NAYS—49

Abercrombie	Gutknecht	Pascrell
Bonior	Hastings (FL)	Pickett
Borski	Hefley	Poshard
Brown (CA)	Hilleary	Ramstad
Clay	Hilliard	Rush
Costello	Hinchey	Sabo
Cunningham	Hutchinson	Schaffer, Bob
DeFazio	Kucinich	Stupak
English	LaFalce	Taylor (MS)
Ensign	Lewis (GA)	Thompson
Fawell	LoBiondo	Tiahrt
Fazio	McDermott	Visclosky
Filner	Moran (KS)	Wamp
Fox	Oberstar	Waters
Gephardt	Obey	Weller
Gibbons	Olver	
Gutierrez	Pallone	

ANSWERED ''PRESENT''—1

Gilchrest

NOT VOTING—20

Armey	Foglietta	Riggs
Becerra	Jefferson	Sanders
Crane	Manton	Schiff
Diaz-Balart	Markey	Slaughter
Dixon	Moran (VA)	Souder
Edwards	Peterson (MN)	Young (AK)
Fattah	Pombo	

□ 1107

Mr. FOX of Pennsylvania changed his vote from ''yea'' to ''nay.''

So the Journal was approved.

The result of the vote was announced as above recorded.

APPOINTMENT OF CONFEREES ON H.R. 2015, BALANCED BUDGET ACT OF 1997

Mr. KASICH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2015) to provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. SPRATT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2015 be instructed as follows:

(1) On the matters pertaining to increasing the age of eligibility for medicare, reject the provisions contained in section 5611 of the Senate amendment.

(2) On the matters pertaining to the minimum wage, worker protections, and civil rights—

(A) insist on paragraphs (2) and (3), and reject the remainder, of section 417(f) of the Social Security Act, as amended by sections 5006 and 9006 of the bill, as passed the House, and

(B) reject the provisions contained in sections 5004 and 9004 of the bill, as passed the House.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. SPRATT] is recognized for 30 minutes in support of his motion and the gentleman from Ohio [Mr. KASICH] is recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

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

Briefly, as a matter of introduction to what this motion to instruct pertains, it is a double-barrel motion. On the one hand we say the Senate provisions that would raise the age of eligibility for Medicare from 65 to 67 were not part of our bipartisan budget agreement, were not essential to achieving the objectives we set for ourselves. Indeed we were able to do the $115 billion in Medicare cost reduction over a 5-year period of time with substantial consensus.

This particular portion of the bill was reported by the Committee on Ways and Means with a near unanimity, with as close to consensus as we can get in this House. It was unnecessary to do it and, furthermore, it raises more questions than it answers: What will this coverage cost for people from 65 to 67; will it be available; how much lead time should we give people to get ready for this unexpected adjustment?

So we would instruct the conferees to reject those Senate provisions.

Second, the House and the Senate both added other provisions outside the budget agreement unnecessary to it that would deny the basic protections of one of the fundamental laws of the land, the Federal Fair Labor Standards Act, to individuals coming off TANF, coming out of welfare into workfare, or participating in the welfare to work program. We think that is unwarranted and unnecessary, and we would say to the conferees excise, take out, those provisions as well and reject them as part of this bipartisan agreement so it can truly be called a bipartisan agreement.

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

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

First of all, these motions to instruct are kind of gimmicky, to be truthful. They are just designed for somebody to come to the House floor, lay out difficult positions that are hard to win in a debate and, basically, they do not have the force of law.

Now, let me just speak to the three of them. First of all, the first one is we should not raise the age of eligibility for Medicare recipients from 65 to 67.

□ 1115

In the House bill we did not do that. We said it ought to be 65. But let me make it clear to everybody who is in this Chamber, that if they think that when their children must be put into the workplace to work day and night to pay for our benefits, and they think that there is not a fundamental restructuring of the system in need, then are we doing injustice to the young people of this country.

The fact is, in Medicare and Social Security and in Medicaid, we are going to find ourselves in a position where the number of young people will be few in number and the number of people getting benefits, which will be us, are going to be great in number.

Mr. Speaker, our young children in this country deserve a chance, the same kind of chance our parents gave to us, and we know that there must be fundamental structural changes in the major entitlement programs because these programs are not sustainable. We put our children in a position that is untenable and unconscionable if we are not willing to meet the challenge of the baby boomer retirement and what it does to our children.

Now, I am not so sure that this House is capable, along with the Senate, of designing the real solutions that are going to be necessary, the structural changes that are going to be necessary in the area of Social Security, in the area of Medicare and in the area of Medicaid.

I will say this: I think this House has taken a large step forward in terms of designing changes in Medicare that are structural in nature, that are positive, that move us in the right direction. But I would hope that this House will reject in the future the rhetoric of 1995, where some of my colleagues on the other side of the aisle said that we were trying to damage the senior citizens in this country by our Medicare reforms, and they are the Medicare reforms that they are today accepting.

So for those people who want to stand and demagogue and scare the elderly, scare the children, we are going to stand against you, just like we did in 1995 and just like we did in 1996, and finally had you support our program on a bipartisan basis.

Now in the area of worker protection, the gentleman from Florida [Mr. SHAW] had a comment on that. In the area of worker protection, let me just make one other statement here to my colleagues on the other side. And I have some friends on the other side who understand my heart, and there are friends I have on the other side who risked a lot for things they believed in.

The bottom line on this is, the House is not prepared to move to changing the retirement date on Medicare this week, but we sure as heck better open our mind and open our heart to what we are going to need to do long-term for the future of the next generation. And we will not be stopped by demagoguery because the young people in this country will not permit the politicians in this House, who are going to be the beneficiaries of all the benefits, the young people are not going to stand for it; and there are going to be many of us who get the benefits who are not going to permit you to demagogue this on your own and be able to win the day.

In the area of worker protections, the third recommendation that my friend from South Carolina [Mr. SPRATT] recommends, which is that we do not prohibit or we do not discriminate in the area of sex or health or safety for our people who go to work, who are on welfare, the House intends to stand behind

that position. We do not support discrimination in any form. We sign up to that.

In the other area regarding these workfare nonemployees, we obviously do not want to deny them their rights under antidiscrimination. But let me just suggest to all of my colleagues that we do not believe that all of the provisions like unemployment compensation ought to apply to workers who are on welfare, who are out there working to pay for the benefits they get from people who go to work every day.

