

The vote was taken by electronic device, and there were—yeas 258, nays 163, not voting 13, as follows:

[Roll No. 162]

YEAS—258

Allard	Frisa	Montgomery
Archer	Funderburk	Moorhead
Army	Galleghy	Moran
Bachus	Ganske	Morella
Baker (CA)	Gekas	Myers
Baker (LA)	Geren	Myrick
Ballenger	Gilcrest	Nethercutt
Barcia	Gillmor	Neumann
Barr	Gingrich	Ney
Barrett (NE)	Goodlatte	Norwood
Bartlett	Goodling	Nussle
Barton	Gordon	Oxley
Bass	Goss	Packard
Bateman	Graham	Parker
Bereuter	Greene (UT)	Payne (VA)
Bilbray	Greenwood	Petri
Billrakis	Gunderson	Pombo
Bliley	Gutknecht	Porter
Blute	Hall (OH)	Portman
Boehlert	Hall (TX)	Pryce
Boehner	Hamilton	Quillen
Bonilla	Hancock	Quinn
Bono	Hansen	Radanovich
Boucher	Harman	Ramstad
Brewster	Hastert	Reed
Browder	Hastings (WA)	Regula
Brownback	Hayes	Riggs
Bryant (TN)	Hayworth	Roemer
Bunn	Hefley	Rogers
Bunning	Hefner	Rohrabacher
Burr	Heineman	Ros-Lehtinen
Burton	Herger	Roth
Buyer	Hilleary	Roukema
Callahan	Hobson	Royce
Calvert	Hoekstra	Salmon
Camp	Hoke	Sanford
Campbell	Holden	Saxton
Canady	Horn	Scarborough
Castle	Hostettler	Schaefer
Chabot	Houghton	Schiff
Chambliss	Hunter	Seastrand
Chenoweth	Hutchinson	Sensenbrenner
Christensen	Hyde	Shadegg
Chrysler	Inglis	Shaw
Clement	Istook	Shays
Clinger	Johnson (CT)	Shuster
Coburn	Johnson, Sam	Sisisky
Collins (GA)	Jones	Skeen
Combest	Kaptur	Slaughter
Condit	Kasich	Smith (MI)
Cooley	Kelly	Smith (NJ)
Cox	Kennelly	Smith (TX)
Cramer	Kim	Smith (WA)
Crane	Kingston	Solomon
Crapo	Klug	Souder
Cremeans	Knollenberg	Spence
Cubin	Kolbe	Spratt
Cunningham	LaHood	Stearns
Davis	Largent	Stenholm
Deal	Latham	Stockman
DeLay	LaTourette	Stump
Dingell	Lazio	Talent
Dooley	Leach	Tate
Doolittle	Lewis (CA)	Tauzin
Dornan	Lewis (KY)	Taylor (MS)
Dreier	Lightfoot	Taylor (NC)
Duncan	Lincoln	Thomas
Dunn	Linder	Thornberry
Edwards	Livingston	Tiahrt
Ehlers	LoBiondo	Torkildsen
Ehrlich	Longley	Upton
Emerson	Lucas	Vucanovich
English	Manzullo	Walker
Ensign	McCollum	Walsh
Everett	McCrery	Wamp
Ewing	McDade	Watts (OK)
Fawell	McHugh	Weldon (FL)
Fields (TX)	McInnis	Weller
Flanagan	McIntosh	White
Foley	McKeon	Whitfield
Forbes	McNulty	Wicker
Fowler	Metcalfe	Wolf
Fox	Meyers	Young (AK)
Franks (CT)	Mica	Young (FL)
Franks (NJ)	Miller (FL)	Zeliff
Frelinghuysen	Minge	Zimmer

NAYS—163

Abercrombie	Baldacci	Berman
Ackerman	Barrett (WI)	Bishop
Andrews	Beilenson	Bonior
Baesler	Bentsen	Borski

