technologies and robotic systems developed for the space station are just two areas where businesses are already reaping benefits. More gains will follow.

New technologies will allow for the expansion of existing businesses and the creation of new businesses. Advances gained through NASA programs have been, and will continue to be, an important source of commercial development.

Just as the race to the Moon propelled the United States to the world leadership role in science and technology in the second half of the 20th century, the space station will guarantee the United States remains the leader far into the 21st century.

While the full participation of our partners remains a concern, NASA has taken concrete steps to plan for any contingency. NASA is proactively addressing these problems—establishing the Russian program assurance budget to provide contingency planning funds, and initiating development of an interim control module should the Russian service module be delayed.

With the first components of the space station planned for launch in the next several months, now is not the time to retreat from our commitments.

I urge my colleagues to oppose this amendment and continue support for our Nation's space program.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I associate myself with the remarks of the gentleman from West Virginia, and simply say that for each dollar that we invest in the space program we receive up to nine in return in new products, technologies and processes on Earth.

I have the greatest respect for the gentleman from Indiana (Mr. ROEMER), but let me say to you that the numbers are somewhat skewed. The gentleman from Indiana knows and we know that the original 1984 estimate of $8 billion for the Space Station was development cost. In 1993, NASA estimated that a redesigned international Space Station would cost $17 billion. The $17 billion include research and operating expenses, along with hardware development. The $98 billion figure includes costs such as $43 billion for the space shuttle flights and $13 billion for 10 years of operating expenses. The real cost for the international Space Station is $21 billion.

Frankly, Mr. Chairman, I would simply say we cannot afford to get rid of the Space Station. Our Russian friends and our copartners around the world are committed to saving the Space Station. The Space Station provides us in the show and tell with an array of opportunities, air conditioning, advanced materials for airplanes and many others. I oppose the amendment because I believe we cannot look back, and in tribute to Alan Shepard we must look to the future. I think all Americans would want us to do that.

Mr. Chairman, I rise against the amendment offered by Representative ROEMER, and in support of our efforts in space.

The persons who support this amendment argue that they can no longer afford to invest in the International Space Station. I believe, on the other hand, that this space station is an opportunity that we cannot afford to pass up.

NASA has a proven track record. The science experiments that have been performed have led to spinoffs that not only make our lives more convenient, but also improve our health and well-being. For each dollar that we invest in space programs, we receive up to nine in return in new products, technologies, and processes here on Earth. Fellow colleagues, we owe it to our constituents to make sure that the International Space Station becomes a reality.

I want to remind you all, the materials research that has been done by NASA in space has been invaluable to us. With the help of the International Space Station, we can only expect more breakthroughs and innovations for manufacturers, businesses, and consumers.

I would like to give you an example of how research in space is helping our materials research on Earth today. If you look around, you will notice a plethora of metal items. Metals like steel and aluminum are often cast directly into the shapes that you see, and even more likely, the metal started out as a liquid, way back at the beginning of its manufacturing life.

If you were in the business of making things out of metal, like casting an engine block for a car or the circuitry for a microchip, you would want to know some very important things—for instance, how durable will the metal be? Or how long will it take to make this product?

For manufacturers, knowing these things is extremely beneficial, because it affects the cost and the quality of their products. To answer these questions, scientists must rely on the science of micro-physics, or the study of microstructure, which helps predict the behavior of materials at the molecular level.

Because gravity affects the way that things solidify, gravity also affects the formation of microstructure. This makes it very difficult for engineers and scientists to predict what will happen when you begin the manufacturing process. In other words, it is simply too difficult to make any predictions about what gravity will do to the formation of the microstructures, unless you know what will happen when there is no gravity to complicate matters.

Experiments conducted on the Space Shuttle by Professor Martha Glicksman have helped materials scientists and engineers take significant strides toward the goal of being able to predict how microstructures will develop during the manufacturing process.

As a benefit of these experiments in space, scientists have obtained the highest quality information every produced on the development and evolution of dendrites, a basic building block of microstructures. This research has produced a benchmark against which theories and computer simulations that predict microstructures can be rigorously tested.

This information would not be available to us today without the help of NASA, and its programs in space. The International Space Station will undoubtedly produce similar breakthroughs, especially in light of the fact that these experiments will be conducted over a much longer period of time than those done on the space shuttle.

By funding the International Space Station, we make an investment that is bound to pay off. I urge you all to vote against this amendment, and for our future.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman yielding. I specifically wanted to respond to the gentlewoman from Texas as well. I appreciate both of your participation in this.

The gentlewoman from Texas mentioned very briefly the international partnership that is involved here. We have not discussed that very much this evening, and I think certainly we should. The fact that our international partners in the European space agency are being so cooperative, the fact that we do have an ongoing relationship with Russia in spite of their economic difficulties in which they are putting the money that they are obligated to in the pipeline. The reality that this is now a world Space Station that provides our future hope for man's work in space, that has so much potential in terms of economic and medical and other kinds of breakthroughs, is a very important item, and I appreciate very much both of you participating in it.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Roemer amendment and I encourage all my colleagues to vote ''no.'' We have been engaging in this debate for many, many years and it is true that each year more and more Members vote against killing the Space Station and in support of continuing this project. The reason I believe is obvious. This project has a tremendous potential to yield incredible

benefits to mankind. Balancing the budget is a very, very noble task and it is certainly something that is important to our children. Indeed, it is a very good thing for us to do that. But I can tell you from my experience of talking to kids in my district, while they recognize balancing the budget is good and fixing Medicare is good and cleaning up the environment is good and even improving education is good, nothing excites them more than telling them and teaching them about our space program and the Space Station and its potential.

□ 0030

Indeed, I have talked to teachers all over this country, and they all invariably tell me, teachers of math and science, that there is nothing that motivates their kids and their class more than the Space Station and talking about the manned space program.

Here to my left is a diagram of the Space Station when it will be fully assembled and complete. I am very happy that the chairman of the committee spoke about the international partners involved with this. We have the Europeans who have spent over $6 billion; the Japanese, $4 billion; the Canadians, $1 billion.

This project is on the verge of being a huge success. We have no idea of the potential spin-off benefits to mankind.

Indeed, I spoke on the floor of this House 1 month ago about a product that is a spin-off of our space program called Quick Boost that has the potential to improve the efficiency of air conditioning units all over this country and has the potential to save energy costs equivalent to the entire cost of our manned space flight program from its very beginnings, from the beginning of the Mercury Program to this date.

I encourage all of my colleagues to, again, resoundingly reject the Roemer amendment and vote ''no'' on the Roemer amendment.

Mr. Chairman, I yield to my very good friend and colleague, the gentleman from the great State of Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Chairman, I thank my friend, the gentleman from Florida for yielding. I want to associate myself with his remarks. I, too, rise in opposition to the Roemer amendment.

This is a first for us. We have debated this amendment many, many times before. We have had a fair fight. But never have we debated it in the wee hours of the morning like this and under these circumstances.

But my colleague, the gentleman from Florida, makes excellent points about our international partners. By the end of this year, NASA and the international partners will have built over half a million pounds of flight hardware. The first two elements of the Space Station will be in orbit. It is too late to turn our back on this project now. If we turn our back on this project, we are turning our back on human space flight; and we cannot do that either.

Make no mistake about it, the type of medical research that we have been talking about here tonight, we cannot do that unless we go up there in space on a permanently manned orbiting laboratory. This has been in design. We spent millions and billions of dollars on this, and we cannot turn our back on it.

I also want to congratulate the chairman of the committee and ranking member of the committee. They have had to make some tough choices. They have had to engage in a tough balancing act, but they have done it. I thank them for it. We in Alabama are proud of them for having done it.

I say let us get off of NASA's back. We have made them dot I's. We have made them cross T's. We held the NASA employees hostage. It is time for us to move forward. Oppose the Roemer amendment.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I am happy to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman yielding to me.

I want to just say to my colleagues as well as all who might be interested to this discussion, no one has made the contribution that the gentleman from Florida has regarding this effort. His consistent and intensive focus upon the future that we have in space and the work that involves the Station itself is very much appreciated, and he has made a very significant difference in the effectiveness, not just in our discussion, but also the rapidity of which we are moving forward in this program.

Mr. WELDON of Florida. Mr. Chairman, I want to add one more thing. I have gone into the Space Station processing facility of Kennedy Space Center, and I have gone into the first elements. I want to tell my colleagues that the people who are working on this program are excited and ready. The kids are excited to see this program flying in the sky. The potential benefits that can accrue to mankind are huge. They are not even imaginable.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Roemer amendment. I do so reluctantly because I have always been a supporter of the space program, and I believe that we have a bright future for manned exploration in space.

But I think that it simply does not make sense to continue with this project at this time on several bases. First, I want to associate myself with the remarks of the gentleman from Wisconsin (Mr. OBEY) in terms of the priorities within this budget now in terms of our social programs here at home.

Second, however, let us talk about the space program. I fear we are repeating a mistake we made in the 1970s and 1980s. Santayana defined a fanatic as one who redoubles his efforts when he has forgotten his purposes. I think that characterizes the Space Station.

We are told that the Space Station is now justified for manned space exploration. But we do not have a program for manned space exploration. If we had made a national goal of reexploring the moon, of going back to the moon and starting to exploit its natural resources, of having a manned program for Martian exploration, I might support such a program; and then the Space Station would make sense as part of it.

But every justification for the space program that I have seen, save one, can equally or better be done without the expenditure and the Space Station. That one is research on the long-term physiological effects of manned space flight. For that, we will need a Space Station. But we do not need that until we make the commitment to manned space flight to Mars, and then we should do that.

This program is eating up NASA's budget. We saw the same thing with the space shuttle. Why are we launching satellites on Chinese rockets? Forget the controversy for the moment of the President and President Bush and Reagan about the waivers, but why do our industries want to launch satellites on Chinese rockets? Because they are cheaper, $200 million to launch cheaper. Why?

Why did the United States not develop cheap space rockets, cheap launching? Because everything in that budget was devoted to the space shuttle in the 1970s and 1980s, a dead end.

Our space rockets today are still based on the Atlas and Titan ICBMs in the 1960s. The Titan IV is our biggest launcher based on the ICBM. The Titan first launched in 1960 or 1961. Why? Because we had no money to develop cheaper commercially viable space launching vehicles because all our money was going into the shuttle.

We should be spending money now, more money on the scientific exploration of space, on more basic research that will have the spin-offs and the benefits for medical science. We should be spending more money on programs like the X–33 to reduce the cost per pound of going into orbit.

Once we have reduced that cost by a factor of 10 or 100, then we can look again at a Space Station, because then the cost of developing a Space Station will be much less because it will not cost that much to get the material into orbit. That ought to be our priority.

This Space Station is too little and too early. It is too little because why are we spending $100 billion for an eight-person capacity Space Station when the Mir Space Station held six people. It is too early because it should be done once we have the capacity because of the X–33 research, perhaps 10 years from now, to launch the components into space cheaply.

If the United States were pursuing a properly targeted space program, we would now have a crash program to develop cheap launch vehicles so that the Hugheses and Lorals and General Dynamics of our country would want to launch their satellites on our rockets because they are cheaper and more efficient, and we would not have to worry about the security with the Chinese.

We are paying for the mistakes of the 1970s and 1980s, and now we are going to repeat that mistake on a larger scale. The space shuttle, as beautiful as it is, was a blind alley because what did it get us that we did not have? It did not reduce the cost of poundage into orbit which was the promise. It diverted us from the proper courses we are to make.

At this point, we are to be spending some of this money on low-income housing units, some of this money on school, some of this money on low-income heating. We ought to be spending more of the money on cheaper, more efficient rockets, for current satellite launchers. We ought to be spending more of the money on developing the capability of launching large payloads into space at a much lower unit cost so that it makes sense for our commercial private sector to get more heavily involved with less subsidy.

Finally, let me say this is distorting our relationship with our foreign friends.

Mr. KIND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Roemer-Camp amendment to end this black hole of fiscal irresponsibility known as the International Space Station, but I do so very sadly. Mr. Chairman, I do commend the gentleman from Indiana (Mr. ROEMER) and the gentleman from Michigan (Mr. CAMP) for the courage that they are showing by offering this amendment.

□ 0040

I would venture to guess if this issue was polled in the general and abstract around the country, there would be overwhelming support for the continuation of funding for the International Space Station. But I would also venture to guess if the American people knew the facts as far as the funding and cost overruns, a program that started off at $8 billion now estimated by the GAO this year to be around $100 billion, a 1,200 percent increase, people across the county would be saying, ''let's pull back and take another look at this and see if this is the right direction we need to go in.''

As a representative of western Wisconsin, Mr. Chairman, who produced some outstanding astronauts for our national space program, Deke Slayton, one of the original Mercury astronauts hails from a small town in western Wisconsin, and current astronaut Mark Lee, a space shuttle astronaut who will be going up into space early next year, I am a strong supporter of space exploration and our national space program, a strong supporter of the NASA budget, and in fact, of the next fiscal year.

Of the $15 billion in that budget, $13.5 billion is fine. It is the $1.5 billion that adds to the continuation of the International Space Station that I have a problem with. Because the space program is really what America is all about. It brings about the best in America and what we are.

Who will forget, those of you living, the moment when Yuri Gugarin of Russia was the first person to be launched into space, and the shock waves that reverberated around the country that, my goodness, we are falling behind the Soviet Union in space exploration? But, 20 days later, Alan Shepard, sitting on that Mercury Redstone rocket with courage that only he could know whether or not it was going to blow up underneath him, was the first American that was sent into outer space. And then 20 days after that, where a young president by the name of John F. Kennedy challenged our Nation to send a man to the moon and safely return him to earth.

It has brought out the best in America and what we stand for, and the hopes and dreams of not only adults, but of children, realizing the importance of science and math. Alan Shepard was a childhood hero of mine. I had Freedom VII on my dresser growing up as a kid in the 1960's. Our heartfelt condolences go out to his family tonight. He was a great American hero.

Perhaps this country would be better served if more pictures of astronauts were to grace the magazine covers today, rather than the Hollywood stars and sports heroes that seem to dominate popular culture today. Who would forget Apollo XIII and those dreaded bone chilling words, ''Houston, we have a problem,'' and the fact that after the explosion and the machine that filtered the carbon dioxide from the capsule went under, the Director of Space Operations got all the scientists and engineers together and gave them the material that the capsule had and said, You have one hour to come up with a device that will filter the carbon dioxide out of the capsule so the astronauts can breath and we can get them home safely. As he concluded and was walking out, then he turned and said, ''Failure is not an option.'' It was not. They came up with a device and were able to save the astronauts and return them safely.

It was one of my great honors just a few weeks ago to be able to present Commander Jim Lovell in western Wisconsin at a space show the Outstanding Wisconsin Aviator because he came from Milwaukee, Wisconsin.

The space program is a wonderful program, Mr. Chairman, there is no question about it. But what has to be questioned is the tremendous cost overrun that the American taxpayers are facing today in order to perpetuate a space program that, by and large throughout the scientific community, has limited value.

You are hard pressed to find any scientist in the entire country who will come out in support of the space program who is not already on the NASA budget. I think that sends a very strong message about the lunacy of continuing to throw good money after bad in this venture.

I think it is time that we step back, we take a deep breath, and realize what is happening with a program that is 1,200 percent over budget. And where is the end, and what is going to be the scientific value? What cannot be accomplished scientifically on the space shuttle today that can be on the space station? These are the things that we have to question. That is why we are having the debate at a quarter to one here in Washington, D.C. tonight.

In an era when we are trying to tighten our belts, to bring fiscal responsibility to this place and hopefully reduce the $5.5 trillion national debt, a 1,200 percent over-budget program is wrong. I ask my colleagues to support the amendment.

Mr. LAMPSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, why on Earth do we spend money in space?

Mr. Chairman, when a young President, John Kennedy, described his vision in 1961 of landing a man on the moon, he encountered also many skeptics. Some said it could not be done. Some said it would cost too much money. But when I watched Neil Armstrong take his first step on to the moon eight years later, I knew the naysayers were wrong, and so did my high school students, who huddled around the television set with me that unforgettable day. I saw the gleam in their eyes that inspired them to become our future engineers and future scientists.

So why on earth do we spend money in space? So our kids will have a dream to dream. Space exploration has evolved over the last 30 years to more than just romantic notions of collecting moon rocks and taking pictures of other planets in our solar system. Scientific studies conducted in space have led to thousands, if not hundreds of thousands of practical applications here on earth, as this graph here illustrates.

In fact, financing research projects in space is one of the best investments our Nation can make. For each tax dollar we spend in space, we get a $9 return here on earth in new products, in new technologies, in new improvements for millions of people around the world.

It would take too long to recount the many advances in agriculture, business and medicine that are a direct result of manned space exploration. Instead, let me tell you about some real people who have already benefitted from the discoveries made in space for the last three decades.

Let me start with someone in the district of the gentleman from Indiana

(Mr. ROEMER). Weather satellite storm prediction systems and long-range weather forecasts developed during space missions helped Brent Graybill, the director of the Elkhart County, Indiana, Office of Emergency Management, to warn residents of hazardous flash floods and dangerous tornados before they destroy people's homes and take their lives, a direct result of manned space exploration.

And in the hometown of the gentleman from Michigan (Mr. CAMP), Midland, Michigan, the fire chief there, Dan Hargarten, he uses protective clothing made possible due to space research to help protect his crew from harm as they battle destructive fires, and technological advances in breathing apparatus are studied in space and will allow 68 brave Michigan fire fighters, all volunteers, to battle Florida's fire storms without losing their lives, another direct result of manned space exploration.

And in the district of the gentleman from New York (Mr. SOLOMON), the ''After Breast Cancer'' support group meets every Monday evening to share their experiences fighting breast cancer. Well, many cancer survivors are living longer, fuller lives, thanks to early detection of cancer cells made possible by CAT scan technology. You guessed it, a direct result of manned space exploration.

So why on earth should we spend money in space? Because we owe it to the millions of Americans who could benefit from future medical advances to continue funding, rather than gutting the International Space Station.

NASA researchers are making great strides in, for example, neurobiology, that could help my sister, Mary Jo, and countless others who are confined to wheel chairs regain their mobility.

Mr. Chairman, there are those who feel that we do not need men and women, as you have heard, in space, and that they could be replaced by robots. Of course, there are also those who say the same thing about Congress. So why on earth do we spend money in space? For the sake of my sister, and your children's children; because every dollar we spend on a space program yields $9 in returns here on earth; and because that young President said, when he stood in Houston, Texas, on September 12, 1962, This country of the United States was not built by those who waited and rested and wished to look behind them. This country was conquered by those who moved forward, and so will space.

I urge Members to vote ''no'' on the Roemer amendment.

□ 0050

Mr. BARRETT of Wisconsin. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, earlier this evening in this debate, one of the proponents of the Space Station described the benefits of the Space Station as indescribable. I could not agree more. And the reason they are indescribable is because they do not exist.

We have listened now for 14 years about the benefits of the Space Station, about the potential, and that same speaker made reference to the potential of the Space Station several times during his speech.

But the time comes, Mr. Chairman, when we have to move from the potential to the reality. We have heard so much about waiting for the Space Station, waiting for the Space Station, and all the benefits that are going to come from it. It reminds me of the play ''Waiting for Godot,'' where we keep waiting and waiting and waiting and it never comes.

The Space Station never comes and the benefits never come. We have heard time and time again how the Space Station is going to help our international relationship with Russia. That this is going to improve our relations with Russia. Of course, it started out a decade and a half ago we were going to build the Space Station to ward off Russia. Things have changed, and now we are going to cement our relationship with Russia.

Have we seen that happen? No, we have seen more problems with Russia and their inability to finance their share and that has basically set back our relationship more than improved it.

We have been told that there is going to be tremendous job growth, and I agree. Frankly, if I were a representative from one of the districts, as we have seen tonight, that benefit economically from the Space Station, my colleagues can bet I would get up here and talk about the benefits. Because if we are spending $98 billion and even 10 percent of that were coming to my district, if I had $10 billion, I do not care what it would be. I would be talking about the economic benefits of the Space Station.

But if the Space Station is merely a jobs program, then we should call it a jobs program and we should spread the benefits throughout this country.

But the fact of the matter is 85 percent of the jobs are located in three States. So we have a tremendous influx of great economic resources into those three states, but does it benefit the country? I do not think it does.

But the one that kills me, the argument that kills me, and I have heard it time and time again, is how the Space Station is literally the greatest thing since sliced bread. In the 6 years I have been here, the Space Station was going to cure cancer, was going to cure Parkinson's disease, was going to cure Alzheimer's disease. Tonight we hear it is going to improve air conditioning.

Mr. Chairman, I hear these over and over again, and as I am listening to the debate the thought came back to me, the same thought I had last year, and it reminds me of the story of the emperor with no clothes, because we parade this huge monstrosity, this huge economic black hole in front of Congress and we dress it up and say it is going to cure cancer. And then we dress it up and say it is going to cure Parkinson's disease. And then it is going to cure AIDS. At some point somebody has got to get up and say the emperor has no clothes. It does not solve these problems.

Mr. Chairman, we have heard people who are proponents of the Space Station say that those of us who are opposed to it are opposed to a manned space program. That is the furthest thing from the truth. Every single speaker has talked about the joy that we have experienced because of the great steps forward as a result of the NASA manned space program. But to say that one is opposed to the Space Station means that they are opposed to sending money into space needlessly and that is a key distinction.

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

Mr. BARRETT of Wisconsin. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I think that that is an important point to clarify, because personally I am for NASA and I am for the other $11 billion that we spend every year.

I would recommend to the viewers out there at 1 o'clock in the morning who are tuned into this TV station to pick up the August issue of the National Geographic and to see the wonderful pictures of what Pathfinder did for $267 million. Did it on budget, on time, with a third of the bureaucracy that NASA has done with other projects at the Jet Propulsion Laboratory in California. Did a wonderful job and excited the Nation.

We had children all across the Nation glued to the TV, as I was glued to the TV in 1968 to watch Neal Armstrong take a step on the moon. These programs can work and we should support them. And I agree with the gentleman from Wisconsin, there are very good programs going on in NASA, but not the Space Station.

Mr. BARRETT of Wisconsin. Mr. Chairman, reclaiming my time, finally I want to compliment the gentleman from Indiana (Mr. ROEMER) and the gentleman from Michigan (Mr. CAMP) because they have been leaders in the wilderness on this issue. It is not easy to get before this Congress when there are vast resources put into promoting this program.

But it takes people I think to have the determination, like the gentleman from Indiana and the gentleman from Michigan, to continue this fight. And we may not win tonight, but sooner or later the American people are going to see that this is money that is being shipped into outer space.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Chairman, let me add my compliments for

the role that the gentleman from Indiana (Mr. ROEMER) has played over the years in voicing his objections to the Space Station. He showed great understanding and knowledge of the space program, great tenacity.

