

Visclosky
Waters
Watt (NC)

Waxman
Wexler
Weygand

Woolsey
Wynn
Yates

NAYS—208

Aderholt
Archer
Army
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Billbray
Billirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Christensen
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Ganske
Gekas

Gibbons
Gilchrest
Gillmor
Gillman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Ingليس
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klecza
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard

Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stump
Sununu
Talent
Tauzin
Thomas
Thornberry
Thune
Tiahrt
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—23

Berman
Capps
Dixon
Engel
Ensign
Furse
Gallegly
Gonzalez

Hall (OH)
Hinchey
Istook
Lantos
McCollum
McInnis
Payne
Rohrabacher

Roukema
Rush
Schiff
Smith, Linda
Tanner
Towns
Wise

□ 1727

Mr. Livingston changed his vote from "yea" to "nay."

Mrs. CHENOWETH and Messrs. CLAY, STOKES, DINGELL, and UPTON changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ENSIGN. Mr. Speaker, on rollcall No. 352, severe thunderstorms caused my plane to arrive late. Had I been present, I would have voted "no."

The SPEAKER pro tempore (Mr. SNOWBARGER). Without objection, the Chair appoints the following conferees: Messrs. WALSH, YOUNG of Florida, CUNNINGHAM, WAMP, LATHAM, LIVINGSTON, SERRANO, FAZIO of California, OBEY, and Ms. KAPTUR.

There was no objection.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes, and that I may include tabular and extraneous material.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2160, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. SKEEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico [Mr. SKEEN]?
There was no objection.

MOTION TO INSTRUCT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Ms. KAPTUR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2160, be instructed to recede to the Senate regarding funding levels provided under the Food and Drug Administration for the program to prevent the use of tobacco products by minors.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio [Ms. KAPTUR], and the gentleman from New Mexico [Mr. SKEEN] will each be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

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

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

Ms. KAPTUR. Mr. Speaker, the motion I offer today instructs the conferees on the fiscal year 1998 Agriculture Appropriations Act to agree to the higher funding levels provided by the Senate for the Food and Drug Administration's Youth Tobacco Initiative.

Just this morning, Mr. Speaker, the Senate agreed to provide \$34 million, which was the full budget request, for the Food and Drug Administration Program to assist our States in enforcement and outreach efforts related to rules to prevent children, our children, from purchasing tobacco as minors.

The House bill included \$24 million for this important program, and originally the Senate had only provided \$4.9 million. But this morning, in an act of great wisdom, the Senate, on an amendment that was voiced after substantial approval was given and a motion to table defeated, voted in the Senate to raise the level to \$34 million, which was the full budget request.

Mr. Speaker, our bill here in the House included \$24 million for this important program. Our motion would simply instruct our House conferees to agree to the funding levels for the Food and Drug Administration provided by the Senate, therefore, fully funding this important initiative to protect our Nation's children.

Mr. Speaker, I do not need to point out, I suppose, that nearly 90 percent of adult smokers in our country began doing so before the age of 18. In fact, at current rates, more than 5 million children under age 18 who are alive today will be killed by smoking-related diseases. So we are talking about the lives of millions of our children.

We know that every year more than \$1 billion in tobacco products are illegally sold to minors. I underline "illegally" sold to minors in this country. And as much as \$50 billion is spent every year in our country on smoking-related medical care.

Providing \$34 million, \$10 million more than in the House agreement but meeting the full budget request, will help our States set up enforcement programs and educate retailers and the public on the new Food and Drug Administration youth tobacco rules. It seems to me this is the least we can do to protect our country's future and our children.

I urge my colleagues to support this motion, and I reserve the balance of my time.

Mr. SKEEN. Mr. Speaker, with all due respect to the gentlewoman from Ohio [Ms. KAPTUR], I concur that this is a very important issue for all of us. I share the gentlewoman's concern, but we have many differences in these two bills, and I strongly believe that the House should not, should not be instructing its conferees to accept a Senate position on any issue before the conference has even begun.

