

name, the grantee's identification number, and—

(1) a statement that the grantee did not engage in political advocacy; or,

(2) a statement that the grantee did engage in political advocacy, and setting forth for each grant—

(A) the grant identification number;

(B) the amount or value of the grant (including all administrative and overhead costs awarded);

(C) a brief description of the purpose or purposes for which the grant was awarded;

(D) the identity of each Federal, state and local government entity awarding or administering the grant, and program thereunder;

(E) the name and grantee identification number of each individual, entity, or organization to whom the grantee made a grant;

(F) a brief description of the grantee's political advocacy, and a good faith estimate of the grantee's expenditures on political advocacy;

(G) a good faith estimate of the grantee's prohibited political advocacy threshold.

(b) OMB COORDINATION.—The Office of Management and Budget shall develop by regulation one standardized form for the annual report that shall be accepted by every Federal entity, and a uniform procedure by which each grantee is assigned one permanent and unique grantee identification number.

FEDERAL ENTITY REPORT

SEC. 603. Not later than May 1 of each calendar year, each Federal entity awarding or administering a grant shall submit to the Bureau of the Census a report (standardized by the Office of Management and Budget) setting forth the information provided to such Federal entity by each grantee during the preceding Federal fiscal year, and the name and grantee identification number of each grantee to whom it provided written notice under section 1(a)(6). The Bureau of the Census shall make this database available to the public through the Internet.

PUBLIC ACCOUNTABILITY

SEC. 604. (a) Any Federal entity awarding a grant shall make publicly available any grant application, audit of a grantee, list of grantees to whom notice was provided under section 1(a)(6), annual report of a grantee, and that Federal entity's annual report to the Bureau of the Census.

(b) The public's access to the documents identified in section 4(a) shall be facilitated by placement of such documents in the Federal entity's public document reading room and also by expediting any requests under section 552 of title 5, United States Code, the Freedom of Information Act as amended, ahead of any requests for other information pending at such Federal entity.

(c) Records described in section (a) shall not be subject to withholding except under exemption (b)(7)(A) of section 552 of title 5, United States Code.

(d) No fees for searching for or copying such documents shall be charged to the public.

SEVERABILITY

SEC. 605. If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to other persons and circumstances shall not be affected thereby.

FIRST AMENDMENT RIGHTS PRESERVED

SEC. 606. Nothing in this title shall be deemed to abridge any rights guaranteed under the first amendment of the United States Constitution, including freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 32 offered by the gentleman from Arizona [Mr. KOLBE], amendment No. 10 offered by the gentleman from Iowa [Mr. GANSKE], amendment No. 18 offered by the gentleman from Massachusetts [Mr. BLUTE].

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

AMENDMENT NO. 32 OFFERED BY MR. KOLBE

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

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 215, not voting 13, as follows:

[Roll No. 619]

AYES—206

Abercrombie	Evans	Kennedy (MA)
Ackerman	Farr	Kennedy (RI)
Baessler	Fattah	Kennelly
Baldacci	Fawell	Klecza
Barrett (WI)	Fazio	Klug
Bass	Fields (LA)	Kolbe
Becerra	Flake	Lantos
Beilenson	Foglietta	Lazio
Bentsen	Foley	Leach
Berman	Ford	Levin
Bilbray	Fowler	Lewis (GA)
Bishop	Fox	Lincoln
Blute	Frank (MA)	LoBiondo
Boehlert	Franks (CT)	Lofgren
Bono	Franks (NJ)	Longley
Boucher	Frelinghuysen	Lowey
Brown (CA)	Frost	Luther
Brown (FL)	Furse	Maloney
Brown (OH)	Ganske	Markey
Bryant (TX)	Gejdenson	Martinez
Cardin	Gekas	Martini
Castle	Gephardt	Matsui
Chapman	Gibbons	McCarthy
Clay	Gilchrest	McDermott
Clayton	Gilman	McHale
Clement	Gonzalez	McInnis
Clyburn	Goodling	McKinney
Coleman	Gordon	McNulty
Collins (IL)	Goss	Meehan
Collins (MI)	Green	Meek
Condit	Greenwood	Menendez
Conyers	Gunderson	Metcalf
Coyne	Harman	Meyers
Cramer	Hastings (FL)	Mfume
DeFazio	Hefner	Miller (CA)
DeLauro	Hilliard	Mineta
Dellums	Hinchey	Minge
Deutsch	Horn	Mink
Dicks	Houghton	Molinari
Dingell	Hoyer	Moran
Dixon	Jackson-Lee	Morella
Doggett	Jacobs	Nadler
Dooley	Jefferson	Neal
Dunn	Johnson (CT)	Obey
Durbin	Johnson (SD)	Olver
Edwards	Johnson, E. B.	Owens
Ehrlich	Johnston	Pallone
Engel	Kaptur	Pastor
Eshoo	Kelly	Payne (NJ)

Payne (VA)	Schumer	Traficant
Pelosi	Scott	Tucker
Peterson (FL)	Serrano	Upton
Pickett	Shaw	Velazquez
Pomeroy	Shays	Vento
Porter	Sisisky	Visclosky
Pryce	Skaggs	Ward
Ramstad	Slaughter	Waters
Rangel	Smith (MI)	Watt (NC)
Reed	Spratt	Waxman
Richardson	Stark	White
Rivers	Stokes	Wilson
Rose	Studds	Wise
Roukema	Tanner	Woolsey
Roybal-Allard	Thomas	Wyden
Rush	Thompson	Wynn
Sabo	Thornton	Yates
Sanders	Torkildsen	Zeliff
Sawyer	Torres	Zimmer
Schroeder	Torricelli	

NOES—215

Allard	Funderburk	Nussle
Archer	Galleghy	Oberstar
Armey	Gillmor	Ortiz
Bachus	Goodlatte	Orton
Baker (CA)	Graham	Oxley
Baker (LA)	Gutknecht	Packard
Ballenger	Hall (OH)	Parker
Barcia	Hall (TX)	Paxon
Barr	Hamilton	Peterson (MN)
Barrett (NE)	Hancock	Petri
Bartlett	Hansen	Pombo
Barton	Hastert	Portman
Bereuter	Hastings (WA)	Poshard
Bevill	Hayes	Quillen
Bilirakis	Hayworth	Quinn
Bliley	Hefley	Radanovich
Boehner	Heineman	Rahall
Bonilla	Hergert	Regula
Bonior	Hilleary	Riggs
Borski	Hobson	Roberts
Brewster	Hoekstra	Roemer
Browder	Hoke	Rogers
Brownback	Holden	Rohrabacher
Bryant (TN)	Hostettler	Ros-Lehtinen
Bunn	Hunter	Roth
Bunning	Hutchinson	Royce
Burr	Hyde	Salmon
Burton	Inglis	Sanford
Callahan	Istook	Saxton
Calvert	Johnson, Sam	Scarborough
Camp	Jones	Schaefer
Canady	Kanjorski	Schiff
Chabot	Kasich	Seastrand
Chambliss	Kim	Sensenbrenner
Chenoweth	King	Shadegg
Christensen	Kingston	Shuster
Chrysler	Klink	Skeen
Clinger	Knollenberg	Skelton
Coble	LaFalce	Smith (NJ)
Coburn	LaHood	Smith (TX)
Collins (GA)	Largent	Smith (WA)
Combest	Latham	Solomon
Cooley	LaTourette	Souder
Costello	Laughlin	Spence
Cox	Lewis (CA)	Stearns
Crane	Lewis (KY)	Stenholm
Crapo	Lightfoot	Stockman
Creameans	Linder	Stump
Cubin	Lipinski	Stupak
Cunningham	Danner	Talent
Danner	Lucas	Tate
Davis	Manton	Tauzin
de la Garza	Manzullo	Taylor (MS)
Deal	Mascara	Taylor (NC)
DeLay	McCollum	Tejeda
Diaz-Balart	McCrary	Thornberry
Dickey	McDade	Tiahrt
Doolittle	McHugh	Volkmer
Dornan	McIntosh	Vucanovich
Doyle	Mica	Waldholtz
Dreier	Miller (FL)	Walker
Duncan	Mollohan	Walsh
Ehlers	Montgomery	Wamp
Emerson	Moorhead	Watts (OK)
English	Murtha	Weldon (FL)
Ensign	Myers	Weldon (PA)
Everett	Myrick	Weller
Ewing	Nethercutt	Whitfield
Fields (TX)	Neumann	Wicker
Flanagan	Ney	Wolf
Forbes	Norwood	Young (FL)
Friza		

NOT VOTING—13

Andrews	Filner	McKeon
Bateman	Geren	
Buyer	Gutierrez	

Moakley  
Reynolds

Thurman  
Towns

Williams  
Young (AK)

Peterson (FL)  
Pickett  
Pomeroy  
Porter  
Portman  
Pryce  
Ramstad  
Rangel  
Reed  
Richardson  
Riggs  
Rivers  
Rose  
Roukema  
Roybal-Allard  
Rush  
Sabo

Sanders  
Sawyer  
Schroeder  
Schumer  
Scott  
Shays  
Sisisky  
Skaggs  
Slaughter  
Stark  
Stokes  
Studds  
Thomas  
Thompson  
Torkildsen  
Torres  
Torrice

Traficant  
Velazquez  
Vento  
Visclosky  
Ward  
Waters  
Watt (NC)  
Waxman  
White  
Wilson  
Wise  
Woolsey  
Wyden  
Wynn  
Yates  
Zeliff  
Zimmer

NOT VOTING—10

Andrews  
Bateman  
Filner  
Moakley

Reynolds  
Serrano  
Thurman  
Towns

Williams  
Young (AK)

□ 1936

Mr. TUCKER and Mr. EDWARDS chanced 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

The CHAIRMAN. Pursuant to the order of the House of today, the Chair announces 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 NO. 10 OFFERED BY MR. GANSKE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

Amendment No. 10 offered by Mr. GANSKE.

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 189, noes 235, not voting 10, as follows:

[Roll No. 620]

AYES—189

Abercrombie	Engel	Kelly
Ackerman	Eshoo	Kennedy (MA)
Baessler	Evans	Kennedy (RI)
Baldacci	Farr	Kennelly
Becerra	Fattah	Kiecicka
Beilenson	Fawell	Klug
Bentsen	Fazio	Kolbe
Berman	Fields (LA)	Lantos
Bilbray	Flake	Lazio
Bishop	Foglietta	Leach
Boehrlert	Ford	Levin
Bono	Fowler	Lewis (GA)
Boucher	Frank (MA)	Lincoln
Brown (CA)	Franks (CT)	Lofgren
Brown (FL)	Franks (NJ)	Lowe
Brown (OH)	Frelinghuysen	Luther
Bryant (TX)	Frost	Maloney
Cardin	Furse	Markey
Castle	Ganske	Martinez
Chapman	Gejdenson	Martini
Clay	Gephardt	Matsui
Clayton	Gibbons	McCarthy
Clement	Gilchrest	McDermott
Clyburn	Gilman	McKinney
Coleman	Gonzalez	Meehan
Collins (IL)	Goodling	Meek
Collins (MI)	Green	Menendez
Condit	Greenwood	Meyers
Conyers	Gunderson	Mfume
Coyne	Gutierrez	Miller (CA)
Cramer	Harman	Mineta
Danner	Hastings (FL)	Minge
Davis	Hefner	Mink
DeFazio	Hilliard	Molinari
DeLauro	Hinche	Moran
Dellums	Hoke	Morella
Deutsch	Horn	Nadler
Dicks	Houghton	Nethercutt
Dingell	Hoyer	Obey
Dixon	Jackson-Lee	Olver
Doggett	Jefferson	Owens
Dooley	Johnson (CT)	Pallone
Dunn	Johnson (SD)	Pastor
Durbin	Johnson, E. B.	Payne (NJ)
Edwards	Johnston	Payne (VA)
Ehrlich	Kaptur	Pelosi

Allard	Geren	Norwood
Archer	Gillmor	Nussle
Armey	Goodlatte	Oberstar
Bachus	Gordon	Ortiz
Baker (CA)	Goss	Orton
Baker (LA)	Graham	Oxley
Ballenger	Gutknecht	Packard
Barcia	Hall (OH)	Parker
Barr	Hall (TX)	Paxon
Barrett (NE)	Hamilton	Peterson (MN)
Barrett (WI)	Hancock	Petri
Bartlett	Hansen	Pombo
Barton	Hastert	Poshard
Bass	Hastings (WA)	Quillen
Bereuter	Hayes	Quinn
Bevill	Hayworth	Radanovich
Bilirakis	Hefley	Rahall
Billey	Heineman	Regula
Blute	Herger	Roberts
Boehner	Hilleary	Roemer
Bonilla	Hobson	Rogers
Bonior	Hoekstra	Rohrabacher
Borski	Holden	Ros-Lehtinen
Brewster	Hostettler	Roth
Browder	Hunter	Royce
Brownback	Hutchinson	Salmon
Bryant (TN)	Hyde	Sanford
Bunn	Inglis	Saxton
Bunning	Istook	Scarborough
Burr	Jacobs	Schaefer
Burton	Johnson, Sam	Schiff
Buyer	Jones	Sensestrand
Callahan	Kanjorski	Seusenbrenner
Calvert	Kasich	Shadegg
Camp	Kildee	Shaw
Canady	Kim	Shuster
Chabot	King	Skeen
Chambless	Kingston	Skelton
Chenoweth	Klink	Smith (MI)
Christensen	Knollenberg	Smith (NJ)
Chryslers	LaFalce	Smith (TX)
Clinger	LaHood	Smith (WA)
Coble	Largent	Solomon
Coburn	Latham	Souder
Collins (GA)	LaTourette	Spence
Combest	Laughlin	Spratt
Cooley	Lewis (CA)	Stearns
Costello	Lewis (KY)	Stenholm
Cox	Lightfoot	Stockman
Crane	Linder	Stump
Crapo	Lipinski	Stupak
Creameans	Livingston	Talent
Cubin	LoBiondo	Tanner
Cunningham	Longley	Tate
de la Garza	Lucas	Tauzin
Deal	Manton	Taylor (MS)
DeLay	Manzullo	Taylor (NC)
Diaz-Balart	Mascara	Tejeda
Dickey	McCormack	Thornberry
Doolittle	McCrery	Thornton
Dornan	McDade	Tiahrt
Doyle	McHale	Tucker
Dreier	McHugh	Upton
Duncan	McInnis	Volkmer
Ehlers	McIntosh	Vucanovich
Emerson	McKeon	Waldholtz
English	McNulty	Walker
English	Metcalf	Walsh
Ensign	Mica	Boehner
Everett	Miller (FL)	Bonilla
Ewing	Nadler	Wamp
Fields (TX)	Mollohan	Watts (OK)
Flanagan	Montgomery	Weldon (FL)
Foley	Moorhead	Weldon (PA)
Forbes	Murtha	Weller
Fox	Myers	Whitfield
Frisa	Myrick	Wicker
Funderburk	Neal	Wolf
Gallegly	Neumann	Young (FL)
Gekas	Ney	

NOES—235

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

So, the amendment was rejected. The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. BLUTE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 53, noes 367, answered "present" 3, not voting 11, as follows:

[Roll No. 621]

AYES—53

Allard	Frank (MA)	Molinari
Baessler	Frisa	Neal
Baldacci	Houghton	Ney
Blute	Johnson (CT)	Olver
Boehrlert	Kelly	Petri
Bono	Kennedy (MA)	Quinn
Camp	Kennelly	Ramstad
Castle	Kildee	Reed
Chryslers	King	Schaefer
Clinger	Klug	Shuster
Danner	LaFalce	Skelton
Ehlers	Lazio	Slaughter
Emerson	LoBiondo	Solomon
English	Martini	Torkildsen
Flanagan	McDade	Volkmer
Foglietta	McHugh	Walsh
Forbes	McNulty	Whitfield
Fox	Meehan	

NOES—367

Abercrombie	Brownback	Crane
Ackerman	Bryant (TN)	Crapo
Archer	Bryant (TX)	Creameans
Armey	Bunn	Cubin
Bachus	Bunning	Cunningham
Baker (CA)	Burr	Davis
Baker (LA)	Burton	de la Garza
Ballenger	Buyer	Deal
Barcia	Callahan	DeLauro
Barr	Calvert	DeLay
Barrett (NE)	Canady	Dellums
Barrett (WI)	Cardin	Deutsch
Bartlett	Chabot	Diaz-Balart
Barton	Chambless	Dickey
Bass	Chapman	Dicks
Becerra	Chenoweth	Dingell
Beilenson	Christensen	Dixon
Bentsen	Clay	Doggett
Bereuter	Clayton	Dooley
Berman	Clement	Doolittle
Bevill	Clyburn	Dornan
Bilbray	Coble	Doyle
Bilirakis	Coburn	Dreier
Bishop	Coleman	Duncan
Bliley	Collins (GA)	Dunn
Boehner	Collins (IL)	Durbin
Bonilla	Collins (MI)	Edwards
Bonior	Combest	Ehrlich
Borski	Condit	Engel
Boucher	Conyers	Ensign
Brewster	Cooley	Eshoo
Browder	Costello	Evans
Brown (CA)	Cox	Everett
Brown (FL)	Coyne	Ewing
Brown (OH)	Cramer	Farr

Fattah	Laughlin	Rogers
Fawell	Leach	Rohrabacher
Fazio	Levin	Ros-Lehtinen
Fields (LA)	Lewis (CA)	Rose
Fields (TX)	Lewis (GA)	Roth
Flake	Lewis (KY)	Roukema
Foley	Lightfoot	Roybal-Allard
Ford	Lincoln	Royce
Fowler	Linder	Rush
Franks (CT)	Lipinski	Sabo
Franks (NJ)	Livingston	Salmon
Frelinghuysen	Lofgren	Sanford
Frost	Longley	Sawyer
Funderburk	Lowey	Saxton
Furse	Lucas	Scarborough
Galleghy	Luther	Schiff
Ganske	Maloney	Schroeder
Gedensson	Manton	Schumer
Gekas	Manzullo	Scott
Gephardt	Markey	Seastrand
Geren	Martinez	Sensenbrenner
Gibbons	Mascara	Serrano
Gilchrest	Matsui	Shadegg
Gillmor	McCarthy	Shaw
Gilman	McCollum	Shays
Gonzalez	McCrery	Sisisky
Goodlatte	McDermott	Skaggs
Goodling	McHale	Skeen
Gordon	McInnis	Smith (MI)
Goss	McIntosh	Smith (NJ)
Graham	McKeon	Smith (TX)
Green	McKinney	Smith (WA)
Greenwood	Meek	Souder
Gunderson	Menendez	Spence
Gutierrez	Metcalf	Spratt
Gutknecht	Meyers	Stark
Hall (OH)	Mfume	Stearns
Hall (TX)	Mica	Stenholm
Hamilton	Miller (CA)	Stockman
Hancock	Miller (FL)	Stokes
Hansen	Mineta	Studds
Harman	Minge	Stump
Hastert	Mink	Stupak
Hastings (FL)	Mollohan	Talent
Hastings (WA)	Montgomery	Tanner
Hayes	Moorhead	Tate
Hayworth	Moran	Tauzin
Hefley	Morella	Taylor (MS)
Hefner	Murtha	Taylor (NC)
Heineman	Myers	Tejeda
Herger	Myrick	Thomas
Hilleary	Nadler	Thompson
Hilliard	Nethercatt	Thornberry
Hinchey	Neumann	Thornton
Hobson	Norwood	Tiahrt
Hoekstra	Nussle	Torres
Hoke	Oberstar	Torricelli
Holden	Obey	Trafficant
Horn	Ortiz	Tucker
Hostettler	Orton	Upton
Hoyer	Owens	Velazquez
Hunter	Oxley	Vento
Hutchinson	Packard	Visclosky
Hyde	Pallone	Vucanovich
Inglis	Parker	Waldholtz
Istook	Pastor	Walker
Jackson-Lee	Paxon	Wamp
Jefferson	Payne (NJ)	Ward
Johnson (SD)	Pelosi	Waters
Johnson, E. B.	Peterson (FL)	Watt (NC)
Johnson, Sam	Peterson (MN)	Watts (OK)
Johnston	Pickett	Waxman
Jones	Pombo	Weldon (FL)
Kanjorski	Pomeroy	Weldon (PA)
Kaptur	Porter	Weller
Kasich	Portman	White
Kennedy (RI)	Poshard	Wicker
Kim	Pryce	Wise
Kingston	Quillen	Wolf
Klecza	Radanovich	Woolsey
Klink	Rahall	Wyden
Knollenberg	Rangel	Wynn
Kolbe	Regula	Yates
LaHood	Richardson	Young (FL)
Lantos	Riggs	Zeliff
Largent	Rivers	Zimmer
Latham	Roberts	
LaTourette	Roemer	

□ 1951

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Chairman, I regret, due to the fact that I was told at midnight on August 2 to expect no more recorded votes, that I left the floor of the House and did not vote on rollcall vote No. 617, on a motion to adjourn. Had I voted I would have voted "nay."

PERSONAL EXPLANATION

Mr. FOX of Pennsylvania. Mr. Chairman, I want to correct my vote on rollcall vote No. 614 from "yea" to "nay." Let the RECORD reflect this clarification as my original intention.

The CHAIRMAN. Are there amendments to title VI?

AMENDMENT NO. 64 OFFERED BY MR. SKAGGS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 64 offered by Mr. SKAGGS: Page 76, strike line 1 and all that follows through page 88, line 7.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, the gentleman from Colorado [Mr. SKAGGS] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

The gentleman from Oklahoma will be taking the time in opposition; is that correct?

Mr. ISTOOK. Yes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado [Mr. SKAGGS].

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

Mr. Chairman, it is important as we start consideration of this amendment, to strike what is referred to as the Istook amendment out of this bill, that we understand what the amendment is and what it is not, that we attempt to separate myth from fact.

Let me make a generalization to begin with, which I intend to support with some specifics. The generalization is this: This proposal, now 13 pages buried in this appropriations bill, is an incredibly intrusive scheme designed to do one thing, and that is to control certain kinds of political activity in this country, activity that is clearly protected by the Constitution of the United States and the first amendment. It is designed to keep many Americans and their organizations from participating fully in the political life of this great and free land.

That may seem incredible to Members. How could we be running so directly into the teeth of the first amendment? So let me try to give some particulars.

The first question to be answered is who is covered under this legislative proposal. We need to look at the par-

ticulars. The devil is truly in the details here. A grant here is not just Federal money, it is a provision of anything of value. Any grantee who receives a grant is covered. And although there has been a lot of propaganda put out about this, individual persons, notwithstanding the amendment of the gentleman from Illinois [Mr. PORTER] at the beginning of the debate on this bill, will still be subject to five out of the eight very major restrictions that this legislation involves. All business and organizations, not just nonprofits, will be subject to these very restrictive provisions.

Those are the definitions. How do the definitions apply to reality? Here are some—I stress "some"—of the individuals, businesses and organizations that are going to become subject to this political reporting and control regime:

People getting science research grants at your local college or university; pregnant women in your district getting Women, Infant and Children vouchers and early childhood care; after you may have a disaster, anybody getting FEMA disaster relief; meals on wheels; BUREC water; even day care subsidies.

What happens to these people? Controls on their privately funded political activity. They must handle their affairs according to generally accepted accounting principles; they are subject to Federal audits by the GAO and IG; subject to lawsuits by zealous citizens that want to take on the task of being a private attorney general; they must certify their political activity to the United States Government; and all of that gets collected in a Big Brother-like centralized computer in Washington, DC, that will keep track of the political communications and contributions in this country.

It is a stunningly chilling proposal that should scare the heck out of every single one of us.

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

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

Mr. Chairman, the language which the gentleman from Colorado wishes to take out of this bill was placed there by an open and public vote after much debate by the Committee on Appropriations.

□ 2000

It also relates to hearings that have been held on three occasions in recent weeks by committees of this body.

Mr. Chairman, the reason is in the United States, taxpayers' money from the Federal Government, approximately \$40 billion, with a B, each year goes to tens of thousands of organizations; not for a contract, not for services rendered or an exchange of goods for cash, but as grants, as gifts from the Federal Government to promote certain purposes.

Mr. Chairman, the difficulty is these groups are heavily engaged in lobbying activity and political advocacy in trying to advance a political agenda. The

ANSWERED "PRESENT"—3

DeFazio	Jacobs	Sanders
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NOT VOTING—11

Andrews	Payne (VA)	Williams
Bateman	Reynolds	Wilson
Filner	Thurman	Young (AK)
Moakley	Towns	

language which the gentleman seeks to take out says basically two things: Those who receive these gifts of taxpayers' dollars, first, cannot use any of the taxpayers' money for lobbying; and, second, if they want these handouts from the Federal Government, then they should not use any more than 5 percent of their other money for any type of lobbying activity.

That 5 percent parallels restrictions already placed on nonprofit organizations through the IRS code. They are not prohibited from activity. Their free speech rights are reserved, but no longer will taxpayers' money be used for welfare for lobbyists, Mr. Chairman.

Public money should not be used to try to promote bigger Government, bigger taxes, greater expenditures, and more feeding at the Federal trough. That is what the language seeks to do, which we desire to preserve by defeating the Skaggs amendment.

Mr. Chairman, organizations that are on the public dole should not claim it as free speech. It is taxpayer subsidized speech.

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

Mr. SKAGGS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of the Skaggs amendment. The Istook language to restrict nonprofit organizations and companies from using their own private funds for political advocacy is the most far reaching, radical approach to silencing the opposition that I have ever witnessed as a Member of this institution. This language is simply not necessary; current law already prohibits the use of any Federal funds for lobbying. If there is concerns about enforcement, then lets deal with that.

I have several concerns regarding the Istook provisions. Perhaps the most pertinent would be the fact that this new mandate is being pushed through the House with little or no discussion. An appropriations bill is clearly not the vehicle for authorizing this type of assault on the Bill of Rights. I find it interesting that the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs of the Government Reform and Oversight has held two hearings on this language after it was adopted in the Appropriations Committee. Hearings are held to allow the public to comment and present testimony on pending legislative action. What has been done in this situation is that the Republicans have reached a conclusion and are now misusing the hearing process to build their case. It would be like a jury deciding the innocence or guilt of the defendant prior to the trial and then conducting the trial, picking witnesses based on their predetermined verdict.