Now we have had a struggle trying to define exactly how all these welfare workers should be treated, and I think we have made substantial progress in this House by guaranteeing that there would not be discrimination, that these workers would be in a safe environment, and the House intends to pursue that position in conference. At the end of the day I believe that we will guarantee the civil and human rights of every American. We are going to stand behind that.

So I am recommending to my side that we will accept the motion to instruct, but what I am troubled about is this idea that we should reject even the discussions about structural changes as they apply to the next generation.

Mr. STARK. Mr. Speaker, would the gentleman yield?

Mr. KASICH. I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, I thank the distinguished chairman for yielding, and I want to agree with him, particularly as to the Medicare part. We are supporting the House position, and we have, and it has been a bipartisan exercise and has not been demagogued. I will talk more about it later.

And I agree that the long range program is what has not been addressed by either side, to our shame. We are getting to that. But for now, we have the high ground in the House and I am happy it hear that he is going to, because basically all we are asking is that we stick to the House position.

Mr. KASICH. Reclaiming my time, furthermore I want to compliment my friend from California for his work in the health subcommittee with the gentleman from California [Mr. THOMAS], the chairman, to try to fashion a bipartisan first step in Medicare. Maybe I should explain to the gentleman that he is very well aware of the beating that we took for our Medicare reforms which are now working their way into law.

Mr. STARK. If the gentleman would continue to yield, I think it was 25 short. But other than that, I am aware of it.

Mr. KASICH. But let me just suggest, though, that I am very pleased to hear the gentleman say that he recognizes that there is a next step. Because if we walk away from this problem of the baby boomers retiring, as the gentleman knows, we are not going to survive in America as we have known it.

I would like to say to the gentleman, and to the gentleman from South Carolina [Mr. SPRATT] and my friend from the State of Washington, that the Committee on the Budget intends to pursue a very aggressive examination of this big wave, the tidal wave that is coming. I expect to have Democrats participate in the settings that we create, the witnesses that we call in. Because the only way we are going to be able to deal with all this is to deal together, without having people standing in the well yelling and screaming and trying to scare the elderly in our country.

So we are going to vote for this motion to instruct, but I am very sensitive about the idea that we want to let people know everything is done, taken care of.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

The chairman of the Committee on the Budget is absolutely correct, this is frankly a theater. I am a little disappointed that the minority did not go after some really important stuff to try to protect in terms of a motion to instruct. Actually we do not need all the verbiage that is on the page.

The motion to instruct can be put in basically four words, that is, support the House positions. Now let us look at the irony. We are wasting time on the floor of the House of Representatives in talking about a motion to instruct which says ''support the House positions.''

I am here to tell my colleagues as chairman of the Subcommittee on Health, I did not work all those long hours to produce a 13 to zero vote, a unanimous support position in the Subcommittee on Health of the Committee on Ways and Means, to run over to the Senate and fold. I did not work hard to maintain the subcommittee's position on a 36 to 3 vote in the full Committee on Ways and Means to simply collapse in the face of the Senate. I do think it would be appropriate, since the Senate apparently feels fairly strongly on this issue, having voted on the floor of the Senate by better than two to one to include this, that we probably ought to listen to their arguments.

The gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget, I think makes the cogent point, we are going to have to engage. Is this the appropriate time? Is this the appropriate arena? Probably not.

But my colleagues should watch because this motion to instruct should be a voice vote. There is no reason whatsoever to have a recorded vote on a position ''support the House positions.'' So if the Democrats call for a recorded vote, it is a feeble opportunity on their part to try to catch someone who believes that we should not engage in these kinds of tactics so that a campaign position, if there is a recorded vote and they do not support this position, for them to put out a statement that the person who did not vote for this is in favor of increasing eligibility for Medicare from 65 to 67, shame on them.

Can they not come up with a real issue so that we can have a real discussion on substance, instead of putting together a package which is ''support the House positions.'' The answer is, you bet we are going to support the House position. My challenge to them is to let it go on a voice vote and do not record the vote.

Mr. FAZIO of California. Mr. Speaker, would the gentleman yield?

Mr. THOMAS. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Speaker, I wonder why the gentleman is concerned about a recorded vote on something everyone has just agreed to.

Mr. THOMAS. Reclaiming my time, all I am saying is if the gentleman did not understand the point, let us see whether or not there is a recorded vote.

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

Let me simply say there is nothing unreal, nothing gimmicky about the age eligibility for Medicare. It is a vital issue for millions of Americans. And there is nothing gimmicky, either, about whether or not those coming off welfare into the work force will have the protection of the Federal Fair Labor Standards Act which has been the fundamental law of the land for the better part of this century.

Mr. Speaker I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I just wanted to agree with the gentleman from South Carolina [Mr. SPRATT]. I do not understand how the other side can say that we are wasting time or this is gimmickry. If they really believe that the age eligibility should not be raised from 65 to 67, let us vote on it.

We know that the other body has specifically said in their bill that they want to raise the age. American people, our seniors, are very concerned about that. We need to take a position on this. I have to say that I find it abhorrent that the Congress would even consider raising age eligibility for Medicare. At a time when we are trying to find solutions concerning our uninsured populations, raising the age eligibility to age 67 will only exacerbate the problem.

There are 4.5 million people between age 50 and 64 that are among the uninsured, for various reasons, and these numbers are growing every day. Some of these seniors lack access to employer-sponsored health benefits, while others are unable to afford expensive premiums and cost-sharing requirements.

Now we are telling them that they have to wait even longer before they become eligible for Medicare. We would be breaking our commitment to America's seniors by raising the age eligibility. It is not needed to balance the

budget, nor is it necessary to maintain Medicare short-term solvency.

Some may argue that Social Security is already raising its age eligibility and that raising Medicare's would be consistent. But I would remind my colleagues that in Social Security seniors have the option to retire early and receive some of their benefits, while no similar option exists for Medicare.

Raising the age eligibility has had little discussion, no congressional hearings. I personally see the increase in age eligibility as a back-door approach to letting Medicare wither on the vine. That is a phrase that the Speaker, the gentleman from Georgia [Mr. GINGRICH] has often used; and I strongly oppose that its inclusion be a part of any final budget package. I strongly urge my colleagues to support this motion to instruct.

□ 1130

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, far from wasting our time on the floor today, we have accomplished seemingly two major improvements in a bill that is seriously flawed in many ways.

I hear the gentleman from Ohio [Mr. KASICH] and the gentleman from California [Mr. THOMAS] saying that they are going to support this motion. I hope that means that when we go to conference on this package of spending cuts, we will not entertain the increase in the age to be eligible for Medicare to the age of 67. It is very clear that in this country we have a major problem with many people in their fifties who have been downsized, let out of their job, where their health benefits were real and decent, and suffer because there is no bridge to retirement. We only make the gap broader for those people if they are not given at least the age of 65 to look forward to.