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

Ms. KAPTUR. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Ms. DELAURO], a distinguished member of the Committee on Appropriations.

Ms. DELAURO. Mr. Speaker, I rise in strong support of the motion to instruct conferees to fully fund the FDA's program to crack down on illegal tobacco sales to minors. I appreciate the assistance of Chairman SKEEN and other members of the subcommittee in providing \$24 million for this important initiative in the House bill. But I hope that in conference that we can join the Senate and provide the entire \$34 million needed to stop our youngsters from taking up smoking and becoming addicted.

Facts of underage tobacco use are undisputed. Every single day 3,000 young people under the age of 18 who cannot even buy tobacco legally, become regular smokers. Selling tobacco to minors is illegal in all 50 States, but studies show that children can buy tobacco 67 percent of the time. What does this teach our children? It teaches them to smoke and it also teaches them that there are no penalties for breaking the law.

The FDA plan will help retailers understand and comply with the law. It enables strict enforcement by checking that stores require people who look younger than age 27 show an ID card before they buy cigarettes. It is a perfectly legitimate practice with regard to the sale of alcohol. It is an enforcement mechanism, it is an outreach mechanism, and it does not set up any, and I repeat, it does not set up any new government bureaucracy.

□ 1745

Yesterday's Wall Street Journal reported that 83 percent of the Members of the other body who took tobacco money last year voted against fully funding this provision. I would like to think that Members of this body today will be voting on this motion based on what is best for America's children and not on what is best for their campaign coffers.

Frankly, the tobacco industry has no reason to oppose this motion because this money all goes toward endorsing current law. This is no new law that is being talked about. But perhaps because 90 percent of all smokers start the habit by age 18, the tobacco companies are concerned that cracking down on youth smoking will hurt their businesses.

I would be ashamed if any Member of this body voted against this resolution as payback for a campaign contribution. This motion is about saving lives. Investing a small amount in prevention today is going to yield enormous savings down the road, not only in dollars for reduced medical costs but in the lives of our young people who can be saved.

I urge my colleagues to support the motion to instruct.

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

I just wanted to mention that for Members who are listening on the floor or maybe listening to these remarks over their televisions in their offices, if you look at the budget issue involved here, and I wanted to place this on the record because it is important, voting for this motion to instruct is a very responsible vote.

Both the House and the Senate have decided within their respective appropriations committees for different marks, different funding levels for agriculture functions. In the Senate, the Agriculture Subcommittee allocations were much higher than in the House. In fact, they have \$30 million more in budget authority and over \$200 million more in outlays. As we go to conference, we have to conference on that as well.

So I want to assure my colleagues that the flexibility within the budget exists and we are not asking for anything unreasonable in this motion to instruct. We are again asking our House colleagues to agree with what the Senate has done and to instruct our conferees to agree to the \$34 million youth tobacco prevention initiative.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for her leadership and advocacy of this issue. I recognize the sensitivity of the chairman as well, but would respectfully disagree with the approach. It is vital and imperative that this motion to instruct conferees is passed by this body.

There is a whole lot of barking going around about what we intend to do about preventing children from engaging in the beginning of tobacco use, or smoking, but there is not a lot of bite. This is a simple instruction that simply provides the bite that is needed to ensure that we provide the enforcement and the education to our retailers around this Nation.

One of the failings that brought about this intense increase in cigarette smoking by our young people is that in the highways and byways and the rural communities and urban centers, there has been no incentive on the part of our retailers to stop that young person who comes in, approaches that cigarette, or to keep them from going to the cigarette machine; and what we have now is a \$50 billion smoking-related medical care cost. This does not make sense.

All we are asking for our House Members to do is to be in sync with the Senate so that there is not a dilemma in conference, there is not confusion in conference, there is not disagreement in conference, that we would join in and support the \$37 billion that the Senate has approved so we can put some action behind our words, put your money where your mouth is and that is not in your pocket. That is to ensure that there is enforcement and education.