Brown (CA)	Hinchey	Orton
Brown (FL)	Hoyer	Owens
Brown (OH)	Jackson (IL)	Pallone
Bryant (TX)	Jackson-Lee	Pastor
Cardin	(TX)	Payne (NJ)
Chapman	Jacobs	Pelosi
Clay	Jefferson	Peterson (FL)
Clayton	Johnson (SD)	Peterson (MN)
Clyburn	Johnson, E. B.	Pickett
Coble	Johnston	Pomeroy
Coleman	Kanjorski	Poshard
Collins (IL)	Kennedy (MA)	Rahall
Collins (MI)	Kennedy (RI)	Rangel
Conyers	Kildee	Richardson
Costello	King	Rivers
Coyne	Klecza	Rose
Cummings	LaFalce	Roybal-Allard
Danner	Lantos	Rush
de la Garza	Levin	Sabo
DeFazio	Lewis (GA)	Sanders
DeLauro	Lipinski	Sawyer
Dellums	Lofgren	Schumer
Deutsch	Lowe	Scott
Diaz-Balart	Luther	Serrano
Dicks	Maloney	Skaggs
Dixon	Manton	Skelton
Doggett	Markey	Stark
Doyle	Martinez	Stokes
Durbin	Martini	Studds
Eshoo	Mascara	Stupak
Evans	Matsui	Tejeda
Farr	McCarthy	Thompson
Fattah	McDermott	Thornton
Fazio	McHale	Thurman
Fields (LA)	McKinney	Torres
Filner	Meehan	Towns
Flake	Meek	Trafigant
Foglietta	Menendez	Velazquez
Ford	Millender	Vento
Frank (MA)	McDonald	Visclosky
Frost	Miller (CA)	Volkmer
Furse	Mink	Ward
Gedjenson	Moakley	Waters
Gephardt	Mollohan	Watt (NC)
Gibbons	Murtha	Waxman
Gilman	Nadler	Williams
Gonzalez	Neal	Wilson
Green (TX)	Oberstar	Wise
Gutierrez	Obey	Woolsey
Hastings (FL)	Olver	Wynn
Hilliard	Ortiz	Yates

NOT VOTING—13

Becerra	Laughlin	Tanner
Bevil	Molinari	Torricelli
Dickey	Paxon	Weldon (PA)
Engel	Roberts	
Klink	Schroeder	

□ 2011

Mr. EDWARDS and Mr. HEFNER changed their vote from “nay” to “yea.”

So, two-thirds not have voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KNOLLENBERG). The bill and the message will be referred to the Committee on the Judiciary.

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

#### PROVIDING FOR CONSIDERATION OF H.R. 3322, OMNIBUS CIVILIAN SCIENCE AUTHORIZATION ACT OF 1996

Ms. GREENE of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 427 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 427

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the

House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3322) to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(2) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered by title rather than by section. The first section and each title shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 5(a) of rule XXI are waived. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Walker of Pennsylvania or his designee. That amendment shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. During further consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 2015

The SPEAKER pro tempore (Mr. KNOLLENBERG). The gentlewoman from Utah [Ms. GREENE] is recognized for 1 hour.

Ms. GREENE of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILEN-SON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 427 provides for consideration of H.R. 3322, the Omnibus Civilian Science Authorization Act. This is an open rule providing for one hour of debate. The resolution makes in order a manager's amendment, and gives priority recognition to Members who have had their amendments pre-printed in the CONGRESSIONAL RECORD. The resolution waives the House rule requiring a quorum in order to report a bill. The Rules Committee understands that this is a technical violation, and that there was no intentional violation

of the rules. In addition, there are two technical violations in the bill relating to appropriating in a legislative bill. The resolution waives that rule as the Committee understands that the manager's amendment will address these concerns. Finally, the resolution provides for one motion to recommit.

Mr. Speaker, this is an open rule providing for consideration of a bill to authorize fiscal year 1997 appropriations for most programs and missions under the jurisdiction of the Science Committee. H.R. 3322 authorizes spending for the following programs:

The National Science Foundation; the National Aeronautics and Space Administration [NASA]; the National Oceanic and Atmospheric Administration [NOAA]; The Environmental Protection Agency [EPA]; various scientific and technical research programs within the National Institute of Standards and Technology [NIST]; Federal fire prevention and control; and research, engineering and development within the Federal Aviation Administration [FAA].

I would like to commend the chairman, the gentleman from Pennsylvania, BOB WALKER, for crafting a bill that makes the necessary tough budget decisions and, at the same time, makes responsible decisions to ensure that we fund our highest priority programs.

This open rule will give Members the opportunity to offer any amendments that they feel will address their concerns with the bill and fully participate in the amendment process. I urge my colleagues to support this resolution and the underlying bill.

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

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

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

Mr. BEILENSEN. Mr. Speaker, I thank the gentlewoman from Utah [Ms. GREENE] for yielding the customary 30 minutes of debate time to me. I yield myself such time as I may consume.

Mr. Speaker, we support this open rule for H.R. 3322, the omnibus civilian science authorization bill.

However, we believe this bill is seriously encumbered by the Science Committee's indifference to and disregard of the deliberative committee process. And we are disturbed that the Committee on Rules is, in effect, condoning those procedural abuses.