In addition, Mr. Speaker, it is unconscionable to say that people who are transitioning from welfare to work will not be covered by the same statutes that protect workers. To have a sexual harassment claim not to be viable, not to be of legal standing simply because someone is transitioning from welfare is unbelievable. I am very pleased the Republicans have agreed.

Mr. KASICH. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. The gentleman has argued the points. None of the points that the gentleman has argued are in the House package, so I guess the concern of the gentleman is that this conferee and other House conferees, having gone through the legislative process on this side, not putting any of that material in the bill would now somehow think that it makes sense. Is that the concern of the gentleman from California?

Mr. FAZIO of California. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from California.

Mr. FAZIO of California. I am particularly concerned about the version of this bill that will work a hardship on people coming off welfare into work.

Mr. THOMAS. Mr. Speaker, reclaiming my time, is he concerned about the conferees not holding the House position? Is that his concern?

Mr. FAZIO of California. I am concerned that this conference is going to engage in some fundamental changes not only in the Medicare law——

Mr. THOMAS. The question is, and I'll reclaim my time. If the gentleman wants to answer it, I'll give him another chance. If he chooses not to, that is fine. The question is, does the gentleman have confidence in the House conferees upholding the House position? Yes or no.

Mr. FAZIO of California. I am certainly hopeful that if we all vote to make sure that these onerous provisions are not included in the conference, that we will follow the position when we get to conference.

POINT OF ORDER

Mr. WAXMAN. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman will state his point.

Mr. WAXMAN. Mr. Speaker, I cannot understand how a gentleman can ask another gentleman a question and not give him a moment to answer it.

The SPEAKER pro tempore. The gentleman has not stated a point of order.

Mr. KASICH. Mr. Speaker, how much time is left on both sides?

The SPEAKER pro tempore. The gentleman from Ohio [Mr. KASICH] has 17½ minutes remaining. The gentleman from South Carolina [Mr. SPRATT] has 25 minutes remaining.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, the fact is that we are not wasting time at all. There is a serious threat to seniors' health care in this country. There is a health care crisis in our country. Too many Americans do not have access to quality health care that they need.

Quite honestly, Democrats have fought to expand coverage for 10 million American children who do not have health care coverage. Yet Republicans backed away from their promise to insure just half of these children.

Now with the specter of moving the age limit from 65 to 67 for seniors with regard to Medicare, we are looking at no coverage of people zero to 67 in this country. We are moving backward in terms of providing health care for people in this country. Instead of trying to find ways to make sure that seniors have security of health care coverage in their retirement, it would appear that the Government is backing away from that promise that they would be there for them at age 65.

Seniors have worked hard all of their lives, they paid their dues, they planned their retirement with the knowledge that they would be able to depend on Medicare when they turned 65 years of age to help to pay their medical bills.

Let us vote on the motion to instruct. Let us work to help expand health care coverage for seniors.

Mr. SPRATT. Mr. Speaker, I yield 11 minutes to the gentleman from California [Mr. STARK] and ask unanimous consent that he be allowed to yield portions of that time to other Members.

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

There was no objection.

Mr. STARK. Mr. Speaker, I thank the distinguished ranking member for yielding me this time, and I yield myself 2½ minutes.

Mr. Speaker, insofar as the Medicare provisions in this bill are concerned, it is a matter of record that we have had strong bipartisan cooperation and agreement in the House. My remarks today are designed to amplify the problems in the Senate bill and for whatever other effect we may have is to give us a stronger hand in dealing with the Senate in conference, which indeed has been a tradition of motions to instruct for many years.

A vote by this House representing the strong feelings that we have in support of our bill is an aid in negotiating and to show that we have the support of the American people. The Senate has basically taken a silk purse and turned it into a sow's ear. We find this morning a poll of the Washington Post that says 64 percent of the people oppose extending the wait for Medicare to age 67.

The AARP bulletin, which I now get, Mr. Speaker, says that the Medicare measure takes the wrong turn. That is in relationship to the Senate bill. The Senate also allows doctors to bill patients more, or extra. It allows doctors to force patients to give up Medicare if they want certain specialty care from these doctors. It cuts payments to the Nation's safety net hospitals by 20 percent. It increases home health care cost in the Nation's frailest and sickest by $760 a year.

I hope that the conference committee will stand firm and fix these provisions, and I pledge to work with the gentleman from California [Mr. THOMAS] and the gentleman from Ohio [Mr. KASICH] to see that we do prevail over the Senate, for these provisions will do harm to the Medicare system. There are ways in which we can change Medicare and make it more solvent. I would like to work with them. I believe that raising the age limit without a plan to protect the people from 65 to 67 is the wrong way to go, and I think we can work to fix that in the years ahead.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. STARK. I yield to the gentleman from California.

Mr. THOMAS. I thank the gentleman for yielding. First of all, I want to thank him for the cooperative effort in

producing this House product and we will continue to make sure that the House product survives in conference. I will commit to the gentleman that we will do everything we can to deliver the product.

It is just a shame that we wind up with a political charade. If it is a voice vote, I understand the gentleman's and the others' concern. If it is a recorded vote, it is clear that these are political shenanigans.

Mr. STARK. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. WAXMAN].

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

Mr. Speaker, the House has passed a bill, the Senate has passed a different bill. There will be a conference. The Republican leaders today have said to us that when they go into conference, they are going to try to hold the House position, but they are going to have to move toward the Senate to get an agreement. The chairman of the Committee on the Budget said we have got to be aware that structural changes are going to come down the line at some point, and he is not for this change this week.

The point is that we know what the House Republicans were for in Medicare in the last Congress. They wanted structural changes that would have ended the Medicare program as we know it and would have put a lot of elderly people into the lowest priced HMO that would survive profitably by denying them care.

I cannot understand why we are hearing that the gentleman from California [Mr. THOMAS] would object to a recorded vote. If he really thinks it is a bad idea to change the age limit, he ought to be willing to vote with us to reject that idea when they go into conference.

The Senate reconciliation bill contains a number of ill-conceived provisions relating to Medicare. They increase the burdens on beneficiaries with home health copayments. They have further balanced billing beyond what now exists in the law. They have premiums increase dramatically for higher income people in a very complicated and unworkable way. If you combine the income testing of the premium along with the MSA option, which is in the House bill, it raises the specter of fragmenting the risk pool of the program. That sounds technical, but the effect on moderate-income Medicare beneficiaries who are older and sicker is not going to be some theoretical one. It will be real and it will ultimately hurt many of them.