Every time I go into my schools, whether we are talking about prevention of HIV, whether we are talking about understanding of one's ability to know how to interact and to be able to use one's sexual intensity properly, it is all about educating our young people. It is all about being forthright. It makes no sense whatsoever that we would not want to support this motion to instruct conferees to put some bite in our bark, to ensure that the 3,000 young people under the age of 18 who get cigarettes every day are educated properly and these laws are enforced.

We need to provide the bite for the Food and Drug Administration. This is a sensible, intelligent, forthright motion to instruct conferees.

I would be incensed, and I think the American people would not understand why the House would be backtracking from a so-called commitment to ensure that the Food and Drug Administration has all of the tools that it should have to make sure that we see this siege upon our young people in America prevented and we educate them toward good health and to stop the smoking that has infiltrated their young lives and caused devastating health impact in their late lives.

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

I urge a "yes" vote on the motion to instruct conferees so that we can go to the conference with a strong position from both the House and the Senate and really do something for the young people of this country and help prevent additional addiction which will cost millions of lives in the future and billions of dollars. Let us do what is right for our children and give them a helping hand.

I urge a "yes" vote on the motion to instruct conferees.

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

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

Let me summarize this issue for my colleagues, if I might. Currently the House has \$24.3 million for new tobacco regulations. In an action today, the Senate provided \$34 million for the same purpose. I am not, I repeat, I am not opposed to providing funds for regulating tobacco, but there has been no resolution of the differences in the allocations of the House and the Senate. The Senate allocation is \$200 million more than the House. Until that is resolved, I do not believe that we should be issuing instructions to conferees to go to numbers higher than the House allocation can support.

I urge the defeat of the motion to instruct.

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

The SPEAKER pro tempore (Mr. SNOWBARGER). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct

offered by the gentlewoman from Ohio [Ms. KAPTUR].

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 299, nays 125, not voting 9, as follows:

[Roll No. 353]

YEAS—299

Abercrombie	Eshoo	Klink
Ackerman	Evans	Klug
Allen	Ewing	Kolbe
Andrews	Farr	Kucinich
Bachus	Fattah	LaFalce
Baldacci	Fawell	LaHood
Barcia	Fazio	Lampson
Barrett (NE)	Filner	LaTourette
Barrett (WI)	Flake	Lazio
Barton	Foglietta	Leach
Bass	Foley	Levin
Becerra	Forbes	Lewis (GA)
Bentsen	Ford	Linder
Bereuter	Fowler	Lipinski
Berman	Fox	LoBiondo
Berry	Frank (MA)	Lofgren
Bilirakis	Franks (NJ)	Lowe
Bishop	Frelinghuysen	Luther
Blagojevich	Frost	Maloney (CT)
Blumenauer	Furse	Maloney (NY)
Boehrlert	Ganske	Manton
Bonior	Gejdenson	Manzullo
Borski	Gephardt	Markey
Boswell	Gibbons	Martinez
Brown (CA)	Gilchrest	Mascara
Brown (FL)	Gilman	Matsui
Brown (OH)	Goodling	McCarthy (MO)
Bryant	Gordon	McCarthy (NY)
Calvert	Goss	McDade
Camp	Green	McDermott
Campbell	Greenwood	McGovern
Canady	Gutierrez	McHale
Cannon	Gutknecht	McHugh
Capps	Hall (TX)	McKinney
Cardin	Hamilton	McNulty
Carson	Hansen	Meehan
Castle	Harman	Meek
Chabot	Hastert	Menendez
Christensen	Hastings (FL)	Metcalfe
Clayton	Hayworth	Millender
Clement	Hill	McDonald
Clyburn	Hilliard	Miller (CA)
Condit	Hinche	Miller (FL)
Conyers	Hinojosa	Minge
Cook	Hobson	Mink
Costello	Hoekstra	Moakley
Coyne	Holden	Mollohan
Cramer	Hooley	Moran (KS)
Crapo	Horn	Moran (VA)
Cummings	Houghton	Morella
Danner	Hoyer	Murtha
Davis (FL)	Hulshof	Nadler
Davis (IL)	Hutchinson	Neal
Davis (VA)	Istook	Neumann
DeFazio	Jackson (IL)	Ney
DeGette	Jackson-Lee	Nussle
Delahunt	(TX)	Oberstar
DeLauro	Jefferson	Obey
Dellums	John	Olver
Deusch	Johnson (CT)	Ortiz
Diaz-Balart	Johnson (WI)	Owens
Dicks	Johnson, E. B.	Oxley
Dingell	Kanjorski	Pallone
Doggett	Kaptur	Pappas
Dooley	Kasich	Pascarell
Doyle	Kelly	Pastor
Duncan	Kennedy (MA)	Payne
Edwards	Kennedy (RI)	Pelosi
Ehlers	Kennelly	Peterson (MN)
Ehrlich	Kildee	Peterson (PA)
Emerson	Kilpatrick	Petri
Engel	Kind (WI)	Pickett
English	King (NY)	Pomeroy
Ensign	Kleckza	Porter