Frankly, we would find the way this bill was brought to the floor disturbing, whatever the rule provided. The type of rule, in this case, is not the issue.

The issue is process, and it is one that should be of special concern to the Committee on Rules—the committee charged with ensuring that regular procedure and rules are followed, unless there is a very good reason for not doing so.

Mr. Speaker, one specific waiver in the rule illustrates most strongly our

concerns about the way H.R. 3322 was considered, and the haste with which it was reported.

The rule waives clause 2(l)(2) of rule XI against this bill, a rule that requires that a quorum be present when a committee reports a measure. That is a rule that was never specifically waived when Democrats were in the majority.

The rule is being waived in this instance because the bill, H.R. 3322, was never actually before the Science Committee when the committee reported the legislation. Instead, the Committee followed an unusual route, reporting out the chairman's mark of this bill, which was introduced the next day.

Chairman WALKER testified to the Rules Committee that his committee misunderstood the advice they were given on how best to proceed at that point, and we accept his explanation.

However, our point is that the waiver reflects the far too prevalent pattern of circumvention of the standard committee process in bringing bills to the floor.

If the standard process had been followed, with subcommittee markups and the full committee considering the subcommittees' products rather than a chairman's mark that few people had seen, this situation would have been averted.

Mr. Speaker, further complicating the way the bill was considered, the Science Committee, as it did for the first time last year, combined several of its major authorization bills into one omnibus measure. The bill this rule makes in order should actually be receiving the time we would have given, in past Congresses, to five bills.

Merging most of the authorization bills for civilian research and development, usually considered separately, into a single, multi-billion dollar markup vehicle meant that members of the committee had much less time, and so were unable to focus on all the important issues. The effect will be the same on the House floor, limiting debate and deliberations severely.

In our opinion, that is extremely unwise, especially when we are considering the direction of programs that represent major investments in our Nation's future.

The ranking member of the committee, the gentleman from California [Mr. BROWN] predicted last year that this strategy would be unsuccessful in the Senate, where the separate authorizations are unlikely to be considered in one omnibus package. He was correct.

So it is especially difficult to understand why the majority decided to pursue once again this strategy that seems doomed to failure.

In addition, we are disturbed about the chairman's decision to bypass subcommittee markups on this bill, which instead went directly to the full committee for markup.

This action was taken despite the official objections of the ranking Democratic subcommittee members, who

noted in dissenting views in the committee report that the entire process by which the committee considered the bill "represents a new low point in the increasing marginalization of the committee's deliberative process."

The distinguished ranking member of the Science Committee, Mr. BROWN, described the process by which the bill was considered as one that minimized, at every opportunity, careful consideration and thoughtful debate.

As my colleagues well know, the ranking member is the perfect example of type of policy specialist who has served the committee system in the House so well and so fairly.

We should be making the maximum use of his expertise. His warnings about this bill, about the way it has been and is being considered, should not go unheeded.

His concerns go to the heart of the importance of the authorization process that gives the House the opportunity to consider broad policy issues after conscientious consideration under the committee hearing and markup process.

The gentleman has been speaking eloquently about the significance of this procedure for many years, and I fear we have not listened carefully enough to his warnings about abusing the deliberative authorization process.

Certainly, we ought to have more time and more information before we cut so severely programs that are crucial to how we make investments in new knowledge and technologies.

Mr. Speaker, the ranking member brought other procedural concerns to our attention:

Instead of negotiating with members of the majority on the committee who opposed his energy R&D proposal, the Chairman simply took those provisions out of the bill entirely, even though those programs are a major component of Federal civilian basic research funding.

The committee was required to comply with artificial budget constraints, even though we have no House-passed budget resolution that suggests any kind of caps or cuts in funding.

The committee was given an inadequate amount of time to study the bill before markup. Members has little time to read the bill, much less understand the ramifications of its provisions. Further, the hearing record that should back up the legislative product was totally inadequate, giving members little opportunity to make informed policy choices.

Mr. Speaker, the substance of the bill itself is disturbing. It represents a continuation of the trend in last year's budget resolution, which called for a 33-percent cut in civilian research and development by the year 2002. It cuts more than \$1.3 billion from the President's budget request, which many Members consider very modest.

The bill unfortunately also continues the disinvestment in the scientific infrastructure that supports our understanding of the environment by further

cutting the programs that bring better science to bear on environmental problems. It reduces funding for key environmental research in global change by cutting NASA's Mission to Planet Earth and research at NOAA and EPA.

Unwisely in our opinion, it would effectively terminate much of the research to determine the validity of the global warming phenomenon.

It continues the attack on the National Science Foundation's research in social and behavioral sciences without the benefit of hearings or oversight.