Mr. Chairman, the system is such that he may well end up being chairman of the Subcommittee on Space and Aeronautics in the fairly near future, and he may have an opportunity to directly exercise the kind of control over the Space Station that he is trying to do with this amendment.

I do not agree with his position, and so I rise in opposition to his amendment. I would like to point out that the space program has never been judged in terms of its immediate, measurable benefits. Several mentions have been made of Alan Shepard's flight back in 1962, and of President Kennedy's announcement of the Apollo program shortly after that.

There is no way on earth we can justify the Apollo program on economic grounds. It was a one-time effort. It was a crash effort. It was done out of fear that the Russians, who had already excelled in several things, they had launched the first satellite, they had launched the first man, and it was the fear in America that we had irreparably lost our technological leadership of the world. That led the President to announce that we would send a man to the moon.

We created the Apollo program. The huge Saturn rockets, we have never used them again. We have lost the plans to them. We would not know how to build another one of them. What remains is in some museum somewhere. And after we had successfully completed the program, then we sat back and said what will we do next?

It took us a little while to decide maybe we should go for a space transportation system instead of a grandiose plan like that. The budget of NASA at that time during the 1960s was three times what it is today. It has gone down steadily since that period of time, and I regret that. I frequently mention that NASA is going downhill more than I would like.

There was no economic benefit from that. It was merely a psychological benefit restoring the confidence of America in their ability to cope with Russia and the rest of the world.

Now, that is not quite the situation with the Space Station. Incidentally, the Space Station did not develop as a program to beat the Russians, as the gentleman from Massachusetts (Mr. FRANK) mentioned earlier. The Russians already had a Space Station when we decided that we were going to build a Space Station.

We recognized that if we had any intention of human role in space, that it had to be based upon the ability to create structures in space and to live in those structures and to make use of those structures in zero or relatively zero gravity for the purpose of determining the sustainability of life in space and conducting research that would be beneficial in space.

We did not even bring back a bag of rocks from the moon that we could look to and say this is the economic benefit we have reached. The Russians sent an unmanned probe to the moon, picked up a bag of rocks, and brought them back. We subsequently gathered a few, but they were not nearly as many as the Russians and so they outdid us on the one economic benefit, collecting rocks. And there was no gold or diamonds in the rocks anyway.

But what we have been almost unconsciously doing is voicing the aspiration of the human race to move beyond the bounds of earth into a new environment that is universal. This is something that attracts a huge amount of people. We cannot quantify it. We cannot measure the economic benefit. It is a matter of satisfying the demands of the human spirit; the same thing in a different sense that drove us to send the Apollo program and land the first humans on the moon.

Incidentally, those who know the Shepard story well recognize that he had one first. He was not the first man on the moon. He was the first man to hit a golf ball on the moon.

□ 1300

The CHAIRMAN. The time of the gentleman from California (Mr. BROWN) has expired.

(On request of Mr. LEWIS of California, and by unanimous consent, Mr. BROWN of California was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I wanted to express my deep appreciation for not just the gentleman's commentary this evening but for the long history of his being supportive of these programs and understanding them perhaps better than anybody else in the House.

The reality is that Space Station is not just a toy out in space. I have heard several of our colleagues this evening talk about how they support NASA, they support our probe in space, support our work in space. And yet the reality is that if man is going to be in space, we need to learn many of these things that we are learning by this process.

It is not just a question of health, things that we learn from people being in zero gravity, et cetera. It is building things in space. Having men and women work in space. Indeed, if NASA is going to carry forward that Horizon project that is the dream of our people, that new horizon, it will not be done without an effective Space Station.

The gentleman's work has been extremely helpful, and I wanted him to know I appreciate him.

Mr. BROWN of California. And I want the gentleman to know I appreciate his continued support and that of his colleagues on the Committee on Appropriations.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Here are some facts on the Space Station. Significant development progress has been made on the International Space Station. Seventy-five percent of the development milestones have been completed. The first two elements of the Space Station are ready and being prepared for launch. Over 400,000 pounds of flight hardware have been built. By the end of 1998, NASA and its international partners will have built over a half million pounds of flight hardware. And the first two elements of the Space Station will be in orbit.

The return of U.S. astronaut Andy Thomas marks the successful conclusion of the Shuttle-Mir program. Ten rendezvous and nine docking missions, and over 950 days of U.S. astronaut experience aboard the Mir has given the United States invaluable experience in long-term space operations which has prepared NASA to more effectively conduct permanent operations aboard the International Space Station.

Space shuttle crews assigned to the first three assembly flights of the International Space Station have already been selected and begun training. The Space Station assembly crews have already been selected. The first four crews to live and work aboard the Space Station have been selected and are actively training in Russia, the United States, Europe, and Canada.

The International Space Station Research Plan has been adopted and published and selection is underway for what will eventually be 900 principal investigators conducting research aboard the Space Station. NASA remains fully committed to meet Space Station research requirements, and has included full funding for enhanced research capabilities in the budget of the program.

The Research Plan outlines the use of the world class International Space Station laboratories. Space Station capacity for data transfer has been significantly updated from the original plan.

November 20th, 1998 is the revised launch date for the U.S.-owned Russian-built control module. It will followed on December 3, 1998 by the launch of Unity, the U.S. node. Launch of the Russian Service Module is scheduled for April 1999. Assembly will be complete in January 2004.

The Russian-built service module is 95 percent complete and has been shipped for final outfitting and testing. As a hedge against Russian Service Module delays, NASA has modified the Russian-built control module and is developing a U.S. Interim control module in the event additional Service Module delays are encountered.

Although the recently issued report of the Cost Assessment and Validation Task Force, headed by Jay Chabrow,

has concluded that technical and schedule risk could force total International Space Station costs to reach $24.7 billion, NASA has not revised its existing estimate of $21.3 billion.

NASA continues to evaluate other contingency plans to address possible further Russian funding delays and is refining those plans for implementation, if needed.

Now, Mr. Chairman, the Space Station, despite its difficulties is the greatest peaceful international scientific endeavor in the history of the world. The Space Station is a platform for international peace. It is a platform for international science. It is a platform for national and international economic growth. It is a platform for future generations.

Children sense it. In my own district I saw JOHN GLENN speak to a school full of elementary children, and they stood transfixed as he talked about his flight, as he talked about outerspace, as he talked about where America was going for the future, because they saw it as their future as well.

The Space Station is a platform for future human achievement. It will help us grow the economy of the future, to improve the quality of life for all people. Twenty-nine years ago the United States became the first Nation to land an astronaut on the moon. Now, what if Congress had told John Kennedy, when he set out to make a lunar landing a national goal, what if Congress had said, ''No, you can't. It is impractical. It is wasteful.'' Twenty-nine years ago the people of the United States stood transfixed as we saw Neil Armstrong take one small step for man, one giant step for mankind.

One mission after another, the space program has kept advancing America's frontiers. Advancing our dreams. Now, the poet Browning once wrote, ''But a man's reach should exceed his grasp or what is a heaven for.'' The Alan Shepards, the Gus Grissoms, the John Glenns, the Buzz Aldrins, the Christa McAuliffes all represent the courage, the vision of this great country.

America is a practical Nation. We understand cost benefits, and there have been practical benefits, as has been pointed out, $9 returned for every $1 spent in the space program. But America, too, is a Nation about a ceaseless quest for achievement.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. KUCINICH) has expired.

(By unanimous consent, Mr. KUCINICH was allowed to proceed for 1 additional minute.)

Mr. KUCINICH. Mr. Chairman, the stars which emblazon our flag, which ring this chamber and which surround that eagle that looks down on us every day, those stars could also represent the stars that we reach for.

Our future as a Nation is certainly about what we do on this earth, but it is also about the sky above. It is also about the human heart exploring the unknown. Americans know this. That is why they support the space program, and that is why they are hoping this Congress is going to support the International Space Station.

Mr. GREEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take my whole 5 minutes, but I want to thank my colleague from Ohio and all the speakers this evening, because I think what they are talking about is what really America is about. And I want to thank my colleague from Wisconsin, who is here and said if he had part of this in his district, that he would be for it.

Well, I do represent the Houston area, but I do not represent part of the NASA area. In fact, my joke is when somebody in my district gets a job at the Space Station, or NASA, in Clear Lake, they actually move to the district of the gentleman from Texas (Mr. LAMPSON) or the district of the gentleman from Texas (Mr. DELAY). They are not in my district, because they move closer to their jobs.

I rise in opposition to the Roemer amendment because it strikes the funding for the International Space Station. The International Space Station represents the future of space exploration for our country. It represents a high-tech lab whose innovations will have countless applications in the daily lives of Americans. Whether we live in one of those districts that have the module being built or not, it represents an era of international cooperation that everyone will benefit from.

We heard tonight the talk about how the Russians may not be able to do their part. It is not just the Russians, it is lots of other countries, our neighbors in Canada and Japan and in Europe.

To date, the International Space Station has been a model of international cooperation and responsible management. If Congress does undermine the funding for the Space Station with an unexpected reduction, it will represent a major reversal in the commitment made to the program's stability over the past few years and it will be a betrayal of our entire international partners.

The International Space Station is well on its way to assembly, with the first of the hardware elements already in the final stages of preparation for launch in November of this year, just 5 months away.

□ 0110

Critics have said the cost for the life cycle of the space station has dramatically risen, when in fact the cost for the life cycle of the space station has actually gone up only by 2 percent in the past 3 years.

Mr. Chairman, this debate is more about not necessarily the space station. I watched one of our astronauts, Dr. Ellen Ochoa, visit middle schools in my district. It is an inner-city district in Houston, predominantly minority children in those districts. I watched Dr. Ochoa captivate those students with her talk of being in space and what she is planning to do.

That is what we are talking about, the future of our country, the future of those middle school children. Whether they are white, black, Hispanic, or whatever their nationality, space is their goal, and that is why I think it is so important and that is why I think tomorrow hopefully, when the House votes, we will vote again resoundingly to defeat the Roemer amendment.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. ROHRABACHER. Mr. Chairman, I have in my hands a 5-minute speech praising the gentleman from California (Mr. LEWIS) who has done a terrific job this year in cooperating with the authorizers. We have had such a good relationship that I wanted to praise him in this speech. I also in this 5-minute speech talk about the NASA budget, but instead I will include this in the RECORD.

Mr. Chairman, today the Appropriations Committee has brought before the House a bill which, a bill which, among other things, funds our nation's civilian space agency, NASA, for fiscal year 1999.

As chairman of the authorizing subcommittee for NASA, I think it's fair to say that there has not always been perfect agreement between the authorizers and appropriators on the priorities for NASA's budget.

But this year I cannot say enough to praise the FY99 NASA appropriation in H.R. 4194 that my good friend from California Mr. LEWIS and my friend from Ohio, Mr. STOKES, have brought to the floor today.

Many of the top priorities of the Science Committee, as expressed in H.R. 1275, the bipartisan Civilian Space Authorization Act which this House passed last year, have been honored and emphasized in H.R. 4194. Let me just mention a few:

First, the Committee has sent a clear message to NASA that there is a limit to how much money we can spend on the International Space Station. I think the cut of $170 million from the ISS budget in this bill, made possible due to predicted carryover funding of $400–500 million from FY98, is the best argument against the proposed amendment by my colleague Mr. ROEMER of Indiana. The Appropriations Committee's report language on the ISS program shows that they have now joined with Chairman SENSENBRENNER, Mr. BROWN, and the rest of the authorizers in imposing standards on this Administration's performance on the Space Station. Together we are saying that the White House must fix the broken policy of its partnership with Russia, and that NASA must fix its financial and technical management of the program.

Second, the report on H.R. 4194 endorses the idea that greater commercial participation in the Station and Space Shuttle programs can both reduce and help defray many of the cost overruns in the Space Station program, and for this I am personally grateful to Chairman LEWIS.

Third, the report specifically tracks with H.R. 1275 in directing that NASA's Life and Microgravity Science office manage Space Station

research, instead of the Station program office. The scientists who will use our national laboratory in space should manage their research funding, not the engineers that are building the lab.

Next, the report provides additional funding for two important science and technology projects in NASA. H.R. 4194 increases by $20 million NASA's planned $5 million funding level for Space Solar Power research, and provides an additional $1.6 million for the Near Earth Asteroid Tracking program.

Finally, the Committee's report provides an increase of $30 million for the program that NASA Administrator Dan Goldin declared was his top priority for additional funding above the President's request. This money is for Future–X, a program of additional experimental launch vehicles to carry on the progress we are making with the X–33 and X–34 projects. Mr. Chairman, reducing the high cost of space transportation has been my top space priority since I joined the Congress and the Space subcommittee in 1989. By providing full funding for the X–33 and X–34 programs, and this funding increase for the Future–X program, we are taking steps to ensuring that there will be a continuing stream of improved technologies to both our commercial space industry and to our military. I am particularly gratified that the Committee directs that half of the Future–X budget is to be spent in cooperation with the Air Force's military spaceplane program. This honors the President's Space Transportation Policy and Administrator Goldin's testimony to my subcommittee that NASA would develop new space transportation technologies for and in cooperation with the Air Force.

I must admit that there is one small item in the Committee report which gives me some pause, and that is the $10 million for Liquid Flyback Booster studies. Over the past year or so I have found that the Liquid Flyback Booster concept is not so much an upgrade of the Space Shuttle as it is a stalking horse for a mission to send astronauts to Mars. Well, this Congress has no intention of approving the hundreds of billions it could cost to send astronauts to Mars. Nor, would we want to spend taxpayer dollars to prolong a NASA-owned and-operated Space Shuttle if there are lower cost commercial alternatives, including a privatized Shuttle system. Finally, I would point out that the Launch Services Purchase Act of 1990 proscribes NASA from building and owning any additional launch systems, and this report language on Liquid Flyback Boosters would seem to go in that direction. I would hope that in conference the Chairman of the Subcommittee might work to specify that any funding for studies of Liquid Flyback Boosters could come from the $20 million NASA has requested for Space Transportation Architecture Studies, and not from critical technology efforts like X–33 and Future–X.

But let me once again state my strong support for the rest of the NASA appropriation. In summary, H.R. 4194 sends the Senate and the Administration a unified, two-part message from the House Authorizers and Appropriators. We both support Mr. Goldin's emphasis on scientific research, his interest in space commercialization, and his leadership on space transportation technology. But we are also united in saying that the Space Station program must be fixed, and fixed now.

Mr. BENTSEN. Mr. Chairman, I rise in strong opposition to the Roemer-Camp amendment to eliminate funding for NASA's International Space Station.

Some have argued that it would be fiscally prudent to eliminate the space station. Nothing could be further from the truth. In fact, it would be terribly imprudent to kill the program. We have already invested more than $20 billion in the space station. Our 12 international partners have spent more than $5 billion. Two hundred tons of hardware has been built and first element launch is less than six months away. To eliminate the program now, after so much has been invested and so much work has been done, would be the height of irresponsibility by allowing our investment to be wasted.

The International Space Station is a worthwhile investment in exploration and science, an investment in jobs and economic growth, and most of all, an investment in improving life for all of us here on earth. The space program and experiments conducted on the space shuttle have made remarkable contributions to medical research and the study of life on earth. The space station is the next logical step: a permanent orbiting laboratory. Let me highlight some of the station's potential for contributing to medical advancements, for example:

Space station researchers will use the low-gravity environment of the space station to expand our understanding of cell culture, which could revolutionize treatment for joint diseases and injuries;

The space station will provide a unique environment for research on the growth of protein crystals, which aids in determining the structure and function of proteins. Crystals grown in space are far superior than those on earth. Such information will greatly enhance drug design and research into cancer, diabetes, emphysema, parasitic infections, and immune systems disorders;

The almost complete absence of gravity on the space station will allow new insights into human health and disease prevention and treatment—including heart, lung, and kidney function, cardiovascular disease, bone calcium loss, and immune system function;

I share my good friend from Indiana's concern that continued Russian participation in this project needs to be carefully examined. The economic difficulties Russia is currently experiencing have caused several unfortunate delays in their delivery of certain space station components and this needs to be scrutinized. We need a backup plan to move forward without the Russians if necessary. But this partnership deserves every chance to succeed because of the experience and expertise the Russians bring to the table and the foreign policy benefits of continuing this partnership.

Mr. Speaker, the International Space Station is vital to continued human manned presence in space and I would urge the defeat of this amendment.

The CHAIRMAN (Mr. COMBEST). The question is on the amendment offered of the gentleman from Indiana (Mr. ROEMER).

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

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

The CHAIRMAN. Pursuant to House Resolution 501, further proceedings on the amendment offered by the gentleman from Indiana (Mr. ROEMER) will be postponed.

Mr. WELLER. Mr. Chairman, I would like to offer my support for the FY99 VA–HUD Appropriations bill.

A project in the VA–HUD bill, called TARP, is very important to not only the people of the 11th congressional district of Illinois, but the entire Chicago Metropolitan Area. This bill contains $6.5 million for the Environmental Protection Agency (EPA) in fiscal year 1999 to go toward construction of the Calumet System of TARP—the segment that directly affects my constituents.

During the summer of 1996, floods plagued the South Suburbs of Chicago. Frequent flooding in the Chicago area causes disruptions in major expressways; and rainwater and raw sewage back up into the basements of over 500,000 homes and contaminate local drinking water supplies.

As you know, TARP is an intricate system of underground tunnels, pumping stations and storage reservoirs used to control flooding and combined sewage pollution in the Chicago Metropolitan Area. It is important to note that TARP will remove four times the amount of pollution as the City of Boston's projected removal—for approximately the same cost. To date, 93 miles of control tunnels have been completed, or are under construction, and 16 miles of tunnels have yet to be completed. To the projects' merit, the completed segments of TARP have helped to eliminate 86 percent of the combined sewage pollution in a 325 square mile area.

While we tend to think of this project as a critical flood protection measure, the truth is that the water protection is just as important. Since TARP has come on-line, we have seen a striking improvement in the quality of our waterways, bringing fish—and commerce—back to our rivers. Probably the biggest protections TARP brings is the return of our drinking water supply, Lake Michigan, to good health. By protecting Lake Michigan from raw sewage, TARP provides assurance that our water supply and that our children will be protected.

I believe that Chicago and the South Suburbs cannot afford any more delays in completing this project. In fact, the flooding that occurred this winter filled the TARP system to capacity and forced the release of 4.2 billion gallons of combined rainwater and sewage into Lake Michigan. This must be prevented.

Home and business owners are suffering, our drinking water supply is at risk, flood insurance premiums are increasing while property values are decreasing. The annual damages sustained by the flooding exceed $150 million. If this project were finished these damages could be eliminated, not to mention the disaster relief funds that will be saved. Let me point out that TARP was judged by the EPA twice as the most cost-effective plan to meet the enforceable provisions of the Clean Water Act. The South Suburbs have built a strong base of local support for this vital project. That is why it is essential that we receive the fiscal year 1999 funding to continue construction of TARP.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 4194 and would like to thank the distinguished gentleman from California and Chairman of the Appropriations Subcommittee on VA, HUD, and Independent Agencies [Mr. JERRY LEWIS] and the distinguished gentleman from Ohio and Ranking

Member of the Subcommittee [Mr. LOUIS STOKES] for their hard work on this bill.

Once again, Appropriations Committee has completed the tough task of allocating limited resources for many deserving programs. As a Member of the House Banking Committee, the committee with jurisdiction over Federal housing programs, this Member is very interested in how funds are appropriated in this area.

Although there are numerous deserving programs included in this funding bill, this Member would like to mention four specific items.

First, this Member would like to commend the Appropriations Committee for increasing the Federal Housing Administration (FHA) mortgage limits under the Department of Housing and Urban Development (HUD). Prior to this appropriation bill, the floor limit for an FHA mortgage was 38 percent of the Federal Home Loan Mortgage Corporation Act also knows as Freddie Mac which was $86,317. H.R. 4194 raises the FHA limit to 48 percent of the Freddie Mac conforming home loan limit which is $109,032.

This Member had an amendment drafted which he will not now offer which would have increased the FHA mortgage limit floor. This Member believes that due to increasing new home construction costs especially in rural areas, it has become very difficult to build a new home for $86,317. For this reason, this Member commends and supports the increase to $109,032.

Second, this Member would also like to applaud the Appropriations Committee on adopting the Obey amendment to the FHA mortgage limits. This Member would like to thank the distinguished gentleman from Wisconsin [Mr. OBEY] on successfully introducing an amendment which would redefine the word ''area'' for the purposes of the metropolitan statistical area. This amendment would in effect allow the median single family house price for an area to be equal to the median single family house price of the county within the area that has the highest such median price. This provision is a step in the right direction in consideration of new home construction costs and in its effect on FHA mortgage limits.

Third, this bill provides $6.0 million, a $1 million increase from the FY 1998 budget, for the Section 184 Indian Housing Loan Guarantee Program which is administered by HUD. According to the Committee Report, this appropriation will be leveraged into at least $36.9 million in loan guarantees. The Section 184 Indian Housing Loan Guarantee program authored by this Member, has already proven to be an excellent program that now is providing privately financed homes through a guarantee program for Indian families who were otherwise unable to secure conventional financing because of the trust status of Indian reservation land.

Fourth, appropriators should be applauded for including $4.7 billion for the Community Development Block Grant (CDBG). This Member would also like to commend enthusiastically the appropriators for decreasing the amount of set-asides within the CDBG from $479 million in FY 1998 to $167 million in FY 1999 for the use of some such funds were not devoted to the most appropriate areas. This Member has testified at the subcommittee level that the expenditure of the maximum amount of CDBG funds should be left to the allocation of the state and eligible local governments as compared to selected set-aside programs.

Mr. Chairman, this Member rises in support of H.R. 4194 and urges his colleagues to support this measure.

Mr. Chairman, I rise today in opposition to the final passage of H.R. 4194, the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for Fiscal Year 1999. I object because this bill fails to include any funding for the Americorps or other initiatives administered by the Corporation for National Service which are funded annually in this legislation. When coupled with the reduction of more than $5 million in funding for the Volunteers in Service to America (VISTA) program and the freeze in spending for the National Senior Volunteer Corps recommended in the Appropriations Committee's Report on the Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act for Fiscal Year 1999, the attack on the highly successful programs administered by the Corporation for National Service included in this bill will decimate opportunities to improve the lives of every American through strong community service initiatives.

Over the years I have met countless activists as well as ordinary American citizens in the Second Congressional District who take heroic steps on a daily basis towards improving their community and their own lives. As a result, the Second Congressional District and my home state of Mississippi have made substantial progress in improving the standard of living for many of their residents. However, both the Second Congressional District and Mississippi still contain some of the poorest areas in the nation.

