

assured by the archivist that any cases where privacy is a concern, such as an individual who testified on conditions of anonymity, would be honored and such files would not be made public.

Mr. Speaker, the end of the Cold War has resulted in the discovery of literally hundreds of documents which had previously been out of reach behind the Iron Curtain. I see no need for the House to maintain a veil of secrecy over its Select Committee files, especially when such information may provide some insight into the fate of some of the more than 2,000 service members who still remain unaccounted for from the Vietnam conflict.

Accordingly, I ask my colleagues to join in supporting this worthy legislation which would bring the House rules on this subject in accord with those of our counterpart committee in the Senate.

Mr. THOMAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time, once again thanking the gentleman from New York for this resolution.

Mr. HOYER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time, adding that the gentleman from Mississippi (Mr. TAYLOR) asked me to make his comments known and his expressions of appreciation to the gentleman from New York (Mr. GILMAN) and others for their leadership on this, and he joins us very strongly in supporting this legislation.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and agree to the resolution, House Resolution 172.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ORGAN DONOR LEAVE ACT

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 457) to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes.

The Clerk read as follows:

H.R. 457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASED LEAVE TIME TO SERVE AS AN ORGAN DONOR.

(a) SHORT TITLE.—This Act may be cited as the "Organ Donor Leave Act".

(b) IN GENERAL.—Subsection (b) of the first section 6327 of title 5, United States Code (relating to absence in connection with serving as a bone-marrow or organ donor) is amended to read as follows:

"(b) An employee may, in any calendar year, use—

"(1) not to exceed 7 days of leave under this section to serve as a bone-marrow donor; and

"(2) not to exceed 30 days of leave under this section to serve as an organ donor.".

(c) TECHNICAL AMENDMENTS.—(1) The second section 6327 of title 5, United States Code (relating to absence in connection with funerals of fellow Federal law enforcement officers) is redesignated as section 6328.

(2) The table of sections at the beginning of chapter 63 of title 5, United States Code, is amended by adding after the item relating to section 6327 the following:

"6328. Absence in connection with funerals of fellow Federal law enforcement officers."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 457.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 457, the Organ Donor Leave Act. I commend the distinguished gentleman from Maryland (Mr. CUMMINGS) for introducing this important bill. I know that my colleagues in the House are strong supporters of organ donation; but whenever we have a chance to highlight this important issue, we should do so.

More than 54,000 people are currently on the organ transplant waiting list, and about 4,000 each year die while waiting for a transplant. I believe that Congress should do whatever it can do to encourage our citizens to consider becoming organ or bone marrow donors and that the Federal Government should be a leader in this effort.

The Organ Donor Leave Act does that. Mr. Speaker, the least we can do for those who are giving so much of themselves is to give them the time to rest and recover with their families as they save the lives of others.

H.R. 457 will make it easier for Federal employees to become organ donors by providing those who donate organs with 30 days of paid leave in any calendar year. Under current law, employees are permitted to take 7 days of leave in order to donate bone marrow or organs.

H.R. 457 retains the 7-day leave period for bone marrow donors but increases the leave available to organ donors to 30 days. This leave is separate and distinct from the annual or sick leave available to Federal employees.

Mr. Speaker, my home State of Illinois has been a leader in organ and tissue donation through our Secretary of State's office. In fact, I signed up as a potential organ donor when our Secretary of State, now Governor George Ryan, came to the House floor of the

Illinois General Assembly and personally signed up every legislator on our driver's license on the back.

Illinois is one of the few States with an organ/tissue donor registry. In Illinois, this registry makes use of the existing driver's license and ID card database to identify individuals who are willing to be organ or tissue donors after death. Since October 1992, everyone applying for or renewing an Illinois driver's license or identification card is asked if they want to participate in this registry.

The response has been terrific. Approximately 3 million Illinoisans have joined the registry and nearly 100,000 more enroll each month. The average participation rate statewide is 38 percent compared to a national average of 13 percent, and some counties have reported participation rates of over 70 percent.

The bottom line is when we make it easier for individuals to become organ donors, more people will become donors. H.R. 457 is an important step towards making it easier for Federal employees to be organ donors, and I hope we will see the same kind of response with Federal employees that we have seen in Illinois.

Mr. Speaker, I urge all Members of the House to support H.R. 457.

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

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

Mr. Speaker, I want to thank the gentlewoman from Illinois (Mrs. BIGGERT) for her kind comments, and certainly I want to thank the chairman of the committee, the gentleman from Indiana (Mr. BURTON), and our ranking member, the gentleman from California (Mr. WAXMAN), as well as the chairman of the Subcommittee on Civil Service, the gentleman from Florida (Mr. SCARBOROUGH), for making sure that we moved in a bipartisan effort to bring this bill to the floor of the House.