It damages our ability to stay competitive in international markets, by eliminating the Advanced Technology Program and severely cutting the Manufacturing Extension Program.

All in all, Mr. Speaker, this omnibus bill represents a massive disinvestment in our civilian research and development efforts, at a time we should be doing just the opposite.

We shall be supporting the substitute to be offered by the ranking member of the Science Committee. It is a good alternative that maintains a proper level of funding in technology development and environmental research programs. We must continue our strong support for our Nation's R&D programs, and we believe the substitute deserves support.

Mr. Speaker, to repeat, we support this open rule. It is especially important for a bill that is so seriously lacking in the type of thoughtful committee consideration that it deserved.

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

Ms. GREENE of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in terms of the process on this bill, we feel confident that there is no intentional violation of the rules, and there is not a pattern of disregarding the rules of the committee. The substance of the bill will be addressed through this open rule, and any Member who has concerns about any shortcomings they feel are present in the bill will have an opportunity to offer such amendments as they feel appropriate.

Mr. BEILENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. GREENE of Utah. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### PROVIDING FOR CONSIDERATION OF H.R. 3286, ADOPTION PROMOTION AND STABILITY ACT OF 1996

Ms. PRYCE. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 428 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 428

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3286) to help families defray adoption costs, and to promote the adoption of minority children. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) an amendment to title II of the bill, as amended, if offered by Representative Gibbons of Florida or his designee, which shall be considered as read and shall be separately debatable for thirty minutes equally divided and controlled by the proponent and an opponent; (3) the amendment recommended by the Committee on Resources (applied to the bill, as amended), if offered by Representative Young of Alaska or a designee, which shall be considered as read and shall be separately debatable for thirty minutes equally divided and controlled by the proponent and an opponent; and (4) one motion to recommit, which may include instructions only if offered by the minority leader or his designee.

The SPEAKER pro tempore (Mrs. MORELLA). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Ms. PRYCE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I be permitted to insert extraneous materials in the RECORD on H.R. 3286.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. PRYCE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 428 provides for the consideration of H.R. 3286, the Adoption Promotion and Stability Act of 1996, under a modified closed rule. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The rule also provides for consideration of the bill in the House without intervention of any point of order, and makes in order the amendment in the nature of a substitute recommended by the Committee on Ways and Means, now printed in the bill.

The rule provides for the consideration of an amendment to title II of the bill, as amended, if offered by Representative GIBBONS of Florida, or his designee. The amendment will be con-

sidered as read, and will be debatable for 30 minutes equally divided between the proponent and an opponent.

The rule further provides for the consideration of the amendment recommended by the Committee on Resources, if offered by Representative YOUNG of Alaska, or his designee. That amendment will also be considered as read, and will be debatable for 30 minutes equally divided between the proponent and an opponent.

Finally, the rule provides for one motion to recommit, which may include instructions only if offered by the minority leader or his designee.

Madam Speaker, let me say that with respect to the amendment process, the Rules Committee has tried to be fair and balanced, allowing one amendment to be offered from each side of the aisle. Although the Committee heard testimony on several worthwhile amendments to the bill, some of which I individually supported, many of the proposals would have affected titles under the jurisdiction of the Ways and Means Committee.

As my colleagues may know, in the past the Rules Committee has observed the bipartisan custom of carefully limiting amendments to matters within the jurisdiction of the Ways and Means Committee, especially proposals that would directly affect the Tax Code and Federal revenues, as we continue to do so under this rule.

Madam Speaker, today, under the terms of this fair rule, the House will consider important legislation that seeks to promote and encourage the practice of adoption. As an adoptive parent myself, I can say quite honestly that being able to provide a child with a safe, stable, and loving family environment through a successful adoption can be one of life's most rewarding experiences.

Unfortunately, adoption in the United States is all too rare. The best available information indicates that roughly 450,000 children live in foster care at any given moment.

Although Federal programs exist to support adoption, foster care, and family services, significant obstacles still remain. Adoption costs alone present a major disincentive, but in addition, parents are forced to think twice out of fear that an adoptive placement may be reversed, and a close family unit tragically torn apart.

The bill, and this rule, reflect our belief that Federal policy must be directed toward removing the barriers that currently discourage adoption. To that end, H.R. 3286 contains three elements that are essential to any successful pro-adoption strategy.

First, the legislation recognizes that the very costs associated with adoption, which can be as much as \$15,000 or more in some cases, are a significant obstacle. To help families defray these costs, the bill includes an invaluable tax credit for up to \$5,000 for qualified adoption expenses, and recommends specific revenue offsets to pay for that tax credit.