We must recognize that Mississippi's economic status can never be permanently improved by either ignoring the current state of affairs or by simply writing a check. For too long policy makers here in Washington and elsewhere have followed one of these two courses of action. There have been rare exceptions—initiatives to provide not just economic assistance, but also the inspiration for people to join with their neighbors in the effort to improve their community. As every hard-working American knows, no one labors so well as when he feels that others are willing to stand there beside him and suffer through the task at hand. The Americorps, which is administered by the Corporation for National Service and normally funded in this bill, is perhaps the best example of a program which provides a tangible, uplifting presence in the numerous communities where it is active.

There are more than five hundred Americorps volunteers in Mississippi today who have partnered with community leaders to provide hands-on assistance in improving access to everything from child care to literacy instruction. Most importantly, the Americorps volunteers' stirring example has inspired thousands of Mississippians to enter community service as well. Today there are more than 29,000 people of all ages and backgrounds who are helping to solve problems and build stronger communities in the 48 projects across Mississippi which are sponsored by the Americorps and other Corporation for National Services initiatives.

Many of my colleagues on the other side of the aisle—including some of my friends from Mississippi—will say the Corporation for National Service and the Americorps program are wasteful or too bureaucratic. Yet I do not think any of us could find another initiative funded by the federal or state governments today which encourages 29,000 people to serve their nation and their community for a total cost of less than $7 million.

Nonetheless, many former critics have finally started to see the positive benefits of the Corporation for National Service's work. Governor Kirk Fordice of Mississippi, widely regarded as one of the most conservative governors in the nation, made the following statement in support of the Corporation for National Service's efforts while visiting with Learn and Serve America students at the regional service-learning conference in Biloxi, Mississippi:

> As you know from your first hand volunteerism, service-learning offers the opportunity for today's young people and tomorrow's leaders to learn, while addressing local needs. Your hands-on experiences reinforce what you are learning in the classroom, promoting civic responsibility and showing that citizens working together are a powerful force.

After the Americorps was created in 1993, it quickly adopted the straightforward motto of ''Getting Things Done.'' In the opinion of both myself and thousands of residents of the Second Congressional District who have benefited from this program, the Americorps truly has been ''Getting Things Done For Mississippi.'' For those who might doubt the effectiveness or importance of the Corporation for National Service and its Americorps program, the following is a complete list of all the active projects supported by the Corporation for National Service in Mississippi. Instead of making speeches in the marble halls of Washington about bureaucracy, inefficiency, disorganization or a host of other mistaken descriptions of the Americorps and the activities of the Corporation for National Service, I encourage any of my skeptical colleagues to visit these communities and talk with the beneficiaries of its work.

80 AmeriCorps Volunteers participate in the Delta Service Corps University Center for Community in Cleveland;

40 AmeriCorps Volunteers participate in the Delta Reads Partnerships at Delta State University in Cleveland;

6 AmeriCorps Volunteers participate in the Mid-South Delta LISC AmeriCorps in Greenville;

20 AmeriCorps Volunteers participate in the Mississippi Action for Community Education in Greenville;

4 AmeriCorps Volunteers participate in the Harrison County Human Resources Agency in Gulfport;

2 AmeriCorps Volunteers participate in the South Mississippi Family/Child Center in Gulfport;

3 AmeriCorps Volunteers participate in the Desoto County Literacy Council Inc. in Hernando;

100 AmeriCorps Volunteers participate in the Volunteer Assistant Teachers Train to Become Teachers in Jackson;

30 AmeriCorps Volunteers participate in the AmeriCorps Assist Program in Jackson;

30 AmeriCorps Volunteers participate in the Campus Link in Jackson;

34 AmeriCorps Volunteers participate in the Campus Link in Jackson;

30 AmeriCorps Volunteers participate in the Metro Jackson Service Coalition in Jackson;

16 AmeriCorps Volunteers participate in the Partners in Readiness in Jackson;

2 AmeriCorps Volunteers participate in the Big Brothers/Big Sisters of the Tri-County Area in Jackson;

6 AmeriCorps Volunteers participate in the Governor's Office of Literacy in Jackson;

9 AmeriCorps Volunteers participate in the Mississippi Association of Cooperatives in Jackson;

3 AmeriCorps Volunteers participate in the West Jackson Community Development Corporation in Jackson;

7 AmeriCorps Volunteers participate in the St. Andrew's Mission, Inc. in McComb;

39 AmeriCorps Volunteers participate in the Teach for America Mississippi Delta in Oxford;

24 AmeriCorps Volunteers participate in the InterACT in Oxford;

20 AmeriCorps Volunteers participate in the Literacy for Lee County: Young Readers Today in Tupelo;

6 AmeriCorps Volunteers participate in the We Care Community Services, Inc. in Vicksburg;

5 AmeriCorps Volunteers participate in the Yazoo Community Action, Inc. in Yazoo City;

10 Learn and Service America Volunteers participate in the Biloxi School District in Biloxi;

250 Learn and Service America Volunteers participate in Rust College in Holy Springs;

6 Learn and Service America Volunteers participate in the Jackson School District in Jackson;

700 Learn and Service America Volunteers participate in the Mississippi Department of Education statewide;

1,500 Learn and Service America Volunteers participate in the Mississippi Commission for Volunteer Service statewide;

425 National Senior Service Corps Volunteers participate in the Hancock County RSVP in Bay St. Louis;

364 National Senior Service Corps Volunteers participate in the Hancock County Volunteer Program in Clarksdale;

315 National Senior Service Corps Volunteers participate in the Lowndes County RSVP in Columbus;

114 National Senior Service Corps Volunteers participate in the Jones County FGP in Ellisville;

388 National Senior Service Corps Volunteers participate in the Harrison County RSVP in Gulfport;

43 National Senior Service Corps Volunteers participate in the SCP of Harrison County in Gulfport;

72 National Senior Service Corps Volunteers participate in the SCP of Sunflower and Bolivar Counties in Indianola;

285 National Senior Service Corps Volunteers participate in the Capital Areas RSVP in Jackson;

212 National Senior Service Corps Volunteers participate in the Attala County RSVP in Kosciusko;

314 National Senior Service Corps Volunteers participate in the Laurel-Jones County RSVP in Laurel;

186 National Senior Service Corps Volunteers participate in the Simpson County RSVP in Mendenhall;

57 National Senior Service Corps Volunteers participate in the FGP Lauderdale County in Meridan;

519 National Senior Service Corps Volunteers participate in the RSVP Meridan/Lauderdale County in Meridan;

400 National Senior Service Corps Volunteers participate in the RSVP Adams County in Natchez;

84 National Senior Service Corps Volunteers participate in the Lafayette County FGP in Oxford;

280 National Senior Service Corps Volunteers participate in the Lafayette County RSVP in Oxford;

30 National Senior Service Corps Volunteers participate in the MDHS Jackson County SCP in Pascagoula;

370 National Senior Service Corps Volunteers participate in the Lee and Calhoun Counties RSVP in Tupelo;

79 National Senior Service Corps Volunteers participate in the Hinds/Rankin FGP in Whitified.

Mr. Chairman, the people who participant in the programs I have just mentioned want to see genuine change in their community and are willing to take action to bring about results. What better values could any of—Democrats or Republican—want to sponsor?

I urge Members to oppose this bill; we should not be forced for yet another year to rely on the Conference Committee to restore funding for the Americorps and the Corporation for National Service. Let us support the Americorps and Corporation for National Service's volunteers across the nation so they can continue ''Getting Things done'' in their community.

Mr. ENSIGN. Mr. Chairman, I rise today to voice concern about what I consider an inappropriate use of Community Development Block Grant funding.

Late last year, it was revealed that the Reno-Sparks Indian Colony had decided to use $450,000 of the funding they received from the Indian Community Development Block Grant program for the explicit purpose of constructing a ''smoke shop'' in Verdi, Nevada. Regardless of one's position on tobacco use or taxes, it seems clear to me that at a time when there is so much debate surrounding the issue of teen smoking, the tobacco industry, and tobacco vendors, taxpayer dollars should not be spent on the construction of smoke shops in our communities.

It is my understanding that the goals of the Community Development Block Grant Program are to provide financial resources to communities for public facilities and planning activities which have a direct, positive impact on the health and safety of that community's residents. Everyone knows that smoking is hazardous to one's health and can cause lung cancer. Smoking causes fully one sixth of all deaths in the United States each year—more than alcohol, all illicit drugs, AIDS, guns, automobiles, and all forms of air pollution COMBINED. With this in mind, how can we possibly allow money intended to be used for the betterment of communities to be used instead for the construction of smoke shops. I would like an explanation from HUD as to how this fits into the statute governing the Community Development Block Grant program.

Native American communities have a right to profit from business ventures but I don't think the federal government should assume the role of helping smoke shops compete with independent small business ventures such as shops and convenience stores which also rely on tobacco sales.

Mr. Chairman, this grant came to my attention only recently and has caused concern for private small businesses and citizens in Verdi, Nevada. It was my desire to introduce an amendment today to recapture these federal dollars before they are spent, but I understand how carefully this bill has been crafted and do not wish to threaten the delicate balance you have achieved.

It is my sincere hope that the Department of Housing and Urban Development will ensure that taxpayer funds are expended in a manner consistent with the national concern on youth tobacco use. There are many ways to ensure that Native Americans are able to develop profitable businesses capable of providing the resources necessary for tribal needs without taxpayer-funded tobacco smoke shops.

Mr. LEWIS of California. 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. SOLOMON) having assumed the chair, Mr. Combest, 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. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, had come to no resolution thereon.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4250, PATIENT PROTECTION ACT OF 1998

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–643) on the resolution (H.Res. 509) providing for consideration of the bill (H.R. 4250) to provide new patient protections under group health plans, which was referred to the House CALENDAR and ordered to be printed.

## PERSONAL EXPLANATION

Mr. GREEN. Mr. Speaker, during rollcall votes 319 through 322, last night and today, I was in my district on official business. Had I been present, I would have voted ''no'' on rollcall 319; ''yes'' on rollcall 320; ''no'' on rollcall 321; and ''yes'' on rollcall 322.

## COMMUNICATION FROM HON. PETER T. KING, MEMBER OF CONGRESS.

The SPEAKER pro tempore laid before the House the following communication from the Honorable PETER T. KING, Member of Congress:

HOUSE OF REPRESENTATIVES,
*Washington, DC, July 14, 1998.*

Hon. NEWT GINGRICH,
*Speaker of the House,*
*The Capitol, Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the Eastern District of New York.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

PETER T. KING,
*Member of Congress.*

## COMMUNICATION FROM HON. CAROLYN MCCARTHY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable CAROLYN MCCARTHY, Member of Congress:

HOUSE OF REPRESENTATIVES,
*Washington, DC, July 15, 1998.*

Hon. NEWT GINGRICH,
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the Eastern District of New York.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

CAROLYN MCCARTHY,
*Member of Congress.*

## COMMUNICATION FROM HON. GARY L. ACKERMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable GARY L. ACKERMAN, Member of Congress:

HOUSE OF REPRESENTATIVES,
*Washington, DC, July 16, 1998.*

Hon. NEWT GINGRICH,
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the Eastern District of New York.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

GARY L. ACKERMAN,
*Member of Congress.*

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT) for today after 4 p.m., on account of personal business.

Mr. FORD (at the request of Mr. GEPHARDT) for today, on account of personal business.

Mr. MARKEY (at the request of Mr. GEPHARDT) for today and Friday, July 24, on account of a death in the family.

Mr. BRADY (at the request of Mr. GEPHARDT) for today after 1:15 p.m., on account of official business in the district.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. WICKER, for 5 minutes, on July 24.

Mr. WELDON of Pennsylvania, for 5 minutes, on today.

Mr. COLLINS, for 5 minutes, on July 24.

Ms. ROS-LEHTINEN, for 5 minutes each day, on July 28, 29, and 30.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HASTERT and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $4,235.00.

## EXTENSION OF REMARKS

(The following Members (at the request of Mr. KUCINICH) and to include extraneous material:)

Mr. MARKEY.
Mr. KIND.
Ms. DELAURO.
Mr. KUCINICH.
Mr. CONYERS.
Mr. KENNEDY of Rhode Island.
Mr. POSHARD.
Mr. BARCIA.
Ms. LEE.
Mr. DINGELL.
Mr. SANDERS.
Mr. GORDON.
Mr. LEVIN.
Mr. STARK.
Mr. NEAL.
Mr. LAFALCE.
Mr. POMEROY.
Mr. FILNER.
Mr. THOMPSON.
Mr. ROEMER.
Mr. ALLEN.

(The following Members (at the request of Mr. GOSS) and to include extraneous material:)

Mr. RADANOVICH.
Mr. SENSENBRENNER.
Mr. METCALF.
Mr. GANSKE.
Mr. SHAW.
Mr. WATTS of Oklahoma.
Mr. GILMAN.

## CORRECTION OF CONGRESSIONAL RECORD OF JULY 20, 1998, PAGE H5954, CONGRESSIONAL RECORD OF JULY 21, 1998, PAGE H6067, AND CONGRESSIONAL RECORD OF JULY 22, 1998, PAGE 6161

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1418. An act to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes; to the Committee on Science, and in addition, to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 638. An act to provide for the expeditions completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the Monument, and for other purposes; to the Committee on Resources.

S. 1069. An act entitled the ''National Discovery Trails Act of 1997; to the Committee on Resources.

S. 1132. An act to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes; to the Committee on Resources.

S. 1403. An act to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program; to the Committee on Resources.

S. 1510. An act to direct the Secretary of the Interior and the Secretary of Agriculture to convey certain lands to the county of Rio Arriba, New Mexico; to the Committee on Resources.

S. 1695. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Sand Creek Massacre National Historic Site in the State of Colorado as a unit of the National Park System, and for other purposes; to the Committee on Resources.

S. 1807. An act to transfer administrative jurisdiction over certain parcels of public domain land in Lake County, Oregon, to facilitate management of the land, and for other purposes; to the Committee on Resources.

S. Con. Res. 105. Concurrent Resolution expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and for other purposes; to the Committee on International Relations.

## ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 16 minutes a.m.), the House adjourned until today, Friday, July 24, 1998, at 9 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10188. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pseudomonas Fluorescens Strain PRA–25; Temporary Exemption From the Requirement of a Tolerance [OPP–300681; FRL–6016–7] (RIN: 2070–AB78) received July 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10189. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Extension of Tolerance for Emergency Exemptions [OPP–300682; FRL–6016–8] (RIN: 2070–AB78) received July 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10190. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fipronil; Pesticide Tolerance [OPP–300612; FRL–5768–3] (RIN: 2070–AB78) received July 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10191. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona; Arizona Department of Environmental Quality [FRL–6123–4] received July 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10192. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Agricultural Trade Act of 1978 to allow the Commodity Credit Corporation to use unobligated funds for the Export Enhancement Program for certain purposes; to the Committee on Agriculture.

10193. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of F.E. Warren Air Force Base (AFB), Wyoming has conducted a cost comparison to reduce the cost of operating base supply functions, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

10194. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Issue and Cancellation of Federal Reserve Bank Capital Stock [Regulation I; Docket No. R–0966] received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10195. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Membership of State Banking Institutions in the Federal Reserve System; Miscellaneous Interpretations [Regulation H; Docket No. R–0964] received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10196. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Security Procedures [Regulation P; Docket No. R–0965] received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10197. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to authorize the provision of grants in homeownership zones; to the Committee on Banking and Financial Services.

10198. A letter from the Acting Director, Office of Management and Budget, transmitting a report to Congress on direct spending or receipts legislation within seven days of enactment; to the Committee on the Budget.

10199. A letter from the Assistant Secretary of Labor for OSHA, Department of Labor, transmitting the Department's final rule—Standards Improvement (Miscellaneous Changes) For General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic [29 CFR Parts 1910 and 1926] received July 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10200. A letter from the Assistant Secretary for Occupational Safety and Health, Department of Labor, transmitting the Department's final rule— Occupational Exposure to Asbestos (RIN: 1218–AB25) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10201. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Department of Health and Human Services, transmitting the Administration's final rule—Indirect Food Additives: Adhesives and Components of Coatings [Docket No. 90F–0142] received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10202. A letter from the Acting Director, Regulations Policy and Management Staff, Office of Policy, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers [Docket No. 97F–0305] received July 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10203. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Maintenance Plan Revisions; Ohio [OH 114–1A; FRL–6123–1] received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10204. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards [FRL–6123–3] received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10205. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 050–1050; FRL–6124–7] received July 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10206. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Authorization of State Hazardous Waste Management Program Revisions [FRL–6119–9] received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10207. A letter from the Secretary, Federal Trade Commission, transmitting the Department's final rule—Trade Regulation Rule Relating To Power Output Claims For Amplifiers Utilized In Home Entertainment Products [16 CFR Part 432] received July 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10208. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rules and Regulations Under the Textile Fiber Products Identification Act [16 CFR Part 303] received July 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10209. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Interpretation of Section 206(3) of the Investment Advisers Act of 1940 [Release No. IA–1732] received July 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10210. A letter from the Director, Defense Security Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Spain for defense articles and services (Transmittal No. 98–51), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10211. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC–87–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10212. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC–58–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10213. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective July 5, 1998, the danger pay allowance for the Great Lakes Region of Africa has been eliminated, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

10214. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective July 5, 1998, the danger pay allowance for Kinshasa has been eliminated, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10215. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the original report of political contributions by nominees as chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10216. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled ''Certification of the Water and Sewer Authority's Fiscal Year 1998 Revenue Estimate,'' pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform and Oversight.

10217. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List; Addition—received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10218. A letter from the Acting Comptroller General, Comptroller General of the United States, transmitting the GAO's monthly listing of new investigations, audits, and evaluations; to the Committee on Government Reform and Oversight.

10219. A letter from the Assistant Secretary, Policy, Management and Budget and Chief Financial Officer, Department of the Interior, transmitting the report on Accountability for 1997; to the Committee on Government Reform and Oversight.

10220. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Annual Management Report of the Federal Deposit Insurance Corportation's 1997 CFOA Report, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

10221. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Revisions to the Freedom of Information Act Regulations [No. 98–26] (RIN: 3069–AA71) received July 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10222. A letter from the Acting Director, Office of Management and Budget, Office of Management and Budget Chief Financial Officers, transmitting the annual report on its 1998 Federal Financial Management Status Report and governmentwide 5-year financial management plan, pursuant to Public Law 101—576, section 301(a) (104 Stat. 2849); to the Committee on Government Reform and Oversight.

10223. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to make the Federal personnel system less encumbered by unnecessary restrictions and paperwork, and for other purposes; to the Committee on Government Reform and Oversight.

10224. A letter from the Secretary of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1997 through March 31, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

10225. A letter from the Secretary, SMITHsonian Institution, transmitting the semiannual report of the SMITHsonian Institution for the period October 1, 1997 through March 31, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

10226. A letter from the Librarian of Congress, transmitting the report of the activities of the Library of Congress, including the Copyright Office, for the fiscal year ending September 30, 1997, pursuant to 2 U.S.C. 139; to the Committee on House Oversight.

10227. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

10228. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Implementation of Public Law 104–208, Omnibus Consolidated Appropriations Act of 1997 (96R–034P) [T.D. ATF–401; Ref: Notice No. 862] (RIN: 1512–AB64) received July 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10229. A letter from the General Counsel, National Science Foundation, transmitting the Foundation's final rule—Antarctic Conservation Act of 1978, Civil Monetary Penalties [45 CFR Part 672] received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10230. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace; San Antonio, Kelly AFB, TX [Airspace Docket No. 98–ASW–35] received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10231. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Theodore, AL [Airspace Docket No. 98–ASW–39] received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10232. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Cameron, LA [Airspace Docket No. 98–ASW–37] received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10233. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Pascagoula, MS [Airspace Docket No. 98–ASW–38] received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10234. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Refugio, TX [Airspace Docket No. 98–ASW–34] received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10235. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 98–NM–93–AD; Amendment 39–10644; AD 98–14–11] (RIN: 2120–AA64) received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10236. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes [Docket No. 98–NM–132–AD; Amendment 39–10646; AD 98–14–13] (RIN: 2120–AA64) received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10237. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 98–NM–123–AD; Amendment 39–10645; AD 98–14–12] (RIN: 2120–AA64) received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10238. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace, San Diego, North Island NAS, CA [Airspace Docket No. 98–AWP–14] received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10239. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace; Spofford, TX [Airspace Docket No. 98–ASW–21] received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10240. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbopropeller-Powered McDonnell Douglas Model DC–3 and DC–3C Series Airplanes [Docket No. 97–NM–72–AD; Amendment 39–10647; AD 98–14–14] (RIN: 2120–AA64) received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10241. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes, and Model F27 Mark 050 Series Airplanes [Docket No. 97–NM–139–AD; amendment 39–10648; AD 98–14–15] (RIN: 2120–AA64) received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10242. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400, 757, 767, and 777 Series Airplanes Equipped with AlliedSignal RIA–35B Instrument Landing System Receivers [Docket No. 98–NM–155–AD; Amendment 39–10643; AD 98–14–10] (RIN: 2120–AA64) received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10243. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Morgan City, LA [Airspace Docket No. 98–ASW–36] received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10244. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; JOHNSON City, TX [Airspace Docket No. 98–ASW–33] received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10245. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 98–NM–145–AD; Amendment 39–10650; AD 98–14–17] (RIN: 2120–AA64) received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10246. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Model 767 Series Airplanes [Docket No. 98–NM–95–AD; Amendment 39–10448; AD 98–07–26] (RIN: 2120–AA64) received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10247. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Dragon Boat Races, Inner Harbor, Baltimore, Maryland [CGD 05–98–047] (RIN: 2115–AE46) received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10248. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Virgina is for Lovers Cup Unlimited Hydroplane Races, Willoughby Bay, Norfolk, Virginia [CGD 05–98–045] (RIN: 2115–AE46) received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10249. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Parker International Waterski Marathon [CGD11–98–001] received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10250. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Baptiste Collette Bayou Channel, Mile 11.5, Left Descending Bank, Lower Mississippi River, Above Head of Passes [COTP New Orleans, LA 98–009] (RIN: 2115–AA97) received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10251. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulation: Swim Buzzards Bay Day, New Bedford, MA [CGD01–96–015] (RIN: 2115–AE46) received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10252. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Norfolk Harbor, Elizabeth River, Norfolk and Portsmouth, Virginia [CGD 05–98–046] (RIN: 2115–AE46) received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10253. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Beaufort Channel, Beufort, North Carolina [CGD05–97–080] (RIN: 2115–AE47) received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10254. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; Ohio River, Mile 461.0–462.0,

Cincinnati, OH [CGD08–98–038] (RIN: 2115–AE84) received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10255. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulation; Winter Harbor Lobster Boat Race, Winter Harbor, ME [CGD01–96–008] (RIN: 2115–AE46) received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10256. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Metric Equivalents [Docket PS–153; Amdt. 191–14; 192–85; 193–16; 194–3; 195–63.] (RIN: 2137–AC98) received July 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10257. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Incorporation by Reference of Industry Standard on Leak Detection [Docket No. RSPA–97–2362; Amdt. 195–62] (RIN: 2137—AD06) received July 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10258. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; World Series of Power Boat Racing on Mission Bay (formerly known as Thunderboat Regatta) [CGD11–98–009] (RIN: 2115–AE46) received July 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10259. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area: Copper Canyon, Lake Havasu, Colorado River [CGD11–97–010] (RIN: 2115–AE84) received July 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10260. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 Series Airplanes [Docket No. 98–NM–31–AD; Amendment 39–10649; AD 98–14–16] (RIN: 2120–AA64) received July 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10261. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Limited, Aero Division-Bristol, S.N.E.C.M.A, Olympus 593 Series Turbojet Engines [Docket No. 98–ANE–13–AD; Amendment 39–10653; AD 98–15–02] (RIN: 2120–AA64) received July 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10262. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines [Docket No. 97–ANE–04; Amendmetn 39–10652; AD 97–25–10 R1] (RIN: 2120–AA64) received July 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10263. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company GE90 Series Turbofan Engines [Docket No. 98–ANE–17–AD; Amendment 39–10654; AD 98–15–03] (RIN: 2120–AA64) received July 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10264. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—HUBZone Empowerment Contracting Program [13 CFR Parts 121, 125, and 126] received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

10265. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Veterans Education: Suspension and Discontinuance of Payments (RIN: 2900–AF85) received July 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10266. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Schedule for Rating Disabilities: Cold injuries (RIN: 2900–AI46) received July 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10267. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Administrative Review Process; Identification and Referral of Cases for Quality Review Under the Appeals Council's Authority to Review Cases on Its Own Motion (RIN: 0960–AE53) received July 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10268. A letter from the Executive Director, Assassination Records Review Board, transmitting official notification that it will cease its operations as of September 30, 1998, pursuant to 44 U.S.C.; jointly to the Committees on the Judiciary, Rules, House Oversight, and Government Reform and Oversight.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LIVINGSTON: Committee on Appropriations. Report on the Revised Suballocation of Budget Totals for Fiscal Year 1999 (Rept. 105–642). Referred to the Committee on the Whole House on the State of the Union.