Mr. Speaker, I introduced already 457, the Organ Donor Leave Act, because it supports Federal employees who make the lifesaving decision to become living organ or bone marrow donors by granting them additional leave time to recover from making the donation.

In the last 20 years, important medical breakthroughs have allowed for a larger number of successful organ and tissue transplants and a longer survival rate for transplant recipients. In many cases, transplantation is the only hope for thousands of people suffering from organ failure or in desperate need of corneas, skin, bone, or other tissue.

Despite the success rate of organ transplants, the need for donated organs and tissues continues to outpace the supply. Currently, however, 60,000 Americans are waiting for life-saving transplants. Tragically, every day 12 people die while waiting for a transplant. Every 16 minutes another name is added to the waiting list. This is a

solvable problem and the Federal Government and its employees can help.

In December of 1997, Vice President AL GORE and Health and Human Services Secretary Donna Shalala launched a national organ and tissue donation initiative. In 1998, after the first full year of the initiative, organ donations increased 5.6 percent, the first substantial increase since 1995. During 1998, HHS issued a new regulation to ensure that hospitals worked collaboratively with organ procurement organizations in identifying potential donors and approaching their families.

HHS has conducted a national conference aimed at identifying the most effective strategies to increase donation and transplantation. In conjunction with dozens of partner organizations in the private and volunteer sectors, HHS has worked to increase the awareness of the need for organ and tissue donation.

Recognizing that Federal employees also have a role to play, I first introduced the Organ Donor Leave Act last year. The bill passed the House, but the Senate failed to take action before adjournment. This session, Senator AKAKA introduced companion legislation in the Senate, S. 1334. I am not only pleased that he did so but that his bill is cosponsored by Senator FRIST, one of the Nation's leading transplant surgeons, and the only active surgeon serving in the Congress.

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The Organ Donor Leave Act is supported by the American Society of Transplantation, the largest professional transplant organization in the United States.

In a letter expressing their support for the bill, the AST stated that "a lack of leave time has served as a significant impediment and disincentive for individuals willing to share the gift of life."

Currently, Federal employees may use up to 7 days of leave in each calendar year to serve as an organ or bone marrow donor. Yet, experience has shown that an organ transplant operation and postoperative recovery for living donors may take as long as 6 to 8 weeks.

In order to address this disparity, I worked with the Office of Personnel Management and the Department of Health and Human Services in drafting this legislation to increase the amount of leave that may be used for organ donation to 30 days.

The amount of leave that may be used for bone marrow donation will remain at 7 days because that is generally viewed to be adequate.

Under this legislation, donors will not have to be concerned with using their personal sick or annual leave for these vital medical procedures because the leave granted is in addition to what they routinely earn.

Ultimately, this bill will benefit the 62,000 people who are on the organ transplant waiting list.

I urge all Members to give their support to this very, very important legislation.

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

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

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

Mr. Speaker, one of the arguments that is often made about transplantation is that there are two types. One is where, of course, a person dies and their organs are used. And the other is where the person is still living.

A lot of people wonder why is it so important that organs be transplanted from living people. I mean, do not get me wrong, those who have died are very important also. But the living are very important because of the following reasons.

The time shown from harvesting of an organ until the time of transplantation is as follows: If a person dies and it is a heart transplantation, it would be 4 to 6 hours; heart and lung 4 to 6 hours; lung 4 to 6 hours; pancreas 8 to 16 hours; a liver 12 to 24 hours; kidney 24 to 36 hours. And so, therefore, when the person is living, doctors have a lot more time to plan and to carry out the procedure.

So often what has happened is many people have donated their organs, but by the time doctors find out after death, they simply do not have enough time to work within the parameters that I just spoke of.

Finally, let me just say this. While we are talking here about the organ donations from those who are living, there is a very fitting quote that comes from Stephanie Kristine Crosse of the University of Dayton School of Law where she talked about organ donation. Although this talks about donations of the dead, I think that it still says a lot for donations.

She says, "The day will come when my body will lie upon a white sheet, neatly tucked under four corners of a mattress, located in a hospital busily occupied with the living and the dying. At a certain moment a doctor will determine that my brain has ceased to function and that, for all intents and purposes, my life has stopped.

"When that happens, do not attempt to instill artificial life into my body by use of a machine. And don't call this my deathbed. Let it be called the bed of life, and let my body be taken from it to help others lead fuller lives.

"Give my sight to the man who has never seen a sunrise, a baby's face, or love in the eyes of a woman. Give my heart to a person whose own heart has caused nothing but endless days of pain. Give my blood to the teenager who was pulled from the wreckage of his car so that he might live to see his grandchildren play. Give my kidneys to one who depends on a machine to exist from week to week.