The issue before us and the focus is the Senate voted to change the Medicare age from 65 to 67. We want to say ''no'' to that provision. It is irresponsible. It is a proposal where there has been no examination of the effects it will have or who it will hurt, and we know already we have a problem with many people waiting for Medicare coverage who have no health insurance coverage. Let us not widen this gap into which many people will fall. We are talking about people who are often downsized, which is the euphemism, out of jobs when they are older, but they are not old enough for Medicare. They are not old enough for Social Security. Under Social Security they at least can come in and get a reduced benefit rather than go without any income. But if we say to them, you have got to wait until you are 67 to get any health care coverage and they happen to be sick, disabled but not disabled enough to get covered as a disabled person, they are not going to find a health insurance coverage insurer that will cover them because of preexisting conditions. We must vote to reject the Senate provisions.

The Senate reconciliation bill contains a number of ill-conceived provisions relating to Medicare. Burdens on beneficiaries are increased with home health copayments, protections against balanced billing are removed in some cases, and premiums are increased dramatically for higher income people in a very complicated and unworkable way.

Combining income-testing the premium, along with the MSA option included in both the House and Senate bills, raises the specter of fragmenting the risk pool of the program. That sounds technical—but the effect on moderate-income Medicare beneficiaries who are older and sicker is not going to be some theoretical one—it will be real, and it will ultimately hurt them.

But I want to focus particularly on the provision in the Senate bill that raises the age of eligibility of Medicare from 65 to 67. This is a change that is totally irresponsible. It is being proposed with no examination of the effects it will have or who it will hurt.

It is flat out bad policy.

We already have a problem in this country with people who find themselves out of the work force at a time when they are getting older, but aren't yet eligible for Medicare. They face a truly terrible situation: frequently they simply cannot find any sort of affordable insurance coverage.

This problem is so serious that we have frequently recognized over the last several years that something needs to be done to extend medical benefits to this population.

Instead, this proposal goes in the opposite direction: It takes people at the very time they are most likely to begin to face health problems, at the very time that getting affordable private coverage is most difficult—and we delay their eligibility for Medicare.

A lot of people out of the work force in their early sixties aren't wealthy or healthy people: they are people in poorer health, or with some disability not quite serious enough to qualify them as disabled, or people that their employers have decided to downsize out and replace with younger workers. This would add to their problems by delaying their eligibility for health coverage.

Unlike Social Security, where people can at least elect a reduced benefit if they need it before the age when full coverage begins—there is no partial coverage for health benefits.

Medicare just won't be there.

This is a change that we should vigorously oppose. House conferees should not accept it.

People who need Medicare, who can't wait 2 more years until they are 67, deserve the support of every Member of this House in opposing this change.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. THOMAS], chairman of the Subcommittee on Health and the Environment of the Committee on Ways and Means.

Mr. THOMAS. I thank the gentleman for yielding me this time.

Mr. Speaker, I am really pleased that the gentleman from California [Mr. WAXMAN] pretty well laid out the game plan here. He talked about the structural changes that the Republicans made in the balanced budget amendment in terms of Medicare changes. Most of those frankly are in this bill. They were voted on unanimously in subcommittee. The point that the gentleman was making on the structural age change from 65 to 67 was not in our program. It was not in the plan.

If you are going to offer a motion to instruct which is not theater, the gentleman from California then went on to discuss the medical savings account provision and a number of other provisions. If you want a contest, you want to lock in positions that are important, that are of substance, that should have been your motion to instruct. Something of substance would have been worth this debate.

The gentleman says we should have a recorded vote on the motion to instruct. The gentleman well knows the motion to instruct carries exactly the same weight whether it is passed by a voice vote or by a recorded vote. It is obvious in the debate that they want to make points not included in the motion to instruct.

The motion to instruct is theater, and the recorded vote that will be insisted on by my colleagues on the other side of the aisle is theater as well. Welcome to the grand theater of the absurd.

Mr. STARK. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio [Mr. STRICKLAND].

Mr. STRICKLAND. Mr. Speaker, when the gentleman on the other side of the aisle says what we are doing as we try to speak for our constituents is a charade and that this is theater, I am reminded of Shakespeare who says ''thou dost protest too much.''

We have got a responsibility in this Chamber to speak up for our constituents and that is what we are going to do. We should be expanding health care opportunities for the most vulnerable among us, the old and the young, and not reducing those opportunities. How many millions of our mothers and fathers, grandparents, aunts and uncles will be without health insurance because of the Senate's action?

□ 1145

For many Americans who work with their hands in grueling jobs, I am talking about steel workers, carpenters, machinists, road builders, it is simply

not physically possible for many of these workers to work beyond 65 years of age. We cannot afford to let them languish without health insurance.

I think of my niece, Beverly, a mother who has four children and who works as a pipefitter. Beverly cannot work beyond 65 years of age, I think. I am worried about Beverly and all the other hard-working Americans who could face the age of 65 and know that they have no guarantee of health insurance. That is what we are talking about. That is why it is important.

My colleague can call it absurd, my colleague can call it theater, but it is important business that we are talking about today.

Mr. KASICH. Mr. Speaker, I yield myself 2½ minutes.

Let me just suggest that I do not have the Senate proposal in front of me, but I believe that the people who would be the most affected by the raise from 65 to 67 are us because it is phased in over a long period of time.

Now I am just going to suggest that if we think that in order to help the children we have to bankrupt mom, that is clearly, that view is clearly held by somebody who does not know much about the current system. At the same time, in order to help mom it does not mean we have to bankrupt her adult son.

Now if we want to hear emotional appeals about the struggle that people have as they become senior citizens, we have to be sensitive to it. I think we got a good bill to do that. But to only take into consideration us, the baby boomers who would be primarily affected by this, and for me to say that I got to eat and that my children should just go to work and work 80 hours a week to pay taxes to support me is unconscionable.

The simple fact of the matter is this country must avoid a generational war, and it is up to us to have the decency, it is up to us to have the restraint, it is up to us to be the leaders that will prevent a generational war in this country by putting the good of the country first and not pitting one age group against another. And if it is going to happen, we are going to go to war.

And I am going to tell my colleagues the young people in this country are going to win that war, and we do not need to have it, we need to avoid it. We have enough divisions in our country. We have enough anger and enough hatred and enough prejudice in our country without us to be creating it.