*[Filed July 24 (legislative day, July 23), 1998]*

Mr. GOSS: Committee on Rules. House Resolution 509. Resolution providing for consideration of the bill (H.R. 4250) to provide new patient protections under group health plans. (Rept. 105–643). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. CHRISTIAN-GREEN:

H.R. 4313. A bill to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands; to the Committee on Resources.

By Mr. SHAW (for himself, Mr. STARK, Mrs. JOHNSON of Connecticut, Mr. MATSUI, Mr. RAMSTAD, Mrs. KENNELLY of Connecticut, Mr. HAYWORTH, Mr. LEVIN, Mr. WELLER, Mr. MCDERMOTT, Mr. SKEEN, Mr. KLECZKA, Mr. PORTMAN, Mr. LEWIS of Georgia, Mrs. THURMAN, Mr. CARDIN, and Mr. NEAL of Massachusetts):

H.R. 4314. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on persons who acquire structured settlement payments in factoring transactions, and for other purposes; to the Committee on Ways and Means.

By Mr. BOSWELL:

H.R. 4315. A bill to provide for a coordinated effort to combat methamphetamine abuse, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 4316. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4317. A bill to provide for a pilot program for the use of optical memory cards under the Medicare and Medicaid Programs; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARR of Georgia:

H.R. 4318. A bill to repeal Executive Order 11478; to the Committee on the Judiciary.

By Mr. BEREUTER:

H.R. 4319. A bill to properly balance the wind and water erosion criteria and the wildlife suitability criteria to be used in the 16th sighnup of land in the conservation reserve program; to the Committee on Agriculture.

By Mr. HANSEN:

H.R. 4320. A bill to adjust the boundaries of the Wasatch-Cache National Forest and Mount Naomi Wilderness in the State of Utah to correct a faulty land survey and to provide for the conveyance of the land that was subject to the faulty survey; to the Committee on Resources.

By Mr. LEACH (for himself, Mr. LAZIO of New York, Mr. CASTLE, Mr. LAFALCE, Mr. HINCHEY, and Mr. VENTO):

H.R. 4321. A bill to protect consumers and financial institutions by preventing personal financial information from being obtained from financial institutions under false pretenses; to the Committee on Banking and Financial Services.

By Mr. OBERSTAR (for himself, Mr. LEACH, Mr. KIND of Wisconsin, Mr. GUTKNECHT, Mr. EVANS, Mr. GEPHARDT, Mr. VENTO, Mr. TALENT, Mr. BOSWELL, Mr. HULSHOF, Mr. MINGE, Mr. SHIMKUS, Mr. LUTHER, Mr. PETRI, Mr. LIPINSKI, Mr. KLUG, and Mr. SABO):

H.R. 4322. A bill to amend the Water Resources Development Act of 1986 concerning management of the upper Mississippi River system, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ROMERO-BARCELO (for himself, Ms. CHRISTIAN-GREEN, Mr. UNDERWOOD, Mr. LAZIO of New York, Mr. PALLONE, Mr. DEUTSCH, Mr. BROWN of Ohio, Mr. RUSH, Mr. THOMPSON, Mr. CLYBURN, Ms. MILLENDER-MCDONALD, Mrs. MEEK of Florida, Mr. TOWNS, Ms. FURSE, Mr. HILLIARD, Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCKINNEY, Mr. PAYNE, Mr. JACKSON, Ms. JACKSON-LEE, Mr. HASTINGS of Florida, Mr. CLAY, Mr. BISHOP, Mr. STOKES, Mr. DAVIS of Illinois, Ms. NORTON, Ms. WATERS, Mr. FAZIO of California, Ms. LEE, Mr. MEEKS of New York, and Mr. ENGEL):

H.R. 4323. A bill to amend titles XIX and XXI of the Social Security Act to give States

the option of providing medical assistance to certain legal immigrant children and to increase allotments to territories under the State Children's Health Insurance Program; to the Committee on Commerce.

By Mr. TAUZIN (for himself, Mr. WELLER, Mr. HULSHOF, Mr. COX of California, Mr. ROGAN, Mr. SHIMKUS, Mr. SUNUNU, Mr. GOSS, Mr. WHITFIELD, Mr. SMITH of Michigan, and Mr. LEWIS of Kentucky):

H.R. 4324. A bill to amend the Communications Act of 1934 to reduce telephone rates, provide advanced telecommunications services to schools, libraries, and certain health care facilities, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 4325. A bill to advance the self-determined management, use, and control of allotted and fractionated trust lands by Indian people; to promote the consolidation of fractionated land interests into viable economic units by the removal of regulatory barriers; and to create and enhance the necessary programs and processes for this purpose; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Virginia (for himself and Ms. NORTON):

H. Con. Res. 305. Concurrent resolution authorizing the use of the Capitol grounds for the American Luge Association Races; to the Committee on Transportation and Infrastructure.

By Mr. BONILLA:

H. Con. Res. 306. Concurrent resolution expressing the sense of Congress that the Government of Costa Rica should take steps to protect the lives of property owners in Costa Rica, and for other purposes; to the Committee on International Relations.

By Mr. MARKEY:

H. Con. Res. 307. Concurrent resolution expressing the sense of Congress regarding the nuclear weapons stockpile; to the Committee on National Security.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

375. The SPEAKER presented a memorial of the House of Representatives of the State of Maine, relative to H.P. 1568 requesting the President of the United States and the United States Congress to remove the financial assistance necessary to grow the tobacco crop; to the Committee on Agriculture.

376. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 60 memorializing Congress to develop a national energy policy to address the needs of federal, state, and local executive and legislative branch agencies and officials for data and information necessary for them to cope with and plan for the declining production of oil and gas in older fields and in the shallow waters surrounding the United States and the increasing pressures of foreign competition on production and oil and gas refining; to the Committee on Commerce.

377. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 123 memorializing the United States Congress and United States Postal Service to take such actions as are necessary to have other options in lieu of relocation considered for the downtown post office in Arcadia, Louisiana; to the Committee on Government Reform and Oversight.

378. Also, a memorial of the House of Representatives of the State of Maine, relative to H.P. 1660 memorializing the important civil rights protections extended by the Fair Housing Amendments Act of 1988 must be preserved; to the Committee on the Judiciary.

379. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 37 memorializing the Congress of the United States to strongly support the House Joint Resolution 78, the Religious Freedom Amendment to the Constitution, and to submit the same to the states for ratification; to the Committee on the Judiciary.

380. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 20 memorializing the Congress of the United States to adopt Senate Joint Resolution 40 and give the flag of our nation lawful protection from willful destruction and desecration; to the Committee on the Judiciary.

381. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 101 urging the governor of Louisiana and the governors and legislatures of other states to also communicate to the United States Congress that the business meal is a legitimate expense which must be restored to one hundred percent deductibility; to the Committee on Ways and Means.

382. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 13 memorializing the Congress of the United States to enact H.R. 334, the ''Fair Indian Gaming Act,'' into law; jointly to the Committees on Resources and the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 619: Mrs. CAPPS and Mr. BEREUTER.
H.R. 1032: Mr. GILMAN and Ms. ROYBAL-ALLARD.
H.R. 1061: Mr. MCCOLLUM and Mr. TIERNEY.
H.R. 1126: Mr. DAVIS of Florida, Mr. RILEY, Mr. BASS, and Mr. WEYGAND.
H.R. 1202: Mrs. CAPPS and Mr. BEREUTER.
H.R. 1231: Mrs. MEEK of Florida.
H.R. 1321: Mr. FROST.
H.R. 1571: Mr. WAXMAN.
H.R. 1748: Mrs. CAPPS.
H.R. 1975: Ms. LEE.
H.R. 1995: Mr. CANADY of Florida.
H.R. 2072: Mr. BONILLA, Mr. MORAN of Kansas, and Ms. GRANGER.
H.R. 2348: Mr. RIGGS.
H.R. 2349: Mr. RIGGS.
H.R. 2524: Ms. CHRISTIAN-GREEN and Mr. COYNE.
H.R. 2661: Mr. HOBSON and Mr. LUCAS of Oklahoma.
H.R. 2695: Mr. ENGEL.
H.R. 2701: Mr. HILLIARD.
H.R. 2721: Mr. LUCAS of Oklahoma and Mr. DOOLITTE.
H.R. 2821: Mr. LEWIS of Kentucky, Mr. PORTER, and Mr. DEUTSCH.
H.R. 2908: Mr. EVANS and Mr. HILLEARY.
H.R. 3248: Mr. MILLER of Florida.
H.R. 3259: Mr. COYNE.
H.R. 3410: Mr. UPTON.
H.R. 3503: Mr. DEUTSCH, Mrs. MINK of Hawaii, and Ms. CHRISTIAN-GREEN.
H.R. 3553: Mr. LANTOS, Mr. ABERCROMBIE, Mr. FATTAH, Mr. NADLER, Mr. ACKERMAN, Mr. JACKSON, Mr. EVANS, Mr. LIPINSKI, Mr. COSTELLO, Mr. KENNEDY of Massachusetts, Mr. GEPHARDT, Mr. MEEHAN, Mr. BARRETT of Wisconsin, Mr. LEWIS of Georgia, Ms. CHRISTIAN-GREEN, Mrs. MINK of Hawaii, Mr. GREEN, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Mrs. TAUSCHER, Mr. DOOLEY of California, Mr. FARR of California, Ms. LOFGREN, Mr. MEEKS of New York, Mr. CUMMINGS, Mr. CONYERS, Ms. FURSE, Ms. KILPATRICK, Mr. POSHARD, and Mr. MANTON.
H.R. 3622: Mr. REYES, Mr. LAFALCE, Ms. CARSON, Mr. ABERCROMBIE, and Ms. BROWN of Florida.
H.R. 3690: Mr. CRAMER.
H.R. 3702: Mr. SADLIN.
H.R. 3795: Ms. RIVERS.
H.R. 3844: Mr. HASTERT.
H.R. 3888: Mr. DUNCAN.
H.R. 3900: Mr. HILLIARD.
H.R. 3915: Mr. SABO and Mr. PAYNE.
H.R. 3949: Mr. WELDON of Florida, Mr. SUNUNU, and Mr. SPENCE.
H.R. 4019: Mr. SENSENBRENNER, Mr. COYNE, and Mr. WOLF.
H.R. 4027: Mrs. MINK of Hawaii and Mr. ENGLISH of Pennsylvania.
H.R. 4028: Mrs. THURMAN, Mr. LAMPSON, Ms. FURSE, Mr. MANZULLO, Ms. HOOLEY of Oregon, Mr. BROWN of Ohio, Mr. POSHARD, and Mr. JEFFERSON.
H.R. 4031: Mr. KILDEE, Mr. BONIOR, and Mr. MCDERMOTT.
H.R. 4040: Mr. INGLIS of South Carolina and Mr. SPRATT.
H.R. 4041: Mr. INGLIS of South Carolina and Mr. SPRATT.
H.R. 4042: Mr. INGLIS of South Carolina and Mr. SPRATT.
H.R. 4043: Mr. INGLIS of South Carolina and Mr. SPRATT.
H.R. 4073: Mr. POSHARD, Mr. LUTHER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. FURSE, Mr. MCHALE, Mr. GUTIERREZ, and Mr. TOWNS.
H.R. 4086: Mr. JEFFERSON, Ms. LOFGREN, Mr. MCGOVERN, and Ms. STABENOW.
H.R. 4127: Mrs. MORELLA and Mr. MCINTOSH.
H.R. 4131: Mr. MORAN of Virginia.
H.R. 4136: Mr. ROGERS.
H.R. 4151: Mr. ROTHMAN.
H.R. 4196: Mr. HAYWORTH.
H.R. 4197: Mr. HILL and Mr. HAYWORTH.
H.R. 4228: Mr. CHRISTENSEN and Mr. COBURN.
H.R. 4235: Ms. CHRISTIAN-GREEN.
H.R. 4248: Mr. ENGLISH of Pennsylvania, Mr. LUTHER, and Mr. CALVERT.
H.R. 4258: Mr. LINDER.
H.R. 4283: Mr. YATES, Mr. PORTMAN, Mr. MARKEY, Mr. MCGOVERN, Ms. HOOLEY of Oregon, Mr. BARRETT of Wisconsin, Mr. BONIOR, and Mr. CAMPBELL.
H.R. 4285: Mr. MCCOLLUM.
H.R. 4293: Mr. MCNULTY and Mr. FALEOMAVAEGA.
H.R. 4301: Mrs. THURMAN.
H.R. 4309: Mr. GILMAN, Mr. BONIOR, and Mr. OWENS.
H.J. Res. 123: Mr. ROEMER.
H. Con. Res. 249: Mr. OWENS.
H. Con. Res. 299: Mr. KINGSTON, Mr. SPENCE, Mr. DUNCAN, and Mr. TRAFICANT.
H. Res. 321: Mr. OWENS.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 716: Mr. FORBES.
H.R. 3905: Mr. RAHALL.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4194

OFFERED BY: MR. HILLEARY

AMENDMENT NO. 32: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. _____. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—COMMUNITY PLANNING AND DEVELOPMENT—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS'', and increasing the amount made available for ''DEPARTMENT OF VETERANS AFFAIRS—DEPARTMENTAL ADMINISTRATION—GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES'', by $21,000,000.

H.R. 4250

OFFERED BY: MR. DINGELL

AMENDMENT NO. 2: Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Patients' Bill of Rights Act of 1998''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEALTH INSURANCE BILL OF RIGHTS

Subtitle A—Access to Care

Sec. 101. Access to emergency care.
Sec. 102. Offering of choice of coverage options under group health plans.
Sec. 103. Choice of providers.
Sec. 104. Access to specialty care.
Sec. 105. Continuity of care.
Sec. 106. Coverage for individuals participating in approved clinical trials.
Sec. 107. Access to needed prescription drugs.
Sec. 108. Adequacy of provider network.
Sec. 109. Nondiscrimination in delivery of services.

Subtitle B—Quality Assurance

Sec. 111. Internal quality assurance program.
Sec. 112. Collection of standardized data.
Sec. 113. Process for selection of providers.
Sec. 114. Drug utilization program.
Sec. 115. Standards for utilization review activities.
Sec. 116. Health Care Quality Advisory Board.

Subtitle C—Patient Information

Sec. 121. Patient information.
Sec. 122. Protection of patient confidentiality.
Sec. 123. Health insurance ombudsmen.

Subtitle D—Grievance and Appeals Procedures

Sec. 131. Establishment of grievance process.
Sec. 132. Internal appeals of adverse determinations.
Sec. 133. External appeals of adverse determinations.

Subtitle E—Protecting the Doctor-Patient Relationship

Sec. 141. Prohibition of interference with certain medical communications.
Sec. 142. Prohibition against transfer of indemnification or improper incentive arrangements.
Sec. 143. Additional rules regarding participation of health care professionals.
Sec. 144. Protection for patient advocacy.

Subtitle F—Promoting Good Medical Practice

Sec. 151. Promoting good medical practice.
Sec. 152. Standards relating to benefits for certain breast cancer treatment.
Sec. 153. Standards relating to benefits for reconstructive breast surgery.

Subtitle G—Definitions

Sec. 191. Definitions.
Sec. 192. Preemption; State flexibility; construction.
Sec. 193. Regulations.

TITLE II—APPLICATION OF PATIENT PROTECTION STANDARDS TO GROUP HEALTH PLANS AND HEALTH INSURANCE COVERAGE UNDER PUBLIC HEALTH SERVICE ACT

Sec. 201. Application to group health plans and group health insurance coverage.
Sec. 202. Application to individual health insurance coverage.

TITLE III—AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Sec. 301. Application of patient protection standards to group health plans and group health insurance coverage under the Employee Retirement Income Security Act of 1974.
Sec. 302. ERISA preemption not to apply to certain actions involving health insurance policyholders.

TITLE IV—APPLICATION TO GROUP HEALTH PLANS UNDER THE INTERNAL REVENUE CODE OF 1986

Sec. 401. Amendments to the Internal Revenue Code of 1986.

TITLE V—EFFECTIVE DATES; COORDINATION IN IMPLEMENTATION

Sec. 501. Effective dates.
Sec. 502. Coordination in implementation.

TITLE VI—REVENUE PROVISIONS

Sec. 601. Estate tax technical correction.
Sec. 602. Treatment of certain deductible liquidating distributions of regulated investment companies and real estate investment trusts.

## TITLE I—HEALTH INSURANCE BILL OF RIGHTS

### Subtitle A—Access to Care

**SEC. 101. ACCESS TO EMERGENCY CARE.**

(a) COVERAGE OF EMERGENCY SERVICES.—

(1) IN GENERAL.—If a group health plan, or health insurance coverage offered by a health insurance issuer, provides any benefits with respect to emergency services (as defined in paragraph (2)(B)), the plan or issuer shall cover emergency services furnished under the plan or coverage—

(A) without the need for any prior authorization determination;

(B) whether or not the health care provider furnishing such services is a participating provider with respect to such services;

(C) in a manner so that, if such services are provided to a participant, beneficiary, or enrollee by a nonparticipating health care provider—

(i) the participant, beneficiary, or enrollee is not liable for amounts that exceed the amounts of liability that would be incurred if the services were provided by a participating health care provider, and

(ii) the plan or issuer pays an amount that is not less than the amount paid to a participating health care provider for the same services; and

(D) without regard to any other term or condition of such coverage (other than exclusion or coordination of benefits, or an affiliation or waiting period, permitted under section 2701 of the Public Health Service Act, section 701 of the Employee Retirement Income Security Act of 1974, or section 9801 of the Internal Revenue Code of 1986, and other than applicable cost-sharing).

(2) DEFINITIONS.—In this section:

(A) EMERGENCY MEDICAL CONDITION BASED ON PRUDENT LAYPERSON STANDARD.—The term ''emergency medical condition'' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition described in clause (i), (ii), or (iii) of section 1867(e)(1)(A) of the Social Security Act.

(B) EMERGENCY SERVICES.—The term ''emergency services'' means—

(i) a medical screening examination (as required under section 1867 of the Social Security Act) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate an emergency medical condition (as defined in subparagraph (A)), and

(ii) within the capabilities of the staff and facilities available at the hospital, such further medical examination and treatment as are required under section 1867 of such Act to stabilize the patient.

(b) REIMBURSEMENT FOR MAINTENANCE CARE AND POST-STABILIZATION CARE.—In the case of services (other than emergency services) for which benefits are available under a group health plan, or under health insurance coverage offered by a health insurance issuer, the plan or issuer shall provide for reimbursement with respect to such services provided to a participant, beneficiary, or enrollee other than through a participating health care provider in a manner consistent with subsection (a)(1)(C) if the services are maintenance care or post-stabilization care covered under the guidelines established under section 1852(d)(2) of the Social Security Act (relating to promoting efficient and timely coordination of appropriate maintenance and post-stabilization care of an enrollee after an enrollee has been determined to be stable), or, in the absence of guidelines under such section, such guidelines as the Secretary shall establish to carry out this subsection.

**SEC. 102. OFFERING OF CHOICE OF COVERAGE OPTIONS UNDER GROUP HEALTH PLANS.**

(a) REQUIREMENT.—

(1) OFFERING OF POINT-OF-SERVICE COVERAGE OPTION.—Except as provided in paragraph (2), if a group health plan (or health insurance coverage offered by a health insurance issuer in connection with a group health plan) provides benefits only through participating health care providers, the plan or issuer shall offer the participant the option to purchase point-of-service coverage (as defined in subsection (b)) for all such benefits for which coverage is otherwise so limited. Such option shall be made available to the participant at the time of enrollment under the plan or coverage and at such other times as the plan or issuer offers the participant a choice of coverage options.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to a participant in a group health plan if the plan offers the participant—

(A) a choice of health insurance coverage through more than one health insurance issuer; or

(B) two or more coverage options that differ significantly with respect to the use of participating health care providers or the networks of such providers that are used.

(b) POINT-OF-SERVICE COVERAGE DEFINED.—In this section, the term ''point-of-service coverage'' means, with respect to benefits

covered under a group health plan or health insurance issuer, coverage of such benefits when provided by a nonparticipating health care provider. Such coverage need not include coverage of providers that the plan or issuer excludes because of fraud, quality, or similar reasons.