"Take my bones, every muscle, every fiber, and every nerve in my body and find a way to make a crippled child

walk. Explore every corner of my brain. Take my cells if necessary, and let them grow so that, some day, a deaf girl will hear the sound of rain against her window. Burn what is left and scatter the ashes in the winds to help the flowers grow. If you must bury something, let it be my fault, my weaknesses and all the prejudices against my fellow man.

"Give my sins to the devil. Give my soul to God. If by chance you wish to remember me, do it with a kind deed or word to someone who needs you. If you do all I have asked, I will live forever. "Make a miracle, be an organ donor."

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

Mrs. BIGGERT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to thank the distinguished gentleman from Maryland (Mr. CUMMINGS) for introducing this legislation and working to bring this bill to the floor.

I also want to thank the gentleman from Florida (Mr. SCARBOROUGH), the distinguished chairman of the Subcommittee on Civil Service, for his strong support; the gentleman from Indiana (Chairman BURTON) of the Committee on Government Reform and Oversight; and the gentleman from California (Mr. WAXMAN), the ranking member who deserve our thanks for expediting House consideration of H.R. 457.

The Organ Donor leave Act is an important step forward in making the Federal Government a leader by example and encouraging our citizens to become organ or bone marrow donors.

I urge all Members to vote for 457 and make it easier for Federal employees to help save a life through organ donation. The Congressional Budget Office has determined that this bill will not have a significant impact on the Federal budget.

I urge all Members to strongly support H.R. 457.

Mr. STARK. Mr. Speaker, I rise today in strong support of H.R. 457, the "Organ Donor Leave Act." This legislation will assure that federal employees will be granted an adequate amount of leave if they choose to undertake organ or bone marrow donation.

Over 50,000 people are currently awaiting an organ transplant, but because of a national shortage, over 4,000 people die each year for lack of a suitable organ. Research points to a clear need for incentive programs and public education concerning organ donation. We need to use every possible option to increase the number of donated organs. This legislation is one way to meet this goal.

Currently, federal employees may use up to 7 days of leave to serve as an organ or bone marrow donor. However, experience indicates the need for additional time for organ transplant operation and postoperative recovery for living donors—up to six or eight weeks in many cases. The "Organ Donor Leave Act" increases the amount of leave that federal employees may use to serve as an organ donor to 30 days.

This legislation also goes hand-in-hand with the "Gift of Life Congressional Medal Act of

1999" which Senator FRIST and I introduced this past March. This non-controversial, non-partisan legislation creates a commemorative medal to honor organ donors and their survivors. I ask that our colleagues act to support both the Gift of Life Congressional Medal Act as well as the Organ Donor Leave Act to increase organ donation and to bring an end to transplant waiting lists.

Today's vote in an important step toward increasing organ donation, but there are many additional steps that we should also be making to improve our national organ donation rate. I look forward to working with my colleagues in implementing additional future improvements.

Mrs. THURMAN. Mr. Speaker, organ donation falls into the category of things you never think will affect you or your family—it happens to "other people." Well, let me tell you—I lost that false sense of security a few years ago.

My husband, John, spent three awful, debilitating years on dialysis—three years hoping that his name would come up on the waiting list—before finally receiving a kidney.

He was one of the lucky ones. This gift not only gave John a new lease on life, but it has also given my children back a father, and me, a loving husband.

Mr. Speaker, John is not alone. Every year, thousands of Americans wait anxiously on the organ donation lists, and they are entirely dependent on those kind enough to give. They are entirely dependent on those aware that there is a genuine need.

In simple terms, this is a supply and demand problem—a problem which is turning into a health care crisis:

The disparity between the supply and demand of organs contributes to the deaths of eleven people daily.

Between 1988 and 1996, the number of people on the organ transplant waiting list increased by 312 percent and the number of wait list deaths increased 261 percent.

Additionally, in 1996, a new name was added to the transplant waiting list every nine minutes.

I applaud Representatives CUMMINGS for taking a lead in narrowing this gap.

Living organ donation is the wave of the future, and increasing the frequency of living organ donation will not only increase the availability of organs, but also lessen the transplantation rejection rate and reduce costs associated with dialysis.

Now that we have taken this important leap forward, it is my hope that Congress can take a step further and provide living organ donation leave time for all employees under the Family and Medical Leave Act.

We could also increase donation by reimbursing donors for the costs associated with their donation which are currently not reimbursable by Medicare: For example, travel, lodging, meals and child care.

I have introduced legislation to do just this. H.R. 1857 would (1) expand the F.M.L.A. to include living organ donation and (2) establish a grant program to assist organ donors with the high costs associated with transplantation.