Portman
Poshard
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott

Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin

Taylor (MS)
Thompson
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (FL)

□ 1815

The SPEAKER pro tempore (Mr. SNOWBARGER). Without objection, the Chair appoints the following conferees: Messrs. SKEEN, WALSH, DICKEY, KINGSTON, NETHERCUTT, BONILLA, LATHAM, LIVINGSTON, Ms. KAPTUR, Mr. FAZIO of California, Mr. SERRANO, Ms. DELAURO, and Mr. OBEY.

There was no objection.

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 2160, and that I may include tabular and extraneous material.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2332

Mr. EVERETT. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. BOEHNER] be removed as cosponsor of H.R. 2332. His name was added in error.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2266, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2266) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 2266 be instructed to insist on the House position prohibiting the use of funds to approve or license the sale of the F-22 advanced tactical fighter to any foreign government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Florida [Mr. YOUNG] will each be recognized for 30 minutes.

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

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

NAYS—125

Aderholt	Galleghy	Pease
Archer	Gekas	Pickering
Armey	Gillmor	Pitts
Baessler	Goode	Pombo
Baker	Goodlatte	Price (NC)
Ballenger	Graham	Radanovich
Barr	Granger	Redmond
Bartlett	Hastings (WA)	Riley
Bateman	Hefley	Rogan
Bilbray	Hefner	Rogers
Bliley	Herger	Rohrabacher
Blunt	Hilleary	Ryun
Boehner	Hostettler	Sanford
Bonilla	Hunter	Scarborough
Bono	Hyde	Schaefer, Dan
Boucher	Inglis	Schaffer, Bob
Boyd	Jenkins	Sessions
Brady	Johnson, Sam	Shadegg
Bunning	Jones	Shuster
Burr	Kim	Skeen
Burton	Kingston	Smith (OR)
Buyer	Knollenberg	Smith, Linda
Callahan	Largent	Snowbarger
Chambliss	Latham	Solomon
Chenoweth	Lewis (CA)	Souder
Coble	Lewis (KY)	Spence
Coburn	Livingston	Stearns
Collins	Lucas	Stump
Combest	McCrery	Taylor (NC)
Cooksey	McInnis	Thomas
Cox	McIntosh	Thornberry
Crane	McIntyre	Walsh
Cubin	McKeon	Watkins
Cunningham	Mica	Watts (OK)
Deal	Myrick	Weldon (FL)
DeLay	Nethercutt	Weller
Dickey	Northup	White
Doollittle	Norwood	Whitfield
Dreier	Packard	Wicker
Dunn	Parker	Wolf
Etheridge	Paul	Young (AK)
Everett	Paxon	

NOT VOTING—9

Clay	Hall (OH)	Rush
Dixon	Lantos	Schiff
Gonzalez	McCollum	Towns

□ 1813

Mr. PAXON changed his vote from "yea" to "nay."

Messrs. PORTER, CALVERT, TIAHRT, BASS, BILIRAKIS, EWING, HUTCHINSON, METCALF, WAMP, TALENT, Mrs. EMERSON, and Messrs. SHIMKUS, BARRETT of Nebraska, LAHOOD and HULSHOF changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.