(c) CONSTRUCTION.—Nothing in this section shall be construed—

(1) as requiring coverage for benefits for a particular type of health care provider;

(2) as requiring an employer to pay any costs as a result of this section or to make equal contributions with respect to different health coverage options; or

(3) as preventing a group health plan or health insurance issuer from imposing higher premiums or cost-sharing on a participant for the exercise of a point-of-service coverage option.

(d) NO REQUIREMENT FOR GUARANTEED AVAILABILITY.—If a health insurance issuer offers health insurance coverage that includes point-of-service coverage with respect to an employer solely in order to meet the requirement of subsection (a), nothing in section 2711(a)(1)(A) of the Public Health Service Act shall be construed as requiring the offering of such coverage with respect to another employer.

**SEC. 103. CHOICE OF PROVIDERS.**

(a) PRIMARY CARE.—A group health plan, and a health insurance issuer that offers health insurance coverage, shall permit each participant, beneficiary, and enrollee to receive primary care from any participating primary care provider who is available to accept such individual.

(b) SPECIALISTS.—

(1) IN GENERAL.—Subject to paragraph (2), a group health plan and a health insurance issuer that offers health insurance coverage shall permit each participant, beneficiary, or enrollee to receive medically necessary or appropriate specialty care, pursuant to appropriate referral procedures, from any qualified participating health care provider who is available to accept such individual for such care.

(2) LIMITATION.—Paragraph (1) shall not apply to specialty care if the plan or issuer clearly informs participants, beneficiaries, and enrollees of the limitations on choice of participating providers with respect to such care.

**SEC. 104. ACCESS TO SPECIALTY CARE.**

(a) OBSTETRICAL AND GYNECOLOGICAL CARE.—

(1) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care provider—

(A) the plan or issuer shall permit such an individual who is a female to designate a participating physician who specializes in obstetrics and gynecology as the individual's primary care provider; and

(B) if such an individual has not designated such a provider as a primary care provider, the plan or issuer—

(i) may not require authorization or a referral by the individual's primary care provider or otherwise for coverage of routine gynecological care (such as preventive women's health examinations) and pregnancy-related services provided by a participating health care professional who specializes in obstetrics and gynecology to the extent such care is otherwise covered, and

(ii) may treat the ordering of other gynecological care by such a participating physician as the authorization of the primary care provider with respect to such care under the plan or coverage.

(2) CONSTRUCTION.—Nothing in paragraph (1)(B)(ii) shall waive any requirements of coverage relating to medical necessity or appropriateness with respect to coverage of gynecological care so ordered.

(b) SPECIALTY CARE.—

(1) SPECIALTY CARE FOR COVERED SERVICES.—

(A) IN GENERAL.—If—

(i) an individual is a participant or beneficiary under a group health plan or an enrollee who is covered under health insurance coverage offered by a health insurance issuer,

(ii) the individual has a condition or disease of sufficient seriousness and complexity to require treatment by a specialist, and

(iii) benefits for such treatment are provided under the plan or coverage,

the plan or issuer shall make or provide for a referral to a specialist who is available and accessible to provide the treatment for such condition or disease.

(B) SPECIALIST DEFINED.—For purposes of this subsection, the term ''specialist'' means, with respect to a condition, a health care practitioner, facility, or center (such as a center of excellence) that has adequate expertise through appropriate training and experience (including, in the case of a child, appropriate pediatric expertise) to provide high quality care in treating the condition.

(C) CARE UNDER REFERRAL.—A group health plan or health insurance issuer may require that the care provided to an individual pursuant to such referral under subparagraph (A) be—

(i) pursuant to a treatment plan, only if the treatment plan is developed by the specialist and approved by the plan or issuer, in consultation with the designated primary care provider or specialist and the individual (or the individual's designee), and

(ii) in accordance with applicable quality assurance and utilization review standards of the plan or issuer.

Nothing in this subsection shall be construed as preventing such a treatment plan for an individual from requiring a specialist to provide the primary care provider with regular updates on the specialty care provided, as well as all necessary medical information.

(D) REFERRALS TO PARTICIPATING PROVIDERS.—A group health plan or health insurance issuer is not required under subparagraph (A) to provide for a referral to a specialist that is not a participating provider, unless the plan or issuer does not have an appropriate specialist that is available and accessible to treat the individual's condition and that is a participating provider with respect to such treatment.

(E) TREATMENT OF NONPARTICIPATING PROVIDERS.—If a plan or issuer refers an individual to a nonparticipating specialist pursuant to subparagraph (A), services provided pursuant to the approved treatment plan (if any) shall be provided at no additional cost to the individual beyond what the individual would otherwise pay for services received by such a specialist that is a participating provider.

(2) SPECIALISTS AS PRIMARY CARE PROVIDERS.—

(A) IN GENERAL.—A group health plan, or a health insurance issuer, in connection with the provision of health insurance coverage, shall have a procedure by which an individual who is a participant, beneficiary, or enrollee and who has an ongoing special condition (as defined in subparagraph (C)) may receive a referral to a specialist for such condition who shall be responsible for and capable of providing and coordinating the individual's primary and specialty care. If such an individual's care would most appropriately be coordinated by such a specialist, such plan or issuer shall refer the individual to such specialist.

(B) TREATMENT AS PRIMARY CARE PROVIDER.—Such specialist shall be permitted to treat the individual without a referral from the individual's primary care provider and may authorize such referrals, procedures, tests, and other medical services as the individual's primary care provider would otherwise be permitted to provide or authorize, subject to the terms of the treatment plan (referred to in paragraph (1)(C)(i)).

(C) ONGOING SPECIAL CONDITION DEFINED.—In this paragraph, the term ''special condition'' means a condition or disease that—

(i) is life-threatening, degenerative, or disabling, and

(ii) requires specialized medical care over a prolonged period of time.

(D) TERMS OF REFERRAL.—The provisions of subparagraphs (C) through (E) of paragraph (1) apply with respect to referrals under subparagraph (A) of this paragraph in the same manner as they apply to referrals under paragraph (1)(A).

(3) STANDING REFERRALS.—

(A) IN GENERAL.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, shall have a procedure by which an individual who is a participant, beneficiary, or enrollee and who has a condition that requires ongoing care from a specialist may receive a standing referral to such specialist for treatment of such condition. If the plan or issuer, or if the primary care provider in consultation with the medical director of the plan or issuer and the specialist (if any), determines that such a standing referral is appropriate, the plan or issuer shall make such a referral to such a specialist.

(B) TERMS OF REFERRAL.—The provisions of subparagraphs (C) through (E) of paragraph (1) apply with respect to referrals under subparagraph (A) of this paragraph in the same manner as they apply to referrals under paragraph (1)(A).

**SEC. 105. CONTINUITY OF CARE.**

(a) IN GENERAL.—

(1) TERMINATION OF PROVIDER.—If a contract between a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, and a health care provider is terminated (as defined in paragraph (3)), or benefits or coverage provided by a health care provider are terminated because of a change in the terms of provider participation in a group health plan, and an individual who is a participant, beneficiary, or enrollee in the plan or coverage is undergoing a course of treatment from the provider at the time of such termination, the plan or issuer shall—

(A) notify the individual on a timely basis of such termination, and

(B) subject to subsection (c), permit the individual to continue or be covered with respect to the course of treatment with the provider during a transitional period (provided under subsection (b)).

(2) TREATMENT OF TERMINATION OF CONTRACT WITH HEALTH INSURANCE ISSUER.—If a contract for the provision of health insurance coverage between a group health plan and a health insurance issuer is terminated and, as a result of such termination, coverage of services of a health care provider is terminated with respect to an individual, the provisions of paragraph (1) (and the succeeding provisions of this section) shall apply under the plan in the same manner as if there had been a contract between the plan and the provider that had been terminated, but only with respect to benefits that are covered under the plan after the contract termination.

(3) TERMINATION.—In this section, the term ''terminated'' includes, with respect to a contract, the expiration or nonrenewal of the contract, but does not include a termination

of the contract by the plan or issuer for failure to meet applicable quality standards or for fraud.

(b) TRANSITIONAL PERIOD.—

(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the transitional period under this subsection shall extend for at least 90 days from the date of the notice described in subsection (a)(1)(A) of the provider's termination.

(2) INSTITUTIONAL CARE.—The transitional period under this subsection for institutional or inpatient care from a provider shall extend until the discharge or termination of the period of institutionalization and also shall include institutional care provided within a reasonable time of the date of termination of the provider status if the care was scheduled before the date of the announcement of the termination of the provider status under subsection (a)(1)(A) or if the individual on such date was on an established waiting list or otherwise scheduled to have such care.

(3) PREGNANCY.—If—

(A) a participant, beneficiary, or enrollee has entered the second trimester of pregnancy at the time of a provider's termination of participation, and

(B) the provider was treating the pregnancy before date of the termination,

the transitional period under this subsection with respect to provider's treatment of the pregnancy shall extend through the provision of post-partum care directly related to the delivery.

(4) TERMINAL ILLNESS.—If—

(A) a participant, beneficiary, or enrollee was determined to be terminally ill (as determined under section 1861(dd)(3)(A) of the Social Security Act) at the time of a provider's termination of participation, and

(B) the provider was treating the terminal illness before the date of termination,

the transitional period under this subsection shall extend for the remainder of the individual's life for care directly related to the treatment of the terminal illness.

(c) PERMISSIBLE TERMS AND CONDITIONS.—A group health plan or health insurance issuer may condition coverage of continued treatment by a provider under subsection (a)(1)(B) upon the provider agreeing to the following terms and conditions:

(1) The provider agrees to accept reimbursement from the plan or issuer and individual involved (with respect to cost-sharing) at the rates applicable prior to the start of the transitional period as payment in full (or, in the case described in subsection (a)(2), at the rates applicable under the replacement plan or issuer after the date of the termination of the contract with the health insurance issuer) and not to impose cost-sharing with respect to the individual in an amount that would exceed the cost-sharing that could have been imposed if the contract referred to in subsection (a)(1) had not been terminated.

(2) The provider agrees to adhere to the quality assurance standards of the plan or issuer responsible for payment under paragraph (1) and to provide to such plan or issuer necessary medical information related to the care provided.

(3) The provider agrees otherwise to adhere to such plan's or issuer's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan (if any) approved by the plan or issuer.

(d) CONSTRUCTION.—Nothing in this section shall be construed to require the coverage of benefits which would not have been covered if the provider involved remained a participating provider.

**SEC. 106. COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CLINICAL TRIALS.**

(a) COVERAGE.—

(1) IN GENERAL.—If a group health plan, or health insurance issuer that is providing health insurance coverage, provides coverage to a qualified individual (as defined in subsection (b)), the plan or issuer—

(A) may not deny the individual participation in the clinical trial referred to in subsection (b)(2);

(B) subject to subsection (c), may not deny (or limit or impose additional conditions on) the coverage of routine patient costs for items and services furnished in connection with participation in the trial; and

(C) may not discriminate against the individual on the basis of the enrollee's participation in such trial.

(2) EXCLUSION OF CERTAIN COSTS.—For purposes of paragraph (1)(B), routine patient costs do not include the cost of the tests or measurements conducted primarily for the purpose of the clinical trial involved.

(3) USE OF IN-NETWORK PROVIDERS.—If one or more participating providers is participating in a clinical trial, nothing in paragraph (1) shall be construed as preventing a plan or issuer from requiring that a qualified individual participate in the trial through such a participating provider if the provider will accept the individual as a participant in the trial.

(b) QUALIFIED INDIVIDUAL DEFINED.—For purposes of subsection (a), the term ''qualified individual'' means an individual who is a participant or beneficiary in a group health plan, or who is an enrollee under health insurance coverage, and who meets the following conditions:

(1)(A) The individual has a life-threatening or serious illness for which no standard treatment is effective.

(B) The individual is eligible to participate in an approved clinical trial according to the trial protocol with respect to treatment of such illness.

(C) The individual's participation in the trial offers meaningful potential for significant clinical benefit for the individual.

(2) Either—

(A) the referring physician is a participating health care professional and has concluded that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1); or

(B) the participant, beneficiary, or enrollee provides medical and scientific information establishing that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1).

(c) PAYMENT.—

(1) IN GENERAL.—Under this section a group health plan or health insurance issuer shall provide for payment for routine patient costs described in subsection (a)(2) but is not required to pay for costs of items and services that are reasonably expected (as determined by the Secretary) to be paid for by the sponsors of an approved clinical trial.

(2) PAYMENT RATE.—In the case of covered items and services provided by—

(A) a participating provider, the payment rate shall be at the agreed upon rate, or

(B) a nonparticipating provider, the payment rate shall be at the rate the plan or issuer would normally pay for comparable services under subparagraph (A).

(d) APPROVED CLINICAL TRIAL DEFINED.—

(1) IN GENERAL.—In this section, the term ''approved clinical trial'' means a clinical research study or clinical investigation approved and funded (which may include funding through in-kind contributions) by one or more of the following:

(A) The National Institutes of Health.

(B) A cooperative group or center of the National Institutes of Health.

(C) Either of the following if the conditions described in paragraph (2) are met:

(i) The Department of Veterans Affairs.

(ii) The Department of Defense.

(2) CONDITIONS FOR DEPARTMENTS.—The conditions described in this paragraph, for a study or investigation conducted by a Department, are that the study or investigation has been reviewed and approved through a system of peer review that the Secretary determines—

(A) to be comparable to the system of peer review of studies and investigations used by the National Institutes of Health, and

(B) assures unbiased review of the highest scientific standards by qualified individuals who have no interest in the outcome of the review.

(e) CONSTRUCTION.—Nothing in this section shall be construed to limit a plan's or issuer's coverage with respect to clinical trials.

**SEC. 107. ACCESS TO NEEDED PRESCRIPTION DRUGS.**

(a) IN GENERAL.—If a group health plan, or health insurance issuer that offers health insurance coverage, provides benefits with respect to prescription drugs but the coverage limits such benefits to drugs included in a formulary, the plan or issuer shall—

(1) ensure participation of participating physicians and pharmacists in the development of the formulary;

(2) disclose to providers and, disclose upon request under section 121(c)(6) to participants, beneficiaries, and enrollees, the nature of the formulary restrictions; and

(3) consistent with the standards for a utilization review program under section 115, provide for exceptions from the formulary limitation when a non-formulary alternative is medically indicated.

(b) COVERAGE OF APPROVED DRUGS AND MEDICAL DEVICES.—

(1) IN GENERAL.—A group health plan (or health insurance coverage offered in connection with such a plan) that provides any coverage of prescription drugs or medical devices shall not deny coverage of such a drug or device on the basis that the use is investigational, if the use—

(A) in the case of a prescription drug—

(i) is included in the labeling authorized by the application in effect for the drug pursuant to subsection (b) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act, without regard to any postmarketing requirements that may apply under such Act; or

(ii) is included in the labeling authorized by the application in effect for the drug under section 351 of the Public Health Service Act, without regard to any postmarketing requirements that may apply pursuant to such section; or

(B) in the case of a medical device, is included in the labeling authorized by a regulation under subsection (d) or (3) of section 513 of the Federal Food, Drug, and Cosmetic Act, an order under subsection (f) of such section, or an application approved under section 515 of such Act, without regard to any postmarketing requirements that may apply under such Act.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any coverage of prescription drugs or medical devices.

**SEC. 108. ADEQUACY OF PROVIDER NETWORK.**

(a) IN GENERAL.—Each group health plan, and each health insurance issuer offering health insurance coverage, that provides

benefits, in whole or in part, through participating health care providers shall have (in relation to the coverage) a sufficient number, distribution, and variety of qualified participating health care providers to ensure that all covered health care services, including specialty services, will be available and accessible in a timely manner to all participants, beneficiaries, and enrollees under the plan or coverage.

(b) TREATMENT OF CERTAIN PROVIDERS.—The qualified health care providers under subsection (a) may include Federally qualified health centers, rural health clinics, migrant health centers, and other essential community providers located in the service area of the plan or issuer and shall include such providers if necessary to meet the standards established to carry out such subsection.

**SEC. 109. NONDISCRIMINATION IN DELIVERY OF SERVICES.**

(a) APPLICATION TO DELIVERY OF SERVICES.—Subject to subsection (b), a group health plan, and health insurance issuer in relation to health insurance coverage, may not discriminate against a participant, beneficiary, or enrollee in the delivery of health care services consistent with the benefits covered under the plan or coverage or as required by law based on race, color, ethnicity, national origin, religion, sex, age, mental or physical disability, sexual orientation, genetic information, or source of payment.

(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed as relating to the eligibility to be covered, or the offering (or guaranteeing the offer) of coverage, under a plan or health insurance coverage, the application of any pre-existing condition exclusion consistent with applicable law, or premiums charged under such plan or coverage.

**Subtitle B—Quality Assurance**

**SEC. 111. INTERNAL QUALITY ASSURANCE PROGRAM.**

(a) REQUIREMENT.—A group health plan, and a health insurance issuer that offers health insurance coverage, shall establish and maintain an ongoing, internal quality assurance and continuous quality improvement program that meets the requirements of subsection (b).

(b) PROGRAM REQUIREMENTS.—The requirements of this subsection for a quality improvement program of a plan or issuer are as follows:

(1) ADMINISTRATION.—The plan or issuer has a separate identifiable unit with responsibility for administration of the program.

(2) WRITTEN PLAN.—The plan or issuer has a written plan for the program that is updated annually and that specifies at least the following:

(A) The activities to be conducted.

(B) The organizational structure.

(C) The duties of the medical director.

(D) Criteria and procedures for the assessment of quality.

(3) SYSTEMATIC REVIEW.—The program provides for systematic review of the type of health services provided, consistency of services provided with good medical practice, and patient outcomes.

(4) QUALITY CRITERIA.—The program—

(A) uses criteria that are based on performance and patient outcomes where feasible and appropriate;

(B) includes criteria that are directed specifically at meeting the needs of at-risk populations and covered individuals with chronic conditions or severe illnesses, including gender-specific criteria and pediatric-specific criteria where available and appropriate;

(C) includes methods for informing covered individuals of the benefit of preventive care and what specific benefits with respect to preventive care are covered under the plan or coverage; and

(D) makes available to the public a description of the criteria used under subparagraph (A).

(5) SYSTEM FOR REPORTING.—The program has procedures for reporting of possible quality concerns by providers and enrollees and for remedial actions to correct quality problems, including written procedures for responding to concerns and taking appropriate corrective action.

(6) DATA ANALYSIS.—The program provides, using data that include the data collected under section 112, for an analysis of the plan's or issuer's performance on quality measures.

(7) DRUG UTILIZATION REVIEW.—The program provides for a drug utilization review program in accordance with section 114.

(c) DEEMING.—For purposes of subsection (a), the requirements of—

(1) subsection (b) (other than paragraph (5)) are deemed to be met with respect to a health insurance issuer that is a qualified health maintenance organization (as defined in section 1310(c) of the Public Health Service Act); or

(2) subsection (b) are deemed to be met with respect to a health insurance issuer that is accredited by a national accreditation organization that the Secretary certifies as applying, as a condition of certification, standards at least as stringent as those required for a quality improvement program under subsection (b).

(d) VARIATION PERMITTED.—The Secretary may provide for variations in the application of the requirements of this section to group health plans and health insurance issuers based upon differences in the delivery system among such plans and issuers as the Secretary deems appropriate.

**SEC. 112. COLLECTION OF STANDARDIZED DATA.**

(a) IN GENERAL.—A group health plan and a health insurance issuer that offers health insurance coverage shall collect uniform quality data that include a minimum uniform data set described in subsection (b).

(b) MINIMUM UNIFORM DATA SET.—The Secretary shall specify (and may from time to time update) the data required to be included in the minimum uniform data set under subsection (a) and the standard format for such data. Such data shall include at least—

(1) aggregate utilization data;

(2) data on the demographic characteristics of participants, beneficiaries, and enrollees;

(3) data on disease-specific and age-specific mortality rates and (to the extent feasible) morbidity rates of such individuals;

(4) data on satisfaction of such individuals, including data on voluntary disenrollment and grievances; and

(5) data on quality indicators and health outcomes, including, to the extent feasible and appropriate, data on pediatric cases and on a gender-specific basis.

(c) AVAILABILITY.—A summary of the data collected under subsection (a) shall be disclosed under section 121(b)(9). The Secretary shall be provided access to all the data so collected.

(d) VARIATION PERMITTED.—The Secretary may provide for variations in the application of the requirements of this section to group health plans and health insurance issuers based upon differences in the delivery system among such plans and issuers as the Secretary deems appropriate.

**SEC. 113. PROCESS FOR SELECTION OF PROVIDERS.**

(a) IN GENERAL.—A group health plan and a health insurance issuer that offers health insurance coverage shall, if it provides benefits through participating health care professionals, have a written process for the selection of participating health care professionals, including minimum professional requirements.

(b) VERIFICATION OF BACKGROUND.—Such process shall include verification of a health care provider's license and a history of suspension or revocation.

(c) RESTRICTION.—Such process shall not use a high-risk patient base or location of a provider in an area with residents with poorer health status as a basis for excluding providers from participation.

(d) NONDISCRIMINATION BASED ON LICENSURE.—

(1) IN GENERAL.—Such process shall not discriminate with respect to participation or indemnification as to any provider who is acting within the scope of the provider's license or certification under applicable State law, solely on the basis of such license or certification.

(2) CONSTRUCTION.—Paragraph (1) shall not be construed—

(A) as requiring the coverage under a plan or coverage of particular benefits or services or to prohibit a plan or issuer from including providers only to the extent necessary to meet the needs of the plan's or issuer's participants, beneficiaries, or enrollees or from establishing any measure designed to maintain quality and control costs consistent with the responsibilities of the plan or issuer; or

(B) to override any State licensure or scope-of-practice law.

(e) GENERAL NONDISCRIMINATION.—

(1) IN GENERAL.—Subject to paragraph (2), such process shall not discriminate with respect to selection of a health care professional to be a participating health care provider, or with respect to the terms and conditions of such participation, based on the professional's race, color, religion, sex, national origin, age, sexual orientation, or disability (consistent with the Americans with Disabilities Act of 1990).

(2) RULES.—The appropriate Secretary may establish such definitions, rules, and exceptions as may be appropriate to carry out paragraph (1), taking into account comparable definitions, rules, and exceptions in effect under employment-based nondiscrimination laws and regulations that relate to each of the particular bases for discrimination described in such paragraph.

**SEC. 114. DRUG UTILIZATION PROGRAM.**

A group health plan, and a health insurance issuer that provides health insurance coverage, that includes benefits for prescription drugs shall establish and maintain, as part of its internal quality assurance and continuous quality improvement program under section 111, a drug utilization program which—

(1) encourages appropriate use of prescription drugs by participants, beneficiaries, and enrollees and providers, and

(2) takes appropriate action to reduce the incidence of improper drug use and adverse drug reactions and interactions.