I urge the adoption of the Skaggs amendment. In any case, I am sure the courts would find this all unconstitutional if it should pass, but we should

not allow this assault on the first amendment rights of groups like the March of Dimes, Mothers Against Drunk Driving, and veterans organizations. These groups should not have a grand new bureaucracy imposed upon them.

Mr. ISTOOK. Mr. Chairman, we will later have the Chairman of the Committee on the Judiciary to address the constitutional issue.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Chairman, this is a glorious day. We are revealing Washington's best-kept secret: welfare for lobbyists.

This is an amendment that exposes what has been going on in this town for many, many years, where organizations from the left like Act-Up all the way to the U.S. Chamber of Commerce have taken Federal funds and have lobbied for more Federal funds.

It is a cycle, a continuous cycle that we have to break, and we hope to break it tonight. As the gentleman says, there is \$40 billion in Federal grants each year that goes into lobbying and we are not limiting anyone. They can spend up to a million dollars. Is a million dollars not enough to lobby in this town? We are not closing anybody down, but what we are doing is we are breaking that chain that has controlled this town for so long.

This bill attacks the problem directly and indirectly. Money is fungible. If we give them Federal grants in one pocket they can take other moneys to lobby with. Stop welfare for lobbyists. Vote "no" on the Skaggs amendment.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, when I came to the House as a freshman many, many years ago, Speaker Sam Rayburn spoke to the freshman class and said that the floor of the House is great theater. He said, "Don't take the floor unless you know what you are talking about."

We have tried to obtain answers from the gentleman from Oklahoma [Mr. ISTOOK]. We have tried to obtain answers on definitions. Nothing has greeted us except distortion and misrepresentation. He speaks as though this were a bill directed against lobbyists.

Take a look at what the definitions are. The definitions themselves show that it is not only the average lobbyist. This is what it says is covered: carrying on propaganda or otherwise attempting to influence legislation or agency action.

Anybody who writes his Congressman, any constituent of yours who writes his Congressman about one of the issues and who happens to have a Federal grant is subject to that definition.

Mr. ISTOOK. Mr. Chairman, there is an exemption for individuals.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. Mr. Chairman, I rise in opposition to the Skaggs amendment which is really an effort to remove the language that ends Government subsidies for advocacy groups.

In 1990, more than 40,000 organizations from all across the political spectrum received a total of \$39 billion—yes, billion—in Government grants. Many of these groups turn around and aggressively lobby Congress on behalf of their own special interests. It is a vicious circle, and the taxpayer loses.

Mr. Chairman, we are talking about giving taxpayer dollars to advocacy groups so that they can use those taxpayer dollars to hire people to lobby for more taxpayer dollars.

A couple of months ago, my parents received a direct mail scare piece from one of these Federal grant recipient groups alleging—falsely—that I, as a Member of Congress, was going to wipe out my parents' retirement plans by blindly cutting their Medicare benefits.

My father, age 84, called my congressional office here in Washington, DC, wanting to know if it were true the Republicans wanted to ruin his retirement by slashing his Medicare coverage.

Mr. Chairman, this is a flat-out lie. There are no plans to cut Medicare, only hopes to save it. Yet this particular organization that sent my parents the mailing receives \$86 million of taxpayer funds each year to help pay for its scare-tactic lobbying. This is outrageous, and a huge conflict of interest and should be ended.

Mr. Chairman, the taxpayers are buried in debt. We do not need to add insult to injury by taking their money to give it to groups which often exist largely to lobby for more money from the taxpayer.

This is not a question of whether or not we support the various groups that receive these taxpayer dollars, it is a question of whether special interests should be allowed to use those taxpayer dollars to advance their agendas.

Side with the taxpayers, support this provision, and reject this amendment.

Mr. SKAGGS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Illinois [Mrs. COLLINS], the distinguished ranking member of the Committee on Government Reform and Oversight.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the amendment of the gentleman from Colorado.

The gentleman's amendment would strike title VI of the bill about which I have great concerns.

Over 400 different groups have opposed the restrictions on political advocacy contained in title VI of the bill. These groups include the Red Cross, the American Cancer Society, the Boy Scouts, the Girl Scouts, the YMCA, the YWCA, and many others.

Title VI contains severe, new restrictions on the amount a small charitable organization can spend on political advocacy. Title VI also limits for the first time the amount that certain public interest groups can spend on political advocacy. It also imposes burdensome new reporting and accounting requirements on all Federal grantees.

Mr. Chairman, I thought the new Republican majority was all about lifting government regulation from the American people; but, the restrictions on political advocacy in this bill do just the opposite. Title VI of this bill tells everyone from the YMCA to the Association of Retarded Citizens how much of their own money they can spend on political advocacy.

These restrictions are so broad that universities and colleges would have to report and account annually for the political activities of its trustees, its faculty, and its students. The Red Cross would have to require all of its volunteers to fill out political advocacy statements and to account for their political activities. In addition, all those receiving Federal grants would have the burden of proving that they have not spent more than 5 percent of their own money on political advocacy in any one of the last 5 years.

Clearly, these provisions impose new regulatory burdens; they do not lift existing ones. I can only conclude, therefore, that the proponents of this provision are not interested in lifting government regulation for everyone.

If we look at the way title VI works, we get an idea of who the proponents want to regulate, and who they do not. For example, big companies and big charities that receive Federal grants will not be affected by the spending limitations in title VI. Their overall budgets are so large that they would never spend as much on advocacy as the bill permits.

Furthermore, these new restrictions discriminate against smaller, non-profit groups which would be allowed to spend only a quarter as much of their own funds on political advocacy as larger non-profits. In addition, these limitations would only apply to Federal grantees, while defense and other government contractors would be able to engage freely and without limitation in the same political activities.

Question: Why should the YMCA be subject to severe, new limitations in asking Congress to allow it to continue providing after-school services, but General Dynamics be completely free to lobby all it wants for a new purchase of fighter planes? Does this sound fair?

The proponents like to say these new restrictions are needed because money is fungible. They say that even if grant funds cannot be used for lobbying, it frees up other money that can.

If the argument is that money is fungible, then the restrictions the proponents want to put on grantees should also be put on defense and other contractors. Federal dollars that go to firms in the form of contracts are every bit as fungible as Federal dollars that go to charities and other entities in the form of grants.

Proponents also like to say they simply do not believe that the taxpayer should have to subsidize the political activities of those who received Federal grants. Who does?

Lobbying with Federal grant money has been prohibited since 1919.

The only new policy in this proposal, is the restriction on political advocacy that an organization pays for with its own, privately generated money.

Title VI provides a very sweeping definition of political advocacy. It includes everything from contacts with a local water and sewer agency, to contacts with federal agencies, the Congress, as well as litigation before the courts.

Political advocacy is also defined to include, and I quote, carrying on propaganda. Who is supposed to decide what propaganda is—the bill gives us no clue at all.

It is clear, Mr. Chairman, that if this provision is enacted, every Federal agency will potentially be able to decide for itself what propaganda is. These agencies compile reports on the political activities of its grant recipients, and the result will be nothing less than a national data base on political advocacy.

I think that is a result that can serve no useful purpose. It could, however, restrain and inhibit freedom of political debate like nothing we have seen since the 1950's.

In fact, David Cole, a constitutional law professor at Georgetown University Law Center, said:

The Istook bill is constitutionally flawed in numerous respects, most fundamentally because it restricts the rights of all federal grantees to use their own money to engage in core First Amendment protected activities, including public debate on issues of public concern, communication with elected representatives, and litigation against the government.

Mr. Chairman, I urge my colleagues, as strongly as I possibly can, to vote for the gentleman's amendment, so that title VI may be stricken from the bill.

Mr. ISTOOK. Mr. Chairman, of course, only groups which ask for and get Federal handouts are covered.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

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

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

Mr. Chairman, if there is anything unjust, almost by definition, it is being coerced out of funds and having them spent on causes one violently disagrees with. That is really at the heart and soul of having funds that one must pay to get into a school or to be a student in good standing, and have those funds subsidizing causes that may violate their conscience or their sense of prudence or proportion. It is just the definition of injustice.

If a cause is worthy of its name, it will be supported. If you build it, they will come. But to coerce money for lobbying on things that you abhor is just wrong. I do not want public funding of elections, my money, to go to pay for Lyndon LaRouche's campaign, and I daresay the Members do not either.

If a charity deserves contributions they will get them, but do not have them coerced out of people who resist.

Mr. SKAGGS. Mr. Chairman, I yield 1½ minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I find almost amusing the suggestion that this is somehow an antilobbying bill. As I walk down the halls coming over to the floor of the House, just like everyone else, I pass lobbyists, lots of lobbyists, but they are not lobbyists representing the homeless associations and nonprofit groups across the country. They are not lobbyists representing the nonprofit battered spouse shelters.

They are lobbyists from the defense contractors. They are lobbyists from the highway contractors. They are lobbyists from the space station contractors. We have written them out of this exclusion. We do not deal with them at all. That is where the lobbying is coming from.

I asked myself why in the world would we draw a distinction like that. Is there something about a space station lobbyist whose company makes their entire revenues from space station contracting that makes their advice on Federal legislation more valuable than coming from an advocate for a battered spouse who happens to donate her time helping victims of domestic violence? Why in the world would we draw a distinction like that? Shelters do not have a lot of PAC money. They do not support political action committees, but in fact the contractors do, the space station contractors do, the defense contractors do, the highway contractors do. That is why this mean-spirited amendment has been drawn to choke out the voices of those who cannot be heard and leaving unchecked the raw lobbying clout of some of the most mighty contractors in this country.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

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

Mr. HAYWORTH. Mr. Chairman, I rise in strong opposition to the Skaggs amendment to strip the provision in this bill which once and for all puts an end to federally funded welfare for lobbyists.

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Now, it is an indication of just how difficult it is to bring this Federal deficit spending under control when we have to fight off an attempt from the same old crowd, the guardians of the old order who think it is absolutely essential to take our Federal tax dollars and pay people to come in here and lobby us. Aside from the outrageous use of taxpayers' dollars to keep lobbyists on the Federal trough, it is also used by Federal agencies as an escape hatch for the Hatch Act.

Let me give you an example. The National Fish and Wildlife Foundation, a

private, nonprofit foundation and organization, received \$7.5 million in Government grants and then was asked by the Secretary of the Interior to lobby Congress on behalf of the National Biological Service. This is nonsensical. Shame to those who would continue this type of practice. It has to stop.

We can made the sea change now. "No" on Skaggs and "yes" on the end of welfare for lobbyists.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. TATE].

Mr. TATE. Mr. Chairman, I was talking to one of my constituents the other day, and he said, "Randy, do I got this right? I work hard, I sent my tax dollars to Washington, DC, then they give it to groups to lobby against things I do not believe in."

Let me give you an example. The American Bar Association received, what, \$10 million last year, then staged a rally against the flag amendment.

They lobby for all kinds of things we do not believe in.

I have heard arguments across the aisle about free speech. How can it be free if the taxpayers have to pay for it. I have heard about that this somehow is Big Brother. Nothing could be more Big Brother than going into my wallet, taking my money, and then spending it for causes I do not believe in.

How can you look in the eyes of my taxpayers who already are paying enough and ask them to take a little bit more so we can send it back to Washington, DC, so they can lobby for causes I do not believe in? It is time that those lobbyists get out of laying sideways in the public trough and get back out into the trenches. It is time to end welfare for the lobbyists.

I urge your opposition.

Mr. SKAGGS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I rise in strong support of the Skaggs amendment to title VI.

This title is particularly hypocritical since some of the same Members who support this language are the ones who killed lobbying reform legislation last year. Why did they kill lobbying reform? Because they said it would have stifled grassroots lobbying efforts. But it is this language which will stifle grassroots lobbying and stifle free speech.

This language restricts the use of private funds for lobbying by individuals and organizations. This is an insidious assault on the freedoms of all Americans who choose to avail themselves of the political process.

This is clearly an attempt by Republicans to stifle the voice of the liberal-earthy-cunchy-labor-supporting-branola-eating individuals and organizations which devote themselves to making America a better place by utilizing their constitutionally mandated right to influence the political process.

The entire premise of this title is bizarre. There seems to be among con-

servative groups the misconception that nonprofit groups are using Federal dollars to lobby.

This is illegal. There are already laws on the book that prohibit the use of Federal dollars to lobby. In fact, if it is found that Federal moneys have been used to lobby, the group found in violation must return the money. They are then prohibited from applying for future grants, and there is a serious risk that criminal procedures will be brought against them.

I find it ironic that this language mandates stringent reporting requirements, when one of the goals of the restrictive Republican revolution has been to remove the Federal Government from the everyday lives of the American public. Requiring all Federal grantees to fill out lengthy reports is extraordinarily intrusive.

I am amazed that the Republican Party, who tried to end the school lunch program because "the Government should stay out of the business of feeding our children," is the same party that wants to force the American public to report their political activities. Senator McCarthy is dead, but his legacy clearly lives on.

The intent of this language is obvious. It is to send the message to labor-oriented persons, nonprofits, and grassroots organizations not to disagree with the conservatives. It tells those groups that they may participate in the democratic process only if they agree with the Republicans. Well, I for one will not support censorship. This is the United States of America, not Fidel Castro's Cuba. Support free speech by supporting the Skaggs amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself 15 seconds to point out what often seems to be forgotten. We are not talking about free speech. We are talking about people who expect the taxpayers to buy them a microphone or a broadcasting studio or a printing press. We are talking about groups that ask for and receive billions of dollars of taxpayers' money.

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

Mr. RIGGS. Mr. Chairman, I thank the gentleman, my colleague on the Committee on Appropriations, for his fine work in this area.

This is a tough fight, but I urge my colleagues to resist the Skaggs amendment and point out that we are going to hear a lot about first amendment rights being discussed out here on the floor this morning, this evening, soon to be morning.

Anyone that takes a careful look at this amendment knows the first amendment rights are not being infringed upon. There are plenty of advocacy groups out there across the land, by the way, nonprofit educational research institutes, who are sharing their insights with us elected policymakers without using the taxpayers' money. This is really one of those times when we have to, if you will pardon the expression, put up or shut up.

If we believe in lobbying reform in this body, the Istook, and others,

amendment is a very fine place to start, and I urge my colleagues oppose the Skaggs amendment. Support the Istook language in the base bill reported out by the Committee on Appropriations.

Mr. SKAGGS. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. NADLER].

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

Mr. NADLER. Mr. Chairman, much of the debate on this bill, I am sad to say, has been full of sophistry and a little hypocrisy.

Remember the law says you cannot use Federal money to lobby, period, existing law. What this bill says, and remember, we have paid professional lobbyists all over this town. This bill does not affect them. We have companies represented by those paid professional lobbyists who get billions of dollars of Federal contracts. This bill does not affect them.

What this bill says is, to quote from yesterday's Chicago Tribune, if you are a nonprofit group and you get a grant to run a homeless shelter, shut up; if you are a for-profit group with a contract to run a homeless shelter, you are free to speak.

In short, this amendment stifles nonprofit service groups which get money from the Federal Government to carry out purposes that the Government decides are for a public purpose, just the same as Lockheed gets money from the Federal Government to carry out a program of defense development that Government decides is a public purpose.

But we tell the local group that is running a homeless shelter shut up, but Lockheed can spend billions on lobbyists.

This amendment stifles nonprofit service groups while continuing to allow defense contractors, agribusiness, professional paid lobbyists and a host of others who also receive billions of dollars of tax dollars in Federal money not to be gagged. Why do we not gag these lobbyists, too? Because it is not in your ideological purpose to do so.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. EHRLICH], one of the coauthors of this amendment which is now under scrutiny.

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

Mr. Chairman, enough of the demagoguery, enough of the spin.

I want to talk about some facts. Fact No. 1, I rise to speak for the unrepresented here, which is the American taxpayer, the folks not outside that door lobbying this Congress.

Second, with respect to the scare tactics employed by the other side on this issue, if you read the bill, if you look at the facts, the facts are as follows: This bill does not cover recipients of entitlements. This bill does not cover

individuals. This bill does not cover recipients of school loans. This bill does not cover the courts. This bill does not cover State government. This bill does not cover educational loans. They are the facts. Read the bill.

Third, Mr. Chairman, the definition of a grantee and the definition of a Federal contractor, there is a clear distinction in the law. This, Mr. Chairman, this is the law, and these are the regulations with respect to laws governing Federal contractors.

We do not have law with respect to Federal grantees. That is what this bill is about. That is what this initiative is about.

Fourth, for some reason, Mr. Chairman, over the course of the last 30 years there has grown a distinction between nonprofits who perform advocacy and perform service. This whole initiative is to get nonprofits back to actually doing what the taxpayers expect them to do, perform the service. Do not lobby the Congress for additional money and then keep coming back time after time after time. Do what you are supposed to do, do the right thing.

Mr. Chairman, lastly, what this whole initiative is about, and I congratulate my cosponsors of the amendment, is to empower the American taxpayer. It is true lobbying reform. It is why we were sent to this Congress.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, let us be truthful with our constituents as to what the circumstances are. You cannot use taxpayer money, Federal funds, to lobby. That has been the law. That is currently the law. Grantees cannot use Federal funds to lobby.

What this bill does is punitive against certain groups on their rights to petition their Government: the Cancer Society in dealing with health care issues, special education groups from dealing with the needs of children, the NAACP in dealing with civil rights matters. These are groups that are impacted by this bill.

We are right, the defense contractors who receive the largest amount of Federal funds are free to use their funds to lobby Government. Why should not private groups be able to use their own funds to lobby Government? That is their right. They should be able to do it.

Let us not be hypocritical and say some groups are subject to these rules and others are not.

Vote for the Skaggs amendment.

Mr. Chairman, I rise in strong support of the Skaggs amendment. The Istook rider restricts citizens from exercising their first amendment right to petition the Government. The first amendment to our U.S. Constitution states:

Congress shall make no law \* \* \* abridging the right of the people \* \* \* to petition the Government for a redress of grievances.

Presently, there are adequate laws which guarantees that Federal dollars are not used for lobbying. Therefore, this rider is telling the

citizens of the United States that they cannot use their own, non-Federal dollars as they so choose.

In addition, the Istook rider is unjust. It applies to the most vulnerable in our society, the poor, the homeless, the elderly, the disabled. Many of these groups were, in fact, founded specifically to advocate on behalf of the disposed. However, the largest recipient of Federal money, Defense contractors, are not covered by this rider. Therefore, the American Red Cross could be barred from advocating for disaster relief, or the National Cancer Society could be barred from advocating for health, but Defense contractors will be free to lobby without limitation.

Furthermore, this rider defines public advocacy to include public interest litigation, in which groups advocate change in public policy. Think of the civil rights suits which may not be brought because they are deemed political advocacy. For example, the NAACP receives Federal grants as defined by the rider. Most recently, the NAACP received a grant to participate in an education campaign on fair housing. However, the NAACP also argued Brown versus Board of Education before the Supreme Court, which changed our Nation's policy regarding school segregation.

Mr. Chairman, the Istook rider is unconstitutional, unjust, and restricts important public advocacy. I urge my colleagues to vote "yes" on the Skaggs amendment.

Mr. ISTOOK. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. MCINTOSH], the other principal co-author of this measure, who has had hearings in the subcommittee.

Mr. MCINTOSH. Mr. Chairman, we have an opportunity to root out one of Washington's best kept little secrets: welfare for lobbyists. This bill will guarantee that Americans' taxpayer dollars do not go to fund lobbying here in Washington.

My subcommittee held 3 days of hearings. We found that the Federal Government pays out \$40 billion in grants to subsidize rich, multimillion-dollar outfits. We also heard from real charities who are striving to help real people.

I want to share with my colleagues and the American people about one such person whose story deeply, deeply moved us. Mrs. Hannah Hawkins, who is pictured here, is a retired welfare pensioner from the inner city. She did not seek welfare for lobbyists. Instead, Mrs. Hawkins donated her own pension money to set up a program to help poor inner-city kids. She opened up her own home so kids could have a place to go after school rather than joining a gang, doing drugs or ruining their lives. Mrs. Hawkins is a hero in her neighborhood.

There are thousands of heroes like Mrs. Hawkins who work to help the elderly, the poor, the disabled and our children in the inner cities and the rural communities throughout America. Many do the work silently and outside the lights of television cameras, that keep their communities knit together.

But some groups are using a large percentage of their funds, much of it from taxpayer funds, in order to play

politics rather than help real people. They started down the road of much special interest politics, becoming high-powered lobbyists, and they have become intoxicated on the power brought by the welfare for lobbyists. They have forgotten Mrs. Hawkins and her kids. She does not need a lobbyist. She does not need Federal money. She needs people in her community who are willing to give their love, to reach out and care for their neighbors.

The choice for us today is clear. Are we going to be on the side of the well-heeled, fat, rich lobbying organizations, or are we going to be on the side of Mrs. Hawkins and her kids and thousands and thousands of people like here in America? Those of us on the side of the American taxpayer and Mrs. Hawkins and her kids say it is time to end welfare for lobbyists.

I say vote "no" on the Skaggs amendment. Put a stop to welfare for lobbyists.

Mr. SKAGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER].

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

Mr. SCHUMER. Mr. Chairman, I rise in strong support of the Skaggs amendment.

Mr. SKAGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. SABO].

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

Mr. SABO. Mr. Chairman, I rise in strong support of the Skaggs amendment.

Mr. Chairman, I rise to express my strong support for the Skaggs amendment to strike title VI from H.R. 2127, and put an end to efforts to prohibit political advocacy by organizations that receive Federal grants.

Today we are considering fiscal year 1996 appropriations for the Departments of Labor, Health and Human Services, and Education. It is largely through the funding cuts in this legislation that the new Republican leadership hopes to balance the budget by the year 2002 while simultaneously increasing defense spending and cutting taxes for wealthy individuals and corporations. This legislation tells American workers and students, the children and the elderly, the middle class and the disadvantaged to absorb painful budget cuts so that the very wealthiest can prosper further still. This objective is at the core of the Republicans' fiscal agenda.

Equally disturbing, however, is the fact that this Republican bill reaches far beyond domestic budgeting matters. It actually attempts to regulate the participation of some organizations in the political process by curbing their ability to engage in political advocacy.

Provisions in title VI—adopted as the Istook amendment—would effectively suppress the political voices of certain organizations by severely restricting advocacy by those receiving Federal grants. Current law already bans the use of public funds for political advocacy. However, these provisions extend the prohibition far beyond the reach of Federal dollars.

Federal grantees would be forbidden to use more than 5 percent of their own private funds to engage in political advocacy.

A very select group of organizations would be impacted by these prohibitions. In an unjustifiable break with current laws, the political activities of Federal grantees alone are singled out while Federal contractors are left alone. Additionally, the provisions is drafted so that it will impose greater burdens on grantees that operate on a shoe-string budget than those who are well-funded.

Federal grantees would be permitted to use up to 5 percent of their budget for political advocacy, or up to 1 percent if their annual budget exceeds \$20 million. Therefore, a corporate grantee with a \$100 million budget would still be permitted to spend \$1 million for political advocacy. It is unlikely that such a large sum would force the company to alter their lobbying budget significantly from its levels under current law. However, a nonprofit organization with a \$100,000 budget could confront considerable difficulties with a \$5,000 ceiling imposed on its political advocacy.

Consequently, corporate and business entities which receive Federal grants and contracts would not be forced to change the way they do business. Small nonprofit organizations would. I believe these provisions were drafted in order to silence particular voices. It is no coincidence that those nonprofits which oppose the Republicans' fiscal and social agendas are the organizations impacted by this proposal.

In order to uncover the true intent of this provision, I offered an amendment to the Istook amendment when the Appropriations Committee considered the Labor, Health and Human Services bill. My amendment would have extended the same prohibitions to the beneficiaries of Federal contracts and loans. If the intent of the original amendment was to safeguard taxpayer dollars, then proponents should have viewed my amendment as an improvement. If, however, the intent of the original amendment was to curb a certain type of political advocacy, then my amendment would have been regarded as an unacceptable obstruction to that goal. My amendment failed in an 18-29 vote, and the Istook amendment was adopted.

Is this what the American people want? I don't believe citizens want to bias the political debate in this country by silencing university researchers and children's advocates, while extending open arms and deep pockets to legions of corporate lobbyists.

We are fortunate that those who drafted this proposal were unavailable to assist in drafting the Bill of Rights. Title IV engages in blatant first amendment infringement. It seeks to prohibit free speech in public policy making. It is shameful that such a deliberate attempt to silence particular points of view has worked its way through the legislative process to confront us here on the floor of the House of Representatives. I urge my colleagues to put an end to this. Vote in favor of the Skaggs amendment.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the gentlewoman from Hawaii [Mrs. MINK].

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, I rise in strong support of the Skaggs amendment.

This title VI is the most frightening piece of legislation that I have read since coming to the Congress. It is not only unconstitutional but it is a blatant attempt to stifle and control the expression of ordinary citizens who just happen to belong to an organization that may have received a grant from the Federal Government. Its reach is broad and extensive. It tells you that if you want to qualify for a Federal grant, you have to be sure that the people that you buy goods and services from have not ever been in a position of asking the Congress to support or defeat any legislation.

I cannot think of anything more stunning than this complete denial of what we are all about. We are here as Members of a democratic, representative Government that seeks to encourage people to contact us.

Vote for the Skaggs amendment.

Mr. Chairman, I am alarmed by the inclusion in this Appropriations bill of 13 pages which strip away individual rights guaranteed to each and every one of us to petition our Government for any reason whatsoever. Title VI of this bill states that you can't get any Federal funds if you participate in political advocacy.

This bill if passed would prohibit any person who received a Federal grant under any law, not just this act, from speaking out on any matter relating to laws whether, State, Federal or local. The prohibition against "political advocacy" which includes attempts to influence legislation or agency action explicitly prohibits communication with legislators and their staffs. The definition of "grantee" includes the entire membership of the organization who are explicitly prohibited from communicating with legislators or urging others to do so.

This bill disqualifies anyone from receiving a Federal grant if for 5 previous years it used funds in excess of the allowed threshold.