I believe it is possible in a sensitive way to be able to make the structural changes in this country that will not bankrupt mom while at the same time giving her adult children and grandchildren a chance, and in order to give the adult children and the grandchildren a chance does not mean that we got to dump it all out.

What has happened in our country is simple. The young people, working young people with kids in this country have been put up against the wall, and mom and dad will be the first ones to say we ought to restore balance between the generations, and that is what Republicans and Democrats ought to strive for.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I knew from the beginning of the session that there would be a series of attempts through the back door, if my colleagues will, to substantially revise, in fact to gut the work provisions in the welfare bill that we passed last year on a bipartisan basis, and that the President signed and that is working in the United States of America and reducing welfare caseloads around the country, getting people off dependency and to work. And there have been a series of attempts to do that in committee, on the Senate floor, and now unfortunately in this motion to instruct.

Now, Mr. Speaker, the motion to instruct contains, I think, a good provision telling us that we should not, at this time anyway, increase the retirement age for Medicare from 65 to 67. I support that, and I am going to support the motion to instruct for that reason. But attached to it is one of those backdoor attacks on the work provisions in the welfare bill.

The whole point of the work provisions that we passed last year was to require work in exchange for welfare benefits and therefore to make work attractive vis-a-vis welfare, so that we would encourage people to get work skills and to get off welfare and into work, and it is working. All around the country caseloads are going down, people are going off of dependency into sufficiency, into self-sufficiency, and it is working because we have decreased the attractiveness of welfare vis-a-vis work.

Now there are many people in this House who will not oppose that openly. They will all stand up and say ''We are for welfare reform.'' But then they introduce measures which would have the effect of gutting that by in effect turning workfare into a vast expansion of the welfare bureaucracy without changing any of the incentives that lead people to dependency. That is the effect of the work provisions that were attached to the Senate bill. Here is what they would do, in a nutshell:

Let us suppose somebody goes on community service. They have to work under the new bill, they cannot get a job, so they go into community service, they are doing some kind of paperwork job in a clerk's office; OK.

If the Senate provision prevails, they will be getting at least a minimum wage plus food stamps, plus Medicaid, plus housing, plus access to 70 other Federal welfare programs; plus, if the Senate has its way, the right to get the earned income tax credit, the right to file worker's compensation. FICA taxes will be deducted. It will be some kind of a super employee status, and they will be working right next to somebody who is just getting that same minimum wage and is not getting any of those other things, and the reason is they never went on welfare.

So we will take a provision, the purpose of which was to make welfare less attractive than work, and will turn it around and make it more attractive than work, exactly the kind of welfare reform, quote, unquote, that was attempted in the 1980's and did not work and will not work now.

Mr. Speaker, we are helping for the first time poor people and their children. We are getting them off of welfare checks and onto paychecks. It is working. Let us not turn the clock back on that.

I am going to vote for the motion to instruct. I like the provision on Medicare. I think my colleague is right. I think we ought to make a statement to the Senate. Let us work together in conference on these other provisions. The House has reasonable protections for people in community service. We do require the payment of the minimum wage. We have protections against sex discrimination. We have protections to make sure they work in a safe environment. But let us not load up the work requirements to the point that they are unaffordable to the State and that they make actual work unattractive vis-a-vis welfare.

I hope I can work with my colleagues in achieving that in conference. I think the motion to instruct in that respect is a step in the wrong direction. I am going to support it anyway, but let us talk about it in conference. Let us not gut the work provisions in a welfare bill that is working so well.

Mr. STARK. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I want to thank the gentleman from California [Mr. STARK] for yielding me this time, and really thank the gentleman from South Carolina [Mr. SPRATT] and Mr. STARK for bringing forward this motion to instruct our conferees to support the House position.

I would like to talk primarily on the Medicare provisions because we worked long and hard in this House to bring out a bipartisan bill on Medicare. The other body, in raising the eligibility from 65 to 67, have brought forward a major change in policy in Medicare without any public hearings on this side, without really thinking out what that policy would mean. We have provisions in our bill that set up a commission to look at the long-term solvency of Medicare, but by increasing the age from 65 to 67 we have not thought out how these individuals are going to receive health benefits.

Are we expecting the employer-provided health benefits to cover? If so, then we have one of the largest new mandates on the private sector with no

idea how it is going to be funded. Do we expect our seniors 65 and 66 to pick up this cost, the extra five 5, 6, $7,000 a year? Can they afford it recently retired? I doubt it. Do we expect our seniors to go without any insurance coverage, to increase the number of uninsured?

These are questions that must be answered first before we increase the eligibility age for Medicare.

I urge my colleagues to support this motion to make it clear to our conferees to maintain the 65-year-old eligibility for Medicare. Let us make sure that we protect the solvency of Medicare as we have in the House provisions. I urge my colleagues to support the motion.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise to urge the Members to support the motion to instruct the conferees to prevent us from prematurely raising the age from 65 to 67 to qualify for Medicare.

Mr. Speaker, a few years ago a young President came to Washington, DC. He wanted to make sure everybody had health care. We all know what happened. We could not agree on a plan, and so we got no plan.

Last year we began again to move in that direction. The Kennedy–Kassebaum, anyone with preexisting conditions could get health care.

This year all we talk about is how do we get more kids covered with health care.

Now I look and see, what are we doing? We only have one area, one group of people who have universal health care. When someone becomes 65, take a sigh of relief. They have got Medicare. Why on one hand are we trying to cover more people and then, lo and behold, on the other side saying, ''You that have it, we're going to take away, you're going to have to wait 2 years longer.''

I think this is folly. The bill before us provides for a study. We should wait for that study and not act prematurely.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, I rise in opposition to the Senate's recent vote to raise Medicare's eligibility age from 65 to 67. Millions of seniors know they are being pushed toward an early retirement. If this provision were accepted today, 4 million seniors would no longer be eligible for Medicare and 200,000 would have no insurance at all. This ill-advised change will create gaps in health care coverage, gaps which could be covered only by expensive private insurance, which would further jeopardize seniors' retirement security or force seniors to forgo needed health care. The number of uninsured seniors would soon rise to almost 2 million.

Ultimately American families will be called upon to sacrifice the health of their parents or grandparents. That is where the real intragenerational financial challenge will be faced, in family budgets. Such hasty changes in Medicare will reduce public confidence in a program which has provided solid health care and security for tens of millions of Americans. We should protect Medicare, not weaken it with a proposal to increase the Medicare eligible age.

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

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from California is recognized for 1 minute.