**SEC. 115. STANDARDS FOR UTILIZATION REVIEW ACTIVITIES.**

(a) COMPLIANCE WITH REQUIREMENTS.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer that provides health insurance coverage, shall conduct utilization review activities in connection with the provision of benefits under such plan or coverage only in accordance with a utilization review program that meets the requirements of this section.

(2) USE OF OUTSIDE AGENTS.—Nothing in this section shall be construed as preventing a group health plan or health insurance issuer from arranging through a contract or otherwise for persons or entities to conduct utilization review activities on behalf of the plan or issuer, so long as such activities are conducted in accordance with a utilization review program that meets the requirements of this section.

(3) UTILIZATION REVIEW DEFINED.—For purposes of this section, the terms ''utilization review'' and ''utilization review activities'' mean procedures used to monitor or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of health care services, procedures or settings, and includes prospective review, concurrent review, second opinions, case management, discharge planning, or retrospective review.

(b) WRITTEN POLICIES AND CRITERIA.—

(1) WRITTEN POLICIES.—A utilization review program shall be conducted consistent with written policies and procedures that govern all aspects of the program.

(2) USE OF WRITTEN CRITERIA.—

(A) IN GENERAL.—Such a program shall utilize written clinical review criteria developed pursuant to the program with the input of appropriate physicians. Such criteria shall include written clinical review criteria described in section 111(b)(4)(B).

(B) CONTINUING USE OF STANDARDS IN RETROSPECTIVE REVIEW.—If a health care service has been specifically pre-authorized or approved for an enrollee under such a program, the program shall not, pursuant to retrospective review, revise or modify the specific standards, criteria, or procedures used for the utilization review for procedures, treatment, and services delivered to the enrollee during the same course of treatment.

(c) CONDUCT OF PROGRAM ACTIVITIES.—

(1) ADMINISTRATION BY HEALTH CARE PROFESSIONALS.—A utilization review program shall be administered by qualified health care professionals who shall oversee review decisions. In this subsection, the term ''health care professional'' means a physician or other health care practitioner licensed, accredited, or certified to perform specified health services consistent with State law.

(2) USE OF QUALIFIED, INDEPENDENT PERSONNEL.—

(A) IN GENERAL.—A utilization review program shall provide for the conduct of utilization review activities only through personnel who are qualified and, to the extent required, who have received appropriate training in the conduct of such activities under the program.

(B) PEER REVIEW OF SAMPLE OF ADVERSE CLINICAL DETERMINATIONS.—Such a program shall provide that clinical peers (as defined in section 191(c)(2)) shall evaluate the clinical appropriateness of at least a sample of adverse clinical determinations.

(C) PROHIBITION OF CONTINGENT COMPENSATION ARRANGEMENTS.—Such a program shall not, with respect to utilization review activities, permit or provide compensation or anything of value to its employees, agents, or contractors in a manner that—

(i) provides incentives, direct or indirect, for such persons to make inappropriate review decisions, or

(ii) is based, directly or indirectly, on the quantity or type of adverse determinations rendered.

(D) PROHIBITION OF CONFLICTS.—Such a program shall not permit a health care professional who provides health care services to an individual to perform utilization review activities in connection with the health care services being provided to the individual.

(3) ACCESSIBILITY OF REVIEW.—Such a program shall provide that appropriate personnel performing utilization review activities under the program are reasonably accessible by toll-free telephone during normal business hours to discuss patient care and allow response to telephone requests, and that appropriate provision is made to receive and respond promptly to calls received during other hours.

(4) LIMITS ON FREQUENCY.—Such a program shall not provide for the performance of utilization review activities with respect to a class of services furnished to an individual more frequently than is reasonably required to assess whether the services under review are medically necessary or appropriate.

(5) LIMITATION ON INFORMATION REQUESTS.—Under such a program, information shall be required to be provided by health care providers only to the extent it is necessary to perform the utilization review activity involved.

(6) REVIEW OF PRELIMINARY UTILIZATION REVIEW DECISION.—Under such program a participant, beneficiary, or enrollee or any provider acting on behalf of such an individual with the individual's consent, who is dissatisfied with a preliminary utilization review decision has the opportunity to discuss the decision with, and have such decision reviewed by, the medical director of the plan or issuer involved (or the director's designee) who has the authority to reverse the decision.

(d) DEADLINE FOR DETERMINATIONS.—

(1) PRIOR AUTHORIZATION SERVICES.—Except as provided in paragraph (2), in the case of a utilization review activity involving the prior authorization of health care items and services for an individual, the utilization review program shall make a determination concerning such authorization, and provide notice of the determination to the individual or the individual's designee and the individual's health care provider by telephone and in printed form, as soon as possible in accordance with the medical exigencies of the cases, and in no event later than 3 business days after the date of receipt of information that is reasonably necessary to make such determination.

(2) CONTINUED CARE.—In the case of a utilization review activity involving authorization for continued or extended health care services for an individual, or additional services for an individual undergoing a course of continued treatment prescribed by a health care provider, the utilization review program shall make a determination concerning such authorization, and provide notice of the determination to the individual or the individual's designee and the individual's health care provider by telephone and in printed form, as soon as possible in accordance with the medical exigencies of the cases, and in no event later than 1 business day after the date of receipt of information that is reasonably necessary to make such determination. Such notice shall include, with respect to continued or extended health care services, the number of extended services approved, the new total of approved services, the date of onset of services, and the next review date, if any.

(3) PREVIOUSLY PROVIDED SERVICES.—In the case of a utilization review activity involving retrospective review of health care services previously provided for an individual, the utilization review program shall make a determination concerning such services, and provide notice of the determination to the individual or the individual's designee and the individual's health care provider by telephone and in printed form, within 30 days of the date of receipt of information that is reasonably necessary to make such determination.

(4) REFERENCE TO SPECIAL RULES FOR EMERGENCY SERVICES, MAINTENANCE CARE, AND POST-STABILIZATION CARE.—For waiver of prior authorization requirements in certain cases involving emergency services and maintenance care and post-stabilization care, see subsections (a)(1) and (b) of section 101, respectively.

(e) NOTICE OF ADVERSE DETERMINATIONS.—

(1) IN GENERAL.—Notice of an adverse determination under a utilization review program shall be provided in printed form and shall include—

(A) the reasons for the determination (including the clinical rationale);

(B) instructions on how to initiate an appeal under section 132; and

(C) notice of the availability, upon request of the individual (or the individual's designee) of the clinical review criteria relied upon to make such determination.

(2) SPECIFICATION OF ANY ADDITIONAL INFORMATION.—Such a notice shall also specify what (if any) additional necessary information must be provided to, or obtained by, the person making the determination in order to make a decision on such an appeal.

**SEC. 116. HEALTH CARE QUALITY ADVISORY BOARD.**

(a) ESTABLISHMENT.—The President shall establish an advisory board to provide information to Congress and the administration on issues relating to quality monitoring and improvement in the health care provided under group health plans and health insurance coverage.

(b) NUMBER AND APPOINTMENT.—The advisory board shall be composed of the Secretary of Health and Human Services (or the Secretary's designee), the Secretary of Labor (or the Secretary's designee), and 20 additional members appointed by the President, in consultation with the Majority and Minority Leaders of the Senate and House of Representatives. The members so appointed shall include individuals with expertise in—

(1) consumer needs;

(2) education and training of health professionals;

(3) health care services;

(4) health plan management;

(5) health care accreditation, quality assurance, improvement, measurement, and oversight;

(6) medical practice, including practicing physicians;

(7) prevention and public health; and

(8) public and private group purchasing for small and large employers or groups.

(c) DUTIES.—The advisory board shall—

(1) identify, update, and disseminate measures of health care quality for group health plans and health insurance issuers, including network and non-network plans;

(2) advise the Secretary on the development and maintenance of the minimum data set in section 112(b); and

(3) advise the Secretary on standardized formats for information on group health plans and health insurance coverage.

The measures identified under paragraph (1) may be used on a voluntary basis by such plans and issuers. In carrying out paragraph (1), the advisory board shall consult and cooperate with national health care standard setting bodies which define quality indicators, the Agency for Health Care Policy and Research, the Institute of Medicine, and other public and private entities that have expertise in health care quality.

(d) REPORT.—The advisory board shall provide an annual report to Congress and the President on the quality of the health care in the United States and national and regional trends in health care quality. Such report shall include a description of determinants of health care quality and measurements of practice and quality variability within the United States.

(e) SECRETARIAL CONSULTATION.—In serving on the advisory board, the Secretaries of Health and Human Services and Labor (or their designees) shall consult with the Secretaries responsible for other Federal health insurance and health care programs.

(f) VACANCIES.—Any vacancy on the board shall be filled in such manner as the original appointment. Members of the board shall serve without compensation but shall be reimbursed for travel, subsistence, and other

necessary expenses incurred by them in the performance of their duties. Administrative support, scientific support, and technical assistance for the advisory board shall be provided by the Secretary of Health and Human Services.

(g) CONTINUATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the advisory board.

**Subtitle C—Patient Information**

**SEC. 121. PATIENT INFORMATION.**

(a) DISCLOSURE REQUIREMENT.—

(1) GROUP HEALTH PLANS.—A group health plan shall—

(A) provide to participants and beneficiaries at the time of initial coverage under the plan (or the effective date of this section, in the case of individuals who are participants or beneficiaries as of such date), and at least annually thereafter, the information described in subsection (b) in printed form;

(B) provide to participants and beneficiaries, within a reasonable period (as specified by the appropriate Secretary) before or after the date of significant changes in the information described in subsection (b), information in printed form on such significant changes; and

(C) upon request, make available to participants and beneficiaries, the applicable authority, and prospective participants and beneficiaries, the information described in subsection (b) or (c) in printed form.

(2) HEALTH INSURANCE ISSUERS.—A health insurance issuer in connection with the provision of health insurance coverage shall—

(A) provide to individuals enrolled under such coverage at the time of enrollment, and at least annually thereafter, the information described in subsection (b) in printed form;

(B) provide to enrollees, within a reasonable period (as specified by the appropriate Secretary) before or after the date of significant changes in the information described in subsection (b), information in printed form on such significant changes; and

(C) upon request, make available to the applicable authority, to individuals who are prospective enrollees, and to the public the information described in subsection (b) or (c) in printed form.

(b) INFORMATION PROVIDED.—The information described in this subsection with respect to a group health plan or health insurance coverage offered by a health insurance issuer includes the following:

(1) SERVICE AREA.—The service area of the plan or issuer.

(2) BENEFITS.—Benefits offered under the plan or coverage, including—

(A) covered benefits, including benefit limits and coverage exclusions;

(B) cost sharing, such as deductibles, coinsurance, and copayment amounts, including any liability for balance billing, any maximum limitations on out of pocket expenses, and the maximum out of pocket costs for services that are provided by non participating providers or that are furnished without meeting the applicable utilization review requirements;

(C) the extent to which benefits may be obtained from nonparticipating providers;

(D) the extent to which a participant, beneficiary, or enrollee may select from among participating providers and the types of providers participating in the plan or issuer network;

(E) process for determining experimental coverage; and

(F) use of a prescription drug formulary.

(3) ACCESS.—A description of the following:

(A) The number, mix, and distribution of providers under the plan or coverage.

(B) Out-of-network coverage (if any) provided by the plan or coverage.

(C) Any point-of-service option (including any supplemental premium or cost-sharing for such option).

(D) The procedures for participants, beneficiaries, and enrollees to select, access, and change participating primary and specialty providers.

(E) The rights and procedures for obtaining referrals (including standing referrals) to participating and nonparticipating providers.

(F) The name, address, and telephone number of participating health care providers and an indication of whether each such provider is available to accept new patients.

(G) Any limitations imposed on the selection of qualifying participating health care providers, including any limitations imposed under section 103(b)(2).

(H) How the plan or issuer addresses the needs of participants, beneficiaries, and enrollees and others who do not speak English or who have other special communications needs in accessing providers under the plan or coverage, including the provision of information described in this subsection and subsection (c) to such individuals and including the provision of information in a language other than English if 5 percent of the number of participants, beneficiaries, and enrollees communicate in that language instead of English.

(4) OUT-OF-AREA COVERAGE.—Out-of-area coverage provided by the plan or issuer.

(5) EMERGENCY COVERAGE.—Coverage of emergency services, including—

(A) the appropriate use of emergency services, including use of the 911 telephone system or its local equivalent in emergency situations and an explanation of what constitutes an emergency situation;

(B) the process and procedures of the plan or issuer for obtaining emergency services; and

(C) the locations of (i) emergency departments, and (ii) other settings, in which plan physicians and hospitals provide emergency services and post-stabilization care.

(6) PERCENTAGE OF PREMIUMS USED FOR BENEFITS (LOSS-RATIOS).—In the case of health insurance coverage only (and not with respect to group health plans that do not provide coverage through health insurance coverage), a description of the overall loss-ratio for the coverage (as defined in accordance with rules established or recognized by the Secretary of Health and Human Services).

(7) PRIOR AUTHORIZATION RULES.—Rules regarding prior authorization or other review requirements that could result in noncoverage or nonpayment.

(8) GRIEVANCE AND APPEALS PROCEDURES.—All appeal or grievance rights and procedures under the plan or coverage, including the method for filing grievances and the time frames and circumstances for acting on grievances and appeals, who is the applicable authority with respect to the plan or issuer, and the availability of assistance through an ombudsman to individuals in relation to group health plans and health insurance coverage.

(9) QUALITY ASSURANCE.—A summary description of the data on quality collected under section 112(a), including a summary description of the data on satisfaction of participants, beneficiaries, and enrollees (including data on individual voluntary disenrollment and grievances and appeals) described in section 112(b)(4).

(10) SUMMARY OF PROVIDER FINANCIAL INCENTIVES.—A summary description of the information on the types of financial payment incentives (described in section 1852(j)(4) of the Social Security Act) provided by the plan or issuer under the coverage.

(11) INFORMATION ON ISSUER.—Notice of appropriate mailing addresses and telephone numbers to be used by participants, beneficiaries, and enrollees in seeking information or authorization for treatment.

(12) AVAILABILITY OF INFORMATION ON REQUEST.—Notice that the information described in subsection (c) is available upon request.

(c) INFORMATION MADE AVAILABLE UPON REQUEST.—The information described in this subsection is the following:

(1) UTILIZATION REVIEW ACTIVITIES.—A description of procedures used and requirements (including circumstances, time frames, and appeal rights) under any utilization review program under section 115, including under any drug formulary program under section 107.

(2) GRIEVANCE AND APPEALS INFORMATION.—Information on the number of grievances and appeals and on the disposition in the aggregate of such matters.

(3) METHOD OF PHYSICIAN COMPENSATION.—An overall summary description as to the method of compensation of participating physicians, including information on the types of financial payment incentives (described in section 1852(j)(4) of the Social Security Act) provided by the plan or issuer under the coverage.

(4) SPECIFIC INFORMATION ON CREDENTIALS OF PARTICIPATING PROVIDERS.—In the case of each participating provider, a description of the credentials of the provider.

(5) CONFIDENTIALITY POLICIES AND PROCEDURES.—A description of the policies and procedures established to carry out section 122.

(6) FORMULARY RESTRICTIONS.—A description of the nature of any drug formula restrictions.

(7) PARTICIPATING PROVIDER LIST.—A list of current participating health care providers.

(d) FORM OF DISCLOSURE.—

(1) UNIFORMITY.—Information required to be disclosed under this section shall be provided in accordance with uniform, national reporting standards specified by the Secretary, after consultation with applicable State authorities, so that prospective enrollees may compare the attributes of different issuers and coverage offered within an area.

(2) INFORMATION INTO HANDBOOK.—Nothing in this section shall be construed as preventing a group health plan or health insurance issuer from making the information under subsections (b) and (c) available to participants, beneficiaries, and enrollees through an enrollee handbook or similar publication.

(3) UPDATING PARTICIPATING PROVIDER INFORMATION.—The information on participating health care providers described in subsection (b)(3)(C) shall be updated within such reasonable period as determined appropriate by the Secretary. Nothing in this section shall prevent an issuer from changing or updating other information made available under this section.

(e) CONSTRUCTION.—Nothing in this section shall be construed as requiring public disclosure of individual contracts or financial arrangements between a group health plan or health insurance issuer and any provider.

**SEC. 122. PROTECTION OF PATIENT CONFIDENTIALITY.**

Insofar as a group health plan, or a health insurance issuer that offers health insurance coverage, maintains medical records or other health information regarding participants, beneficiaries, and enrollees, the plan or issuer shall establish procedures—

(1) to safeguard the privacy of any individually identifiable enrollee information;

(2) to maintain such records and information in a manner that is accurate and timely, and

(3) to assure timely access of such individuals to such records and information.

**SEC. 123. HEALTH INSURANCE OMBUDSMEN.**

(a) IN GENERAL.—Each State that obtains a grant under subsection (c) shall provide for creation and operation of a Health Insurance Ombudsman through a contract with a not-for-profit organization that operates independent of group health plans and health insurance issuers. Such Ombudsman shall be responsible for at least the following:

(1) To assist consumers in the State in choosing among health insurance coverage or among coverage options offered within group health plans.

(2) To provide counseling and assistance to enrollees dissatisfied with their treatment by health insurance issuers and group health plans in regard to such coverage or plans and with respect to grievances and appeals regarding determinations under such coverage or plans.

(b) FEDERAL ROLE.—In the case of any State that does not provide for such an Ombudsman under subsection (a), the Secretary shall provide for the creation and operation of a Health Insurance Ombudsman through a contract with a not-for-profit organization that operates independent of group health plans and health insurance issuers and that is responsible for carrying out with respect to that State the functions otherwise provided under subsection (a) by a Health Insurance Ombudsman.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services such amounts as may be necessary to provide for grants to States for contracts for Health Insurance Ombudsmen under subsection (a) or contracts for such Ombudsmen under subsection (b).

(d) CONSTRUCTION.—Nothing in this section shall be construed to prevent the use of other forms of enrollee assistance.

**Subtitle D—Grievance and Appeals Procedures**

**SEC. 131. ESTABLISHMENT OF GRIEVANCE PROCESS.**

(a) ESTABLISHMENT OF GRIEVANCE SYSTEM.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, shall establish and maintain a system to provide for the presentation and resolution of oral and written grievances brought by individuals who are participants, beneficiaries, or enrollees, or health care providers or other individuals acting on behalf of an individual and with the individual's consent, regarding any aspect of the plan's or issuer's services.

(2) SCOPE.—The system shall include grievances regarding access to and availability of services, quality of care, choice and accessibility of providers, network adequacy, and compliance with the requirements of this title.

(b) GRIEVANCE SYSTEM.—Such system shall include the following components with respect to individuals who are participants, beneficiaries, or enrollees:

(1) Written notification to all such individuals and providers of the telephone numbers and business addresses of the plan or issuer personnel responsible for resolution of grievances and appeals.

(2) A system to record and document, over a period of at least 3 previous years, all grievances and appeals made and their status.

(3) A process providing for timely processing and resolution of grievances.

(4) Procedures for follow-up action, including the methods to inform the person making the grievance of the resolution of the grievance.

(5) Notification to the continuous quality improvement program under section 111(a) of all grievances and appeals relating to quality of care.

**SEC. 132. INTERNAL APPEALS OF ADVERSE DETERMINATIONS.**

(a) RIGHT OF APPEAL.—

(1) IN GENERAL.—A participant or beneficiary in a group health plan, and an enrollee in health insurance coverage offered by a health insurance issuer, and any provider or other person acting on behalf of such an individual with the individual's consent, may appeal any appealable decision (as defined in paragraph (2)) under the procedures described in this section and (to the extent applicable) section 133. Such individuals and providers shall be provided with a written explanation of the appeal process and the determination upon the conclusion of the appeals process and as provided in section 121(b)(8).

(2) APPEALABLE DECISION DEFINED.—In this section, the term ''appealable decision'' means any of the following:

(A) Denial, reduction, or termination of, or failure to provide or make payment (in whole or in part) for, a benefit, including a failure to cover an item or service for which benefits are otherwise provided because it is determined to be experimental or investigational or not medically necessary or appropriate.

(B) Failure to provide coverage of emergency services or reimbursement of maintenance care or post-stabilization care under section 101.

(C) Failure to provide a choice of provider under section 103.

(D) Failure to provide qualified health care providers under section 103.

(E) Failure to provide access to specialty and other care under section 104.

(F) Failure to provide continuation of care under section 105.

(G) Failure to provide coverage of routine patient costs in connection with an approval clinical trial under section 106.

(H) Failure to provide access to needed drugs under section 107(a)(3) or 107(b).

(I) Discrimination in delivery of services in violation of section 109.

(J) An adverse determination under a utilization review program under section 115.

(K) The imposition of a limitation that is prohibited under section 151.

(b) INTERNAL APPEAL PROCESS.—

(1) IN GENERAL.—Each group health plan and health insurance issuer shall establish and maintain an internal appeal process under which any participant, beneficiary, enrollee, or provider acting on behalf of such an individual with the individual's consent, who is dissatisfied with any appealable decision has the opportunity to appeal the decision through an internal appeal process. The appeal may be communicated orally.

(2) CONDUCT OF REVIEW.—

(A) IN GENERAL.—The process shall include a review of the decision by a physician or other health care professional (or professionals) who has been selected by the plan or issuer and who has not been involved in the appealable decision at issue in the appeal.

(B) AVAILABILITY AND PARTICIPATION OF CLINICAL PEERS.—The individuals conducting such review shall include one or more clinical peers (as defined in section 191(c)(2)) who have not been involved in the appealable decision at issue in the appeal.

(3) DEADLINE.—

(A) IN GENERAL.—Subject to subsection (c), the plan or issuer shall conclude each appeal as soon as possible after the time of the receipt of the appeal in accordance with medical exigencies of the case involved, but in no event later than—

(i) 72 hours after the time of receipt of an expedited appeal, and

(ii) except as provided in subparagraph (B), 30 business days after such time (or, if the participant, beneficiary, or enrollee supplies additional information that was not available to the plan or issuer at the time of the receipt of the appeal, after the date of supplying such additional information) in the case of all other appeals.

(B) EXTENSION.—In the case of an appeal that does not relate to a decision regarding an expedited appeal and that does not involve medical exigencies, if a group health plan or health insurance issuer is unable to conclude the appeal within the time period provided under subparagraph (A)(ii) due to circumstances beyond the control of the plan or issuer, the deadline shall be extended for up to an additional 10 business days if the plan or issuer provides, on or before 10 days before the deadline otherwise applicable, written notice to the participant, beneficiary, or enrollee and the provider involved of the extension and the reasons for the extension.