Further anyone receiving Federal grant money cannot spend it on the purchase of goods and services from anyone who in the previous year spent money on political advocacy in excess of the allowed limit.

Political activity is defined as including publishing and distributing statements in any political campaign, or any judicial litigation in which Federal, State, or local governments are parties, or contributing funds to any organization whose expenses in political advocacy exceeded 15 percent of its total expenditures.

This title of the bill is totally and completely unconstitutional. It is a blatant unlawful effort to stifle dissent and advocacy. It is contrary to basic principles of our democracy. It is a gag law. It must be defeated.

□ 2030

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. GUTKNECHT].

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

Mr. GUTKNECHT. Mr. Chairman, I would like to thank the gentleman for yielding me this time.

Mr. Chairman, I would like to quote Thomas Jefferson. We heard a lot about the first amendment tonight and let us just hear from the gentleman who actually wrote the first amendment.

He said:

To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical.

It is sinful and tyrannical. That really is what is at stake tonight, Mr. Chairman and Members.

One example we heard in committee, a group that lobbies on the Hill and, incidentally, has a very large PAC, last year, they got 96 percent of their funds from the taxpayers. And guess what? They turn right around and come back and ask for more money from the taxpayers. To ask the taxpayers to continue to fund this kind of abuse is wrong.

But let us really talk about what is so perverse here.

I would like to thank Arianna Huffington. She not only testified but wrote a guest op-ed piece earlier. She said, what is happening in America today is many of these nonprofit groups are not helping people who need help. They think it is their mission to get the government to help them. And we should stop it.

Please vote "no" on this amendment.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. I will tell you what is perverse. It is the gentlemen on this side trying to equate the fat-cat lobbyists sitting in their offices and the office of the gentleman from Texas [Mr. DELAY] and office of the gentleman from Ohio [Mr. BOEHNER] writing the regulatory reform act and gutting the Clean Water Act and to equate that with people in the Red Cross and equating that with people who are helping citizens who are dying of cancer and helping hospices and helping our kids stay drug free.

The gentleman did not think they were on the dole when the Mississippi River overflowed its banks and you wanted the Red Cross' help. They did not think they were on the dole when the hurricane came through Florida last night and you wanted their help. But you think they are on the dole if they want to comment on emergency regulations or FEMA, if they want to comment and tell us how to do it better.

You do not think they are on the dole when they run a hospice and a member of your family is dying of cancer, but if they want to comment on a regulatory action you think they are on the dole. That is perverse.

That is what is perverse. Because the fat-cat lobbyists are not these people. The fat-cat lobbyists are sitting in your office and they are contributing to your campaigns and the Peace and Freedom whatever-it-is Foundation, Arianna Huffington, was started with staff money from the Speaker's Office, and the wallet you took out of your pockets was paid for by the taxpayers. That is perverse.

The gentleman from Texas [Mr. DELAY] says this is a glorious day.

Let me explain something to you.



Mr. EMERSON. Regular order.

Mr. MILLER of California. This is regular order with me when I get angry. Yes.

Mr. HAYWORTH. Regular order.

Mr. MILLER of California. It is a glorious day.

The CHAIRMAN. The Committee will be in order.

Mr. MILLER of California. It is a glorious day. If you are a fascist, it is a glorious day. That is what it is about.

Mr. EMERSON. Regular order.

Mr. MILLER of California. Come on, give me a prayer now. Talk to me now. Help me now. Give me a prayer. Let us go. It is tough out there, ladies and gentlemen. It is hard down there.

The CHAIRMAN. The gentleman from California [Mr. MILLER] has an obligation to the Rules of the House.

Mr. MILLER of California. I do.

The CHAIRMAN. The gentleman has an obligation to the Rules of the House. The gentleman is out of order.

Mr. MILLER of California. Yes, and so is this law out of order.

The CHAIRMAN. The gentleman will be in order.

Mr. MILLER of California. The gentleman is in order.

The CHAIRMAN. The gentleman is not in order. The gentleman should take his seat.

Mr. MILLER of California. No, I prefer to stand.

The CHAIRMAN. The gentleman embarrasses himself and the House when he carries on in the manner that he just did.

Mr. MILLER of California. The gentleman did not embarrass himself.

The CHAIRMAN. The gentleman did embarrass himself.

Mr. MILLER of California. Do not speak for me. Do not speak for me.

The CHAIRMAN. The Chair, regardless of all Members, will maintain regular order. Regular order is being observed.

Mr. MILLER of California. That is right.

The CHAIRMAN. The Chair requires of all Members that they obey the Rules of the House.

#### PARLIAMENTARY INQUIRY

Mr. DURBIN. Parliamentary inquiry.

The CHAIRMAN. The time is controlled. To whom does anyone wish to yield time?

Mr. DURBIN. Parliamentary inquiry.

The CHAIRMAN. The time is controlled, and the gentleman has to be yielded to for a parliamentary inquiry.

Mr. DURBIN. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. DURBIN] is recognized.

Mr. DURBIN. Mr. Chairman, under what rule of the House can the Chair make an editorial comment about a Member speaking on the floor?

The CHAIRMAN. The Chair was attempting to bring order to the House and was pointing out to the Members that they had a responsibility to the Rules of the House.

Mr. DURBIN. The Chair has violated the rules himself.

The CHAIRMAN. The Chair has not violated the rules. The Chair is completely within his bounds to try to maintain order in the House of Representatives, and all Members have an obligation to the Chair.

Mr. MILLER of California. The Chair was not in bounds to speak for the Member.

The CHAIRMAN. Who yields time?

Mr. ISTOOK. Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I would inquire whether the extra time consumed by the last speaker would not be charged against the time of the other side?

The CHAIRMAN. Since the gentleman was out of order, the Chair is not going to take the time out of the gentleman from Colorado. That would not be fair to the gentleman from Colorado.

Mr. ISTOOK. Certainly we would not wish to visit that upon the gentleman from Colorado.

The CHAIRMAN. But the gentleman from Oklahoma is free to yield time.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. SHADEGG].

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

Mr. SHADEGG. Mr. Chairman, it is truly sad when we see a display as the one we just saw. It is regrettable that the proponents of this amendment do not want to deal in fact.

In point of fact, we are told the amendment does not apply to lobbyists. This town is knee deep in lobbyists for organizations that get grants and then turn around and use substantial portions of their money to oppose or influence legislation.

Here in fact is the list of those organizations which get grants, and grants are gifts of taxpayers' money. Those grants, last year they got \$163 million in gifts of taxpayers' money that we voted to give them, and they turned around and used their monies to lobby us.

No one told you what the bill said. No one said?

What it says is any one of those organizations can come and lobby. We have heard a dozen times from the other side that they cannot come and lobby. Every single one of those times we were being told an untruth. In point of fact, each of those organizations can come forward and spend up to 5 percent of their budget to lobby us, but let us talk about one.

The National Council of Senior Citizens got \$72 million last year, and they spent 95 percent of that money to lobby.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. MENENDEZ].

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

Mr. MENENDEZ. Mr. Chairman, I strongly support the Skaggs amendment. Let me tell my colleagues the package we see on the floor is one of the most chilling pieces of legislation possibly in this century, and it is nothing less than a conspiracy to silence those who have politically and ideologically different views than the Republican majority.

Because if that was not the case, then in fact what would happen is they would have included those who make a profit from the Federal Government and use that profit to come back and lobby the Federal Government for more. They would have included all the nonprofit organizations that support them, the informational ones that tell how the Members voted and now they will be rated here. Yet they get contributions that are tax deductible, equally as fungible.

Even the gentleman from Oklahoma [Mr. ISTOOK] in his testimony said both tax exemptions and tax deductibility are a form of subsidy that is admitted through the tax system. Yet he excluded them from his piece of legislation which had to be included in an appropriations bill because it could not stand the daylight of scrutiny.

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

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] has 3 minutes and 45 seconds remaining, and the gentleman from Colorado [Mr. SKAGGS] has 4 minutes remaining.

Mr. ISTOOK. The gentleman from Colorado has the excess time remaining, is that correct?

The CHAIRMAN. The gentleman from Colorado [Mr. SKAGGS] has 4 minutes compared to the gentleman from Oklahoma [Mr. ISTOOK's] 3 minutes 45 seconds.

Mr. SKAGGS. If only we were so precise in the drafting of this proposal.

Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

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

Mrs. CLAYTON. Mr. Chairman, the political advocacy provisions of this bill found in title VI are both dangerous and perilous prescriptions for disaster. It is the most shameful, the most chilling piece of legislation under the name of reform. And particularly it is shameful to come from the party who has said we want to get the government off of our backs. Particularly it is shameful to come from the party who says we do not want more regulation.

Who would be covered by this? Anybody who received Federal grants. Do we include the freedom of speech? Any college? Any nonprofit organization?

This is not about reform. This is not really subjecting the fat cats. This is really chilling because they want to silence the little voices, those who speak for the average person, those who speak for the little person should feel

they have no longer a voice in this democracy. Shame on you.

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

Mr. Chairman, I would like to share, since Members have mentioned the U.S. Supreme Court and constitutional issues, in 1983 the U.S. Supreme Court wrote, legislature's decision not to subsidize the exercise of a right does not infringe on that right. Congress has the authority to determine if the advantage the public receives is worth the money it pays to subsidize it.

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

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

Mr. DICKEY. Mr. Chairman, the question is power. Power is flowing from over there, away from over there, and that is why we have such a tremendous reaction. All we are saying is we do not want the power players who respond and support you as candidates. We want to stop that, because the American people do not want that to happen.

We understand that we could wait, and this thing would flow, and we would get the same support that you all would get, but it is corruption when we do it with Federal dollars. It is corruption, and we do not want it.

Mr. SKAGGS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

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

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to this frightening language in the appropriations bill and in support of the Skaggs amendment.

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

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

Mrs. MEEK of Florida. Mr. Chairman, let me tell you something. You better be careful of the Istook amendment. You think it is going to be good for you. It is going to be poisonous.

First of all, it is drafted very poorly. It does not define anything. An elementary drafting person could do a better job, because you would know what he meant.

You do not know what grant means. You do not know what contract means. Nothing in this thing says so.

Another thing you are not looking at. This bill keeps the grantee from using his or her own private funds.

I get letters every day. I had a letter from a farmer in my district, and I want to say to the gentleman from Oklahoma [Mr. ISTOOK], do not mess with my farmers. They will write me a letter and in that letter they use their own funds to write me.

If this amendment were to pass, this would be a form that would be wrong

under the Istook bill. So you be careful. How would you treat them differently? Suppose right now we spend a lot of money here allowing the big companies to come in and talk to us?

My friend, chairperson of the committee, showed I am showing a very big firm that lobbies me. They spent this amount of money to lobby. Is this fair?

Mr. SKAGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. DURBIN].

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

Mr. DURBIN. Mr. Chairman, I rise in support of the Skaggs amendment and opposed to the Istook language.

Why do the Gingrich Republicans fear free speech?

Six screwballs burned the American flag last year and these so-called conservatives want to amend the Bill of Rights for the first 5 in over 200 years.

Garrison Keillor needles them on public radio and these rightwingers run to eliminate public broadcasting.

And now this Istook proposal to muzzle political rhetoric for organizations he finds objectionable.

But these conservatives know full well that after all these voices are silenced their special interest friends, their big business buddies, will still be politically articulate.

Big business will have a bigger voice and the average American will lower their voice to conservatives supposedly committed to strict construction of the Constitution.

Mr. SKAGGS. Mr. Chairman, I yield a half minute to the gentleman from Wisconsin [Mr. OBEY], our distinguished ranking member on the full committee.

□ 2045

Mr. OBEY. This has nothing to do with the majority party's desire to curb lobbyists. It has everything to do with the desire to stifle expression on the part of the new authoritarians who control this House. Their amendment does not apply to corporate lobbyists who can do full page ads telling us every day to spend \$50, \$60, \$70 billion of taxpayers' money on airplanes we do not need while we are trying to starve our own folks. We should be ashamed of ourselves. This amendment is an absolute joke and it is a disgrace to the Congress.

Mr. ISTOOK. Mr. Chairman, I yield 45 seconds to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I thank the gentleman from Oklahoma [Mr. ISTOOK] for yielding me time.

Colleagues, the 1994 elections were about change, but it is clear from the discussion in this Chamber tonight that the old habits die hard. We came here to change government, and despite the rhetoric we have heard this evening from the other side, the existing language in the appropriation bill does not affect the Red Cross, it does not affect the YMCA, it does not affect the churches and other genuine charitable organizations. They are not af-

fected. They do not spend 5 percent of their time lobbying the Federal Government doing inside activities. They are genuine charitable organizations.

Mr. Chairman, for those who are tired of business as usual, of having tax dollars go to special interest groups who come back here and try to funnel back that money to the group giving them money in the first place, this is our time, this is our moment. Let us defeat this amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] has 2 minutes 15 seconds remaining, the gentleman from Colorado [Mr. SKAGGS] has 1½ minutes remaining, and the gentleman from Oklahoma [Mr. ISTOOK] has the right to close.

Mr. SKAGGS. Mr. Chairman, I yield myself my remaining time.

Indeed, Mr. Chairman, the American Red Cross would be affected, and there is no better example of the perverse application of this very ill-conceived idea than that. They have written to all of us saying that they fear the consequences of this amendment and how it would impede the effective carrying out of their very important mission.

This does not just affect organizations spending 5 percent of their own private funds, it affects them if they spend one dime on political activity. Every one will have to come in and go through the rigmarole of reporting and participating in the incredible proposition of a national political database, maintained by the Federal Government. The Founding Fathers must be revolted at the very concept.

Mr. Chairman, if we want such a big brother operation, with a Washington, DC computer keeping track of political activity in this country, vote against this amendment. If we believe in the land of the free, in which we should welcome the full-voiced participation in the political debate of this country by every American without fear of intimidation, vote yes for this amendment.

Mr. ISTOOK. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ROTH].

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

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding and I am strongly opposed to this amendment.

First, let me congratulate the gentleman from Oklahoma for drafting this provision, and the Appropriations Committee for including this in the bill.

Here's the bottom line. If the Skaggs amendment passes, taxpayer funds will keep on flowing to lobbyists, pressure groups, and other special interests.

The American people voted last fall for change. One change that every taxpayer deserves is to keep his tax dollars out of the lobbyist's pockets.

If anything, the bill does not go far enough. I think this should apply to Federal agencies as well.

When we were working on reform of our bloated foreign aid bureaucracy. We caught AID red-handed, trying to block our bill.

So I view this title as just a first step.

Let's defeat the Skaggs amendment, let's pass this ban on taxpayer funds for lobbyists, and then let's take the next step and shut down the lobbying at the Federal agencies, who are working overtime to block the people's agenda.

Mr. ISTOOK. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. WICKER].

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

Mr. WICKER. Mr. Chairman, I rise in strong opposition to the Skaggs amendment.

Mr. Chairman, I rise to support the McIntosh-Istook-Ehrlich provision in H.R. 2127, the Labor, Health and Human Services and Education Appropriations Act for fiscal year 1996, and to oppose the Skaggs amendment to strike.

As a member of the Appropriations Committee who serves on the Labor, HHS and Education Subcommittee, I was pleased to support the inclusion of this important amendment when Mr. ISTOOK offered it at the full committee markup. The Appropriations Committee debated this measure fully and sent it on to the full House following a recorded vote of 28 to 20.

Mr. Speaker, the McIntosh-Istook-Ehrlich amendment provides that any nonprofit or charity which receives Federal grants certify at year's end that it has not spent more than 5 percent of its entire budget on political advocacy or lobbying. The Office of Management and Budget is directed to produce a single form which will be acceptable for all grantees to submit to the General Accounting Office [GAO] and to the grant making agency or department once a year.

There is no reason for any charity to spend a large percentage of its annual budget on lobbying if the charity receives Federal taxpayer funding in the form of grants. I urge you to oppose the Skaggs amendment, and support the retention of the McIntosh-Istook-Ehrlich language in this Labor, HHS appropriations bill before us today.

Mr. ISTOOK. Mr. Chairman, I yield the remainder of the time to the majority leader, the gentleman from the lone star State of Texas [Mr. ARMEY].

The CHAIRMAN. The gentleman from Texas is recognized for 2 minutes and 15 seconds.

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

Mr. Chairman, I want to thank the gentleman from Oklahoma [Mr. ISTOOK], the gentleman from Indiana [Mr. MCINTOSH], and the gentleman from Maryland [Mr. EHRlich] for the offering of this important legislation.

This is good legislation, well drafted, well thought out, carefully balanced. It represents the best work of the best legal minds on this subject, and if we pass it today it will be a great day for the taxpayers of this country. If this language is about anything, it is about cleaning up the way this House works and the way this city works. The first step in cleaning up Washington must be to end the practice of special interests using taxpayers' dollars to lobby for still more taxpayers' dollars.

Mr. Chairman, we are not breaking new ground here, we are building on existing law; and, indeed, the existing law was originally crafted by the senior Senator from West Virginia. However broadly Senator BYRD's views differ from my own, he and I share this: We share a determination to keep the spending process honest. We both believe the practice of federally subsidizing a solicitation of further Federal subsidies is wrong.

Ladies and gentlemen, any idea on which ROBERT BYRD and DICK ARMEY agree on must surely qualify as a self-evident truth. In 1990, Senator BYRD added an amendment to the Interior appropriations bill designed to end taxpayer finance advocacy. It was a small step, and not a wholly successful one, but it was a step. So today we come to build on that step. Our friends on the other side of the aisle should join us in this effort, not oppose it.

This legislation does not just save the taxpayers potentially billions of dollars, it also sends a powerful message to the special interests who occupy so much office space in this city. The bill says something I think the American people would regard as common sense: Government should assist the needy, not those whose business it is to lobby the government in the name of the needy.

Mr. Chairman, despite what some of our opponents have said, let us remember that this language is content neutral. It applies equally to the left and to the right. It hits both the U.S. Chamber of Commerce and Greenpeace. We are not favoring any special interest, we are imposing openness and honesty on all special interests in order to benefit the public interest.

This debate is about reform. It is about making this government honest so that the American people might again be able to trust their Government. I urge my colleagues to oppose the amendment from the gentleman from Colorado [Mr. SKAGGS] and support the Istook-McIntosh rider and end welfare for lobbyists. Let us tell those who would advocate for more money for themselves with the public's money, do it on your own time and your own dime. Vote "no" for the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Colorado [Mr. SKAGGS].

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

## RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 232, not voting 16, as follows:

[Roll No. 622]

AYES—187

Abercrombie	Gibbons	Murtha
Ackerman	Gilcrest	Nadler
Baesler	Gonzalez	Neal
Baldacci	Gordon	Oberstar
Barcia	Green	Obey
Barrett (WI)	Gutierrez	Olver
Becerra	Hall (OH)	Orton
Beilenson	Hamilton	Owens
Bentsen	Harman	Pallone
Berman	Hastings (FL)	Pastor
Bevill	Hefner	Payne (NJ)
Bishop	Hilliard	Payne (VA)
Boehlert	Hinchey	Pelosi
Bonior	Horn	Peterson (FL)
Borski	Houghton	Pomeroy
Boucher	Hoyer	Poshard
Browder	Jackson-Lee	Rahall
Brown (CA)	Jacobs	Rangel
Brown (FL)	Jefferson	Reed
Brown (OH)	Johnson (SD)	Richardson
Bryant (TX)	Johnson, E. B.	Rivers
Canady	Johnston	Roemer
Cardin	Kanjorski	Rose
Chapman	Kaptur	Roybal-Allard
Clay	Kennedy (MA)	Rush
Clayton	Kennedy (RI)	Sabo
Clement	Kennelly	Sanders
Clyburn	Kildee	Sawyer
Coleman	Kleczka	Schroeder
Collins (IL)	Klink	Schumer
Collins (MI)	LaFalce	Scott
Conyers	LaHood	Serrano
Costello	Lantos	Shays
Coyne	LaTourette	Skaggs
Cramer	Leach	Skelton
Danner	Levin	Slaughter
de la Garza	Lewis (GA)	Spratt
DeFazio	Lincoln	Stark
DeLauro	Lipinski	Stokes
Dellums	Lofgren	Studds
Deutsch	Lowe	Stupak
Dicks	Luther	Thompson
Dingell	Maloney	Thornton
Dixon	Markey	Torkildsen
Doggett	Martinez	Torres
Doyle	Mascara	Torricelli
Durbin	Matsui	Trafficant
Edwards	McCarthy	Tucker
Engel	McDermott	Velazquez
Eshoo	McHale	Vento
Evans	McKinney	Visclosky
Farr	McNulty	Ward
Fattah	Meehan	Waters
Fazio	Meek	Watt (NC)
Fields (LA)	Menendez	Waxman
Flake	Mfume	Wilson
Foglietta	Miller (CA)	Wise
Ford	Mineta	Woolsey
Frank (MA)	Minge	Wyden
Frost	Mink	Wynn
Furse	Mollohan	Yates
Gejdenson	Moran	
Gephardt	Morella	

NOES—232

Allard	Chabot	Ensign
Archer	Chambliss	Everett
Army	Christensen	Ewing
Bachus	Chrysler	Fawell
Baker (CA)	Clinger	Fields (TX)
Baker (LA)	Coble	Flanagan
Ballenger	Coburn	Foley
Barr	Collins (GA)	Forbes
Barrett (NE)	Combest	Fowler
Bartlett	Condit	Fox
Barton	Cooley	Franks (CT)
Bass	Cox	Franks (NJ)
Bilbray	Crane	Frelinghuysen
Billirakis	Crapo	Frisa
Bliley	Cremeans	Funderburk
Blute	Cubin	Galleghy
Boehner	Cunningham	Ganske
Bonilla	Davis	Gekas
Bono	Deal	Geren
Brewster	DeLay	Gillmor
Brownback	Diaz-Balart	Gilman
Bryant (TN)	Dickey	Gingrich
Bunn	Doolittle	Goodlatte
Bunning	Dornan	Goodling
Burr	Dreier	Goss
Burton	Duncan	Graham
Buyer	Dunn	Greenwood
Callahan	Ehlers	Gunderson
Calvert	Ehrlich	Gutknecht
Camp	Emerson	Hall (TX)
Castle	English	Hancock

Hansen	McIntosh	Seastrand
Hastert	McKeon	Sensenbrenner
Hastings (WA)	Metcalfe	Shadegg
Hayes	Meyers	Shaw
Hayworth	Mica	Shuster
Hefley	Miller (FL)	Sisisky
Heineman	Molinari	Skeen
Herger	Montgomery	Smith (MI)
Hilleary	Moorhead	Smith (NJ)
Hobson	Myers	Smith (TX)
Hoekstra	Myrick	Smith (WA)
Hoke	Nethercutt	Solomon
Hostettler	Neumann	Souder
Hunter	Ney	Spence
Hutchinson	Norwood	Stearns
Hyde	Nussle	Stenholm
Inglis	Ortiz	Stockman
Istook	Oxley	Stump
Johnson (CT)	Packard	Talent
Johnson, Sam	Parker	Tanner
Jones	Paxon	Tate
Kasich	Peterson (MN)	Tauzin
Kelly	Petri	Taylor (MS)
Kim	Pickett	Taylor (NC)
King	Pombo	Tejeda
Kingston	Porter	Thomas
Klug	Portman	Thornberry
Knollenberg	Pryce	Tiahrt
Knobe	Quillen	Upton
Largent	Quinn	Vucanovich
Latham	Radanovich	Waldholtz
Laughlin	Ramstad	Walker
Lazio	Regula	Walsh
Lewis (CA)	Riggs	Wamp
Lewis (KY)	Roberts	Watts (OK)
Lightfoot	Rogers	Weldon (FL)
Linder	Rohrabacher	Weldon (PA)
Livingston	Ros-Lehtinen	Weller
LoBiondo	Roth	White
Longley	Roukema	Whitfield
Lucas	Royce	Wicker
Manzullo	Salmon	Wolfe
Martini	Sanford	Wolf
McCollum	Saxton	Young (FL)
McCrery	Scarborough	Zeliff
McHugh	Schaefer	Zimmer
McInnis	Schiff	

## NOT VOTING—16

Andrews	Holden	Towns
Bateman	Manton	Volkmer
Bereuter	McDade	Williams
Chenoweth	Moakley	Young (AK)
Dooley	Reynolds	
Filner	Thurman	

□ 2110

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mrs. Chenoweth against.

Mr. ZIMMER and Mr. WATTS of Oklahoma changed their vote from "aye" to "no."

Mr. BEVILL and Mr. SHAYS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2115

## AMENDMENT OFFERED BY MR. SAXTON

Mr. SAXTON. Mr. Chairman, I offer an amendment on behalf of the gentleman from Virginia Mr. BATEMAN.

The Clerk read as follows:

Amendment offered by Mr. SAXTON: Page 88, after line 7, insert the following new title:

## TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. The amounts otherwise provided by this Act are revised by reducing the aggregate amount made available from the general fund for "Centers for Disease Control and Prevention—Disease Control, Research, and Training", reducing the amount made available for "Administration for Children and Families—Refugee and Entrant Assistance", and increasing the aggregate amount made available for "Impact Aid" (and the

portion of such amount made available for basic support payments under section 8003(b)), by \$10,000,000, \$25,691,000, and \$22,000,000, respectively.

Mr. SAXTON (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 New Jersey?

There was no objection.

The CHAIRMAN. Pursuant to the order of August 2, 1995. The gentleman from New Jersey [Mr. SAXTON] will be recognized for 10 minutes in support of his amendment, and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SEXTON].

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

Mr. Chairman, I rise for the purposes of offering this amendment, and to have a colloquy with the gentleman from Illinois [Mr. PORTER], the gentleman from Texas [Mr. ARMEY], the gentleman from Nebraska [Mr. CHRISTENSEN], and the gentleman from Texas [Mr. EDWARDS], and then I will ask that the amendment be withdrawn.

Mr. Chairman, the amendment which I have offered on behalf of the gentleman from Virginia [Mr. BATEMAN] is an amendment which the gentleman from Virginia has worked long and hard over the last months to bring about. Unfortunately, as we all know, the gentleman from Virginia is home recuperating today from an illness, so on behalf of the gentleman from Virginia [Mr. BATEMAN], I would like to enter into a colloquy with the distinguished subcommittee chairman, the gentleman from Illinois [Mr. PORTER].