Mr. STARK. Mr. Speaker, I close by suggesting that I am pleased that my colleagues will be supporting this motion to instruct on a bipartisan basis. Send a strong message to the Senate about our feelings.

But I want to warn my colleagues about the future. Any attempt to make Medicare a two-income-level plan, indeed to make it a welfare plan, could put the seniors in the same fate as second class Americans that we will be debating in the next 10 or 20 minutes, because once we allow any Medicare beneficiaries to become in any way suggested that they are welfare beneficiaries, we will see by the attitude that this House directs toward them what could be the sad fate of seniors.

□ 1200

So think about it. We must keep Medicare as a broad program in which all seniors participate, and as we change it, and we must do that, we must make sure that it does not become a two-class program, because Members will see the dangers in the future debate on this issue.

Mr. Speaker, I thank the distinguished chair of the Committee on the Budget and the ranking member and the chairman of the subcommittee for their courtesy.

Mr. SPRATT. Mr. Speaker, I ask unanimous consent to allocate 12 minutes, 6 minutes to the gentleman from Missouri [Mr. CLAY] and 6 minutes to the gentleman from Michigan [Mr. LEVIN], and ask that they be able to allocate and yield portions of their time to other Members.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in support of this motion. The Republican gentleman from California said that this motion is unnecessary because it is supporting the House position. That is untrue. The House-passed version of the budget reconciliation bill is destined to make second-class citizens out of those going from welfare to work. It establishes a class of workers who will be denied protections against age, sex, and racial discrimination.

The welfare workers will in fact be doing the same jobs as that performed by other workers. The House bill denies these workers the enforcement and remedial protections of the Fair Labor Standards Act. What have poor people done to deserve such cynical treatment by the Republican majority?

The pending motion instructs the conferees to reject the outrageous attack on people trying to escape the ravages of poverty and welfare. It also instructs the conferees to recognize that workfare recipients are worthy of the same dignity and equal protection afforded other workers.

The motion instructs conferees to accept the House language concerning sexual harassment and occupational health provisions. It instructs them to reject the sham grievance procedure under which victims of sexual harassment can only seek redress from the very agencies that employ them. Mr. Speaker, this is contrary to what the gentleman from Missouri on the other side said. It is a sham procedure. There is no protection for them.

The House grievance procedure also fails to provide any means by which welfare workers may effectively refuse to work in dangerous and hazardous conditions. Under the House bill, these workers can be forced to work in toxic waste sites.

Mr. Speaker, the pending motion is very simple: Preserve the promise we have made regarding Medicare eligibility, protect workfare participants like we protect other workers, and make sure these protections are backed up by credible due process and effective remedies for redress.

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

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

Mr. Speaker, the gentleman from California asked why we wanted a recorded vote. The reason is because there are several parts of this motion to instruct. One of them relates to Medicare and the age parameters, but another part relates to whether people who move from welfare to work should be treated as first-class citizens and should be covered by FLSA.

When Members vote, whoever does, for this motion to instruct, they are essentially saying, we reject the House position that takes people who are moving from welfare to work out from under the minimum wage and other protections of FLSA. That is what Members are doing when they vote, if they do, for the motion to instruct.

We want everybody on record on this because it is very important. Contrary to what the other gentleman from Missouri said, this is an effort to implement the welfare bill. This is to make sure, as people move from welfare to work, who are workers, that they be treated as workers and not as second-class citizens.

The history of this is the following, quickly: The original Committee on Ways and Means proposal in the House would exempt all of the people who are under TANF from protection of minimum wage and other protections,

health and safety and others, under the Fair Labor Standards Act. We protested.

So then what was finally done was to say even if they would be classified as employees, they would still not be considered as protected under the Fair Labor Standards Act, but let us be sure they have minimum wage and, unlike the original House Republican proposal, we will not allow the State to deduct medical care, child care, or housing assistance. But they still do not have the protections under Federal law if they are not paid the minimum wage. They still do not have protections against sexual harassment.

Let me just ask, as someone moves from welfare to work, as they should, why should they not have protection against sexual harassment? No, this is not a question of making welfare less attractive. This is an issue of treating people who move from welfare to work as workers. It is carrying out the basic premise of welfare reform, and that is the dignity and integrity of work. That is what this is all about.

We won only part of this fight in the committee. We want to win the rest of this fight today on the floor of the House in the motion to instruct. Let there be no mistake about it, that is our purpose, to implement welfare reform. The excuse was States would not be able to implement the participation requirements if we put people under FLSA. But Members put them, the majority, under some form of minimum wage, which would be the main barrier to States, and everybody acknowledges they are going to be able to meet these participation requirements in the next several years.

Then the argument was, well, we are going to create bookwork. My answer to that is, Mr. Speaker, I do not want to create unnecessary bookwork, but I want to make sure that people who move from welfare to work, which I very much favor, are treated, as is the promise of welfare reform, as first-class citizens of the United States of America.

Mr. Speaker, I urge support for the motion to instruct on this record rollcall.

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

Mr. HOBSON. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. SHAW].

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

Mr. Speaker, I guess we should start out the argument in this particular phase of where we are today as ''been there, done that.'' As a minority party, we have been there, we have done that. Now I think it is a question of whether or not we are going to record a vote. Of course we are going to record a vote. We have been there, we have done that, too.

What do we do? We try to get this thing couched in a way that could cause some embarrassment to the majority. We have been there, we have done that. So let us get rid of the question of whether or not they are acting unfairly, because we have been there and we have done that.

I would like to take a close look at the motion that is before us. The first item talks about, oh, we are not going to raise the retirement age as far as receiving Medicare until age 67. The first generation that is going to have to wait until the age of 67 are those born in 1960, so let us not talk about senior citizens, because we are not. They are totally unaffected. Even people in my age category are unaffected by what the Senate is going to do.

Are we going to support the House position? Of course we are. So we get by that one.

Then I want to go down to the third one. The third one reads that the motion insists on the House provisions that prohibits sex discrimination in all work activities and assures health and safety protection for all participants. Are we going to support the House position? Of course we are. We wrote it. We negotiated it.

I might tell my Democrat friends that they had input in it, and we received some of their input, and together we wrote some of these provisions. Are they going to support that? Of course they are. Are we going to support that? Of course we are, because we put it in the bill.

But let us take a look at the second provision in the motion to instruct. That says that the motion rejects language in the House bill that treats certain TANF participants as nonemployees, therefore denying them protection under the Federal antidiscrimination laws: the Fair Labor Standards Act, OSHA, and other workers' protection.