(4) NOTICE.—If a plan or issuer denies an appeal, the plan or issuer shall provide the participant, beneficiary, or enrollee and provider involved with notice in printed form of the denial and the reasons therefore, together with a notice in printed form of rights to any further appeal.

(c) EXPEDITED REVIEW PROCESS.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer, shall establish procedures in writing for the expedited consideration of appeals under subsection (b) in situations in which the application of the normal timeframe for making a determination could seriously jeopardize the life or health of the participant, beneficiary, or enrollee or such an individual's ability to regain maximum function.

(2) PROCESS.—Under such procedures—

(A) the request for expedited appeal may be submitted orally or in writing by an individual or provider who is otherwise entitled to request the appeal;

(B) all necessary information, including the plan's or issuer's decision, shall be transmitted between the plan or issuer and the requester by telephone, facsimile, or other similarly expeditious available method; and

(C) the plan or issuer shall expedite the appeal if the request for an expedited appeal is submitted under subparagraph (A) by a physician and the request indicates that the situation described in paragraph (1) exists.

(d) DIRECT USE OF FURTHER APPEALS.—In the event that the plan or issuer fails to comply with any of the deadlines for completion of appeals under this section or in the event that the plan or issuer for any reason expressly waives its rights to an internal review of an appeal under subsection (b), the participant, beneficiary, or enrollee involved and the provider involved shall be relieved of any obligation to complete the appeal involved and may, at such an individual's or provider's option, proceed directly to seek further appeal through any applicable external appeals process.

**SEC. 133. EXTERNAL APPEALS OF ADVERSE DETERMINATIONS.**

(a) RIGHT TO EXTERNAL APPEAL.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, shall provide for an external appeals process that meets the requirements of this section in the case of an externally appealable decision described in paragraph (2). The appropriate Secretary shall establish standards to carry out such requirements.

(2) EXTERNALLY APPEALABLE DECISION DEFINED.—For purposes of this section, the term ''externally appealable decision'' means an appealable decision (as defined in section 132(a)(2)) if—

(A) the amount involved exceeds a significant threshold; or

(B) the patient's life or health is jeopardized as a consequence of the decision.

Such term does not include a denial of coverage for services that are specifically listed in plan or coverage documents as excluded from coverage.

(3) EXHAUSTION OF INTERNAL APPEALS PROCESS.—A plan or issuer may condition the use of an external appeal process in the case of an externally appealable decision upon completion of the internal review process provided under section 132, but only if the decision is made in a timely basis consistent with the deadlines provided under this subtitle.

(b) GENERAL ELEMENTS OF EXTERNAL APPEALS PROCESS.—

(1) CONTRACT WITH QUALIFIED EXTERNAL APPEAL ENTITY.—

(A) CONTRACT REQUIREMENT.—Subject to subparagraph (B), the external appeal process under this section of a plan or issuer shall be conducted under a contract between the plan or issuer and one or more qualified external appeal entities (as defined in subsection (c)).

(B) RESTRICTIONS ON QUALIFIED EXTERNAL APPEAL ENTITY.—

(i) BY STATE FOR HEALTH INSURANCE ISSUERS.—With respect to health insurance issuers in a State, the State may provide for external review activities to be conducted by a qualified external appeal entity that is designated by the State or that is selected by the State in such a manner as to assure an unbiased determination.

(ii) BY FEDERAL GOVERNMENT FOR GROUP HEALTH PLANS.—With respect to group health plans, the appropriate Secretary may exercise the same authority as a State may exercise with respect to health insurance issuers under clause (i). Such authority may include requiring the use of the qualified external appeal entity designated or selected under such clause.

(iii) LIMITATION ON PLAN OR ISSUER SELECTION.—If an applicable authority permits more than one entity to qualify as a qualified external appeal entity with respect to a group health plan or health insurance issuer and the plan or issuer may select among such qualified entities, the applicable authority—

(I) shall assure that the selection process will not create any incentives for external appeal entities to make a decision in a biased manner, and

(II) shall implement procedures for auditing a sample of decisions by such entities to assure that no such decisions are made in a biased manner.

(C) OTHER TERMS AND CONDITIONS.—The terms and conditions of a contract under this paragraph shall be consistent with the standards the appropriate Secretary shall establish to assure there is no real or apparent conflict of interest in the conduct of external appeal activities. Such contract shall provide that the direct costs of the process (not including costs of representation of a participant, beneficiary, or enrollee) shall be paid by the plan or issuer, and not by the participant, beneficiary, or enrollee.

(2) ELEMENTS OF PROCESS.—An external appeal process shall be conducted consistent with standards established by the appropriate Secretary that include at least the following:

(A) FAIR PROCESS; DE NOVO DETERMINATION.—The process shall provide for a fair, de novo determination.

(B) DETERMINATION CONCERNING EXTERNALLY APPEALABLE DECISIONS.—A qualified external appeal entity shall determine whether a decision is an externally appealable decision and related decisions, including—

(i) whether such a decision involves an expedited appeal;

(ii) the appropriate deadlines for internal review process required due to medical exigencies in a case; and

(iii) whether such a process has been completed.

(C) OPPORTUNITY TO SUBMIT EVIDENCE, HAVE REPRESENTATION, AND MAKE ORAL PRESENTATION.—Each party to an externally appealable decision—

(i) may submit and review evidence related to the issues in dispute,

(ii) may use the assistance or representation of one or more individuals (any of whom may be an attorney), and

(iii) may make an oral presentation.

(D) PROVISION OF INFORMATION.—The plan or issuer involved shall provide timely access to all its records relating to the matter of the externally appealable decision and to all provisions of the plan or health insurance coverage (including any coverage manual) relating to the matter.

(E) TIMELY DECISIONS.—A determination by the external appeal entity on the decision shall—

(i) be made orally or in writing and, if it is made orally, shall be supplied to the parties in writing as soon as possible;

(ii) be binding on the plan or issuer;

(iii) be made in accordance with the medical exigencies of the case involved, but in no event later than 60 days (or 72 hours in the case of an expedited appeal) from the date of completion of the filing of notice of external appeal of the decision;

(iv) state, in layperson's language, the basis for the determination, including, if relevant, any basis in the terms or conditions of the plan or coverage; and

(v) inform the participant, beneficiary, or enrollee of the individual's rights to seek further review by the courts (or other process) of the external appeal determination.

(c) QUALIFICATIONS OF EXTERNAL APPEAL ENTITIES.—

(1) IN GENERAL.—For purposes of this section, the term ''qualified external appeal entity'' means, in relation to a plan or issuer, an entity (which may be a governmental entity) that is certified under paragraph (2) as meeting the following requirements:

(A) There is no real or apparent conflict of interest that would impede the entity conducting external appeal activities independent of the plan or issuer.

(B) The entity conducts external appeal activities through clinical peers.

(C) The entity has sufficient medical, legal, and other expertise and sufficient staffing to conduct external appeal activities for the plan or issuer on a timely basis consistent with subsection (b)(3)(E).

(D) The entity meets such other requirements as the appropriate Secretary may impose.

(2) CERTIFICATION OF EXTERNAL APPEAL ENTITIES.—

(A) IN GENERAL.—In order to be treated as a qualified external appeal entity with respect to—

(i) a group health plan, the entity must be certified (and, in accordance with subparagraph (B), periodically recertified) as meeting the requirements of paragraph (1) by the Secretary of Labor (or under a process recognized or approved by the Secretary of Labor); or

(ii) a health insurance issuer operating in a State, the entity must be certified (and, in accordance with subparagraph (B), periodically recertified) as meeting such requirements by the applicable State authority (or, if the States has not established an adequate certification and recertification process, by the Secretary of Health and Human Services, or under a process recognized or approved by such Secretary).

(B) RECERTIFICATION PROCESS.—The appropriate Secretary shall develop standards for the recertification of external appeal entities. Such standards shall include a specification of—

(i) the information required to be submitted as a condition of recertification on the entity's performance of external appeal activities, which information shall include the number of cases reviewed, a summary of the disposition of those cases, the length of time in making determinations on those cases, and such information as may be necessary to assure the independence of the entity from the plans or issuers for which external appeal activities are being conducted; and

(ii) the periodicity which recertification will be required.

(d) CONTINUING LEGAL RIGHTS OF ENROLLEES.—Nothing in this title shall be construed as removing any legal rights of participants, beneficiaries, enrollees, and others under State or Federal law, including the right to file judicial actions to enforce rights.

**Subtitle E—Protecting the Doctor-Patient Relationship**

**SEC. 141. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.**

(a) PROHIBITION.—

(1) GENERAL RULE.—The provisions of any contract or agreement, or the operation of any contract or agreement, between a group health plan or health insurance issuer in relation to health insurance coverage (including any partnership, association, or other organization that enters into or administers such a contract or agreement) and a health care provider (or group of health care providers) shall not prohibit or restrict the provider from engaging in medical communications with the provider's patient.

(2) NULLIFICATION.—Any contract provision or agreement described in paragraph (1) shall be null and void.

(b) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to prohibit the enforcement, as part of a contract or agreement to which a health care provider is a party, of any mutually agreed upon terms and conditions, including terms and conditions requiring a health care provider to participate in, and cooperate with, all programs, policies, and procedures developed or operated by a group health plan or health insurance issuer to assure, review, or improve the quality and effective utilization of health care services (if such utilization is according to guidelines or protocols that are based on clinical or scientific evidence and the professional judgment of the provider) but only if the guidelines or protocols under such utilization do not prohibit or restrict medical communications between providers and their patients; or

(2) to permit a health care provider to misrepresent the scope of benefits covered under the group health plan or health insurance coverage or to otherwise require a group health plan health insurance issuer to reimburse providers for benefits not covered under the plan or coverage.

(c) MEDICAL COMMUNICATION DEFINED.—In this section:

(1) IN GENERAL.—The term ''medical communication'' means any communication made by a health care provider with a patient of the health care provider (or the guardian or legal representative of such patient) with respect to—

(A) the patient's health status, medical care, or treatment options;

(B) any utilization review requirements that may affect treatment options for the patient; or

(C) any financial incentives that may affect the treatment of the patient.

(2) MISREPRESENTATION.—The term ''medical communication'' does not include a communication by a health care provider with a patient of the health care provider (or the guardian or legal representative of such patient) if the communication involves a knowing or willful misrepresentation by such provider.

**SEC. 142. PROHIBITION AGAINST TRANSFER OF INDEMNIFICATION OR IMPROPER INCENTIVE ARRANGEMENTS.**

(a) PROHIBITION OF TRANSFER OF INDEMNIFICATION.—

(1) IN GENERAL.—No contract or agreement between a group health plan or health insurance issuer (or any agent acting on behalf of such a plan or issuer) and a health care provider shall contain any provision purporting to transfer to the health care provider by indemnification or otherwise any liability relating to activities, actions, or omissions of the plan, issuer, or agent (as opposed to the provider).

(2) NULLIFICATION.—Any contract or agreement provision described in paragraph (1) shall be null and void.

(b) PROHIBITION OF IMPROPER PHYSICIAN INCENTIVE PLANS.—

(1) IN GENERAL.—A group health plan and a health insurance issuer offering health insurance coverage may not operate any physician incentive plan (as defined in subparagraph (B) of section 1876(i)(8) of the Social Security Act) unless the requirements described in subparagraph (A) of such section are met with respect to such a plan.

(2) APPLICATION.—For purposes of carrying out paragraph (1), any reference in section 1876(i)(8) of the Social Security Act to the Secretary, an eligible organization, or an individual enrolled with the organization shall be treated as a reference to the applicable authority, a group health plan or health insurance issuer, respectively, and a participant, beneficiary, or enrollee with the plan or organization, respectively.

**SEC. 143. ADDITIONAL RULES REGARDING PARTICIPATION OF HEALTH CARE PROFESSIONALS.**

(a) PROCEDURES.—Insofar as a group health plan, or health insurance issuer that offers health insurance coverage, provides benefits through participating health care professionals, the plan or issuer shall establish reasonable procedures relating to the participation (under an agreement between a professional and the plan or issuer) of such professionals under the plan or coverage. Such procedures shall include—

(1) providing notice of the rules regarding participation;

(2) providing written notice of participation decisions that are adverse to professionals; and

(3) providing a process within the plan or issuer for appealing such adverse decisions, including the presentation of information and views of the professional regarding such decision.

(b) CONSULTATION IN MEDICAL POLICIES.—A group health plan, and health insurance issuer that offers health insurance coverage, shall consult with participating physicians (if any) regarding the plan's or issuer's medical policy, quality, and medical management procedures.

**SEC. 144. PROTECTION FOR PATIENT ADVOCACY.**

(a) PROTECTION FOR USE OF UTILIZATION REVIEW AND GRIEVANCE PROCESS.—A group health plan, and a health insurance issuer with respect to the provision of health insurance coverage, may not retaliate against a participant, beneficiary, enrollee, or health care provider based on the participant's, beneficiary's, enrollee's or provider's use of, or participation in, a utilization review process or a grievance process of the plan or issuer (including an internal or external review or appeal process) under this title.

(b) PROTECTION FOR QUALITY ADVOCACY BY HEALTH CARE PROFESSIONALS.—

(1) IN GENERAL.—A group health plan or health insurance issuer may not retaliate or discriminate against a protected health care professional because the professional in good faith—

(A) discloses information relating to the care, services, or conditions affecting one or more participants, beneficiaries, or enrollees of the plan or issuer to an appropriate public regulatory agency, an appropriate private accreditation body, or appropriate management personnel of the plan or issuer; or

(B) initiates, cooperates, or otherwise participates in an investigation or proceeding by such an agency with respect to such care, services, or conditions.

If an institutional health care provider is a participating provider with such a plan or issuer or otherwise receives payments for benefits provided by such a plan or issuer, the provisions of the previous sentence shall apply to the provider in relation to care, services, or conditions affecting one or more patients within an institutional health care provider in the same manner as they apply to the plan or issuer in relation to care, services, or conditions provided to one or more participants, beneficiaries, or enrollees; and for purposes of applying this sentence, any reference to a plan or issuer is deemed a reference to the institutional health care provider.

(2) GOOD FAITH ACTION.—For purposes of paragraph (1), a protected health care professional is considered to be acting in good faith with respect to disclosure of information or participation if, with respect to the information disclosed as part of the action—

(A) the disclosure is made on the basis of personal knowledge and is consistent with that degree of learning and skill ordinarily possessed by health care professionals with the same licensure or certification and the same experience;

(B) the professional reasonably believes the information to be true;

(C) the information evidences either a violation of a law, rule, or regulation, of an applicable accreditation standard, or of a generally recognized professional or clinical standard or that a patient is in imminent hazard of loss of life or serious injury; and

(D) subject to subparagraphs (B) and (C) of paragraph (3), the professional has followed reasonable internal procedures of the plan, issuer, or institutional health care provider established or the purpose of addressing quality concerns before making the disclosure.

(3) EXCEPTION AND SPECIAL RULE.—

(A) GENERAL EXCEPTION.—Paragraph (1) does not protect disclosures that would violate Federal or State law or diminish or impair the rights of any person to the continued protection of confidentiality of communications provided by such law.

(B) NOTICE OF INTERNAL PROCEDURES.—Subparagraph (D) of paragraph (2) shall not apply unless the internal procedures involved are reasonably expected to be known to the health care professional involved. For purposes of this subparagraph, a health care professional is reasonably expected to know of internal procedures if those procedures have been made available to the professional through distribution or posting.

(C) INTERNAL PROCEDURE EXCEPTION.—Subparagraph (D) of paragraph (2) also shall not apply if—

(i) the disclosure relates to an imminent hazard of loss of life or serious injury to a patient;

(ii) the disclosure is made to an appropriate private accreditation body pursuant to disclosure procedures established by the body; or

(iii) the disclosure is in response to an inquiry made in an investigation or proceeding of an appropriate public regulatory agency and the information disclosed is limited to the scope of the investigation or proceeding.

(4) ADDITIONAL CONSIDERATIONS.—It shall not be a violation of paragraph (1) to take an adverse action against a protected health care professional if the plan, issuer, or provider taking the adverse action involved demonstrates that it would have taken the same adverse action even in the absence of the activities protected under such paragraph.

(5) NOTICE.—A group health plan, health insurance issuer, and institutional health care provider shall post a notice, to be provided or approved by the Secretary of Labor, setting forth excerpts from, or summaries of, the pertinent provisions of this subsection and information pertaining to enforcement of such provisions.

(6) CONSTRUCTIONS.—

(A) DETERMINATIONS OF COVERAGE.—Nothing in this subsection shall be construed to prohibit a plan or issuer from making a determination not to pay for a particular medical treatment or service or the services of a type of health care professional.

(B) ENFORCEMENT OF PEER REVIEW PROTOCOLS AND INTERNAL PROCEDURES.—Nothing in this subsection shall be construed to prohibit a plan, issuer, or provider from establishing and enforcing reasonable peer review or utilization review protocols or determining whether a protected health care professional has complied with those protocols or from establishing and enforcing internal procedures for the purpose of addressing quality concerns.

(C) RELATION TO OTHER RIGHTS.—Nothing in this subsection shall be construed to abridge rights of participants, beneficiaries, enrollees, and protected health care professionals under other applicable Federal or State laws.

(7) PROTECTED HEALTH CARE PROFESSIONAL DEFINED.—For purposes of this subsection, the term ''protected health care professional'' means an individual who is a licensed or certified health care professional and who—

(A) with respect to a group health plan or health insurance issuer, is an employee of the plan or issuer or has a contract with the plan or issuer for provision of services for which benefits are available under the plan or issuer; or

(B) with respect to an institutional health care provider, is an employee of the provider or has a contract or other arrangement with the provider respecting the provision of health care services.

**Subtitle F—Promoting Good Medical Practice**

**SEC. 151. PROMOTING GOOD MEDICAL PRACTICE.**

(a) PROHIBITING ARBITRARY LIMITATIONS OR CONDITIONS FOR THE PROVISION OF SERVICES.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, may not arbitrarily interfere with or alter the decision of the treating physician regarding the manner or setting in which particular services are delivered if the services are medically necessary or appropriate for treatment or diagnosis to the extent that such treatment or diagnosis is otherwise a covered benefit.

(2) CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting a plan or issuer from limiting the delivery of services to one or more health care providers within a network of such providers.

(3) MANNER OR SETTING DEFINED.—In paragraph (1), the term ''manner or setting'' means the location of treatment, such as whether treatment is provided on an inpatient or outpatient basis, and the duration of treatment, such as the number of days in a hospital, Such term does not include the coverage of a particular service or treatment.

(b) NO CHANGE IN COVERAGE.—Subsection (a) shall not be construed as requiring coverage of particular services the coverage of which is otherwise not covered under the terms of the plan or coverage or from conducting utilization review activities consistent with this subsection.

(c) MEDICAL NECESSITY OR APPROPRIATENESS DEFINED.—In subsection (a), the term ''medically necessary or appropriate'' means, with respect to a service or benefit, a service or benefit which is consistent with generally accepted principles of professional medical practice.

**SEC. 152. STANDARDS RELATING TO BENEFITS FOR CERTAIN BREAST CANCER TREATMENT.**

(a) REQUIREMENTS FOR MINIMUM HOSPITAL STAY FOLLOWING MASTECTOMY OR LYMPH NODE DISSECTION.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, may not—

(A) except as provided in paragraph (2)—

(i) restrict benefits for any hospital length of stay in connection with a mastectomy for the treatment of breast cancer to less than 48 hours, or

(ii) restrict benefits for any hospital length of stay in connection with a lymph node dissection for the treatment of breast cancer to less than 24 hours, or

(B) require that a provider obtain authorization from the plan or the issuer for prescribing any length of stay required under subparagraph (A) (without regard to paragraph (2)).

(2) EXCEPTION.—Paragraph (1)(A) shall not apply in connection with any group health plan or health insurance issuer in any case in which the decision to discharge the woman involved prior to the expiration of the minimum length of stay otherwise required under paragraph (1)(A) is made by the attending provider in consultation with the woman or in a case involving a partial mastectomy without lymph node dissection.

(b) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

(1) deny to a woman eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

(2) provide monetary payments or rebates to women to encourage such women to accept less than the minimum protections available under this section;

(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided care to an individual participant or beneficiary in accordance with this section;

(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section; or

(5) subject to subsection (c)(3), restrict benefits for any portion of a period within a hospital length of stay required under subsection (a) in a manner which is less favorable than the benefits provided for any preceding portion of such stay.

(c) RULES OF CONSTRUCTION.—

(1) Nothing in this section shall be construed to require a woman who is a participant or beneficiary—

(A) to undergo a mastectomy or lymph node dissection in a hospital; or

(B) to stay in the hospital for a fixed period of time following a mastectomy or lymph node dissection.

(2) This section shall not apply with respect to any group health plan, or any group health insurance coverage offered by a health insurance issuer, which does not provide benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer.

(3) Nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer under the plan (or under health insurance coverage offered in connection with a group health plan), except that such coinsurance or other cost-sharing for any portion of a period within a hospital length of stay required under subsection (a) may not be greater than such coinsurance or cost-sharing for any preceding portion of such stay.

(d) LEVEL AND TYPE OF REIMBURSEMENTS.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

(e) EXCEPTION FOR HEALTH INSURANCE COVERAGE IN CERTAIN STATES.—

(1) IN GENERAL.—The requirements of this section shall not apply with respect to health insurance coverage if there is a State law (as defined in section 2723(d)(1) of the Public Health Service Act) for a State that regulates such coverage that is described in any of the following subparagraphs:

(A) Such State law requires such coverage to provide for at least a 48-hour hospital length of stay following a mastectomy performed for treatment of breast cancer and at least a 24-hour hospital length of stay following a lymph node dissection for treatment of breast cancer.

(B) Such State law requires, in connection with such coverage for surgical treatment of breast cancer, that the hospital length of stay for such care is left to the decision of (or required to be made by) the attending provider in consultation with the woman involved.

(2) CONSTRUCTION.—Section 2723(a)(1) of the Public Health Service Act and section 731(a)(1) of the Employee Retirement Income Security Act of 1974 shall not be construed as superseding a State law described in paragraph (1).

**SEC. 153. STANDARDS RELATING TO BENEFITS FOR RECONSTRUCTIVE BREAST SURGERY.**

(a) REQUIREMENTS FOR RECONSTRUCTIVE BREAST SURGERY.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, that provides coverage for breast surgery in connection with a mastectomy shall provide coverage for reconstructive breast surgery resulting from the mastectomy. Such coverage shall include coverage for all stages of reconstructive breast surgery performed on a nondiseased breast to establish symmetry with the diseased when reconstruction on the diseased breast is performed and coverage of prostheses and complications of mastectomy including lymphedema.