Mr. Chairman, the amendment that is pending, offered on behalf of the gentleman from Virginia, would transfer \$22 million to impact aid, providing a total of \$667 million for fiscal year 1996. The Labor-HHS-Education appropriations bill, when combined with the \$35 million in the fiscal year 1996 DOD appropriations bill, would provide \$702 million for impact aid, 96.4 percent of last year's level.

I would like to yield to the distinguished chairman to solicit his views on our goal of providing no less than 96 percent of last year's level, and possibly as much as 98 percent of last year's funding level, to impact aid for fiscal year 1996. The Labor-HHS-Education conference report, including \$35 million of fiscal year 1996 DOD appropriations in the conference report, is what we are interested in.

I would like to ask the chairman of the subcommittee for his thoughts as to the outcome which he will seek through the conference and the conference report.

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

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

Mr. PORTER. Mr. Chairman, I would assure both the gentleman from New

Jersey [Mr. SAXTON], the gentleman from Virginia [Mr. BATEMAN], who cannot be with us, and the gentleman from Texas [Mr. EDWARDS], the cosponsor of the amendment, that I will make every effort to work to insist that the impact aid funding level provided in the fiscal year 1996 Labor-HHS and Education appropriations conference report, when combined with the \$35 million in the DOD appropriations conference report, will equal no less than 96 percent of last year's funding level, a total of \$728 million.

That would represent a provision of no less than \$664 million for impact aid through this bill and the remainder in the DOD bill, and I am sure the gentleman recognizes that this is a subject in which I have a great personal interest, as well.

Mr. SAXTON. I thank the gentleman.

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

Mr. EDWARDS. Mr. Chairman, I appreciate the gentleman yielding time to me.

Mr. Chairman, while I would have preferred that the \$83 million in cuts in this bill to impact aid, which supports the education of military children, while I would wish those cuts had been zeroed out by tonight, I respect the commitment of the chairman, the gentleman from Illinois [Mr. PORTER], the gentleman from New Jersey [Mr. SAXTON], and the distinguished majority leader for saying that these cuts will be zeroed out or at least brought back to the point where impact aid funding this year will approach 96 to 98 percent of the previous fiscal year's funding level.

I would like to ask the distinguished chairman, the gentleman from Illinois [Mr. PORTER], and the distinguished majority leader a question, if I could; specifically, if for any reason in the defense appropriations conference committee bill, for any reason in the defense appropriations conference committee bill that \$35 million we added back in the House is reduced or zeroed out, is it still the good faith commitment of the gentleman from Illinois [Mr. PORTER] and the gentleman from Texas [Mr. ARMEY] to see that impact aid children will receive 96 to 98 percent of the Federal 1995 funding level?

Mr. PORTER. If the gentleman from New Jersey [Mr. SAXTON] will continue to yield, I will tell the gentleman, I will do my best to see that it happens, yes.

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

Mr. CHRISTENSEN. Mr. Chairman, I just want to thank the majority leader for helping with our military families. Education is very important, and in light of the fact that we are tightening the belt, I want to thank the subcommittee chairman for really going to bat for our military families and for their education.

I also want to thank my friend on the other side of the aisle, the gentleman

from Texas [Mr. EDWARDS] for all his hard work; he has worked arduously, worked hard, and worked with a strong belief. It has been a team effort, a bipartisan effort. I just want to also thank the gentleman from Virginia, [HERB BATEMAN] who is not here tonight, but we are committed on this, and we want to thank everybody for their hard work.

Mr. SAXTON. Mr. Chairman, I would like to thank the gentleman from Texas, the majority leader, for his cooperation throughout the day and over the past months on this issue.

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

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

Mr. ARMEY. Mr. Chairman, I would like to assure the gentleman from New Jersey [Mr. SAXTON], the gentleman from Virginia [Mr. BATEMAN], who I am sure is tuned into this matter as he is recuperating at home, and the gentleman from Texas [Mr. EDWARDS], and I would also like to assure the gentleman from Nebraska [Mr. CHRISTENSEN], and I assume, I hope it will comply with the intent of the gentleman from Missouri [Mr. SKELTON], when I say that I support the proposal to provide no less than \$664 million for impact aid in the fiscal year 1996 Labor-HHS-Education appropriations conference report, and no less than \$35 million of the fiscal year 1996 DOD appropriations conference report. This represents a sum that is no less than 96 percent of last year's funding level.

It is my goal, working with all the members of the conference, to secure fiscal year 1996 funding of no less than 98 percent of last year's funding level for impact aid. I am very confident that with the best efforts that we all make, that we should have some success and can be optimistic about achieving that goal. I want to thank all the gentlemen for their efforts on behalf of this colloquy, and, certainly, I appreciate the spirit of cooperation we enjoyed all day long.

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

Mr. SAXTON. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I merely wish to, of course, thank the majority leader for his comments. I would like to associate myself with the statement made by the gentleman from Texas [Mr. EDWARDS]. This is of extreme importance to military families all across the Nation. I thank him for his diligence and efforts on this behalf.

Mr. EDWARDS. Mr. Chairman, if the gentleman will yield once more, I would also like to particularly express my thanks to the gentleman from Rhode Island [Mr. KENNEDY] for lending his full support to this endeavor from the very beginning and for working so skillfully behind the scenes, the gentleman from Texas [Mr. COLEMAN], the gentleman from Oklahoma [Mr. WATTS] for his keen interest and diligence in seeing this through, and the

gentleman from Virginia [Mr. DAVIS] who also was a key player behind the scenes as well as publicly. In addition to the gentlemen who have already spoken, I think we all owe a special, special expression of gratitude to the gentleman from Virginia [Mr. BATEMAN], who, despite a recent illness, has made an absolutely Herculean effort on behalf of the children of military families. The constituents of the gentleman from Virginia owe him a debt of thanks, and all military families throughout America owe him a debt of thanks. I would like to take this time to express my personal appreciation for his leadership on this effort.

Mr. SAXTON. Mr. Chairman, it is my intent to ask that the amendment be withdrawn, and we had hoped to be able to conclude this colloquy in 5 minutes or less. We are currently over that. I know that there are many people who feel deeply about this subject, and the fact of the matter is we are not going to take any action tonight on this, so they will be permitted to submit their statements for the RECORD in writing.

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

Mr. SAXTON. I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, I would like to thank the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Texas [Mr. EDWARDS] for their efforts on this behalf, and point out how important it is to make sure we have additional funds for impact aid.

We have a situation in Monmouth County, which I represent, where some of the towns now have such a gap, if you will, between the actual cost of educating military children and what they actually receive in impact aid that it has actually become a major problem, to the point where the boards of education in some of the towns are actually saying that they do not want the military families anymore, because they are not getting sufficient impact aid.

I hate to see a situation where we get to that point. I think it is important for us to continue to provide adequate funding so there is some relationship between the actual cost of education for military children and actually what the Federal Government provides. I thank the gentleman again.

Mr. SAXTON. Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

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

There was no objection.

AMENDMENT OFFERED BY MR. SOLOMON

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds appropriated in this Act may be made available to any institution of higher education when it is made known to the Federal official have authority to obligate or expend such funds that—

(1) any amount, derived from compulsory fees (such as mandatory nonrefundable fees, mandatory/waivable refundable fees, and negative checkoffs), compulsory student activity fees, or other compulsory charges to students, is used for the support of any organization or group that is engaged in lobbying or seeking to influence public policy or political campaigns; and

(2) such support is other than—

(A) the direct or indirect support of the recognized student government, official student newspaper, officials and full-time faculty, or trade associations, of an institution of higher education; or

(B) the indirect support of any voluntary student organization at such institutions.

The CHAIRMAN. Pursuant to the order of August 2, 1995, the gentleman from New York [Mr. SOLOMON] and a Member opposed will each be recognized for 20 minutes.

Mr. OBEY. Mr. Chairman, I would like to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 10 minutes.

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

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

Mr. Chairman, almost two centuries ago Thomas Jefferson, the founder of the Democrat Party, said this: "To compel a man to furnish contributions of money for the propagation of opinions in which he disbelieves is sinful and tyrannical." That was Thomas Jefferson, and that is what this amendment is all about.

Mr. Chairman, I rise today to offer this students' rights amendment aimed at protecting the political self-expression of college students by prohibiting any direct Federal funds to colleges and universities that subsidize political groups through compulsory student activities through negative check-off provisions.

Mr. Chairman, groups like PIRG, Members all know who they are, will ask, "How can you possibly define a student political group?" That is easy. Political organizations or political groups are defined very clearly as groups whose primary activity is seeking to influence public policy or political campaigns. This definition is taken straight out of section 501(h) of the Tax Code.

Mr. Chairman, on many college campuses the funding of PIRG is obtained through a negative check-off system on the tuition bills of students, including my own children. At some universities, including New York State college campuses, the fees are mandatory and non-refundable. This means that many students are being coerced into funding political groups whose fundamental political philosophies and activities are totally contrary to their own.

This is wrong, and my amendment would put an end to it by prohibiting negative check-offs, but allowing positive check-offs. It is as simple as that. That is what this amendment is all about.

□ 2130

Mr. Chairman, the amendment exempts from this limitation the recognized student government and student newspaper on campus as well as all university officials and all full-time faculty of the institution. The amendment is narrowly drawn in order not to impinge in any way on political speech on campuses, fund-raising activities by political groups or political activity of any kind.

Nothing in this legislation prohibits any person from raising money or engaging in political activity on or off campus. They can solicit contributions just like any other organization.

Mr. Chairman, the hysterical response from Nader's PIRGs around here, and you see them running up and down the subways—maybe we ought to extend this lobby ban to include the subway downstars—many of the PIRGs around the country underscores the need for the Solomon amendment. Rather than being a gag rule as they maintain, it attempts to curb the coercive funding methods that are used to take money from unsuspecting or otherwise unwilling students and parents to fund their political and their lobbying efforts.

I say, let them raise their money like any other organization Mr. Nader. Members, if your constituents, parents and students, want to support PIRG or any other organization like the Democratic Party, like the Republican Party, they have every opportunity to contribute voluntarily or where allowed, in most campuses, to make a positive checkoff which could be for PIRG, for the Democrat Party, for the Republican Party, or Mr. Perot or anybody else.

Mr. Chairman, this has been going on for 20 years now, and these compulsory funding schemes have bilked tens of millions of dollars out of my constituents and yours. Ten million dollars this year alone.

Here is an article from the Wall Street Journal by John R. Silber, a very, very prestigious former president of Boston University. He describes this sordid practice which he says is rampant on some colleges throughout this Nation.

He points out that PIRGs are organized by States with local chapters, on individual campuses, not primarily for educational purposes but for political advocacy, such as being—and listen to this, would you—a plaintiff in the United States Supreme Court case opposing the Solomon amendment back in 1983 which denied Federal aid to students who refused to obey the law and register for the draft.

In another case, of blatantly supporting the political campaign for Presi-

dent of former Senator Gary Hart. My kids were forced to contribute to Senator Hart's campaign. That is what this is all about.

Please also read the article by Jeff Jacoby of the Boston Globe this week. I quote:

"It ought not take an act of Congress to stop Nader's raid on college tuition payments. But millions of those payments are subsidized with Federal loans and grants. Congress is entitled to insist that the money it appropriates for education be used for education, not for special-interest lobbying. If college presidents cannot be counted on to ensure basic fairness, and if Governor Christie Whitman of New Jersey—who just enacted this law there—is the only governor in America tough enough to brave Ralph Nader's slanders, then the time has come for Congress to act."

That is what John Silber, a Democrat, president of Boston University, has said.

Fellow Members of Congress, do something for these parents and these students that they cannot do for themselves. Support the Solomon amendment.

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

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

Mr. Chairman, this is not about Ralph Nader. I would need more fingers to count the arguments that I have had with Ralph Nader. This goes far beyond the so-called PIRG issue. This simply prohibits colleges from supporting any activity to influence public policy with fees collected from students in any way. That does not just include the kind of mandatory fees the gentleman was talking about. It also includes tuition itself. You could not support any activity that included debate on campus about a public policy issue. You could not inform students about public policy issues that affected those students. It would even probably apply to college support for student newspapers if they editorialized on public policy. It would prohibit the holding of public policy forums, even if positions were not taken.

I would call this instead the Paperwork Enhancement Act of 1995. It would require the Secretary to develop a process to permit complaints to be filed with the Secretary, to allow institutions to respond to complaints, to adjudicate complaints, and to permit decisions to be appealed. The regulations would have to define criteria that allowed institutions to pick and choose which groups are educational and which are seeking to influence public policy. I invite you to define that line.

I really think that what this does is just go counter to the very idea of what a university is supposed to do and supposed to be. It even prevents on-campus discussion of public policy paid for with tuition.

I guess what I would really say is, this amendment so fits into the al-

ready existent extremism of the bill that it is perfectly fitting that the amendment be offered to this bill. If that is the philosophy of the majority party, then indeed go ahead and adopt it. It simply makes a bad bill a whole lot worse and it makes it a lot easier to vote against.

But with all due respect, I would think there are enough people on this side of the aisle who care about the right of individual expression, of student expression, the right of academic freedom, the right indeed for a university to be a place where you sift and winnow and give people an educational experience. But having seen some of the extreme propositions already added to this bill, I am not in the least bit surprised. It is here and I would be shocked, I guess, if it is not adopted.

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

Mr. SOLOMON. Mr. Chairman, the gentleman must have been reading from a different amendment. This is identical to the New Jersey law just passed by Governor Whitman and their legislature.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. FRELINGHUYSEN].

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

Mr. Chairman, I rise in strong support of the Solomon amendment. The question before us tonight is simple. Should students and parents decide how to spend their money, or should political organizations be allowed to covertly siphon dollars from students and parents for agendas they do not espouse?

In New Jersey, the choice was obvious. This March Governor Whiteman signed a bill that does exactly what the Solomon amendment would do. The Governor said the following: "PIRG is the only one, the only organization in the country we could find that has enjoyed this kind of negative checkoff."

But New Jersey PIRG found a loophole. They were so fearful of losing their funding bonanza that they devised a plan to get around the law. Unfortunately, a State judge approved the plan, so this fall thousands of people will again be hoodwinked into donating to a cause they may not agree with.

My friend Alex DeCroce, and assemblyman from New Jersey, wrote me a letter which I have here today. It says:

A broad based Federal standard enacted this fall to eliminate the negative checkoff would resolve our dilemma in New Jersey and give public institutions across the Nation the ability to protect consumers.

Mr. Chairman, we have all heard the great weeping and gnashing of teeth from opponents of this amendment. Why are they so frightened? If these agendas are so important, they should have no trouble in raising money through voluntary contributions.

This amendment is all about free speech. It restores the rights of students and parents to decide what

causes they wish to support. I strongly support the Solomon amendment and urge my colleagues to vote for it.

Mr. Chairman, I submit for inclusion in the RECORD the letter I received from Assemblyman DeCroce:

NEW JERSEY GENERAL ASSEMBLY,  
Morris Plains, NJ, July 28, 1995.

Hon. RODNEY P. FRELINGHUYSEN,  
House Office Building, Washington, DC.

DEAR REPRESENTATIVE FRELINGHUYSEN: I am very pleased to learn that the US Congress is willing to tackle the "negative check-off" issue that unfairly burdens many of our students and their families. As the sponsor of A-380, the New Jersey legislation which addressed that issue, I was jubilant when the bill passed both the General Assembly and the Senate and less than 24 hours later was signed by Governor Whitman.

Unfortunately, on July 5, 1995, a Superior Court judge decided that the NJ PIRG plan to separate their lobbying efforts from their educational functions, which was devised to circumvent the new law, was found to be acceptable. This means that the Fall, 1995 student tuition bills for Rutgers, The State University of New Jersey, include a negative check-off for NJ PIRG.

Once we have resolved this issue in New Jersey, which we intend to do, our constituents attending school in other states can still fall prey to the negative check-off. A broad based federal standard enacted this fall to eliminate the negative check-off would resolve our dilemma in New Jersey and give public institutions across the nation the ability to protect consumers.

Under separate cover you will receive my complete file on A-380. I am anxious to work with you to see a resolution to this issue. My personal best wishes.

Sincerely,

ALEX DECROCE.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I thank my friend for yielding me the time.

Mr. Chairman, I rise in strong opposition to the campus gag rule, which the Solomon amendment encompasses. Mr. Chairman, this is the Congress of devolution. We are being told relentlessly day after day that we should shift back to the Government that is closest to the people the responsibility for self-Government.

Here is a good example of where, when we discover we are not happy with some decisions made at the level of Government closest to the students in this country, on the campus, we are going to intervene and somehow reverse our thrust and go back in the direction of imposing a standard from the Federal level on every campus institution across this country.

This is really thin skinned of us. Obviously students are people who at their level of development have many different views that clash with the established view. Many of us will be picketed on campuses because we are for the moment politically incorrect.

What are we doing here? We are speaking out in a way that only we have the authority to stifle that dissent. I think it is really shameful that we would be so thin skinned that we cannot stand the battle of ideas in the

marketplace that a campus represents in our society.

We should be encouraging young people to be involved in their self-government. We should be encouraging them to enter into the debate. We have so many sitting on the sidelines who do not have the interest, let alone the initiative, to start taking on the responsibility of self-government.

What are we doing here? We are simply telling student governments around the country who they can and cannot fund. In our zeal to get at one group, the public interest research groups, because we do not like their lineage—and I share the problems the gentleman from Wisconsin [Mr. OBEY] has with the great Mr. Nader—we have overshot the mark.

We have hit organizations across the spectrum, pro-life groups and pro-choice groups, all kinds of groups, students working at Amnesty International, students working in Habitat for Humanity, students involved in hunger issues. Any kind of activism which has benefited from the decision of a student government to fund their activities has been swept up into this gag rule amendment.

This is something we ought to repudiate in the context of what so many of us have said as we paraphrase Voltaire: "I disapprove of what you say but I will defend to the death your right to say it." That is a pretty basic tenet of democracy.

There is nothing here that avoids the fact that we want to be big government nannyist censors. We want to tell people what they can join, what they can be involved in and how they can, in their own self-government on these campuses, decide to fund them. It is not the right time, it is the wrong time for us to enter into this. It ought to be put to death on a bipartisan basis, as it was in committee, after an extensive debate on a 2-to-1 bipartisan vote.

I know there are many who will speak today in behalf of academic freedom. I think we are just simply asking for young people to be able to exercise their basic right to a representative form of democracy.

Vote down the Solomon gag rule amendment.

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

Mr. FAZIO of California. I yield to the gentleman from Minnesota.

□ 2145

Mr. VENTO. Mr. Chairman, I could not agree more. I think that in the amendment, the authors of this amendment are saying more about their credibility than they are about the students' credibility.

The fact of the matter is that our higher education institutions are the crucible of democracy in this Nation. Democracy is not something that we grow up with in the sense it is something that has to be learned. These institutions are a strength and they are in fact teaching that. It is this locus

that we are interfering with, we are getting involved with.

I hope this House will overwhelmingly reject the amendment and I commend the gentleman from California for his statement.

Mr. Chairman, I am opposed to the Solomon amendment for several reasons.

Advocates of this amendment label free speech and political activities as lobbying; the real problem is that we need more involvement, not less. What the amendment advocates are saying is that, "We don't want people involved." Non-profits, student groups by any definition are the voice of the American people not the special interests, not the big money political—quite the contrary.

This amendment is a blatant attack on the U.S. Constitution and every American's right of free speech. This amendment takes away that right from a highly visible group of Americans, college students. If we start down the path of discriminating against college students, what group is next, where could you stop.

Certainly it is the mission of a college or university to provide a marketplace for the free flow of ideas, and this extends beyond the confines of the classroom. Political lectures, debates, conference, research, and participation in politically active student groups, all offer important educational opportunities to college students. This amendment would impair such educational activities and in effect have a chilling effect upon the free discourse of our educational institutions.

University and college campuses have a long tradition of providing students with opportunities to develop their civic interests, leadership skills, and responsible citizenship, and as a result, have produced many creative leaders. One of the reasons that many of my colleagues indeed are Members of this body today is because of the leadership opportunities that they were afforded in the higher education institutions across this Nation.

Every generation of college students since America's independence have enjoyed the opportunity to participate in political organizations. This amendment will take away that opportunity that right from this generation of college students, and all generations to come. We should not deny them the freedom to participate that has been enjoyed by earlier American generations. This participation has been a hallmark of our society. Democracy and involvement is a process that must be learned. Our education institutions are naturally a locus of such experimentation and trial by young adults testing their skills. The competition of ideas that this House would fear such participation speaks to the Solomon amendments credibility not the students. I strongly oppose this amendment, a gag rule attempt to rewrite the U.S. Constitution which would impair the crucible of our Nation's democracy

and strengthen, our educational system and future generations of American citizens.

Mr. SOLOMON. Mr. Chairman, as I yield 2 minutes to the gentlewoman from California to rebut the gentleman from California, let me yield myself 30 seconds first to tell my good friend, the gentleman from California [Mr. FAZIO], we are going to a free market system. That is what the Solomon amendment does.

Let me just tell the gentleman something, that we give them the right to contribute to every one of those, but it is done voluntarily by the student, not forced down their throats by the State government in California.

Mr. Chairman, I yield 2 minutes to my good friend, the gentlewoman from California [Mrs. SEASTRAND], and she will rebut what the gentleman had to say.

Mrs. SEASTRAND. Mr. Chairman, I rise in strong support of the Solomon amendment. The amendment protects student rights and student beliefs from being misrepresented.

It also protects the American taxpayer from furnishing hard-earned tax dollars from being used to finance political organizations, regardless of whether the American taxpayer supports, opposes, or is indifferent to the viewpoints held by these organizations.

Our responsibilities as Members of Congress is to ensure the American people that the Federal Government is spending their tax dollars wisely on necessary programs. Federal funds being contributed to political organizations such as the College Republicans, College Democrats, or the PIRG, the public interest research groups, throughout the country is not wise and they are not necessary programs for the Federal Government to cover even if we did not have to contend with an almost \$5 trillion Federal debt.

Opponents of this amendment are referring to it as a "student gag rule." Do not be deceived by this. This amendment would in no way prohibit political organizations from soliciting either financial or political activity assistance from college students, nor would it prevent students from voluntarily contributing to the political organizations of their choice. It merely protects students from being forced into funding these activities through their tuition bills.

In addition, the amendment provides an exemption for all officials of the universities that recognize student government and the official student newspaper on campus. This amendment ensures that all university officials and the student government are free to engage in lobbying activity, as is their fundamental right in a democratic society.

The fact of the matter is that the false gag rule perception is being spread by many of the PIRG's, the public interest research groups, lobbying this issue with Federal funds they received by students in mandatory, non-

refundable, and negative check-off fees from college student tuition bills.

Again, I would say this is a misuse of taxpayers' money and should no longer be allowed.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I just wanted to follow up on what the gentlewoman from California [Mrs. SEASTRAND] said, and I have a great deal of respect for her, but it is not really accurate that this amendment is dealing with the issue of Federal funds going to the student groups.

What the amendment does essentially is to say that the university will not be able to receive or utilize Federal funds that it gets for almost every purpose if it allows students to organize and by majority vote decide to have a referendum where an assessment is put on the students which individual students can get out of. That is what the amendment says.

It is a very broad brush here. The gentleman from Wisconsin [Mr. OBEY] pointed out, and I am glad the gentleman from New York [Mr. SOLOMON] is willing to admit that basically he is trying to go after the native group or the PIRG group here, but if you look at the amendment, what it says, it paints a very broad brush.

It is going to make it very difficult for student groups that want to speak out, and it puts in effect a gag on these student groups and punishes the university if they simply let a referendum take place where student activities are assessed for a particular purpose or organization.

This is not compulsory. There is nothing to prevent individual students from checking off that they do not want to participate and do not want to contribute their funds. It is strictly voluntary. To make such a distinction between a negative and a positive check-off in my mind makes no sense.

Mr. Chairman, I respect the gentleman from New Jersey [Mr. FRELINGHUYSEN] for what he said, but the bottom line is this has already had a very negative impact in New Jersey on the ability of student groups to organize and to speak out and exercise their First Amendment rights.

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

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished minority whip.

Mr. BONIOR. Mr. Chairman, this is indeed a dangerous amendment and when you put it in the context of what we have been through this Congress, it is even more frightening.

We started this Congress by having the research arm of our party, the Democratic Study Group, shut down. We then marched to shutting down the Congressional Black Caucus, the Congressional Hispanic Caucus, the Women's Caucus.

Then the Republican extremists decided this institution knows no bounds.

They went outside the institution and began to shut down the Corporation for Public Broadcasting, the National Endowment for the Arts, and now they are marching to campuses to take on young men and women who we encourage every day on this floor to participate in their government, and they are trying to shut them down.

Mr. Chairman, this is a shameful amendment. I encourage each and every one of my colleagues to vote against this and let the citadel of free expression in our society, the university, the colleges, the campuses, allow them to flourish in the historic context in which they have been made great throughout the centuries.

What are you afraid of? What are you afraid of from students expressing their free will and their views and their thoughts? Vote "no" on the Solomon amendment.

Mr. SOLOMON. Mr. Chairman, the gentleman from Michigan [Mr. BONIOR] made the same argument 13 years ago about the first Solomon amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. WICKER], a freshman Member of this body.

Mr. WICKER. Mr. Chairman, I thank the gentleman from New York [Mr. SOLOMON] for yielding me the time.

I certainly rise in support of the Solomon amendment. When Mr. SOLOMON began his remarks, I believe I heard him say that you would hear some hysteria tonight from the opponents of this amendment and I think now we know exactly what the gentleman from New York was referring to.

I have not been here long, but I have learned that when you are opposed to an amendment or to a concept here in the House of Representatives, you get up and say it is a "gag rule." You throw out terms like "dangerous" and "chilling." You say it is an attack on the First Amendment and on free speech. Nothing could be further from the truth in this case.

It is also important that we actually read the amendment and correct some of the misstatements that have been made tonight. Student governments are excepted from this amendment. Student newspapers are not affected by this amendment. Officials and faculties are specifically, by the wording of the amendment, not subject to the language of the amendment.