Let us take a close look at that. Let us look at existing law, the welfare bill that was signed into law by the President on August 22, 1996. That has a provision, a nondiscrimination provision, including, and I am reading directly from the legislation right now, ''The following provisions of law shall apply to any program or activity which receives funds provided under this part.''

Now what applies? We heard somebody talk about discrimination on race. We heard another Speaker say they can discriminate on age. Let us see what is in the law right now that we do not change, that we simply make this a part of.

The Age Discrimination Act of 1975, that applies to the people receiving these benefits. Section 504 of the Rehabilitation Act of 1973, that applies to people receiving benefits and having to work for their benefits under this bill. The Americans with Disabilities Act of 1990, it applies. We do not take that away. Title VI of the Civil Rights Act of 1964, that applies. It is in the bill. Read the law. Read the law for once and quit posturing.

Then what we do is that we go back and we add to those antidiscrimination provisions. We have a provision as to health and safety. We have another provision as to sex discrimination. I am reading right from it. It says, ''In addition to the protections provided under the provisions of law specified in section'' so and so, ''an individual may not be discriminated against with regard to participation in work activities by reason of gender.'' That is in here. Read it. That is in the House bill.

I think it is important that we look and see how far we have come. We have taken the provisions and the safety provisions that are presently in the existing welfare bill and we build upon them. We build upon them, to be sure that workers have more rights.

Now, the question is, is there a remedy? Yes, we provide in here that the States have to set up a remedy. Now, with regard to the Civil Rights Act and other Federal laws that I just made reference to, their remedy is just as it always has been and it is for any worker, whether it be through the courts or a complaint to the Federal Government. But we set up a provision that requires the States to set up a remedy with regard to some of these other provisions if people are discriminated against.

Mr. Speaker, these are important things to realize. I would like to point to one other provision that was something that was very, very heavily supported by the Democrats. That is a provision that could be, could be seen as discrimination. We cannot displace an existing worker with somebody who is on welfare. That is something that I think Members want in the bill. Is that discrimination? Yes, I would say that is discrimination. If we cannot fill that position and let somebody go because you are going to fill it with somebody coming off of welfare, that is, but I think my Democrat friends would insist upon that, and it makes sense. We went along with it. So I think what we have to do, and I would say here in closing that I have no problem with the motion to instruct. Is it a political document? Of course it is. Does it have any effect of law? Does it bind the negotiators? No, it does not. Does it do any harm? No, it does not. Am I going to vote for it? Of course I am going to vote for it. There is nothing in here that is inconsistent with my responsibility as a conferee, and I intend to support it.

□ 1215

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, it is an interesting refutation we just heard. What we heard is that with respect to people who are struggling to get off of welfare, the Republicans are prepared to take care of old disabled people. We thought they would do that anyway.

But the fact of the matter is for the workers under this legislation that they have sent to conference, those

workers who are struggling to get off of welfare, who have taken the direction of this Congress, they are second-class citizens with respect to the protections that other workers receive. That is a matter of the law in the bill that we have sent to the conference committee.

That is true with respect to sexual harassment. That is true with respect to the minimum wage. That is true with respect to worker protections under OSHA. We have to ask ourselves, why is it the Republicans are so hell bent, so hell bent on punishing working people?

Earlier we saw that they wanted to deny them the minimum wage. Then they wrote a tax bill that showered the benefits onto the wealthy. Now we see, to balance the budget, they have decided that people who go on welfare should not be given the same benefits as other people they are working alongside of in the workplace.

It simply is not fair. It is inequity, and it is simply un-American with respect to the treatment of working people. Working people deserve better and that is why we are going to ask for a vote on the motion to instruct.

Mr. HOBSON. Mr. Speaker, I yield 30 seconds to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I would like to read directly from the House bill. Health and safety standards, that is OSHA, established under Federal and State law otherwise applicable to working conditions of employees shall be equally applicable to working conditions of participants engaged in a work activity.

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

Mr. Speaker, I say to my friend from Florida, look, there is a reference to health and safety that was put in after we protested. But there is no Federal protection of that right.

Why should people be treated as second class citizens as they move from welfare to work? Why should they not have the same protections as other people, the full dignity and integrity of work? In the list he read earlier, there is no protection against sexual harassment or against employment discrimination. So they are trying in a sense to finesse the issue on the majority side.

We have been able to move this along but not to the point where people who work are first class citizens whether they are on welfare or not.

Our basic premise is this: People who work, surely those who move from welfare to work, as I believe they should, and I supported the welfare bill, should have the same protections as all other employees. If they are employees under FLSA, they are employees. And you have been trying to cut this in pieces.

What we are saying is, let us keep it whole. That is what people in this country deserve. That is the intent of the law.

This motion to instruct says, follow FLSA as it applies to all employees.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, the Republican tax-and-spend bills that we are debating here this afternoon help the biggest and reward the richest and the biggest corporations, and they punish America's working families. My colleagues across the aisle know it, and the American people know it.

This Republican spending bill turns hardworking Americans into, as my colleagues have just said on the floor, second class citizens. This bill contains provisions that permit and even encourage employers to deny basic rights and protections to hardworking Americans doing an honest day's work, provisions that say that it is OK to deny some Americans safe working conditions, provisions that say that it is OK to deny some Americans their right under the Family and Medical Leave Act, denying them the right to choose their jobs, making sure that they do not have to deal with the choice between the job that they need and the family they love, provisions that say that it is OK to deny some Americans protection from sexual harassment.

This bill says that some Americans are less than equal, that they do not deserve the same rights as other Americans, that it is OK to create a subclass of citizens. That is not just a slippery slope, it is a jagged cliff.

If all Americans do not share the same rights, then none of us have them. Think about a mother who is working to support her children. This spending bill permits, it even encourages her boss to ignore the most basic safety rule. It allows him to sexually harass her without fear of punishment. Who would put their sister, their daughter, their mother in such a demeaning, compromising situation without any recourse? The Republicans want to write this into law.

This Republican spending bill does very little to protect children's health. Every day in America 3,300 children lose their health insurance. In the bipartisan budget agreement, Republicans promised to cover half of America's 10 million uninsured children. This bill abandons that promise. It abandons these children. Under this bill, only about 500,000 children will get health care, and even that figure is in dispute.

To make matters worse, this bill shortchanges funding for children's hospitals. This Republican spending bill is an attack against the American principles of fairness and opportunity. This Republican spending bill is an attack on our rights. This Republican spending bill is an attack against American working families, as is the bill that we will discuss in a little while that deals with the tax reconciliation, helping the rich at the expense of working Americans.