Mr. Speaker, we need a concerted and well-established policy on living organ donation in this country. And I would like to thank representative CUMMINGS for his leadership in moving the Congress forward in this endeavor. I urge all of my colleagues to support this important legislation.

Thank you.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 457.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DIGITAL COPYRIGHT LAW TECHNICAL AMENDMENTS

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1260) to make technical corrections in title 17, United States Code, and other laws.

The Clerk read as follows:

S. 1260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS TO TITLE 17, UNITED STATES CODE.

(a) EXEMPTION OF CERTAIN PERFORMANCES AND DISPLAYS ON EXCLUSIVE RIGHTS.—Section 110(5) of title 17, United States Code, is amended—

(1) by striking "(A) a direct charge" and inserting "(i) a direct charge"; and
(2) by striking "(B) the transmission" and inserting "(ii) the transmission".

(b) EPHEMERAL RECORDINGS.—Section 112(e) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(2) in paragraph (3), as so redesignated, by striking "(2)" and inserting "(1)";

(3) in paragraph (4), as so redesignated—
(A) by striking "(3)" and inserting "(2)";
(B) by striking "(4)" and inserting "(3)";
(C) by striking "(6)" and inserting "(5)"; and

(D) by striking "(3) and (4)" and inserting "(2) and (3)"; and

(4) in paragraph (6), as so redesignated—
(A) by striking "(4)" each place it appears and inserting "(3)"; and
(B) by striking "(5)" each place it appears and inserting "(4)".

(c) DETERMINATION OF REASONABLE LICENSE FEES FOR INDIVIDUAL PROPRIETORS.—Chapter 5 of title 17, United States Code, is amended—

(1) by redesignating the section 512 entitled "**Determination of reasonable license fees for individual proprietors**" as section 513 and placing such section after the section 512 entitled "**Limitations on liability relating to material online**"; and

(2) in the table of sections at the beginning of that chapter by striking

"512. Determination of reasonable license fees for individual proprietors."

and inserting

"513. Determination of reasonable license fees for individual proprietors."

and placing that item after the item entitled "512. Limitations on liability relating to material online."

(d) ONLINE COPYRIGHT INFRINGEMENT LIABILITY.—Section 512 of title 17, United States Code, is amended—

(1) in subsection (e)—

(A) by amending the caption to read as follows:

"(e) LIMITATION ON LIABILITY OF NONPROFIT EDUCATIONAL INSTITUTIONS.—"; and

(B) in paragraph (2), by striking "INJUNCTIONS.—"; and

(2) in paragraph (3) of subsection (j), by amending the caption to read as follows:

"(3) NOTICE AND EX PARTE ORDERS.—"

(e) INTEGRITY OF COPYRIGHT MANAGEMENT INFORMATION.—Section 1202(e)(2)(B) of title 17, United States Code, is amended by striking "category or works" and inserting "category of works".

(f) PROTECTION OF DESIGNS.—(1) Section 1302(5) of title 17, United States Code, is amended by striking "1 year" and inserting "2 years".

(2) Section 1320(c) of title 17, United States Code, is amended in the subsection caption by striking "ACKNOWLEDGEMENT" and inserting "ACKNOWLEDGMENT".

(g) MISCELLANEOUS CLERICAL AMENDMENTS.—

(1) Section 101 of title 17, United States Code, is amended—

(A) by transferring and inserting the definition of "United States work" after the definition of "United States"; and

(B) in the definition of "proprietor", by striking "A 'proprietor'" and inserting "For purposes of section 513, a 'proprietor'".

(2) Section 106 of title 17, United States Code, is amended by striking "120" and inserting "121".

(3) Section 118(e) of title 17, United States Code, is amended—

(A) by striking "subsection (b)." and all that follows through "Owners" and inserting "subsection (b). Owners"; and

(B) by striking paragraph (2).

(4) Section 119(a)(8)(C)(ii) of title 17, United States Code, is amended by striking "network's station" and inserting "network station's".

(5) Section 501(a) of title 17, United States Code, is amended by striking "118" and inserting "121".

(6) Section 511(a) of title 17, United States Code, is amended by striking "119" and inserting "121".

SEC. 2. OTHER TECHNICAL CORRECTIONS.

(a) CLERICAL AMENDMENT TO TITLE 28, U.S.C.—The section heading for section 1400 of title 28, United States Code, is amended to read as follows:

"§ 1400. Patents and copyrights, mask works, and designs".

(b) ELIMINATION OF CONFLICTING PROVISION.—Section 5316 of title 5, United States Code, is amended by striking "Commissioner of Patents, Department of Commerce."

(c) CLERICAL CORRECTION TO TITLE 35, U.S.C.—Section 3(d) of title 35, United States Code, is amended by striking ", United States Code".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 1260.

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

There was no objection.