Now, back several years ago when I was in college, I was a campus activist. You might find that surprising, but I was involved in campus politics. I believe political discourse should flourish at colleges and universities, but I think what organizations ought to actually do is set up a table during registration and collect dues. What this amendment does is go farther than that. It says these campus groups can have a positive check-off. The crux of the amendment is this: Should we compel students to contribute money to an organization they do not believe in? Should we compel students to contribute



money to a point of view they do not support?

I say to you, Mr. Chairman, and to the Members of this House, such practices are wrong. That is what this amendment is about. I urge a "yes" vote on the Solomon amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, we are being told that we do not have time to debate the telecommunications bill in the light of day, so the U.S. Congress can debate whether or not students on campus have the right to be able to organize student activities any way that they want. That is what we are taking time out here in the U.S. Congress to do.

Now, every one of these activities has been authorized either by the State legislature, the university officials, or by the students themselves. They have determined in each one of these States how they want to have these activities on their own campuses conducted.

In about 4 hours, we are going to have a vote that the majority opposes that is going to give parents the right to be able to block violence that is invading their living rooms for their adolescent children. Many on the majority side are opposed to the Government intervening there, and yet here we are with the majority telling us their 18- to 20-year-old sons and daughters on campus cannot make up their own mind on how they want to organize to ensure that they have a public interest activity that they are able to advance as they see fit.

Mr. SOLOMON. Mr. Chairman, yielding myself 15 seconds, I will say to my good friend from Massachusetts, did you ever hear of Senator Stan Rosenbaum and Representative Paul E. Carin, two prominent Democrats in the State legislature of Massachusetts? They want to end compulsory student fees because they gag students. You ought to talk to them.

Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON], a very distinguished Member.

Mr. KINGSTON. Mr. Chairman, I agree with the previous speaker: This is a "no brainer." If our constituents were watching this, but they are probably doing something a little more intellectually challenging like watching Gilligan's Island reruns, they would be appalled to think that we can look them in the eye and say, "Yes, it is fair that you work all your life to write a \$2,000 tuition check to the university of your choice and part of that money goes to a special interest group and the only way you can get it back is to file something like a tax return and then you get your money back." That is absurd.

If PIRG and all these groups that are benefiting from them are good, let them compete just like the College Democrats and the College Republicans do. All day long we have heard from the left that this bill is bad for stu-

dents, bad for parents, hurts college tuition. If you want to help college tuition, vote for the Solomon amendment and restore some of that tuition.

Mr. OBEY. Mr. Chairman, I yield 10 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman from New York [Mr. SOLOMON] mentioned Senator Stanley Rosenbaum. It is Rosenberg. That may not be an important difference to you. The point is they are State legislatures. You mentioned a State Senator and a State representative. You said before, only one Government had the guts. That is the crux of it, the State legislatures. They should do it. You do not believe in States' rights. It is a phoney.

Mr. SOLOMON. I am glad you are with me.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. SABO], the distinguished Chairman of the Committee on the Budget.

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

Mr. SABO. Mr. Chairman, a little while ago, we dealt with Medicaid. It is a Federal program. The Federal Government pays 50 to 70 percent of the cost and the House voted to say that in the name of States' rights, a woman who has been raped or a woman who suffered from incest and become pregnant should not have funds available for an abortion.

Now we are saying that in the university or a college, the Congress is going to tell them how they run their student fees. How ridiculous are we getting? Talk of arrogance of power.

The gentleman from Massachusetts [Mr. FRANK] is right: If a governor wants to decide, a legislature, the board of regents, the student government. But all this talk of decentralization, all of a sudden we are trying to tell universities and colleges how to run their student fees.

□ 2200

Let us stop it. Let us go on to serious debate.

Mr. SOLOMON. Mr. Chairman, that gentleman was from Minnesota. His students were forced to give \$250,000 to Ralph Nader.

Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Appleton, WI [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentleman from yielding me this time.

We were talking about arrogance of power. Let us take a look at this amendment.

Many time this debate gets far afield. This amendment says this, and I quote, "Prohibit the dissemination of Federal funds to institutions of higher learning when that institution uses compulsory fees for public policy, influence, or political campaigns," compulsory. Everyone in this House should be opposed to

compulsory fees for lobbyists like Ralph Nader. I cannot believe anybody in this House would vote against this amendment.

I thank the gentleman from New York for having the courage to propose an amendment like this. It is about time. For 40 years we have been going down this road of compulsory fees. It is about time we tell our students in the universities they do not have to knuckle under.

This amendment is going to end welfare for Ralph Nader. That is enough for me to vote for this amendment.

Now let this House say we have had enough of Ralph Nader, too, and vote for this amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I had always thought Republicans believed in local control, and now suddenly we are believing that this Congress should be the big nanny of American higher education.

Being a former university president with 300 students groups on the campus, I want to say that last thing we need to do is spend our time intruding on the private and the public universities of America.

As an undergraduate, I went to a university where you could not have a political speaker on campus unless someone answered it, so when the Republican leader of the Senate came, we had a student assistant debate William F. Knowland. Now, that was Stanford University. Those days are over.

When my son went there three decades later, if he did not like a group to whom the student body contributed, you could go in and get your 75 cents back or whatever the amount was.

What this amendment will do is objected to by Arkansas Students for Life, Illinois Students for Life, student chapter of the National Wildlife Federation, the National Catholic Student Coalition.

Let us stop the nonsense and let us turn this amendment down.

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

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

Mr. NADLER. Mr. Chairman, what is the majority party afraid of today? First we seek to stifle not-for-profit groups. Now we seek to invade the free speech rights of students.

Because this amendment is so vague, it would create a chilling effect on all speech in any college or university receiving Federal funds under this amendment. If a student group were to engage in activity that is interpreted by a Federal bureaucrat as an attempt to affect public policy, every student at the institution would risk losing Federal student loans. A student receiving credit for congressional internship programs supported by the university could put in jeopardy all the university

funding that benefits the students at that institution.

Why are we dictating to the States, to the students, to the college administrations how they ought to use their funds, not the Federal funds, their funds?

We have, in the arrogance of power, decided that we know best. We are going to tell every State Governor, every college, every student body what to do. That is not what I thought this was all about.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. UPTON], who looks like a student.

Mr. UPTON. Mr. Chairman, I thank the gentleman for yielding me this time, and I think that perhaps I still look like a student because I need a haircut, thanks to the gentleman from Texas [Mr. ARMEY], with the schedule we have been on. We have not been able to see folks otherwise we would like to see.

Mr. Chairman, I do remember well when I was a student, and I remember well paying into this fund, and you know what, I did not like it, and I could not get my money back, and that is wrong. That is wrong to force us to contribute to an organization that we may not be willing to support.

As I understand it, this amendment provides a voluntary checkoff so that the student, he or she, can decide what they want and what they do not want. I think that is the fair way to go, and that is why I rise in support of this student-friendly amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, it seems to me we have been about the business over the last few days in this Congress of saying if we do not agree with your views, we are going to find a way to penalize you. We are going to find a way to try to intimidate you. We are going to try to find a way to quite you, to shut you up. That is not America. That is beneath us.

This amendment is beneath us. All of us know it is directed at the PIRG's, and all of us have had an opportunity to be annoyed by the PIRG's. But, very frankly, I am annoyed by a lot of people, and I am sure I annoy a lot of people, and that is the greatness of America. We get the opportunity to annoy one another.

Let us continue that right in America.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. FORBES], a fellow New Yorker in the State where Ralph Nader gets \$1 million.

Mr. FORBES. Mr. Chairman, I thank the gentleman from New York for yielding me this time.

As a student at the State University of New York, I was required, and my parents were required, to pay a mandatory student fee. And from that fee, a nonrefundable mandatory fee, and part

of that money was used to fund off-campus groups that had nothing to do with education.

Great discussions over the last several months particularly have talked about choice. Well, what is wrong with allowing students the opportunity to choose and to write their own checks to their own special interest groups that they want to fund? Instead of forcing students to pay and their parents to pay fees that go to off-campus groups that have nothing to do with education, I would suggest that we support the Solomon amendment and give the right of choice back to the students.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. WAXMAN].

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

Mr. WAXMAN. Mr. Chairman, the choices are being taken over by the Federal Government. Just look at what we have done this evening on this bill. The Federal Government is going to tell the schools, medical schools what they can and cannot teach. The Federal Government is going to say whether a woman will really have a choice for abortion if she is raped or is pregnant because of incest. The Federal Government is going to tell nonprofit groups they cannot express their own opinion. Now we are taking away the choice from universities and campuses to allow greater speech.

We have heard over and over again tonight that the Republicans seem to want to silence one particular group on the campuses. That is not the American way.

You are going to silence one group you disagree with. You are also going to silence some groups with whom you may agree.

Let us have a diversity of opinions. Let us have a free marketplace of ideas.

Those who called for free market economics ought to be for free market ideas as well.

#### PARLIAMENTARY INQUIRY

Mr. DEFAZIO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman will state his parliamentary inquiry.

Mr. DEFAZIO. Mr. Chairman, I have noted that repeatedly the gentleman from New York has stood up and made a rebuttal statement or a statement that does not pertain to the yielding of time or to the introduction of the next speaker. I would like to know if the rules of the House allow for that or whether or not all of those comments should be counted against his time or whether those are out of order.

The CHAIRMAN pro tempore. The Chair will state that the time that the gentleman has used has been taken off of the time that he is allowed for his time on this amendment.

Mr. DEFAZIO. I thank the Chair.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, it is with reluctance, I say to the gentleman from New York [Mr. SOLOMON], I have to oppose his amendment.

I came to Washington to fight against more power and decisionmaking coming from this Congress, and I just was very proud to vote with my colleagues a few minutes ago to end welfare for lobbyists.

But I think this goes a little bit too far. If you do not like compulsory fees and how they are spent, you have other choices. You can work with student organizations to change the way those decisions are made. But I do not think we need to focus here in Washington to try to change it here from this Congress.

It seems to me, in my judgment, are we now setting the standard for political correctness here from the House of Representatives, from Washington, DC? I do not think so.

I highly respect my colleague from New York, but in my judgment, this goes too far.

I remember my days as a student at Amherst College at the height of the antiwar movement. I was chairman of the Conservative Union. I remember, in those days, not getting a voice.

I do not think these decisions ought to be measured from Washington. There ought to be other ways to change it.

I oppose this amendment.

Mr. SOLOMON. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. COX], a member of the Republican leadership, speaking for the leadership for this amendment, our policy chairman.

Mr. COX of California. Mr. Chairman, I want to thank all of my colleagues for their cheerful demeanor at this time of night. The debate has been an interesting one to listen to, and it caused me to rise in support of the gentleman from New York [Mr. SOLOMON] because I have observed both as a student on campus that campus liberals and former campus liberals have difficulty distinguishing between other people's money and their own.

What we are talking about in the Solomon amendment is whether or not Federal funds should be used to subsidize institutions that use compulsory fees for public policy influence or political campaigns, and that is wrong.

When we do telecommunications, we are going to vote on a bill that outlaws slamming, that is, when a long-distance company calls you and says, "Do you want to switch," and if you do not affirmatively say "no," they go ahead and switch you anyway. That is wrong. That is dishonest. That is illegal, and we are to fix it when we do telecom. It is wrong whether it is labor union dues that are spent against the wishes of labor union members to fund political campaigns they do not agree with, or students on campus whose dues are

taken without their affirmative consent.

The same liberals who for years have regulated every aspect of American life with thousands of pages much legalese tell us now it is too complicated to let students check a box that, yes, they would like their money to go to a political campaign or political influence.

The fact is it is easy, it is right, and it is fair. Vote for the Solomon amendment.

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

Let me just tell the gentleman from Virginia [Mr. DAVIS] for a minute, the gentleman says let the students correct it. I want you to go out and check the record that in every campus in America where the students have been given the right for a referendum, do you know what they have done? They have rejected mandatory activity fees. They have rejected the negative check-offs, because they want the positive checkoff, the right to do it, and it was not just overwhelming. The smallest ratio was 75 percent rejecting mandatory activity fees. That is exactly what we are doing here. We are giving them that right, if they want the Federal dollars.

This does not touch Pell grants and individual grants going to students. It is only to those universities that are depriving those students of the referendum to let them check off a positive checkoff. That is exactly what this amendment does. It does nothing else.

I invite you all to come over here and read the amendment. If you want to do what is right for the students of this country, you vote "yes" on the Solomon amendment.

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

Mr. OBEY. Mr. Chairman, I yield the remainder of my time, 1½ minutes, to the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, let me tell you what this debate is all about. Too many Members of this new Gingrich Republican Party are frightened by freedom of expression in the United States.

Six screwballs to out and burn the American flag last year. The Gingrich Republicans come in and want to change the Bill of Rights for the first time in over 200 years. Garrison Keillor gets on public radio and needles them, and they decide to do away with the Corporation for Public Broadcasting. A Congressman receives a few letters from advocacy groups he does not care for, he introduces an amendment to shut them down so they can no longer lobby Capitol Hill.

□ 2215

And now we have an amendment offered by the gentleman from New York [Mr. SOLOMON] which seeks to silence controversial discussions on college campuses, a place where we should encourage these discussions on the right and on the left. That is what America is all about.

I say to my friends in the Republican Party, if your revolution is so right, so popular, so American do not be afraid of the court of public opinion. That is what America is all about.

This amendment is not conservatism, it is elitism. Defeat this abomination. Defeat the Solomon amendment.

Mr. MINETA. Mr. Chairman, I rise in opposition to this amendment.

This amendment is a Federal intrusion to the integrity of college and university campuses all around the country, and an attack to one of our most fundamental rights—the freedom of speech.

Applly termed the "campus gag rule," this amendment assaults the freedom of speech of our students, faculty, staff, and all who want to participate in an exchange of ideas—in the very institutions where freedom of thought is supposed to flourish and be embraced.

We cannot be expected to produce the leaders, the political thinkers, and civic-minded citizens of the future, if we stifle their ability to participate in discussions on issues and public policy that will shape their world of tomorrow. Participation, service, and activism enhances the educational experience of students, and sometimes inspires us to become involved in the very issues that affect our communities.

Mr. Speaker, this amendment stunts the academic and intellectual freedom of some of our brightest citizens. And it only serve to further isolate our citizens from participating in the public policy discussions that influence their lives. I urge my colleagues to vote against this amendment.

Mr. RICHARDSON. The Solomon amendment is noting but campus gag rule.

This amendment adds an unprecedented level of Federal intrusion into local decision making.

It prevents university and college campuses from being free to make their own decisions about how best to encourage a marketplace of ideas and opposing viewpoints.

Our college students represent our best hope for developing the next leaders of this Nation. This amendment prevents students from entering into important debates and from pursuing campus activities which they believe in.

The bottom line is that student's must have the ability to influence policy and must be allowed to get involved in issues that they support.

I urge my colleagues to vote no on the Solomon amendment.

#### WHO OPPOSES THE CAMPUS GAG RULE?

(The Solomon amendment to the Labor, HHS and Education appropriations bill)

National education organizations including: American Association of State Colleges and Universities, American Association of University Professors American Council on Education, Association of American Universities.

American Federation of Teachers, National Association of State Universities and Land Grant Colleges, National Education Association, National Association of Independent Colleges and Universities.

Over 50 national student and citizen groups including: American Planning Association, Consumer Federation of America, Environmental Defense Fund, Habitat for Humanity International, National Catholic Student Coalition National Catholic Student Coalition, National Student Campaign Against Hunger and Homelessness.

National Wildlife Federation, Oxfam America, People for the American Way, Physicians for Social Responsibility, Presbyterian Church (USA), Washington office, United States Student Association (USSA).

Over 100 local citizen groups including: Arkansas Students for Life, Long Island Soundkeeper, Florida PIRG, Illinois Citizens for Life, Sierra Club of Indiana.

Hands Across New Jersey, Pennsylvania Council of Churches, Consumers Union, Southwest Regional Office, United We Stand, Texas, Watch Our Waterways.

Over 100 local educators including: California State University, Office of the Chancellor; University of California, Office of the President; Central Baptist College, Dean; The Regents of the University of Colorado; Connecticut College, President; The American University, Chair Board of Directors; Delta College, Dean; Emory University, President; Illinois Community College Board, Executive Director; Illinois Board of Regents, Chancellor; University of Maine System, Chancellor; University of Mississippi, Chancellor; Hastings College, President.

Dartmouth College, President; University of New Hampshire, President; Nassau Community College, President; University of New Mexico, Acting President; Ohio State University, Provost; Oklahoma State Regents for Higher Education, Chancellor; Oregon State System of Higher Education, Chancellor; Bucknell University, President; University of Texas Board of Regents, Chancellor; University of Utah, President; Virginia State University, Vice President; Washington State University, President; University of Wisconsin System, President.

Ms. BROWN of Florida. Mr. Chairman, I rise today on behalf of the college students in Florida, and against the Solomon amendment. This amendment would deprive our students, our future citizens, of the ability to exercise their democratic rights to free speech.

This amendment is a gag rule—pure and simple. It would prevent students from deciding to use their own fees for causes they determine are important. It interferes with student and university decision making. Ironically, this amendment would interfere with students rights to protest against the \$4.5 billion cuts for education in this very bill.

Don't the decisions about which groups and activities students choose to fund with their own fees belong to the students—not the Federal Government? Don't a majority of students vote or petition for these fees in the first place? Isn't that the lesson of democracy we should be teaching our students?

We do not need to interfere with the decisions of student bodies about how their fees should be spent—especially if they choose to enter debated of public policy of our democracy. We should be encouraging them to participate in our democracy—not curb their participation.

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

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

#### RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 263, not voting 10, as follows:

[Roll No. 623]

AYES—161

Allard	Frelinghuysen	Ney
Archer	Frisa	Norwood
Armey	Funderburk	Nussle
Bachus	Gallegly	Oxley
Baker (CA)	Ganske	Packard
Baker (LA)	Gekas	Parker
Ballenger	Geren	Paxon
Barr	Gillmor	Pombo
Bartlett	Graham	Quillen
Barton	Gutknecht	Radanovich
Bass	Hall (TX)	Riggs
Bereuter	Hancock	Roberts
Bliley	Hansen	Rogers
Boehner	Hastert	Ros-Lehtinen
Bonilla	Hastings (WA)	Roth
Bono	Hayes	Roukema
Brewster	Hayworth	Royce
Bryant (TN)	Hefley	Salmon
Bunning	Heineman	Sanford
Burton	Herger	Saxton
Buyer	Hilleary	Scarborough
Callahan	Hostettler	Schaefer
Calvert	Hunter	Seastrand
Canady	Hutchinson	Sensenbrenner
Chabot	Hyde	Shadegg
Chambliss	Inglis	Shaw
Chapman	Istook	Shuster
Chenoweth	Johnson (CT)	Sisisky
Christensen	Johnson, Sam	Smith (NJ)
Coble	Jones	Smith (TX)
Collins (GA)	Kingston	Smith (WA)
Combest	Knollenberg	Solomon
Cox	Largent	Souder
Crane	Latham	Spence
Crapo	Laughlin	Stearns
Cremeans	Lewis (KY)	Stenholm
Cubin	Lightfoot	Stockman
Cunningham	Linder	Stump
DeLay	Livingston	Talent
Diaz-Balart	LoBiondo	Tate
Dickey	Lucas	Tauzin
Doolittle	Manzullo	Taylor (MS)
Dornan	McCollum	Taylor (NC)
Dreier	McCrery	Tiaht
Duncan	McDade	Upton
Dunn	McHugh	Vucanovich
Ehrlich	McInnis	Waldholtz
English	McKeon	Walker
Ensign	Metcalf	Weldon (FL)
Everett	Mica	Weller
Fields (TX)	Montgomery	Wicker
Forbes	Moorhead	Myrick
Fowler	Myrick	Zimmer
Franks (CT)	Neumann	

NOES—263

Abercrombie	Collins (MI)	Frank (MA)
Ackerman	Condit	Franks (NJ)
Baesler	Conyers	Frost
Baldacci	Cooley	Furse
Barcia	Costello	Gejdenson
Barrett (NE)	Coyne	Gephardt
Barrett (WI)	Cramer	Gibbons
Becerra	Danner	Gilchrest
Beilenson	Davis	Gilman
Bentsen	de la Garza	Gonzalez
Berman	Deal	Goodlatte
Bevill	DeFazio	Goodling
Bilbray	DeLauro	Gordon
Bilirakis	Dellums	Goss
Bishop	Deutsch	Green
Blute	Dicks	Greenwood
Boehlert	Dingell	Gunderson
Bonior	Dixon	Gutierrez
Borski	Doggett	Hall (OH)
Boucher	Dooley	Hamilton
Browder	Doyle	Harman
Brown (CA)	Durbin	Hastings (FL)
Brown (FL)	Edwards	Hefner
Brown (OH)	Ehlers	Hilliard
Brownback	Emerson	Hinchey
Bryant (TX)	Engel	Hobson
Bunn	Eshoo	Hoekstra
Burr	Evans	Hoke
Camp	Ewing	Holden
Cardin	Farr	Horn
Castle	Fattah	Houghton
Chrysler	Fawell	Hoyer
Clay	Fazio	Jackson-Lee
Clayton	Fields (LA)	Jacobs
Clement	Flake	Jefferson
Clinger	Flanagan	Johnson (SD)
Clyburn	Foglietta	Johnson, E. B.
Coburn	Foley	Johnston
Coleman	Ford	Kanjorski
Collins (IL)	Fox	Kaptur

Kasich	Minge	Schumer
Kelly	Mink	Scott
Kennedy (MA)	Molinari	Serrano
Kennedy (RI)	Mollohan	Shays
Kennelly	Moran	Skaggs
Kildee	Morella	Skeen
Kim	Murtha	Skelton
King	Myers	Slaughter
Klaczka	Nadler	Smith (MI)
Klink	Neal	Spratt
Klug	Nethercutt	Stark
Kolbe	Oberstar	Stokes
LaFalce	Obey	Studds
LaHood	Olver	Stupak
Lantos	Ortiz	Tanner
LaTourette	Orton	Tejeda
Lazio	Owens	Thomas
Leach	Pallone	Thompson
Levin	Pastor	Thornberry
Lewis (CA)	Payne (NJ)	Thornton
Lewis (GA)	Payne (VA)	Torkildsen
Lincoln	Pelosi	Torres
Lipinski	Peterson (FL)	Torricelli
Lofgren	Peterson (MN)	Towns
Longley	Pickett	Traficant
Lowe	Pomeroy	Tucker
Luther	Porter	Velázquez
Maloney	Portman	Vento
Manton	Poshard	Visclosky
Markey	Pryce	Walsh
Martinez	Quinn	Wamp
Martini	Rahall	Ward
Mascara	Ramstad	Waters
Matsui	Rangel	Watt (NC)
McCarthy	Reed	Watts (OK)
McDermott	Regula	Waxman
McHale	Richardson	Weldon (PA)
McIntosh	Rivers	White
McKinney	Roemer	Whitfield
McNulty	Rohrabacher	Wilson
Meehan	Rose	Wise
Meek	Roybal-Allard	Wolf
Menendez	Rush	Woolsey
Meyers	Sabo	Wyden
Mfume	Sanders	Wynn
Miller (CA)	Sawyer	Yates
Miller (FL)	Schiff	Young (FL)
Mineta	Schroeder	

NOT VOTING—10

Andrews	Petri	Williams
Bateman	Reynolds	Young (AK)
Filner	Thurman	
Moakley	Volkmer	

□ 2236

Messrs. EWING, SAWYER, PORTER, and HOEKSTRA changed their vote from "aye" to "no."

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

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Speaker, earlier this evening I missed rollcall vote No. 623, the Solomon amendment. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. GORDON

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

The CHAIRMAN pro tempore (Mr. LAHOOD). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GORDON: 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 for grants to students at an institution of higher education under the Pell Grant program under subpart 1 of part A of the Higher Education Act of 1965 when it is made known to the Federal official having authority to obligate or expend such funds that such institution is ineligible to participate in a loan program under part B of title IV of such Act as a result of a default rate determination under section 435(a) of such Act.

The CHAIRMAN pro tempore (Mr. LAHOOD). Pursuant to the order of August 2, 1995, the gentleman from Tennessee [Mr. GORDON] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The CHAIR recognizes the gentleman from Tennessee [Mr. GORDON].

Mr. GORDON. Mr. Chairman, I yield myself 5 minutes.

The gentlewoman from New Jersey [Mrs. ROUKEMA] and I have a common-sense and, I think, an uncontroversial amendment. In 1982, we had a \$3 billion student loan program in this country and a 10-percent default rate. Ten years later, in 1992, we had a \$7 billion student loan program and a 54-percent default rate. We were spending more money on defaults in 1992 than we spent on the whole program 10 years before that.

Mr. Chairman, that resulted from a variety of reasons, one of which is the Department of Education simply was not doing a good job in overseeing the program and collecting, and the other problem was there were a number of schools that had extraordinarily high default rates, 50, 60, 70, 80 percent, because they were more interested in getting a student's money than in giving a student an education. With the help of a number of the folks here in this Chamber tonight, we instituted a number of reforms in the student loan program integrity provisions.

One of the major reforms that was made in the student loan program was to kick out of the program those schools with high default rates, and the result has been, in the first year of that, last year, we saved \$600 million for the taxpayers; this year it is estimated \$1.2 billion; and that figure will continue to climb. What we found is that a number of those schools said, "Fine, we will just get out of the student loan program, but we want to continue to get the Pell grants because there is no accountability for Pell grants."

Right now, Mr. Chairman, we have \$320 million a year in Pell grants going to schools that have been determined to be so irresponsible that they should not be in the loan program. The gentlewoman from New Jersey [Mrs. ROUKEMA] and myself have a simple amendment that simply says that if you are a school that has been kicked out of the student loan program because of high default rates, then your school is not eligible for Pell grants. That is the bulk of the amendment. I know there will be some questions.

Mr. Chairman, I yield 5 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA], and I ask unanimous consent that she be permitted to control that time.

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

There was no objection.