(2) RECONSTRUCTIVE BREAST SURGERY DEFINED.—In this section, the term ''reconstructive breast surgery'' means surgery performed as a result of a mastectomy to reestablish symmetry between two breasts, and includes augmentation mammoplasty, reduction mammoplasty, and mastopexy.

(3) MASTECTOMY DEFINED.—In this section, the term ''mastectomy'' means the surgical removal of all or part of a breast.

(b) PROHIBITIONS.—

(1) DENIAL OF COVERAGE BASED ON COSMETIC SURGERY.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not deny coverage described in subsection (a)(1) on the basis that the coverage is for cosmetic surgery.

(2) APPLICATION OF SIMILAR PROHIBITIONS.—Paragraphs (2) through (5) of section 152 shall apply under this section in the same manner as they apply with respect to section 152.

(c) RULES OF CONSTRUCTION.—

(1) Nothing in this section shall be construed to require a woman who is a participant or beneficiary to undergo reconstructive breast surgery.

(2) This section shall not apply with respect to any group health plan, or any group health insurance coverage offered by a health insurance issuer, which does not provide benefits for mastectomies.

(3) Nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for reconstructive breast surgery under the plan (or under health insurance coverage offered in connection with a group health plan), except that such coinsurance or other cost-sharing for any portion may not be greater than such coinsurance or cost-sharing that is otherwise applicable with respect to benefits for mastectomies.

(e) LEVEL AND TYPE OF REIMBURSEMENTS.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

(f) EXCEPTION FOR HEALTH INSURANCE COVERAGE IN CERTAIN STATES.—

(1) IN GENERAL.—The requirements of this section shall not apply with respect to health insurance coverage if there is a State law (as defined in section 2723(d)(1) of the Public Health Service Act) for a State that regulates such coverage and that requires coverage of at least the coverage of reconstructive breast surgery otherwise required under this section.

(2) CONSTRUCTION.—Section 2723(a)(1) of the Public Health Service Act and section 731(a)(1) of the Employee Retirement Income Security Act of 1974 shall not be construed as superseding a State law described in paragraph (1).

**Subtitle G—Definitions**

**SEC. 191. DEFINITIONS.**

(a) INCORPORATION OF GENERAL DEFINITIONS.—The provisions of section 2971 of the Public Health Service Act shall apply for purposes of this title in the same manner as they apply for purposes of title XXVII of such Act.

(b) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Health and Human Services, in consultation with the Secretary of Labor and the Secretary of the Treasury and the term ''appropriate Secretary'' means the Secretary of Health and Human Services in relation to carrying out this title under sections 2706 and 2751 of the Public Health Service Act, the Secretary of Labor in relation to carrying out this title under section 713 of the Employee Retirement Income Security Act of 1974, and the Secretary of the Treasury in relation to carrying out this title

under chapter 100 and section 4980D of the Internal Revenue Code of 1986.

(c) ADDITIONAL DEFINITIONS.—For purposes of this title:

(1) APPLICABLE AUTHORITY.—The term ''applicable authority'' means—

(A) in the case of a group health plan, the Secretary of Health and Human Services and the Secretary of Labor; and

(B) in the case of a health insurance issuer with respect to a specific provision of this title, the applicable State authority (as defined in section 2791(d) of the Public Health Service Act), or the Secretary of Health and Human Services, if such Secretary is enforcing such provision under section 2722(a)(2) or 2761(a)(2) of the Public Health Service Act.

(2) CLINICAL PEER.—The term ''clinical peer'' means, with respect to a review or appeal, a physician (allopathic or osteopathic) or other health care professional who holds a non-restricted license in a State and who is appropriately credentialed in the same or similar specialty as typically manages the medical condition, procedure, or treatment under review or appeal and includes a pediatric specialist where appropriate; except that only a physician may be a clinical peer with respect to the review or appeal of treatment rendered by a physician.

(3) HEALTH CARE PROVIDER.—The term ''health care provider'' includes a physician or other health care professional, as well as an institutional provider of health care services.

(4) NONPARTICIPATING.—The term ''nonparticipating'' means, with respect to a health care provider that provides health care items and services to a participant, beneficiary, or enrollee under group health plan or health insurance coverage, a health care provider that is not a participating health care provider with respect to such items and services.

(5) PARTICIPATING.—The term ''participating'' mean, with respect to a health care provider that provides health care items and services to a participant, beneficiary, or enrollee under group health plan or health insurance coverage offered by a health insurance issuer, a health care provider that furnishes such items and services under a contract or other arrangement with the plan or issuer.

**SEC. 192. PREEMPTION; STATE FLEXIBILITY; CONSTRUCTION.**

(a) CONTINUED APPLICABILITY OF STATE LAW WITH RESPECT TO HEALTH INSURANCE ISSUERS.—

(1) IN GENERAL.—Subject to paragraph (2), this title shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect any standard or requirement solely relating to health insurance issuers in connection with group health insurance coverage except to the extent that such standard or requirement prevents the application of a requirement of this title.

(2) CONTINUED PREEMPTION WITH RESPECT TO GROUP HEALTH PLANS.—Nothing in this title shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 with respect to group health plans.

(b) RULES OF CONSTRUCTION.—Except as provided in sections 152 and 153, nothing in this title shall be construed as requiring a group health plan or health insurance coverage to provide specific benefits under the terms of such plan or coverage.

(c) DEFINITIONS.—For purposes of this section:

(1) STATE LAW.—The term ''State law'' includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State. A law of the United States applicable only to the District of Columbia shall be treated as a State law rather than a law of the United States.

(2) STATE.—The term ''State'' includes a State, the Northern Mariana Islands, any political subdivisions of a State or such Islands, or any agency or instrumentality of either.

**SEC. 193. REGULATIONS.**

The Secretaries of Health and Human Services, Labor, and the Treasury shall issue such regulations as may be necessary or appropriate to carry out this title. Such regulations shall be issued consistent with section 104 of Health Insurance Portability and Accountability Act of 1996. Such Secretaries may promulgate any interim final rules as the Secretaries determine are appropriate to carry out this title.

## TITLE II—APPLICATION OF PATIENT PROTECTION STANDARDS TO GROUP HEALTH PLANS AND HEALTH INSURANCE COVERAGE UNDER PUBLIC HEALTH SERVICE ACT

**SEC. 201. APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE.**

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

**''SEC. 2706. PATIENT PROTECTION STANDARDS.**

''(a) IN GENERAL.—Each group health plan shall comply with patient protection requirements under title I of the Patients' Bill of Rights Act of 1998, and each health insurance issuer shall comply with patient protection requirements under such title with respect to group health insurance coverage it offers, and such requirements shall be deemed to be incorporated into this subsection.

''(b) NOTICE.—A group health plan shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) and a health insurance issuer shall comply with such notice requirement as if such section applied to such issuer and such issuer were a group health plan.''.

(b) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of such Act (42 U.S.C. 300gg–21(b)(2)(A)) is amended by inserting ''(other than section 2706)'' after ''requirements of such subparts''.

**SEC. 202. APPLICATION TO INDIVIDUAL HEALTH INSURANCE COVERAGE.**

Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2751 the following new section:

**''SEC. 2752. PATIENT PROTECTION STANDARDS.**

''(a) IN GENERAL.—Each health insurance issuer shall comply with patient protection requirements under title I of the Patients' Bill of Rights Act of 1998 with respect to individual health insurance coverage it offers, and such requirements shall be deemed to be incorporated into this subsection.

''(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of such title as if such section applied to such issuer and such issuer were a group health plan.''.

## TITLE III—AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

**SEC. 301. APPLICATION OF PATIENT PROTECTION STANDARDS TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.**

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new section:

**''SEC. 713. PATIENT PROTECTION STANDARDS.**

''(a) IN GENERAL.—Subject to subsection (b), a group health plan (and a health insurance issuer offering group health insurance coverage in connection with such a plan) shall comply with the requirements of title I of the Patients' Bill of Rights Act of 1998 (as in effect as of the date of the enactment of such Act), and such requirements shall be deemed to be incorporated into this subsection.

''(b) PLAN SATISFACTION OF CERTAIN REQUIREMENTS.—

''(1) SATISFACTION OF CERTAIN REQUIREMENTS THROUGH INSURANCE.—For purposes of subsection (a), insofar as a group health plan provides benefits in the form of health insurance coverage through a health insurance issuer, the plan shall be treated as meeting the following requirements of title I of the Patients' Bill of Rights Act of 1998 with respect to such benefits and not be considered as failing to meet such requirements because of a failure of the issuer to meet such requirements so long as the plan sponsor or its representatives did not cause such failure by the issuer:

''(A) Section 101 (relating to access to emergency care).

''(B) Section 102(a)(1) (relating to offering option to purchase point-of-service coverage), but only insofar as the plan is meeting such requirement through an agreement with the issuer to offer the option to purchase point-of-service coverage under such section.

''(C) Section 103 (relating to choice of providers).

''(D) Section 104 (relating to access to specialty care).

''(E) Section 105(a)(1) (relating to continuity in case of termination of provider contract) and section 105(a)(2) (relating to continuity in case of termination of issuer contract), but only insofar as a replacement issuer assumes the obligation for continuity of care.

''(F) Section 106 (relating to coverage for individuals participating in approved clinical trials.)

''(G) Section 107 (relating to access to needed prescription drugs).

''(H) Section 108 (relating to adequacy of provider network).

''(I) Subtitle B (relating to quality assurance).

''(J) Section 143 (relating to additional rules regarding participation of health care professionals).

''(K) Section 152 (relating to standards relating to benefits for certain breast cancer treatment).

''(L) Section 153 (relating to standards relating to benefits for reconstructive breast surgery).

''(2) INFORMATION.—With respect to information required to be provided or made available under section 121, in the case of a group health plan that provides benefits in the form of health insurance coverage through a health insurance issuer, the Secretary shall determine the circumstances under which the plan is not required to provide or make available the information (and is not liable for the issuer's failure to provide or make available the information), if the issuer is obligated to provide and make available (or provides and makes available) such information.

''(3) GRIEVANCE AND INTERNAL APPEALS.—With respect to the grievance system and internal appeals process required to be established under sections 131 and 132, in the case of a group health plan that provides benefits

in the form of health insurance coverage through a health insurance issuer, the Secretary shall determine the circumstances under which the plan is not required to provide for such system and process (and is not liable for the issuer's failure to provide for such system and process), if the issuer is obligated to provide for (and provides for) such system and process.

''(4) EXTERNAL APPEALS.—Pursuant to rules of the Secretary, insofar as a group health plan enters into a contract with a qualified external appeal entity for the conduct of external appeal activities in accordance with section 133, the plan shall be treated as meeting the requirement of such section and is not liable for the entity's failure to meet any requirements under such section.

''(5) APPLICATION TO PROHIBITIONS.—Pursuant to rules of the Secretary, if a health insurance issuer offers health insurance coverage in connection with a group health plan and takes an action in violation of any of the following sections, the group health plan shall not be liable for such violation unless the plan caused such violation:

''(A) Section 109 (relating to nondiscrimination in delivery of services).

''(B) Section 141 (relating to prohibition of interference with certain medical communications).

''(C) Section 142 (relating to prohibition against transfer of indemnification or improper incentive arrangements).

''(D) Section 144 (relating to prohibition on retaliation).

''(E) Section 151 (relating to promoting good medical practice).

''(6) CONSTRUCTION.—Nothing in this subsection shall be construed to affect or modify the responsibilities of the fiduciaries of a group health plan under part 4 of subtitle B.

''(7) APPLICATION TO CERTAIN PROHIBITIONS AGAINST RETALIATION.—With respect to compliance with the requirements of section 144(b)(1) of the Patients' Bill of Rights Act of 1998, for purposes of this subtitle the term 'group health plan' is deemed to include a reference to an institutional health care provider.

''(c) ENFORCEMENT OF CERTAIN REQUIREMENTS.—

''(1) COMPLAINTS.—Any protected health care professional who believes that the professional has been retaliated or discriminated against in violation of section 144(b)(1) of the Patients' Bill of Rights Act of 1998 may file with the Secretary a complaint within 180 days of the date of the alleged retaliation or discrimination.

''(2) INVESTIGATION.—The Secretary shall investigate such complaints and shall determine if a violation of such section has occurred and, if so, shall issue an order to ensure that the protected health care professional does not suffer any loss of position, pay, or benefits in relation to the plan, issuer, or provider involved, as a result of the violation found by the Secretary.

''(d) CONFORMING REGULATIONS.—The Secretary may issue regulations to coordinate the requirements on group health plans under this section with the requirements imposed under the other provisions of this title.''.

(b) SATISFACTION OF ERISA CLAIMS PROCEDURE REQUIREMENT.—Section 503 of such Act (29 U.S.C. 1133) is amended by inserting ''(a)'' after ''SEC. 503.'' and by adding at the end the following new subsection:

''(b) In the case of a group health plan (as defined in section 733) compliance with the requirements of subtitle D (and section 115) of title I of the Patients' Bill of Rights Act of 1998 in the case of a claims denial shall be deemed compliance with subsection (a) with respect to such claims denial.''.

(c) CONFORMING AMENDMENTS.—(1) Section 732(a) of such Act (29 U.S.C. 1185(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 713''.

(2) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 712 the following new item:

''Sec. 713. Patient protection standards.''.

(3) Section 502(b)(3) of such Act (29 U.S.C. 1132(b)(3)) is amended by inserting ''(other than section 144(b))'' after ''part 7''.

**SEC. 302. ERISA PREEMPTION NOT TO APPLY TO CERTAIN ACTIONS INVOLVING HEALTH INSURANCE POLICYHOLDERS.**

(a) IN GENERAL.—Section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144) is amended by adding at the end the following subsection:

''(e) PREEMPTION NOT TO APPLY TO CERTAIN ACTIONS ARISING OUT OF PROVISION OF HEALTH BENEFITS.—

''(1) IN GENERAL.—Except as provided in this subsection, nothing in this title shall be construed to invalidate, impair, or supersede any cause of action brought by a plan participant or beneficiary (or the estate of a plan participant or beneficiary) under State law to recover damages resulting from personal injury or for wrongful death against any person—

''(A) in connection with the provision of insurance, administrative services, or medical services by such person to or for a group health plan (as defined in section 733), or

''(B) that arises out of the arrangement by such person for the provision of such insurance, administrative services, or medical services by other persons.

For purposes of this subsection, the term 'personal injury' means a physical injury and includes an injury arising out of the treatment (or failure to treat) a mental illness or disease.

''(2) EXCEPTION FOR EMPLOYERS AND OTHER PLAN SPONSORS.—

''(A) IN GENERAL.—Subject to subparagraph (B), paragraph (1) does not authorize—

''(i) any cause of action against an employer or other plan sponsor maintaining the group health plan (or against an employee of such an employer or sponsor acting within the scope of employment), or

''(ii) a right of recovery or indemnity by a person against an employer or other plan sponsor (or such an employee) for damages assessed against the person pursuant to a cause of action under paragraph (1).

''(B) SPECIAL RULE.—Subparagraph (A) shall not preclude any cause of action described in paragraph (1) against an employer or other plan sponsor (or against an employee of such an employer or sponsor acting within the scope of employment) if—

''(i) such action is based on the employer's or other plan sponsor's (or employee's) exercise of discretionary authority to make a decision on a claim for benefits covered under the plan or health insurance coverage in the case at issue; and

''(ii) the exercise by such employer or other plan sponsor (or employee) of such authority resulted in personal injury or wrongful death.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed as permitting a cause of action under State law for the failure to provide an item or service which is not covered under the group health plan involved.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to acts and omissions occurring on or after the date of the enactment of this Act from which a cause of action arises.

## TITLE IV—APPLICATION TO GROUP HEALTH PLANS UNDER THE INTERNAL REVENUE CODE OF 1986.

**SEC. 401. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.**

Subchapter B of chapter 100 of the Internal Revenue Code of 1986 (as amended by section 1531(a) of the Taxpayer Relief Act of 1997) is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

''Sec. 9813. Standard relating to patient freedom of choice.''; and

(2) by inserting after section 9812 the following:

**''SEC. 9813. STANDARD RELATING TO PATIENTS' BILL OF RIGHTS.**

''A group health plan shall comply with the requirements of title I of the Patients' Bill of Rights Act of 1998 (as in effect as of the date of the enactment of such Act), and such requirements shall be deemed to be incorporated into this section.''.

## TITLE V—EFFECTIVE DATES; COORDINATION IN IMPLEMENTATION

**SEC. 501. EFFECTIVE DATES.**

(a) GROUP HEALTH COVERAGE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by sections 201(a), 301, and 401 (and title I insofar as it relates to such sections) shall apply with respect to group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning on or after October 1, 1999 (in this section referred to as the ''general effective date'').

(2) TREATMENT OF COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by sections 201(a), 301, and 401 (and title I insofar as it relates to such sections) shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) the general effective date.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this Act shall not be treated as a termination of such collective bargaining agreement.

(b) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The amendments made by section 202 shall apply with respect to individual health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the general effective date.

**SEC. 502. COORDINATION IN IMPLEMENTATION.**

Section 104(1) of Health Insurance Portability and Accountability Act of 1996 is amended by striking ''this subtitle (and the amendments made by this subtitle and section 401)'' and inserting ''the provisions of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, the provisions of parts A and C of title XXVII of the Public Health Service Act, chapter 100 of the Internal Revenue Code of 1986, and title I of the Patients' Bill of Rights Act of 1998''.

## TITLE VI—REVENUE PROVISIONS

**SEC. 601. ESTATE TAX TECHNICAL CORRECTION.**

(a) IN GENERAL.—Paragraph (2) of section 2001(c) of the Internal Revenue Code of 1986 is amended by striking ''$10,000,000'' and all that follows and inserting ''$10,000,000. The amount of the increase under the preceding

sentence shall not exceed the sum of the applicable credit amount under section 2010(c) (determined without regard to section 2057(a)(3)) and $359,200.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 501 of the Taxpayer Relief Act of 1997.

**SEC. 602. TREATMENT OF CERTAIN DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.**

(a) IN GENERAL.—Section 332 of the Internal Revenue Code of 1986 (relating to complete liquidations of subsidiaries) is amended by adding at the end the following new subsection:

''(c) DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If a corporation receives a distribution from a regulated investment company or a real estate investment trust which is considered under subsection (b) as being in complete liquidation of such company or trust, then, notwithstanding any other provision of this chapter, such corporation shall recognize and treat as a dividend from such company or trust an amount equal to the deduction for dividends paid allowable to such company or trust by reason of such distribution.''.

(b) CONFORMING AMENDMENTS.—

(1) The material preceding paragraph (1) of section 332(b) of such Code is amended by striking ''subsection (a)'' and inserting ''this section''.

(2) Paragraph (1) of section 334(b) of such Code is amended by striking ''section 332(a)'' and inserting ''section 332''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after May 21, 1998.

H.R. 4250

OFFERED BY: MR. EVANS

AMENDMENT NO. 3: At the end of the bill add the following new title:

**TITLE VII—VETERANS' ACCESS TO EMERGENCY MEDICAL CARE**

**SEC. 7001. EMERGENCY HEALTH CARE IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR ENROLLED VETERANS.**

(a) CONTRACT CARE.—Section 1703(a)(3) of title 38, United States Code, is amended by inserting ''who is enrolled under section 1705 of this title or who is'' after ''health of a veteran''.

(b) DEFINITION OF MEDICAL SERVICES.—Section 1701(6) of such title is amended—

(1) by striking out ''and'' at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof ''; and''; and

(3) by inserting after subparagraph (B) the following new subparagraph:

''(C) emergency care, or reimbursement for such care, as described in sections 1703(a)(3) and 1728(a)(2)(E) of this title.''.

(c) REIMBURSEMENT OF EXPENSES FOR EMERGENCY CARE.—Section 1728(a)(2) of such title is amended—

(1) by striking out ''or'' before ''(D)''; and

(2) by inserting before the semicolon at the end the following: '', or (E) for any medical emergency which poses a serious threat to the life or health of a veteran enrolled under section 1705 of this title''.

**SEC. 7002. EFFECTIVE DATE.**

The amendments made by section 7001 shall apply with respect to care or services provided on or after the date of the enactment of this Act.

H.R. 4276

OFFERED BY: MR. BASS

AMENDMENT NO. 10: Page 25, line 24, after the dollar amount, insert the following: ''(increased by $19,500,000)''.

Page 26, line 2, after the dollar amount, insert the following: ''(increased by $4,500,000)''.

Page 51, line 9, after the dollar amount, insert the following: ''(decreased by $43,000,000)''.

Page 51, line 10, after the dollar amount, insert the following: ''(decreased by $43,000,000)''.

H.R. 4276

OFFERED BY: MR. HUTCHINSON

AMENDMENT NO. 11: Strike title VIII.

H.R. 4276

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 12: Page 11, line 14, insert ''(increased by $2,200,000)'' after ''$6,699,000''.

Page 26, line 17, insert ''(decreased by $2,200,000)'' after ''$2,371,400,000''.

Page 28, line 2, insert ''(decreased by $2,200,000)'' after ''$420,000,000''.

H.R. 4276

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 13: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used for the filing of a complaint, or any motion seeking declaratory or injunctive relief pursuant thereto, that challenges any State, local, or tribal law on the grounds that the law is inconsistent with an international commercial agreement, including any trade or investment agreement.

H.R. 4276

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 14: Page 12, line 9, insert ''(reduced by $2,260,000)'' after the 1st dollar figure.

Page 21, line 18 insert ''(reduced by $1,260,000)'' after the 1st dollar figure.

Page 94, line 16, insert ''(increased by $2,260,000)'' after the 1st dollar figure.

H.R. 4276

OFFERED BY: MR. ROYCE

AMENDMENT NO. 15: Page 51, line 9, insert ''(reduced by $180,200,000)'' after ''$180,200,000''.

Page 51, line 10, insert ''(reduced by $43,000,000)'' after ''$43,000,000''.

Page 51, line 12, insert ''(reduced by $500,000)'' after ''$500,000''.

H.R. 4276

OFFERED BY: MR. SANDERS

AMENDMENT NO. 16: Page 102, line 3 insert ''(increased by $4,000,000)'' after the dollar amount.

Page 100, line 13 insert ''(decreased by $4,000,000)'' after the dollar amount.

H.R. 4276

OFFERED BY: MR. SANDERS

AMENDMENT NO. 17: Page 102, line 3 insert ''(increased by $4,000,000)'' after the dollar amount.

Page 40, line 8 insert ''(decreased by $4,000,000)'' after the dollar amount.

H.R. 4276

OFFERED BY: MR. STEARNS

AMENDMENT NO. 18: Page 78, line 19, after ''$475,000,000,'' insert ''(decreased by $415,000,000)''.