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

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

consume, and I want to rise in strong support, of course, of this amendment. I am happy to join again with the gentleman from Tennessee [Mr. GORDON] on this amendment. As he has stated, we successfully passed similar language in 1992 on this very floor, which most of the people here voted for at that time, but it was mysteriously dropped in conference. We are coming back to that now.

I think it is a straightforward amendment, as the gentleman has already said, and I want my colleagues to listen to this now. It would prevent a postsecondary school from participating in the Pell Grant Program if the school is already ineligible to participate in the student loan program.

□ 2245

That is plain and simple if they have very high default rates and do not meet the criteria in the legislation of today.

My colleagues, this bill is an example of how we are trying desperately to save the taxpayers' money, and it is appropriate, therefore, that we add this reform to this bill so that again, we can go along with the savings that we know are really out there for the taxpayers.

The gentleman from Tennessee [Mr. GORDON] has already outlined some of the savings, but I would like to add to what he said about the benefits that we have already seen in this just 2 years. In just the short time that this reform has already been in effect, the Department of Education has documented substantial results, having already saved millions of taxpayers' dollars, and it disqualified at least 129 of the schools. However, that is not enough.

Mr. Chairman, the Senate Committee on Governmental Affairs Permanent Subcommittee on Investigations held hearings just 3 weeks ago to examine this very question of the Pell Grant Program in proprietary schools. That hearing disclosed that a California-based trade school, which had repeatedly failed to reimburse loans and filed false loan applications had received almost \$58 million in Pell grants in just a few short years, which made it the 16th largest Pell grant recipient in the Nation.

Mr. Chairman, this amendment says, enough is enough. We are trying to save the taxpayers' dollars, we are trying to balance the budget. Make our Pell grant money go farther, save the students and save the taxpayers from the scam schools.

Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Pennsylvania [Mr. GOODLING] Chairman of the Committee on Economic and Educational Opportunities, for his observations on this issue.

Mr. GOODLING. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, our two colleagues have an excellent amendment. I just want to make a little history for the

benefit of this Department of Education and any future department to make sure that they understand there is an exception in the legislation that the Secretary can make, and that is put there primarily because a community college, for instance, may have only four loans. They may have two defaults. That is not what the gentlewoman is talking about, and we want to make sure that the department understands that, and they are protected.

Mrs. ROUKEMA. Mr. Chairman, that is a very useful contribution, and I thank the gentleman.

There have been some that have raised the question with me, and I have tried to assure them that that problem is taken care of, and it should not adversely affect their community colleges.

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

Mr. PORTER. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I think the amendment makes eminent good sense and we would accept it and urge its adoption.

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

Mr. GORDON. Mr. Chairman, I yield 30 seconds to my friend, the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, if I could ask either the gentlewoman from New Jersey or the gentleman from Tennessee, both who have worked incredibly hard on this problem, in the case of a public institution, a community college which we have a lot of obviously in California and Texas and other places, what happens there? I mean it is the student who is in default, but you have other students who want to come to the institution who are eligible for Pell grants. Would they be denied Pell grants? You talk about we have a very limited number of loans. But would that be true?

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman's time has expired.

#### PARLIAMENTARY INQUIRY

Mr. MILLER of California. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. MILLER of California. Has the time in opposition been claimed?

The CHAIRMAN pro tempore. It has not.

Mr. MILLER of California. Mr. Chairman, could I claim the time in opposition?

The CHAIRMAN pro tempore. Does the gentleman oppose the amendment?

Mr. MILLER of California. I think I might, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from California is recognized for 10 minutes in opposition to the amendment.

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

Mr. Chairman, my concern is public institutions. Pell grants, as I understand it in California, are used mainly at the community college level much more so than the loan program. But you could have a limited number of students who have loans and they default on them, and then that spills over to the students who want to get an education and are qualified for a grant and need the grant to go to school. Can you help me with that?

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

Mr. MILLER of California. I yield to the gentleman from Tennessee.

Mr. GORDON. Mr. Chairman, let me repeat what I think Chairman GOODLING put forth earlier.

Mr. Chairman, what the gentleman is talking about is a valid situation. You will have some community colleges that may have four people there on loans and have 4,000 on Pell grants. You have a situation because there is such a small loan volume that you could have two of those four that have defaulted, and so they are in a high default rate situation.

As was pointed out, this was never intended to cut that school off from Pell grants. It gives the Secretary of Education the authority, and encourages them, to waive this prohibition in that situation.

Mr. MILLER of California. I thank the gentleman.

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

Mr. MILLER of California. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I would like to also say that the students would not be punished because they could come under existing law for mitigating circumstances.

Mr. MILLER of California. Mr. Chairman, I thank the gentlewoman from New Jersey and the gentleman from Tennessee who have worked hard on this, and they have removed my opposition, so I yield back the balance of my time.

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

Mr. Chairman, if I might just quickly close by saying we talked about saving the taxpayers' money, and we are going to do that. But what we are also going to do is save opportunities with this bill. We are going to save the opportunities of those individuals that are going to a high default rate school that really is not giving an education. They are going there under false pretenses, and they are not going to get a good education. Now they can take that Pell grant and have it directed to a good school and have their opportunities fulfilled too. So we know we save money, and we also save opportunities.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would simply underscore what the gentleman has said. In

my closing remarks I stated we are not only saving the taxpayers, but we are concerned about the students that are being used and deprived of an education and we want them to get that good education.

Mr. Chairman, I rise in strong support of the amendment offered by myself and my colleague from Tennessee [Mr. GORDON]. And, I would like to congratulate him for his continued efforts on this issue. For my colleagues who were not here a few years ago, the gentleman from Tennessee and I successfully passed similar language to the 1992 Labor-HHS-Education appropriations bill, but it was mysteriously dropped in conference.

Mr. Chairman, this amendment is straightforward. It would prevent a postsecondary school from participating in the Pell Grant Program if that school is already ineligible to participate in the federally guaranteed student loan program. Plain and simple, this legislation will make sure that if you have high default rates, then you should not receive any title IV higher education funding period.

Mr. Chairman, as all of my colleagues know, this is a critical time for our country. Congress is trying to save taxpayer dollars while improving the quality of post-secondary education that is available to all Americans. We took strong steps forward in achieving this in 1992 when we reauthorized the Higher Education Act with nearly 100 sorely needed reforms that were good for students and good for taxpayers.

Reforms such as the 3 year 25 percent cohort default rate were intended to put an end to risk-free Federal subsidies for those unscrupulous, for-profit trade schools who promise students a good education that leads to a good job and then fail to deliver on that promise—at the expense of both students and the taxpayer. If these schools violated these rules, then they would be bounced from the program.

Mr. Chairman, we have already determined that schools with unacceptably high student loan default rates should not be permitted to participate in the federally guaranteed student loan program. I submit that if a school is deemed ineligible to participate in the federally guaranteed student loan program, then obviously it should not qualify for the Pell Grant Program. And, as I already mentioned, while the House passed modified language addressing this concern in 1992, it was mysteriously dropped in conference. So, we are back here today discussing the one that got away.

Today we have an opportunity to stretch our Pell grant funds by disqualifying those schools that we have already disqualified from the federally guaranteed student loan program.

Data recently compiled by the Department of Education has revealed that, as a result of the 1992 reform addressing 25 percent cohort default rates, 544 proprietary schools no longer participate in the Guaranteed Student Loan Program. But, at least 129 of these disqualified schools continued to participate in the Pell Grant Program and subsequently continued to receive millions in Pell grants since 1991.

And, these figures do not even include all of the schools who voluntarily withdrew from the loan program because of the prospect of sanctions. In many of these cases, schools just chose to stop certifying loan applications instead of notifying the Department of Edu-

cation that they were ending their participation in the program.

To top it off, the Senate Governmental Affairs Permanent Subcommittee on Investigations held hearings 3 weeks ago to examine the abuse of the Pell Grant Program by proprietary schools. That hearing disclosed that a California-based trade school which had repeatedly failed to reimburse loans and filed false loan applications received almost \$58 million in Pell grants from 1990 to 1995 making it the 16th largest Pell grant recipient in the Nation.

Mr. Chairman, the Title IV Student Aid Program currently serves 2,487 proprietary schools, and proprietary schools represent 41 percent of all Pell grant recipients. And, despite corrective actions taken through the 1992 higher education amendments to prevent fraud and abuse of the Federal student aid program, this hearing only confirms that similar problems still persist, and that much more needs to be done to stop them.

Enough is enough. Make our Pell grant money go farther. Save the taxpayers from scam schools. Throw the scam schools out of the Pell program. Protect our students and our taxpayers. Support this critical amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Tennessee [Mr. GORDON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LAZIO OF NEW YORK

Mr. LAZIO of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAZIO of New York: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. The amount otherwise provided by this Act for "Corporation for National and Community Service—Domestic Volunteer Service Programs, Operating Expenses" is hereby increased by \$13,793,000.

The CHAIRMAN pro tempore. Pursuant to the order of the House of August 2, 1995, the gentleman from New York [Mr. LAZIO] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

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

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to begin by thanking Mr. PORTER, who has done a wonderful job in assisting on this amendment.

Mr. Chairman, I rise today to offer an amendment which restores money to the National Senior Service Corps, part of the Domestic Volunteer Service Programs. The National Senior Service Corps is a very successful program essential to today's senior citizens. The National Senior Service Corps includes: the Foster Grandparents Program, the Senior Companion Program, and RSVP—the Retired and Senior Volunteer Program. The additional funds from this amendment, which is totally offset by the savings in the last amendment by Mrs. ROUKEMA and Mr.

GORDON, will be equally divided among these three programs.

The funding level in this bill represents a reduction of 15 percent from the 1995 level and returns the National Senior Service Corps to 1988 funding levels.

These programs have brought needed services to communities across America and provided hundreds of thousands of service opportunities to older Americans. The seniors throughout our country represent a huge resource which we have only begun to realize.

We are a young Nation which prides itself on our youthfulness and vigor. We have a tendency to look toward our children and rely on them to realize our hope for tomorrow. I share this vision, and believe that children are the ultimate reason for which we do our work here in Congress. I also believe, however, that the senior citizens of this country have a wealth of experience and knowledge which must be engaged. As we look at some of the enormous social problems we face today, it is essential that as a nation we look toward those who have faced and overcome adversity before, and now stand as examples of that which makes America great. We need to realize that senior citizens are an essential part of the solution to many of today's ills.

It is easy to look at a bill such as the one before us today and miss the true meaning behind the numbers. The reduction to the National Senior Service Corps represent community needs which will go unmet. These programs have proven to be incredibly successful throughout their existence, and have engaged seniors in valuable community service making them part of the solution and giving them meaning. This amendment will restore nearly \$14 million of those funds.

The failure to adopt this amendment will mean:

A total of 3,208 Foster Grandparent service years—carried out by approximately 4,800 older volunteers—would be eliminated. This is the equivalent of 46 local projects—out of a current total of 279 projects. These Foster Grandparents would have served almost 12,500 infants, children, and young people with a variety of disabilities, including those who were abused or neglected, homeless, in trouble with the law, afflicted with a serious illness, or otherwise in need of person-to-person services from a caring older person.

An estimated 1,220 Senior Companion service years—involving over 1,700 older volunteers—would be eliminated. These Senior Companions would have served thousands of frail adults who need assistance with the activities of daily living to remain independent in their communities. Communities and families of these frail adults would have to find some other way—very likely costly institutionalization—to replace the 1.3 million hours of service they would lose each year.

In RSVP, where volunteers receive no stipend, the reduction would eliminate over 153 projects—from a current

project level of 759—serving over 12,200 local agencies and organizations in approximately 300 counties in all 50 States. These projects enroll approximately 91,800 RSVP volunteers—all seniors who rise in the morning with a sense of purpose, if the reduction is implemented.

I ask my colleagues, should we not utilize the talent and experience of America's senior citizens? The Lazio amendment would restore much of the money for these vital programs, and continue to engage our senior citizens in valuable community service.

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

Mr. LAZIO of New York. I yield to the gentleman from Wisconsin.

Mr. OBEY. If we could shorten things up by accepting the amendment, would the gentleman be persuaded to shorten things up?

Mr. LAZIO of New York. Mr. Chairman, I would be happy to do that, if the gentleman would indulge me for about 30 seconds to yield to a colleague of mine who very much wanted to speak to this.

Mr. OBEY. Mr. Chairman, if the gentleman would then yield me 30 seconds I would appreciate it, and then we would be happy to accept the amendment.

Mr. LAZIO of New York. I thank the gentleman.

Mr. Chairman, I yield 30 seconds to the gentleman from Nevada [Mr. ENSIGN].

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

Mr. ENSIGN. Mr. Chairman, I rise in strong support of the Lazio amendment to H.R. 2127, the Labor/HHS/Education Appropriations Act.

I want to thank my colleague for offering this amendment today. The Lazio amendment would restore \$13 million to the National Senior Volunteer Corps. Millions of seniors across the Nation—including hundreds in my congressional district in southern Nevada—are dependent on the friendship, knowledge, and confidence they gain from National Senior Volunteer Corps programs. Foster Grandparents, Retired Senior Volunteers, and Senior Companions are making a difference in our hospitals with the terminally ill, homeless shelters where many have lost hope, juvenile detention facilities with troubled youth, and in schools where drug use is rampant. These programs represent true volunteerism and a welcome challenge to seniors. Our communities are better places to live because of the commitment of senior volunteers.

I know that we are facing tight budgetary times. Difficult decisions must be made to balance the budget. However, I don't believe that we should curtail volunteer opportunities by 15 percent for seniors when an increasing segment of our population is aging. The growing aging population is living longer and healthier lives. Seniors have the extra time to share their knowledge, experience, and wisdom, and I believe the small Federal investment we make for our seniors is well spent. In fact, Federal funding for programs such as Foster Grandparents from State and Private sources is leveraged several times by State and private dollars.

Mr. LAZIO of New York. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would simply like to say on this side, we accept the amendment. This is a tiny fix-up in a massively messed up bill, but we have no problem with the particulars of this amendment.

Mr. LAZIO of New York. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

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

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

The text of the amendment is as follows:

Amendment Offered by Mr. SANDERS: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) LIMITATIONS ON USE OF FUNDS FOR AGREEMENTS FOR DEVELOPMENT OF DRUGS.—None of the funds made available in this Act may be used by the Director of the National Institutes of Health to enter into—

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

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

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

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

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

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

The CHAIRMAN pro tempore. Pursuant to the order of the House of August 2, 1995, the gentleman from Vermont [Mr. SANDERS] will be recognized for 10 minutes and a Member opposed will be recognized for 10 minutes.

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

□ 2300

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

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] will be recognized for 10 minutes in support of his amendment, and the gentleman from Illinois [Mr. PORTER] will be recognized for 10 minutes in opposition.

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

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

Mr. Chairman, the people of this country want to know why the taxpayers of the United States are provid-

ing billions of dollars a year to the National Institutes of Health to research and develop new drugs, and the major beneficiaries of that investment are not American consumers, but large multi-billion dollar pharmaceutical companies. The taxpayers pay for the research, and the pharmaceutical companies make huge profits by selling the taxpayer-developed drugs at outrageously high prices.

Mr. Chairman, 42 percent of all U.S. health care research and development expenditures is paid for by the U.S. taxpayer. The result of this is that the NIH has created many of the new and most important drugs which are on the market today. Of the 37 cancer drugs discovered since 1955, 92 percent of them, 34 cancer drugs, were developed with Federal funding. In other words, the overwhelming majority of new cancer-fighting drugs developed in the last 40 years were developed with taxpayer funding.

Mr. Chairman, given that reality, it seems to me that the citizens of this country, who have already paid for the development of these drugs with their tax dollars, should not be ripped off when they purchase these products at the drugstore. They should not be forced to pay outrageously high prices so that the pharmaceutical companies can make exorbitant profits. Sadly, that is not the case today.

In April, 1995, the NIH dropped the Bush administration's reasonable pricing policy, which was aimed at giving U.S. taxpayers a return on their investment by preventing drugs developed with taxpayers' dollars from being sold back to them at competitive prices. This amendment would simply restore the Bush administration's reasonable pricing clause, but would still provide the NIH with flexibility to waive the pricing clause if it is in the public interest to do so.

Mr. Chairman, let me give the Members a few brief examples of why we need a reasonable pricing policy. Over the course of 15 years, the U.S. taxpayer spent \$32 million at the NIH to develop Taxol, an anticancer drug that treats breast, lung, and ovarian cancers. Following the successful development of this anticancer drug, Bristol-Myers-Squibb was provided commercial rights and extensive government information on Taxol. Bristol-Myers-Squibb then turned around and sold the drug to consumers at roughly 20 times what the drug costs to produce. The result, a cancer patient taking Taxol today may pay in excess of \$10,000 for the treatment, while the cost to Bristol-Myers-Squibb of manufacturing the drug is about \$500.

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

Mr. Chairman, this is a very, very complex issue. The gentleman's amendment relates to the reasonable pricing clause that was in effect for NIH collaborative research until last April. The complexity of the issue has generated a great deal of controversy.

NIH very wisely conducted an extensive review of the policy, holding public hearings, consulting with scientists, patient and consumer advocates, and representatives of academia and industry. Dr. Varmus, the appointee of this administration, as Director at NIH, determined that, and I quote:

The pricing clause has driven industry away from potentially beneficial scientific collaborations with the Public Health Service scientists, without providing an offsetting benefit to the public.

Mr. Chairman, the reviews also indicated that NIH research was adversely affected by an inability of NIH scientists to obtain compounds from industry for basic research purposes. Other safeguards, such as termination clauses and public access requirements, are already built into NIH technology licensing process. In addition, NIH has issued a statement of objectives they intend to follow in licensing NIH patents. Except for the Bureau of Mines, no other agency, except NIH, has had a reasonable pricing clause. No law or regulation expressly requires or permits NIH to enforce such a provision.

As I said, Mr. Chairman, this is a complex issue and one that has potentially very significant ramifications, both for future scientific progress and the growth of industries such as biotechnology. NIH has studied this issue extensively. I would like to rely on Dr. Varmus' judgment on the matter, and I would hope that Congress does not attempt to intervene in this process. Thus, I must oppose this amendment.

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

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

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

Mr. Chairman, I must say that I can understand the position of the gentleman from Illinois, [Mr. PORTER] but I guess I would say after all of the decisions that have been made in this House tonight that have come down against average people and against common people, this is at least one decision that would be made on the side of common people, working people, and against the side of those who would gouge them. I personally, on behalf of this side, would accept the amendment.

Mr. PORTER. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia, [Mr. NORWOOD].

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

Mr. Chairman, I rise in opposition to the Sanders amendment, because I believe it would restrict drug companies from producing the very medicines that save life prolong life, and improve life. We have the greatest biotech industry in the world, an industry that already spends \$7 billion each year on its own research.

Yes, drug prices are high, but they are high for a variety of reasons, one of which is the cost of research is very high, and drug companies have to put

up with so much interference from the Federal Government. If we try to regulate drug prices, as in this amendment, we will only make the critical voyage to discovery of new medicines more difficult.

Some people think that the Government should set prices for all drugs. I think that is wrong, and I am certain it is wrong for patients who ultimately benefit from the new medicines. It would also hurt the taxpayers, since the Government spends so much of our tax dollars on health care. The dollars spent by the taxpayers for basic research at NIH ultimately benefit the Government through lower medical costs, and more importantly, it benefits all patients. We should not do anything to obstruct the research drug companies are carrying out today.

Mr. Chairman, this amendment will hurt research and ultimately it will hurt patients. We cannot let this Government set any prices, but most certainly, not drug prices. I urge my colleagues to vote against this amendment.

Mr. SANDERS. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, the cost of prescription drugs, especially for senior citizens in my State of Rhode Island, is prohibitively high. I am sure each one of us, if we went back to our districts and asked our senior citizens what they are concerned about, among other things on the top three of their list would be the cost of prescription drugs.

This amendment says that when the taxpayers foot the bill for research, they should not have to pay for it again at the prescription counter. Prescription drugs are the lifeline for so many Americans. They are also the key to the bottom line for some of our largest companies. During the 1980's, drug prices rose 152 percent. Profits also reached new heights. By 1990, the drug industry was the Nation's most profitable, with an annual profit, annual, on average of 13.6 percent. This is more than three times the profits of the Fortune 500 companies, so do not say there is not enough money for R&D in the drug companies' budgets.

The United States is the only industrialized Nation that does not regulate prices or profits on drug companies. We pay a price for that. In this country we spend 25 to 40 times the cost of prescription drugs in this country than they do in other countries around the world.

In light of these facts, the amendment of the gentleman from Vermont [Mr. SANDERS] is a pretty tame amendment. It basically says drugs developed by the taxpayers cannot be sold back to the taxpayers at excessive prices. Without a reasonable pricing clause, the taxpayers pay first to develop these drugs through the NIH budget. Then they pay again when they try to pay for them, when they go to the hospital.

The Members know what we are talking about. It is up to the NIH to make

this reasonable clause thing stick, and say:

We are going to work with the drug companies, but we are not going to use taxpayer monies to come up with these drugs, and then allow these drug companies to run away with the R&D that we financed, so they can profit and send these exorbitant profits that these drug companies are making back on the stock market.

Make no mistake about it, these drug companies are making three times what the average Fortune 500 company is making, so I do not want to hear a lot about how we are going to gouge the drug companies if we do not permit them to use the taxpayer money, to use it for R&D.

Mr. PORTER. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, this amendment would deny NIH support for new drugs unless there are government price controls on approved drugs. The question is do we want price controls. The last time we had price controls was in the early 1970's. They were a total flop, a total failure. This amendment would take us back to the era of big government. Wage and price controls have been discredited since ancient times. I cannot believe that the people who are offering this amendment are serious. Rather than setting up more hurdles and more disincentives, we should give incentives to our companies to promote miracle drugs.

I ask the Members to look around them. There are people, right here in this Chamber, alive thanks to the drugs produced by the free enterprise system. If we are thinking human beings, we should encourage and provide incentives to the companies who produce and discover more miracle drugs. AIDS, cancer, heart disease, all cry out for cures, do they not?

We cannot have it both ways. We cannot strangle incentives and then complain about the lack of cures for these dreaded diseases. This amendment epitomizes basically the old, discredited, liberal welfare state philosophy. Today is the day of the opportunity society, and socialism is not in vogue. Let us not go back to the old, failed policies of the past. Let us look to the future. Vote against this wrong-headed amendment. Let us work for cures in AIDS, cancer, heart disease, and other dreaded diseases that plague mankind. Vote against this amendment.

Mr. SANDERS. Mr. Chairman I yield 2½ minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, we have heard a bizarre version of reality from the other side of the aisle. First of all, let us talk about at what stage that 2 percent of the money that goes into research, in drug research in this country, is paid for by the taxpayers of the United States.

Often private companies enter into agreements with the NIH to develop new drugs using that public research.



In my State they developed a drug which came from a yew tree, a tree that grew on public lands. Here is the way it works: The taxpayers paid for all the research, we discovered and developed Taxol, the NIH entered into an exclusive agreement with one company, Bristol-Myers-Squibb, to sell that drug. The drug research was done by the taxpayers. The resource grew on public lands. The company got the profits. A \$500 production cost dose of that critical cancer drug for ovarian cancer costs \$10,000.

Now we are saying, "Oh, well, these drug companies, we would not want to control their prices." Then if they do not want to have price controls, they should not benefit free from public research. That is the bottom line here. They are not paying the development costs; the taxpayers are. Then the taxpayers have to go out and pay for profit rates of 20 times the cost of production.

Mr. Chairman, this is, plain and simple, another ripoff. It is all about money. It is not only about taxpayer money, it is about political contributions; \$357,500 in the first 2 months of this year were contributed to the Republican National Committee by the pharmaceutical industry. We can bet there will be a lot of righteous indignation on that side of the aisle tonight, because it is about what really runs this place, campaign contributions, and taxpayers' money, while we fleece them out of the other pocket by talking about free enterprise.

□ 2315

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WALSH].

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

Mr. WALSH. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding me the time.

Mr. Chairman, I rise today in strong opposition to the Sanders amendment. This amendment would only succeed in preventing potentially promising new drug development that would benefit all Americans.

The Federal Government cannot be expected to do all research by itself. NIH has neither the mandate nor the resources to bring drugs to the commercial market. In order to speed the development of new life-saving drugs, NIH often benefits from working with business and this cooperation enhances the health of all Americans.

We should not be putting price controls on the development of new drugs as this amendment would do. The NIH reasonable pricing clause, which proponents of this amendment would like to reinstate, is a restraint on the new product development that the public has identified as an important return of their taxpayer dollars.

We need to be proactive in finding important new cancer drugs and in other significant health advances. One

of NIH's statutory missions is to transfer promising technologies to the private sector for commercialization. Often government-industry joint collaborations are the most effective means of ensuring that promising new drugs are brought to market in the shortest possible timeframe.

The Director of the National Cancer Institute has said that the drug Taxol is the most important advance in the treatment of cancer in a decade.

We should not be afraid of industry making a reasonable profit on their R&D (research and development) expenditures. After all, a business needs to be able to recoup its return on investment and, in case you haven't noticed, we are a capitalist country not a socialist country. The U.S. pharmaceutical industry is one of the few sectors of the economy where we have a positive trade balance and this healthy private/public partnership has created a positive environment in which medical advances have proliferated and this has benefited all segments of our society. Clearly the taxpayers' investment wins a valuable return portion in jobs and public health.

This amendment would have the adverse effect of inhibiting the development of innovative medical breakthroughs and it would be contrary to the public interest. I urge my colleagues to oppose this amendment.

Mr. SARBANES. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I think we ought to clarify this debate. We are not talking about the government controlling prices of pharmaceuticals and drugs. We are only talking about specific categories of drugs developed under research at taxpayers' expense. An example is Levamisole which was a drug, a veterinary drug, 6 cents a dose, they discovered they could use it to treat colon cancer. The company that took that government research and sold it then started selling that 6-cent drug for \$6. So consumers across America got no benefit from the government research.

The same thing is true with Taxol. Government research developed this drug that cost \$500, then it was sold to consumers by a private company for \$10,000. At a time when health care costs are going through the roof, when we worry about the vitality of programs like Medicare, we have got to do what we can to help consumers across America.

The gentleman from Vermont [Mr. SANDERS] is merely promoting a policy which was accepted by this government under Republican administrations for years and years. I urge the Members to think twice about opposing this amendment which will help keep health care costs under control.

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

The CHAIRMAN. The gentleman from Vermont is recognized for 1 minute.

Mr. SANDERS. Mr. Chairman, this is not price controls. I am surprised to hear my colleague referring to George Bush as a socialist. He would be very upset about it. His administration developed this policy, because they believed quite correctly that if the taxpayers put money into the development of a drug, they have the right to get something out of that investment, that the company cannot simply charge any amount of money they want making that drug unaffordable to the American people. Let us stand up for the taxpayers. Let us stand up for the consumers. Let us vote for this policy that was instituted by George Bush.

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

The CHAIRMAN. The gentleman from Illinois is recognized for 1½ minutes.

Mr. PORTER. Mr. Chairman, I would simply remind the gentleman from Vermont that the NIH has rejected this policy under the Clinton administration. I want to repeat what I said earlier. NIH has reviewed the policy extensively, they have held public hearings, they have consulted with scientists, patient and consumer advocates and representatives of academia and industry and Dr. Varmus determined that the pricing clause has driven industry away from potentially beneficial scientific collaborations with scientists from NIH without providing an offsetting benefit to the public. I think he has made a determination that we should respect. I would urge the amendment be rejected.

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

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

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

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

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, further proceedings on the amendment offered by the gentleman from Vermont [Mr. SANDERS] will be postponed.

AMENDMENT OFFERED BY MR. EMERSON

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

The Clerk read as follows:

Amendment offered by Mr. EMERSON: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Limitation on Use of Funds.—None of the funds made available in this Act may be used for the expenses of an electronic benefit transfer (EBT) task force.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, the gentleman from Missouri [Mr. EMERSON] and a Member opposed will each be recognized for 10 minutes.

The Chair recognizes the gentleman from Missouri [Mr. EMERSON].

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

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

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

Mr. OBEY. Mr. Chairman, I simply say in the interest of time, there may be some problems with this. I think if there are, we can look at it in conference. In the interest of saving time, I would be willing to accept the amendment if we could move ahead.

Mr. PORTER. Mr. Chairman, if the gentleman will yield, we accept the amendment.

Mr. EMERSON. Mr. Chairman, I thank the gentleman for accepting the amendment.

Mr. Chairman, this amendment is very simple—money appropriated for the Department of Health and Human Services—or any other agency in this bill—shall not be used to fund the Federal EBT task force in any way. This task force is pursuing a nationwide Electronic Benefits Transfer system that uses an Invitation for Expression of Interest which limits procurement to only financial institutions, a non-competitive procurement process.

Last May, the Subcommittee of Department Operations, Nutrition, and Foreign Agriculture, of which I am chairman held a hearing concerning the food stamp program and EBT. We heard from two States, Maryland and Texas, who did not limit their procurement and have non-financial institutions running their programs. They raved about their State EBT programs and the administration of those programs.

Several organizations have expressed concern that the EBT task force's method of procurement is unfair, including the Independent Bankers Association of America. When considering the fact that the EBT task force has limited the competition to financial institutions, one would not think a group like the Independent Bankers would be complaining. However, they write on July 12: "The Independent Bankers Association of America believes that the strategy for the nationwide implementation of Electronic Benefits Transfers is unfair and anti-competitive for all but a few financial institutions."

By opposing provisions in H.R. 4, the Personal Responsibility Act that exempt States from coverage under regulation E, the EBT task force has been criticized by such groups as the National Governor's Association, the National Conference of State Legislatures, the National Association of Counties, and the American Public Welfare Association. These organizations point to the EBT task force's position on regulation E as just one example of the task force's misguided policies. This regulation would require that States which deliver benefits through EBT to replace all but \$50 of benefits in the event that cards are lost or stolen. Regulation E would cost States an additional \$827 million per year for AFDC, Food Stamps, and general assistance. If regulation E remains on the books, the nationwide implementation of the Electronics Benefit Transfer system will be in jeopardy. Besides regulation E, H.R. 4 includes provisions to ensure state control of EBT. Yet, the EBT Task Force opposes these provisions too.

I recently wrote a letter with my distinguished colleague from California, Mr. CONDIT, to Treasury Secretary Rubin expressing our concern about the actions being taken by the

EBT Task Force. We asked Secretary Rubin to suspend the present Invitation for Expression of Interest process and allow the Congress to work with the EBT task force, social service groups, and other interested public welfare associations. But the task force continues to move forward with the IEI non-competitive procurement system despite all the concerns expressed by the Congress and various public interest groups.

I want to make it exceedingly clear to my colleagues that I support EBT. In fact, I believe that EBT will play a fundamental role in comprehensive welfare reform. I simply want to ensure that States are given the opportunity and the flexibility to implement good EBT systems within their State.

We must give careful consideration to any role for the national government in the execution of EBT programs for State-administered Federal benefits. This amendment sends a clear message that when actions are taken that significantly affect the administration of benefits to millions of Americans, Congress must not and will not be shut out of the process. I strongly urge my colleagues to adopt this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. LATHAM].

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

Mr. LATHAM. Mr. Chairman, I rise to support the amendment offered by Mr. EMERSON. The Federal Electronic Benefits Transfer Task Force is working to create a new Federal bureaucracy and restrict State control over EBT systems.

This amendment will halt the activities of the Federal EBT Task Force which has interfered with States' plans to develop EBT programs. This amendment will not in any way hinder the ability of every State to move forward with implementing EBT on their own. Six States have already set up EBT systems and 20 States are moving to do the same.

As Congress works to reduce the size of the Federal bureaucracy and give more authority to the States, I urge my colleagues to support this amendment and reduce funding for this big-government task force.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. EMERSON].

The amendment was agreed to.

AMENDMENTS NO. 132 AND 133 OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Chairman, I offer two amendments, and in order to save time, I ask unanimous consent to have them considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendment No. 132 offered by Mr. MENENDEZ. Page 80, strike lines 13 through 22 and insert the following:

"(C) any act of self-dealing (as defined section 4941(d) of the Internal Revenue Code of 1986, determined by treating only government officials described in paragraph (1) or (2) of section 4946(c) of such Code as disqualified persons) between such an official and any organization described in paragraph (3) or (4) of section 501(c) of such Code and ex-

empt from tax under section 501(a) of such Code;"

Page 84, at the end of line 15, insert the following: "In the case of an organization described in paragraph (3) or (4) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, all of the funds of such organization shall be treated as from a grant."

Amendment No. 133 offered by Mr. MENENDEZ: 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 by this or any other Act may be used to pay the salary of any government official (as defined in paragraph (1) or (2) of section 4946(c) of the Internal Revenue Code of 1986) when it is made known to the Federal official having authority to obligate or expend such funds that there has been an act of self-dealing (as defined section 4941(d) of such Code, determined by treating such government officials as disqualified persons) between such government official and any organization described in paragraph (3) or (4) of section 501(c) of such Code and exempt from tax under section 501(a) of such Code.

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

Mr. PORTER. Mr. Chairman, reserving the right to object, we believe that the amendments may be subject to a point of order, and I would reserve a point of order until we make that determination.

The CHAIRMAN. The gentleman reserves a point of order. Does the gentleman object to the consideration en bloc?

Mr. PORTER. Mr. Chairman, we do not have copies of the amendments, so we would reserve the right to object until we can see the amendments.

Mr. MENENDEZ. Mr. Chairman, if the gentleman will yield, both of the amendments were printed in the RECORD.

Mr. PORTER. Mr. Chairman, further reserving the right to object, I would inquire of the gentleman whether it is 132 and 133; is that correct?

Mr. MENENDEZ. That is correct.

Mr. PORTER. Mr. Chairman, I object to their being considered en bloc because I believe there is a point of order against one of the amendments.

The CHAIRMAN. Objection is heard.

AMENDMENT NO. 132 OFFERED BY MR. MENENDEZ  
Mr. MENENDEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 132 offered by Mr. MENENDEZ: Page 80, strike lines 13 through 22 and insert the following:

"(C) any act of self-dealing (as defined section 4941(d) of the Internal Revenue Code of 1986, determined by treating only government officials described in paragraph (1) or (2) of section 4946(c) of such Code as disqualified persons) between such an official and any organization described in paragraph (3) or (4) of section 501(c) of such Code and exempt from tax under section 501(a) of such Code;"

Page 84, at the end of line 15, insert the following: "In the case of an organization described in paragraph (3) or (4) of section

501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, all of the funds of such organization shall be treated as from a grant."

Mr. PORTER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Pursuant to the order of the House of August 2, 1995, the gentleman from New Jersey [Mr. MENENDEZ] and a Member opposed will each be recognized for 10 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. MENENDEZ].

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

I hope that the gentleman will not insist on his point of order because this goes to the very heart of what the majority has tried to do in terms of the Istook amendment which is dealing with welfare for lobbyists and we just simply want to clarify it and improve upon that part which already exists under a legislating provision in an appropriations bill for which there are 29 different such provisions of legislating in this appropriations bill which have been protected under the rule, and, therefore, my understanding of the rules, is permitted to be amended once in fact it has been protected under the rule.

What we seek to do is to improve upon and assist with what the gentleman from Oklahoma [Mr. ISTOOK] is trying to do. What we do is three different things, or two in this particular amendment: One is deal with a question of political advocacy in self-dealing. The other one which is a question of value that is listed in the amendment which is presently part of the legislation as it exists, which is to now go forward from that thing of value and include tax exemption.

Let me get briefly to the heart of why we believe, if you believe in the first place as the majority has argued in the past amendment that was had by the gentleman from Colorado [Mr. SKAGGS] that it is a terrible feature to have the ability to have Federal dollars be used and in some way have those dollars shifted insofar as freeing up private dollars to be used for political advocacy or advocacy of a certain point of view, then it clearly must be as the intentions of the gentleman from Oklahoma [Mr. ISTOOK] was cited when he came in his testimony before the committee that both tax exemptions and tax deductibility are a form of subsidy that is administered through the tax system, a tax exemption has much the same effect as a cash grant to the organization of the amount of tax it would have to pay on its income, then clearly this amendment is in order. Let me go through why.

The fact of the matter is, is that if you believe that having a grant to an organization, that that permits them to free up private moneys, because you cannot use Federal moneys to go ahead and have advocacy, then it is clear that

those who are enjoying nonprofit status and that lobby the Congress of the United States but that are receiving a benefit of fungible dollars because, in fact, such an exemption has the same effect as a cash grant under the case of Reagan versus Taxation with Representation of Washington, and if you also want to clean up what I heard wanted to be cleaned up, which is in fact using the resources of the Federal Government directly or indirectly to lobby the same Federal Government, then you also want to prevent self-dealing.

In that respect, I would point to some of the testimony that has been taken in this regard, look at what the Association for Retarded Citizens said when they contended that without their right to participate in litigation, the organization would not have been able to successfully sue the State of Pennsylvania which eventually led to the national recognition of the right of retarded citizens to a public education and they went on to contend that currently while they did not spend more than 5 percent of their budget for advocacy, the new definition would require including in the total activities not now included and therefore exploitive.

But let us get to why I believe that it was the intention of this amendment and it is proper to proceed that nonprofit organizations also be included.

□ 2330

501(c)(3) tax-exempt organizations are limited in their lobbying by current law to produce and distribute materials which clearly violate the spirit of the restrictions of both current law and the proposed changes contained in the Istook amendment, simply by printing a disclaimer at the bottom of such materials declaring that their comments are not meant to be construed as lobbying.

We have seen a lot of those letters. As a matter of fact, on the Istook amendment, we had the National Taxpayers Union, that is a 501(c)(4) tax-exempt group, urging support for the amendment and also the defeat of the motions to strike it and clearly said, "We are going to also rate you on this." But this is a clear example of lobbying undertaken with a subsidy of tax-exempt dollars.

Let us go to organizations closely linked to politicians, which, in fact, is in essence self-dealing. Let us look at the questions of the Progress and Freedom Foundation as an example of that. According to an Associated Press article of February 17 of this year, "The Progress and Freedom Foundation made a substantial investment in Newt Gingrich during its first year in business."

Now it goes on to say that "Documents filed with the Internal Revenue Service and made public Thursday show that more than 80 percent of the tax-exempt think tank's first year expenses went to two programs that gave Mr. Gingrich national television exposure. The records show the foundation

spent \$460,000-plus in the period from April 1 of 1993 to March 31 of 1994. The largest expenditure, over \$290,000, was related to sponsoring the broadcasts of Mr. Gingrich's college courses Renewing American Civilization. An additional \$94,000 was raised by the foundation, which underwrote a televised call-in show in which Mr. Gingrich served as a co-host."

It goes on to say, "While Mr. Gingrich has no formal ties to the foundation, its president, Jeffrey Eisensack, previously, headed GOPAC," and it goes on to say that the foundation worked out of GOPAC's headquarters for several months. More than half of the money spent by the organization over the 20-month period from its founding, \$632,000 was for the class and the call-in show, and as a not-for-profit organization, the foundation is exempt from taxes and donors can claim a charitable deduction on their income tax returns.

That is in essence what Roll Call wrote this week in their front-page article about the questions and the concerns about these type of organizations and self-dealing.

If we believe that it is wrong to permit a nonprofit group that comes and receives a grant to go ahead and lobby the Federal Government through their private resources, not their Federal dollars, which is against the law, then it must also be the intention to stop those nonprofit organizations that receive tax deductibility and therefore by doing so have fungibility of Federal dollars that all of us as Federal taxpayers participate in and for which they receive those who contribute a deduction.

Then it must be the intent clearly to include those so that we can level the playing field and stop that undue political influence, and also to look at organizations that continuously lobby the Federal Government, give us letters, and tell us, "This is the way you should be voting, this is the way we believe in," and in fact have the benefit of Federal dollars through tax exemption as well. That must be. It must be in the purity of the desire which needs to be addressed in the Istook amendment.

Therefore, I believe our amendment is in order, and if not, then we see the hypocrisy of those who would silence voices that in fact receive what they consider a fungible benefit, a benefit that is transferable because they receive a Federal grant and cannot use that money but in fact have private resources to be able to use.

We want to stop that, but we would not stop organizations by which an individual, a Member of this Congress, for example, could go ahead and use that tax-exempt organization, get the benefits, the fungible benefits of taxpayer dollars or another organization who lobbies a certain view, a certain idealistic view and continues to promote it, receives the benefit of tax-exempt dollars, and not be able to go

ahead and stop those because we believe that those are okay but ours are not. It simply does not make sense. If we want to in fact keep the integrity of what is being suggested wants to be stopped, we should be pursuing the amendment.

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

## POINT OF ORDER

Mr. PORTER. Mr. Chairman, I make a point of order because the amendment proposes to change existing law and constitutes legislation on the appropriations bill and violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from New Jersey wish to be heard on the point of order?

Mr. MENENDEZ. Mr. Chairman, I wish to be heard on the point of order.

Mr. Chairman, let me just say I am shocked that in fact you want to persist on a point of order when this bill has been legislated 29 times. There is legislation in the appropriations bill. You also so eloquently stated that you wanted to be sure that in fact the Federal Government did not use its dollars in any way, directly or indirectly, to be lobbied and therefore to seek even greater dollars to be spent on behalf of those causes, yet there is an objection.

I would urge the Chair that based upon the fact that this is already protected under the rule and therefore subject to amendment and the amendment simply deals with the questions of advocacy which is dealt with under the protected part of the bill by the rule and with the question of a thing of value which we extend to tax exempt that it is appropriate to have the amendment proceed.

The CHAIRMAN. The Chair is prepared to rule.

The pending text title VI of the bill, comprises extensive legislative language permitted to remain in this general appropriations bill by House Resolution 208. The provisions of title VI establish a set of restrictions on Federal "grantees" who engage in "political advocacy." In the pending text, the term "grant" includes a range of payments and benefits in cash and in kind.

The amendment offered by the gentleman from New Jersey proposes to include additional legislation by extending the range of the term "grant" to include certain benefits derived from a specified tax status which, in turn, derives in part from unrelated criteria.

The Chair finds that the amendment does not merely perfect the legislation already in the bill. Rather, the amendment proposes additional legislation, in violation of clause 2 of rule 21.

The point of order is sustained.

## PARLIAMENTARY INQUIRY

Mr. MENENDEZ. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MENENDEZ. Mr. Chairman, do I understand the Chair's ruling to say that you are calling the amendment

out of order in view of the fact that it wishes to extend that which is a thing of value to something that we determine to be nonprofit and that therefore those people who take advantage of such a nonprofit organization for political purposes to lobby the Government of the United States, that that is out of order?

The CHAIRMAN. The ruling of the Chair speaks for itself.

AMENDMENT NO. 130 OFFERED BY MR. SAM JOHNSON OF TEXAS

Mr. SAM JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 130 offered by Mr. SAM JOHNSON of Texas: Page 88, after line 7, add the following new title:

TITLE VIII—OTHER PROGRAMS  
PROGRAMS

## (INCLUDING TRANSFER OF FUNDS)

SEC. —In addition to amounts otherwise provided in this Act, for carrying out programs under the head "SCHOOL IMPROVEMENT PROGRAMS"; for carrying out programs under the head "VOCATIONAL AND ADULT EDUCATION, respectively, \$50,000,000 and \$100,000,000, to be derived from amounts under the head "AGENCY FOR HEALTH CARE POLICY AND RESEARCH—HEALTH CARE POLICY AND RESEARCH" \$60,000,000: *Provided*, That, notwithstanding any other provision in this Act, none of the funds under the head "AGENCY FOR HEALTH CARE POLICY AND RESEARCH—HEALTH CARE POLICY AND RESEARCH" shall be expended from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

The CHAIRMAN. Pursuant to the order of August 2 1995, the gentleman from Texas, Mr. SAM JOHNSON, will be recognized for 10 minutes, and the gentleman from Wisconsin, Mr. Obey, will be recognized for 10 minutes in opposition.

The Chair recognizes the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as you may or may not know, this is not the original amendment that I offered. My original amendment completely eliminated funding for the Agency for Health Care Policy and Research and used the savings for deficit reduction. However, it became necessary to make changes and offer the compromise that is before us today.

I have chosen to support this compromise amendment because it accomplishes two goals.

First, I believe that a cut of \$60 million is an important first step toward the total elimination of this Agency. Next year, we can fight for total elimination of this Agency. We owe that to the taxpayers of this country.

The second, and most important part of this compromise, is the stipulation that AHCPR will not be able to continue to take \$5.8 million each year from the Medicare trust fund as they have been doing since their creation in 1989.

Whether the Agency is eliminated or not, this house can not, in good conscience, take money from our Medicare system which will be broke by the year 2002. So, by supporting this amendment, you will be increasing the Medicare trust fund by \$5.8 million.

I would like to share with you how AHCPR uses Medicare funds and its appropriated moneys. They are used to produce studies such as, and I quote, "Cardiologists Know More About New Heart Attack Treatments Than Primary Care Doctors"—and quote—the "Doctor-Patient Relationship Affects Whether Patients Sue for Malpractice".

Can you believe that a Government that has a \$5 trillion debt take money from Medicare and spends millions on an agency that produces these types of reports and a host of others that are duplicative and useless.

The Office of Technology Assessment has concluded that AHCPR's guideline program is one of 1,500 such efforts performed by both the Federal Government and the private sector.

It is obvious that we do not need to fund this Agency that employs 270 bureaucrats and in 6 years has spent 778 million taxpayer dollars—\$29.4 million of which has been siphoned off from the Medicare trust fund.

Let me reiterate this point. If we don't pass this amendment, \$5.8 million will be taken out of Medicare next year and every year after that. In 7 years when Medicare goes broke, this agency will have stolen \$80 million from our senior citizens.

The American people want a balanced budget. They want the Government to stop spending their money on things that we don't need and can't afford. And we don't need, nor can we afford, the Agency for Health Care Policy and Research. A better name for this Agency would be the Agency for High Cost Publications and Research.

I urge members to help lower the deficit, help save Medicare, and help protect taxpayers from having to fund a needless bureaucracy—help save Medicare—vote for this amendment.

I would hope that the gentleman would help us accept this.

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

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

Mr. Chairman, the gentleman from Texas, Mr. SAM JOHNSON, has asked if I would accept his amendment. Let me say I have great misgivings about it. I agree with the gentleman from California [Mr. THOMAS] on this, and I agree with the gentleman from Texas [Mr. ARCHER].

I am very reluctant to accept the amendment. I guess I could be persuaded to do so provided that my colleagues understand one thing: When you propose to cut Medicare by \$270 billion, what you are telling the American people is that you can do it all without hurting senior citizens. I very, very deeply question that, but if we are

to minimize the hit on recipients of Medicare, we have to know how we can save money by eliminating waste in Medicare.

This agency which you are cutting is the agency that is supposed to supply us with that information by doing the outcomes research that they do. I was going to read a whole series of examples of how we have had major savings in health care costs on a number of procedures, but in the interests of time I will not, with this simple statement: I will for the moment accept this simply because it helps on the vocational education side, but I think it is going to be essential, if this turkey of a bill ever manages to squeak out of this place, I think it is going to be essential for us to repair the damage in conference to this agency, because without it you can kiss goodbye any hope that you can cut any money out of Medicare without a substantial clobbering of senior citizens.

Mr. CHRISTENSEN. Mr. Chairman, I rise in support of the Johnson amendment.

While I wish we were eliminating the Agency for Health Care Policy and Research [AHCPR] as the original amendment proposed, I'm all in favor of cutting \$60 million from an agency that is:

First, it is duplicative, since AHCPR is one of 10 Federal agencies that performs technology assessments; and

Second, it is wasteful, given such important published findings as "Cardiologists Know More About Heart Attack Treatments than Primary Care Doctors."

Most importantly, this amendment will return almost \$6 million to the Medicare Trust fund, a fund that is slated to go broke in just 7 years.

If you are truly concerned about restoring fiscal sanity to our Federal Government, if you are truly concerned about the future of our Medicare system, then you will support the Johnson amendment.

Mr. CUNNINGHAM. Mr. Chairman, this amendment cuts appropriations for the Agency of Health Care Policy Research by half. It generates savings of \$60 million in budget authority, and \$18 million in outlays. The savings is then transferred to two high-priority education programs.

The merged Chapter 2-Eisenhower Professional Development Program receives \$6 million in outlays, generating \$50 million in budget authority.

And the Carl Perkins Vocational Education Basic State Grants Program receives \$12 million in outlays, generating \$100 million in budget authority.

The amendment is outlay neutral. It stays within the 602(b) budget allocation of the Labor-HHS-Education bill. In short, we have to evaluate our priorities. While health policy research is important, the education of our children is more important.

It has the support of the authorizing and appropriating subcommittee and full committee chairmen, and the support of the leadership.

Mr. BONILLA. Mr. Chairman, in our subcommittee I have been asking questions of the AHCPR for more than 3 years now.

For 3 years, I have tried to question whether or not this Agency was duplicative and questioned some of the researchers motives and biases.

Each year I was told this Agency was doing wonderful work and I should support it. However, I keep questioning what it does.

In the 5 years AHCPR has been around it has released 15 guidelines, an average of 3 per year. The AHCPR has spent over \$775 million during that same time.

Anyone who produced so little in the private sector would be fired. In fact the private sector during the same time published 1,800 guidelines.

This year the Physician Payment Review Commission reported to Congress and stated that the guidelines produced by AHCPR are having little impact on clinical practice, are difficult to implement, and are used infrequently by the private sector.

With budgets tight, Congress should consider the Texas example. Under the authority of the Texas Workers Compensation Commission, a committee comprised of representatives of the general public, medical professionals, and representatives of the insurance industry generated clinical practice guidelines that are user friendly, practical, and expected to improve the quality of patient care at a reduced cost.

The participants involved in this process donated their time, and even paid their own expenses. All this was undertaken against a backdrop of major reform of the Texas workman's compensation laws, reforms which reduced the number of lawsuits, raised the amount of compensation available to injured workers, and transformed a budget deficit into a budget surplus.

Unfortunately for the AHCPR, the new Congress is beginning to treat do-nothing agencies the same way the free market treats do-nothing businesses.

Vote "yes" on the Johnson amendment.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. SAM JOHNSON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KLECZKA

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

The Clerk read as follows:

Amendment offered by Mr. KLECZKA:

Page 88, after line 7, insert the following new title:

#### TITLE VII—CPI INDEX

SEC. . None of the funds made available in this Act may be used by the Bureau of Labor Statistics to implement a change in the consumer price index (which is used to determine cost of living adjustments for such programs as social security) except when it is made known to the Federal official to whom the funds are made available that the House of Representatives and the Senate have authorized a change in such index based upon a comprehensive revision of the market basket.

The CHAIRMAN. Pursuant to the order of August 2, 1995, the gentleman from Wisconsin [Mr. KLECZKA] and a Member opposed will be recognized for 10 minutes.

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

Mr. PORTER. Mr. Chairman, if the gentleman will yield, we accept the amendment.

Mr. KLECZKA. Mr. Chairman, if the gentleman does not mind, I will explain the amendment. Mr. Chairman, we will not use the 10 minutes. I would like to briefly explain what the amendment does and then yield briefly to the gentleman from Massachusetts [Mr. FRANK], my colleague and the coauthor of the amendment.

Right now the Bureau of Labor Statistics is going through a very comprehensive revision of the CPI and they are looking at all the various components of market basket. In this bill we provide some \$11 million for that exercise and some 60 people.

We do not in this amendment impede that exercise. It is something that is done every 10 years. It is necessary to do. However, we anticipate some major changes are going to be made in the CPI, the index which drives many programs around here, especially the Social Security Program.

Because of the fact that there is going to be a rather large impact, it is the desire of the authors of the amendment not to have some faceless bureaucrat make those downward changes in 1999, but have this Congress the Members of the House and Senate look at that, take it up, talk about it, and then pass on it.

What brought this to my attention, Mr. Chairman, is the fact that in the budget resolution that we originally addressed in the House, there was a \$22.8 billion reduction in Social Security benefits because this change was anticipated. Those dollars are being used in these budget resolutions for deficit reduction.

Once it went to conference, the Senate modified that and they indicated that this reduction, which is currently being worked on, we do not know what it is going to be for sure, however, they guesstimate that it will entail some \$7.6 to \$8 billion cut in Social Security benefits.

The reason that it is so important at this time is for us to sit idly by and let a bureaucrat reduce COLAs, reduce Social Security in this country for our senior citizens, while we know full well, and the gentleman from Wisconsin just addressed that, we are going to be looking at a \$270 billion cut in Medicare.

□ 2345

I happen to serve on the Subcommittee on Health in the Committee on Ways and Means, which will be addressing that massive cut. To think that there will be no effect on the seniors of this country is totally mistaken. There are going to be massive changes in out-of-pocket expenses, in deductibles being paid, so that, coupled with a decrease in COLA, is sure going to provide a real problem for our seniors.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding this time to me.

The balanced budget that the Republicans have put forward is balanced only because in part it assumes that older people who get Social Security cost-of-living increases will get less than they would get under the current rules. What the Republican budget proposes is that the amount by which older people are compensated for inflation be substantially reduced.

As my friend, the gentleman from Wisconsin, said in the House budget that went through, the cumulative total in 2002, the first year of budget balance which comes from a reduction in what would otherwise have been paid to older people under the Consumer Price Index cost of living, is \$22.6 billion. Members will remember we tried to say you could not count a reduction in Social Security cost-of-living payments as part of your budget balancing, and that was rejected, and it was rejected for a good reason, because the Republican budget is not in balance unless they succeed in getting a lower Consumer Price Index compensation.

What the gentleman from Wisconsin is saying is we should vote on that, and the reason I think that justifies it is this: We did not politicize that CPI. The Speaker said earlier this year that he would abolish them if they did not reduce the CPI. He backed down on that, but that threat is still hanging over there.

So we have had the high-level Republican leadership tell the CPI they would be abolished, the Bureau of Labor Statistics, they would be abolished if they did not cut it back. We have the Republican budget resolution, which assumes the Bureau of Labor Statistics will reduce the CPI that older people living on \$8,000, \$9,000, \$10,000 a year will get less for inflation. If they live in assisted housing, their rent will go up when they get less money to pay for it.

What we are saying is, given the threats that have been made, given this budget assumes the cost-of-living increase will be reduced, given that the Republican budget is balanced only if you assume older people get less money than they would now be entitled to get for inflation, we should vote on that, because we do not think the Bureau of Labor Statistics should be pressured without a vote, but by political threats and other things, into making that downward reduction.

That is all the gentleman is saying. I think it is the least we can do.

Mr. KLECZKA. Mr. Chairman, let me indicate my gratitude to the chairman of the committee, the gentleman from Illinois [Mr. PORTER], for accepting the amendment.

I will not ask for a recorded vote. However, I will trust their good faith to take this to the conference and fight for it, although I am quite nervous over that happening without a rollcall vote, but nevertheless let that happen, and I will be watching.

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

The CHAIRMAN. Does any Member wish to be heard in opposition to the amendment?

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

The amendment was agreed to.

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

Mr. Chairman, I would like to engage the subcommittee chairman, Mr. PORTER in a colloquy with regard to increasing funds for the Vocational Education Basic State Grant Program to the postrescission level. As you know the Economic and Education Opportunities Committee recently reported a bill which consolidates over 35 education and job training program into one Youth Development and career preparation block grant and reduced the funds for this program by 20 percent. The bill we are considering today further cuts the Vocational Education Basic State Grant Program from that reduction. My colleague, Congressman SAM JOHNSON's amendment adds \$100 million to that program and I had an amendment to increase that amount by \$15 million which almost reaches the post-rescission level for this program. I do not plan to offer this amendment because I understand the gentleman will work to restore the Vocational Education Basic State Grant Program to the post-rescission level in conference.

Is that your understanding?

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

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

Mr. PORTER. Mr. Chairman, yes, I will assure the gentleman that I will do everything I can to restore funds to the Vocational Education Basic State Grant Program to the postrescission appropriation level.

Mr. GRAHAM. I thank the gentleman and look forward to working with him on this effort.

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

#### AMENDMENT OFFERED BY MR. EWING

Mr. EWING. Mr. Chairman, I offer an amendment, amendment No. 19.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EWING: Page 88, after line 7, insert the following new title:

#### TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than \$5,000,000.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, the gentleman from Illinois [Mr. EWING] will be recognized for 10 minutes, and a Member will be recognized in opposition for 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. EWING].

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

Mr. Chairman, this amendment is to address a rather simple problem dealing with our student loan problem.

In the Higher Education Act of 1992, there were some requirements for audits of all lenders who participate in the Federal family education loan program. Small banks and credit unions which maintain service and provide student loan portfolios have found that this audit requirement is very expensive and, in many cases, consumes almost all of the profit from the loans which they make, they usually make on small portfolios, from \$3,000 to \$5,000.

The audits have cost from \$2,000 to \$14,000. We can see that this very clearly forces small lenders out of the business of lending to students.

Recently, I contacted the Department of Education about a waiver, and they said that was not possible.

I have absolutely no doubt that this was not the intention of this Congress. The office of the inspector general at the Department of Education has also expressed concern regarding the burden and stated, "We are concerned that the costs may outweigh the benefits of the legislative required annual audits."

These audits are not even required to be filed in Washington. They are put in a drawer and left in the local bank.

I would ask that this amendment be approved which merely, for a 1-year period, says this audit requirement for banks with less than \$5 million in student loans will not be enforced until the authorizing committee can correct this inequity.

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

Mr. EWING. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I would hope that both sides would accept this amendment for the sake of students and give us that year. What has happened was not intended with the reauthorization of the legislation in 1992.

If we have a year, we can work out what the inspector general has indicated should be done. So give us a year and we can correct it and at the same time we will not cause any students to lose loans because we have taken away the very lenders that should be out there who cannot afford to do it, of course, if the audit is higher than their loan portfolio.

Mr. EWING. Mr. Chairman, I appreciate that assurance from the chairman of the committee.

Mr. Chairman, in partnership with Mr. LEWIS of Kentucky, I have introduced an amendment to H.R. 2127 which will eliminate funding for an ineffective and burdensome regulation now mandated by the Higher Education Act of 1965, as amended by the Higher Education Act of 1992. This act blindly requires all lenders who participate in the Federal Family Education Loan Program to perform expensive,

comprehensive annual audits on their student loan portfolios.

In our respective districts, the gentleman from Kentucky and I represent small banks and credit unions which maintain and service small student loan portfolios in compliance with the Federal Family Education Loan Program. The profit on these portfolios is estimated to around 3 to 5 thousand dollars annually, while the audit require by the Department of Education costs anywhere from 2 to 14 thousand dollars annually. As you can see it is beyond common sense for small lenders to service these loans and participate in the FFEL program. In fact, many small lenders are selling their portfolios and leaving the student loan business altogether. This is not fair to the smaller lenders who wish to service and maintain student loans and it reduces consumer choice and convenience. If this policy is enforced this Congress will effectively cut small lenders out of the student loan business and deny consumers the opportunity, especially in rural areas, to receive personal attention at their local bank.

Recently, I contacted the Department of Education about the possibility of a waiver or alternative to this detrimental mandate. The Department stated, “\* \* \* lender audits are required by statute \* \* \*” and that the “\* \* \* statute does not provide authority for the Department to waive the annual audit based on the size of the lender’s FFEL portfolio or the cost of the audit.” Furthermore, according to the Department of Education’s Office of the Inspector General, lender portfolios totaling less than 10 million dollars do not even have to send their audit to the Department for review. They are only required to “\* \* \* hold the reports for a period of three years and shall submit them only if requested.” That means lenders waste thousands of dollars on a compliance audit that is never sent anywhere. I have no doubt that protecting the integrity of the student loan program is important to all of us. However, this current situation does not protect any portfolios under \$10 million because no one reviews the results of the audits.

The Office of the Inspector General at the Department of Education has also expressed concern regarding this burden in their Semi-annual Report (October 93–March 94) stating, “\* \* \* we are concerned that the cost may outweigh the benefits of legislatively required annual audits of all participants, regardless of the size of their participation or the risk they represent to the program.” In this report the Inspector General recommends that a threshold be established for requiring an institutional audit, “\* \* \* and we continue to believe that a threshold is necessary for both the institutional and lender audits. Such a threshold would eliminate the audit burden from the smaller participants in the program while helping assure that scarce Departmental resources are focused on the areas of greatest risk.”

The Ewing/Lewis spending limitation amendment will strike funding for the enforcement of the audit requirement on loan portfolios equal to or less than \$5 million dollars in fiscal year 1996. We believe this amendment is important to the future involvement of many institutions’ participation in the FFEL program.

While by now many lenders have either complied with the audit or sold their portfolios for fiscal year 1995, we must provide relief to those lenders who still own their portfolios in

the next fiscal year. The Ewing/Lewis amendment works in concert with the Department of Education and the authorizing committee which have both expressed the need for an audit threshold.

Mr. Chairman, the Ewing/Lewis amendment is simple. It strikes funding for enforcement of a bad statute until Congress has the opportunity to fix this legislation. The Congressional Budget Office has reviewed this amendment and said that it is revenue neutral. This amendment will help the little guy in the student loan business and ensure consumer choice and convenience. I urge a “yes” vote on the Ewing/Lewis amendment.

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

The CHAIRMAN. Does any Member seek recognition in opposition to the amendment?

Mr. OBEY. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 10 minutes.

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

Mr. Chairman, I would simply say very quickly that I come from a rural district. I have many small financial institutions, and I suspect that what the gentleman is trying to accomplish may very well be right on the button. I do not want to suggest that it is not.

But I have to say this: It is now 5 minutes to midnight. We are talking about taxpayers’ money, and what the amendment does is to exempt from audit requirement a number of financial institutions who deal with this program. I am certain that the authorizing committee has the capacity to come up with the kind of exemptions that we ought to provide for those financial institutions.

With all due respect, I do not think that 20 people on this House floor have any idea what we ought to be doing on this tonight. And because we are talking about taxpayers’ money, because I have a funny quality of not liking to be embarrassed by finding that some strange things have happened with taxpayers’ money, I am reluctant to just say we are going to exempt these folks from audit, because I think there might be another way.

So I am not going to press this. I am not going to push it to rollcall or anything like that. If the gentleman from Illinois [Mr. PORTER] wants to accept it, that is his prerogative on behalf of the committee.

I simply say I have great misgivings, and even it is accepted, I want to say that I will have to be very, very much persuaded in conference before we allow this to move ahead.

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

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

Mr. PORTER. Mr. Chairman, I do accept the amendment.

Mr. EWING. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. LEWIS], my coauthor of this amendment.

Mr. LEWIS of Kentucky. Mr. Chairman, this amendment is good for young men and women who need a loan to go to college.

That’s what the Ewing-Lewis amendment is about.

I believe Members on both sides of the aisle agree that we need to reduce the regulatory burden on businesses and private citizens.

Many regulations are too expensive, too burdensome and just plain silly.

The Ewing-Lewis amendment would do away with such a regulation—a regulation that threatens the student loan program.

Three years ago the Higher Education Amendments Act was passed. Just months ago, and 3 years later, the Office of the Inspector General came up with a gem: Every bank and credit union will have to conduct an independent, retroactive audit of their student loan program.

It might sound like a decent idea.

Unfortunately, the audits will cost between \$3,000 and \$14,000—perhaps more. That’s going to cause many of the smaller banks and credit unions in Kentucky’s 2nd district—and all over the U.S.—to give up on student loans.

A credit union in Bowling Green, Kentucky has reduced their loan portfolio from \$3 million last year to \$300,000 this year—yet they’ll still have to fork over between \$3,000 and \$5,000 for each audit.

This money is not in the credit union’s budget—so other services will be affected.

The Kentucky Credit Union League says many members are getting out of the student loan business altogether—they said this regulation is the last straw.

Mr. Chairman, these are not huge, rich institutions. They’re banks and credit unions made up of farmers, small business men and women, and middle-income folks.

Banks and credit unions are already subject to four separate audits.

The Ewing-Lewis amendment would exempt banks and credit unions with less than \$5 million in student loans from this regulation—which takes effect this September 30th.

Mr. Chairman, we need to make it easier for students to obtain college loans—and we need to encourage banks and credit unions to make these loans.

This regulation is heading towards small banks and credit unions like a freight train—and it’s going to derail the student loan program when young men and women need it most.

I urge my colleagues to vote “yes” on Ewing-Lewis and say “yes” to allowing students to continue to seek college loans.

Mr. EWING. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. LATHAM].

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

Mr. LATHAM. Mr. Chairman, I am inserting in the RECORD a statement in favor of the amendment.

Mr. Chairman, I rise in strong support of the Ewing Amendment to provide regulatory relief to small lenders who participate in the student loan program.

We talk so much in this House about supporting education, and every one of us here tonight can do that by voting for this amendment.

Small community financial institutions in my district have been calling my office to let me know that they may stop participating in the program because the costs of these audits exceeded the entire value of their student loan portfolios.

Faced with that situation, they have no alternative but to stop providing loans.

That denies young people in my district access to the loans they need to finance their education.

I would like to commend Mr. EWING and Mr. LEWIS for offering this amendment. Also, I'd like to thank both Chairmen GOODLING and PORTER for being very helpful and receptive when I first brought my concerns with this situation to their attention.

Finally, I'd like to say to President Clinton that this is one education problem we can solve without spending a penny—in fact we will save some money by correcting this provision.

I hope all of you will join us in supporting this amendment and I hope the President will move to announce a waiver from this regulation for small lenders so that small lenders won't drop out of the student loan program.

Mr. EWING. Mr. Chairman, I yield such time as she may consume to the gentleman from New Jersey [Mrs. ROUKEMA].

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

Mrs. ROUKEMA. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Illinois Mr. EWING and I do so wearing two hats.

As my colleagues know, I chair the Financial Institutions Subcommittee of the Banking Committee. Additionally, I am the third-ranking member of the Committee on Educational and Economic Opportunities. On that Committee, I have worked long and hard to restore and ensure the integrity to our various title 4 federal student assistance programs.

In many respects, the 1992 Higher Education Act was landmark legislation because it finally, finally took aim at the scam schools—schools that were ripping off their own students and the taxpayers.

Mr. Chairman, that Higher Education Action contained over 100 new provisions designed to crack down on a range of abuses. Frankly, we got it right on most of these integrity provisions. But we're here this evening talking about one reform that needs fine-tuning. And that is the provision that requires independent audits for every bank's student loan portfolios.

The Ewing amendment is a common-sense amendment. It would exempt from these auditing requirements banks with small student loan portfolios—under \$5 million.

As a Member of the Opportunities Committee, I recognize the need for the Department of Education to monitor student lenders. But the Department and the guaranty agencies already have the authority to examine portfolios. That means these mandatory independent audits are redundant.

As the Chairman of the Financial Institutions Subcommittee, I am keenly aware of the regulatory burden these types of audits place on small banks. Because of their special nature, in many cases these audits completely overwhelm the bank's yield on the loans. (There's the story of the small bank that made \$60.14 in loan origination fees for its one student loan but is being forced to pay for a \$3,500 audit or be in violation of law.)

Obviously it will not take long for these banks to fold their tents and withdraw from the battlefield. To quit the program. And I submit that it won't take too many of these withdrawals to accelerate any developing access problems.

Mr. Chairman, I support the Ewing amendment. And I look forward to working with the gentleman and the small banking communities to find a permanent "fix" for this problem.

Mr. EWING. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. BEREUTER. Mr. Chairman, I rise in support.

Mr. Chairman, this Member rises in strong support of the Ewing amendment.

Without this amendment, on September 30, 1995, all guaranteed student lenders will be required to submit to unnecessary, expensive, and counterproductive audits. Small community lenders will be forced out of the guaranteed student loan program. They will not be able to offer this service to their customers in their small towns because the compliance costs will simply be too high for the lenders to be able to afford the program.

One lender has been informed that an audit of their \$3.5 million portfolio will cost eleven thousand dollars. Costs that high will outweigh any profit a lender could make and will drive lenders from the program. Students will face a lack of loan availability, and small lenders will lose one more avenue to serve the credit needs of their communities.

Even the Department of Education admits that these audits are unnecessary for lenders with small portfolios of loans. The Department of Education, Federal and State financial institution regulators, and student loan guarantee agencies already conduct financial and compliance audits of lenders. And now, unless this amendment is passed, those lenders will be required to submit to expensive, retroactive audits for student loans made in 1993 and 1994. As a lender in this Member's district wrote, "This is a classic example of legislation that inequitably impacts independent businesses by capriciously forcing us to retroactively pay charges that were completely unknown to us at the time."

Mr. Chairman, the audit requirements for lenders with small portfolios will reduce loan availability, harm small lenders' ability to serve their communities, and will gain nothing for the Federal Government.

The distinguished gentleman from Illinois is to be commended for this commonsense amendment. This member is pleased to support him, and urges support for the Ewing amendment.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. EWING].

The amendment was agreed to.

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

□ 2400

Mr. Chairman, I believe that we are at the end and if we are I would simply want to say that the most that can be said about this bill, or everything that can be said about this bill has been said, I hope.

I do not want to take any more time than necessary. I simply want to say this is one mean and ugly piece of work. It makes deep cuts in programs that protect workers' pension, health benefits, frauds, industrial accidents, and the right to request for pay and better working conditions.

It cuts buildings and Federal payments to local school districts. It will force educational quality to go down and property taxes to go up.

It hammers vulnerable Americans, devastates training programs, and cuts student loans.

For the first time in 37 years this bill will provide no contribution to the national defense education loan fund. It devastates training programs.

We are quick in this Congress to promise training when we are rounding up votes for some new trade deal that will boost the profits of big multinational corporations, but when it comes to paying for that training we forget about our commitments, do we not?

That is what has happened, is it not?

The bad news does not end there. We also have legislation which is loaded with special interest provisions. It is a tool by which the rights of citizens affected by this legislation to petition Congress and make their views known is being denied and squelched in many ways.

I would say all in all that this is the most vicious exercise of public power that I would ever hope to see in this democracy on an appropriation bill. I hope the American people wake up very soon to what is going on.

This is an antieducation, antiworking family, antiwoman, antiopportunity appropriation act of 1995. It would end the bipartisan commitment to education, to worker dignity, to dignified retirement that has existed in this House for as long as I have been here.

I will simply say this, it is up to Republicans, who I know are troubled with the extremism of this bill, to decide whether this bill will succeed in breaking that bipartisan commitment.

I hope that you do not let it do it so that we can send this bill back to committee, repair the 602 allocation, remove the imbalances that presently are demonstrated in this bill, and resume the bipartisan commitment regardless of which party is in control of this joint, resume the bipartisan commitment that this country simply



must have if we are to make the investments we need and move this country forward.

The CHAIRMAN. Are there other amendments to the bill?

If not, the Clerk will read the last 3 lines.

The Clerk read as follows:

This Act may be cited as the "Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996".

AMENDMENT NUMBER 63 OFFERED BY MR. SANDERS

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, proceedings will now resume on amendment number 63 offered by the gentleman from Vermont [Mr. SANDERS].

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 141, noes 284, not voting 9, as follows:

[Roll No. 624]

AYES—141

Abercrombie	Furse	Ortiz
Ackerman	Gephardt	Owens
Baldacci	Gibbons	Pastor
Barcia	Gonzalez	Payne (NJ)
Barrett (WI)	Green	Poshard
Becerra	Gutierrez	Rahall
Beilenson	Hall (OH)	Rangel
Berman	Hefner	Reed
Bevill	Hilliard	Rivers
Bishop	Hinchey	Rohrabacher
Bonior	Holden	Rose
Borski	Jefferson	Roybal-Allard
Brown (CA)	Johnson (SD)	Rush
Brown (FL)	Johnson, E. B.	Sabo
Brown (OH)	Johnson	Sanders
Bryant (TX)	Kanjorski	Schroeder
Clay	Kaptur	Schumer
Clayton	Kennedy (RI)	Scott
Clement	Kildee	Serrano
Clyburn	Kingston	Shays
Coleman	Klecza	Skaggs
Collins (IL)	LaFalce	Skelton
Collins (MI)	Lantos	Slaughter
Conyers	Lewis (GA)	Spratt
Costello	Lincoln	Stark
Coyne	Lipinski	Stokes
de la Garza	Lowey	Studds
DeFazio	Luther	Stupak
Dellums	Maloney	Tanner
Dicks	Manton	Tejeda
Dingell	Martinez	Thompson
Dixon	Mascara	Torres
Doggett	Matsui	Torricelli
Doyle	McDermott	Towns
Duncan	McHale	Tucker
Durbin	McKinney	Velazquez
Edwards	McNulty	Vento
Engel	Miller (CA)	Visclosky
Evans	Mineta	Volkmer
Farr	Minge	Ward
Fattah	Mink	Waters
Fazio	Moran	Watt (NC)
Fields (LA)	Murtha	Waxman
Flake	Nadler	Wilson
Foglietta	Oberstar	Wise
Ford	Obey	Woolsey
Frost	Olver	Wyden

NOES—284

Allard	Gejdenson	Morella
Archer	Gekas	Myers
Armey	Geren	Myrick
Bachus	Gilchrest	Neal
Baesler	Gillmor	Nethercutt
Baker (CA)	Gilman	Neumann
Baker (LA)	Goodlatte	Ney
Ballenger	Goodling	Norwood
Barr	Gordon	Nussle
Barrett (NE)	Goss	Orton
Bartlett	Graham	Oxley
Barton	Greenwood	Packard
Bass	Gunderson	Pallone
Bentsen	Gutknecht	Parker
Bereuter	Hall (TX)	Paxon
Bilbray	Hamilton	Payne (VA)
Bilirakis	Hancock	Pelosi
Bliley	Hansen	Peterson (FL)
Blute	Harman	Peterson (MN)
Boehkert	Hastert	Petri
Boehner	Hastings (FL)	Pickett
Bonilla	Hastings (WA)	Pombo
Bono	Hayes	Pomeroy
Boucher	Hayworth	Porter
Brewster	Hefley	Portman
Browder	Heineman	Pryce
Brownback	Herger	Quillen
Bryant (TN)	Hilleary	Quinn
Bunn	Hobson	Radanovich
Bunning	Hoekstra	Ramstad
Burr	Hoke	Regula
Burton	Horn	Richardson
Buyer	Hostettler	Riggs
Callahan	Houghton	Roberts
Calvert	Hoyer	Roemer
Camp	Hunter	Rogers
Canady	Hutchinson	Ros-Lehtinen
Cardin	Hyde	Roth
Castle	Inglis	Roukema
Chabot	Istook	Royce
Chambliss	Jackson-Lee	Salmon
Chapman	Jacobs	Sanford
Chenoweth	Johnson (CT)	Sawyer
Christensen	Johnson, Sam	Saxton
Chrysler	Jones	Scarborough
Clinger	Kasich	Schaefer
Coble	Kelly	Schiff
Coburn	Kennedy (MA)	Seastrand
Collins (GA)	Kennelly	Sensenbrenner
Combest	Kim	Shadegg
Condit	King	Shaw
Cooley	Klink	Shuster
Cox	Klug	Sisisky
Cramer	Knollenberg	Skeen
Crane	Kolbe	Smith (MI)
Crapo	LaHood	Smith (NJ)
Creameans	Largent	Smith (TX)
Cubin	Latham	Smith (WA)
Cunningham	LaTourette	Solomon
Danner	Laughlin	Souder
Davis	Lazio	Spence
Deal	Leach	Stearns
DeLauro	Levin	Stenholm
DeLay	Lewis (CA)	Stockman
Deutsch	Lewis (KY)	Stump
Diaz-Balart	Lightfoot	Talent
Dickey	Linder	Tate
Dooley	Livingston	Tauzin
Doolittle	LoBiondo	Taylor (MS)
Dornan	Lofgren	Taylor (NC)
Dreier	Longley	Thomas
Dunn	Lucas	Thornberry
Ehlers	Manzullo	Thornton
Ehrlich	Markey	Tiahrt
Emerson	Martini	Torkildsen
English	McCarthy	Trafficant
Ensign	McCollum	Upton
Eshoo	McCrery	Vucanovich
Everett	McDade	Waldholtz
Ewing	McHugh	Walker
Fawell	McInnis	Walsh
Fields (TX)	McIntosh	Wamp
Flanagan	McKeon	Watts (OK)
Foley	Meehan	Weldon (FL)
Forbes	Meek	Weldon (PA)
Fowler	Menendez	Weller
Fox	Metcalf	White
Frank (MA)	Meyers	Whitfield
Franks (CT)	Mfume	Wicker
Franks (NJ)	Mica	Wolf
Frelinghuysen	Miller (FL)	Wynn
Frisa	Molinari	Young (FL)
Funderburk	Mollohan	Zeliff
Gallegly	Montgomery	Zimmer
Ganske	Moorhead	

NOT VOTING—9

Andrews	Moakley	Williams
Bateman	Reynolds	Yates
Filner	Thurman	Young (AK)

□ 0023

Messrs. TAUZIN, PETERSON of Florida, HASTINGS of Florida, POMEROY, MEEHAN, RICHARDSON, MFUME, GEJDENSON, HOYER, and WYNN, and Mrs. MEEK of Florida, Mrs. KENNELLY, and Ms. DELAURO changed their vote from "aye" to "no."

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. WALKER). There being no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the Chair, Mr. WALKER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution 208, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment?

(Mr. FRANK of Massachusetts asked and was given permission to proceed out of order.)

LEGISLATIVE PROGRAM

Mr. FRANK of Massachusetts. Mr. Speaker, I have been discussing with some other Members what the schedule is. I think we are close to an agreement, which would obviate the need for the nine separate votes and reconsiderations on the amendments that were adopted in the Committee of the Whole, most of which were perfectly nice amendments.

I wondering if anyone could give me any guidance on what we are likely to be doing next, because that would have some influence on what we would be doing now. I would be glad to yield. I know we are making a lot of progress. I do not insist on everything, but I would like a little comfort level before I sit down.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, the gentleman who can answer this is about to approach the microphone.

Mr. FRANK of Massachusetts. Mr. Speaker, for the first time I have all this time and I have nothing to say.