I urge my colleagues to vote for the motion to instruct so we do not have to have a subclass of American citizens and so that we can ensure that our citizens are protected in health care.

Mr. HOBSON. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding me the time. This whole discussion has sort of an Alice in Wonderland quality about it. We are talking as though hard working American citizens are being denied basic rights of employment.

These are welfare recipients. These are people who have been on welfare for 2 years and did not get a job after 2 years, as the welfare reform requires. So they are doing 20 hours a week of public service. They are getting $8.50 to $9 an hour in cash and noncash welfare benefits without working for it, and they are providing 20 hours a week of public service because they did not get a job as the law requires.

Now they want to require, in addition, they get minimum wages on top of that. For that, they get all the protections of the Fair Labor Standards Act, so they could possibly maybe get unemployment benefits, too, when they quit the job, and all the other benefits that accrue to people who go out and work for a living, find a job and support their family the way the rest of America does.

It is dishonest, it seems to me, or at least misleading to try and convince America that these are hardworking people just trying to raise their families when in fact they are welfare recipients, getting $8.50 to $9 an hour in benefits from the taxpayers already, who now want to be paid for public service because they refuse to go to work.

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

Mr. HOBSON. Mr. Speaker, I yield the balance of my time to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, as we come to the closure of the debate on this, I would like to not only compliment the chairman of the Committee on the Budget, the gentleman from Ohio [Mr. KASICH], but also the gentleman from South Carolina who, together with the Republicans and his Democrats, sought out a lot of middle ground in working this process through to bring the House bill to the floor.

The provisions complained of in the motion to instruct are harmless. It accepts the House provision in the first and the last provision within the motion to instruct. The second provision is written in such a way, I think, to mislead people that the House provision was blind to the protections that workers would have.

I would encourage all Members on this side of the aisle to go ahead and support the motion. It does no harm to the House position. I think, as a matter of fact, my interpretation of it is in very strong support of the House position, and that is where the conferees should start out and hopefully end up on a lot of these provisions.

I do want to make it very clear, however, to Members listening to the debate that what we are talking about when we talk about some of these things that might be missing such as unemployment compensation, FICA, some of these other provisions that are the only benefits that these people are not receiving, when they go into the private sector, they will receive full benefits.

There is no discrimination against people when they become employees when coming off of welfare. As a matter of fact, we do everything we can to get them out there in a permanent job in the private sector where they receive all the benefits.

This is not a question of class warfare, class distinction, or taking away the rights of the American workers. They are fully protected as they should be protected. We are talking only about the provision when they are doing public service jobs so that they do not lose their benefits. That is what is important.

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

We bring this motion to instruct conferees because we are in the minority. This is a way we have, one of the few devices we have to register our views on things that are important.

There is no question about it. Medicare age eligibility is fundamentally important. We want to register the House position on that.

Second, it is fundamentally important to us also to say that everybody, every American, because of his status as an American, is entitled to the fundamental protection of the laws of the land, which is what the Federal Labor Standards Act is.

The simple way to accomplish that is to say that you are a worker within the definition of the Federal Fair Labor Standards Act, except to the extent that this protection does not apply. That is what we are seeking here, to give them the broad protection of the law that has been the law of the land for more than 50 years. I was pleased to hear that my colleagues, the other side of the aisle, will be supporting this motion to instruct, and I assure the Chair that when the time comes we will be asking for a record vote because this is a matter of importance, both of these issues, on which we want to register the views of the House as we go into this conference.

Mr. STENHOLM. Mr. Speaker, I rise in support of this motion, but I bring a somewhat different perspective to this debate. I find myself in agreement with much of what has been said by my Republican colleagues about the need to deal with both of these issues. I agree with the substance of both proposals addressed in this motion.

A gradual increase in the eligibility age for Medicare must be part of a serious effort to reform entitlement programs to preserve them for future generations. I think most of us recognize that the budget agreement is a very humble first step in dealing with the long-term needs of the major entitlements. Bringing the eligibility age of Medicare in line with Social Security is a fair and reasonable reform that would have a tremendous long-term benefit for the Medicare Program. However, I do agree that it is reasonable for this issue to be considered in the context of overall Medicare reform where we can consider the various ramifications of this change on retirees, employers, the health system, and so forth.

With regard to the second provision, I am concerned that a well-intentioned effort to protect welfare recipients will harm the very people that we are trying to protect. Many States have instituted community service and work experience programs as a safety net for welfare recipients who do not have the skills or experience to obtain private sector employment before they lose eligibility for cash assistance. Community service jobs often provide experience for these individuals then to be hired by private employers. If we apply all labor laws to community service programs, many States who sincerely want to help welfare recipients will find it too cumbersome and complex to operate a community service program, leaving welfare recipients with no source of income when they lose eligibility for cash assistance. States that rely on nonprofit organizations to provide community service jobs for welfare recipients will have a hard time continuing these programs because very few nonprofit organizations are willing to accept the legal obligations and liabilities associated with being classified as an employer. I don't believe that any of us want to eliminate this portion of the welfare safety net, but that will be the consequence if we do not take action on this issue.

However, I support this motion because I question the ability to adequately deal with these issues within budget reconciliation. These are very controversial and complex issues that should be reviewed and debated on their own merits. I believe that both of these issues would receive strong support in Congress if they were considered separately.

As someone who is very interested in taking constructive action on both of these matters, I am concerned that the politically charged context of the budget agreement will prevent a serious discussion of these issues. Allowing these matters to be consumed by the rhetoric in the budget debate will make it much more difficult to make any real progress on either issue. For this reason, I would encourage all Members who want to deal with these issues in a constructive manner instead of allowing them to be exploited for political purposes to vote for this motion.

The SPEAKER pro tempore (Mr. GILLMOR). 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 gentleman from South Carolina [Mr. SPRATT].

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

Mr. SPRATT. 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 414, nays 14, not voting 6, as follows:

[Roll No. 257]

YEAS—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)

Morella	Rivers	Stokes
Murtha	Rodriguez	Strickland
Myrick	Roemer	Stump
Nadler	Rogan	Stupak
Neal	Rogers	Sununu
Nethercutt	Ros-Lehtinen	Talent
Neumann	Rothman	Tanner
Ney	Roukema	Tauscher
Northup	Roybal-Allard	Tauzin
Norwood	Royce	Taylor (MS)
Nussle	Rush	Taylor (NC)
Oberstar	Ryun	Thomas
Obey	Sabo	Thompson
Olver	Salmon	Thornberry
Ortiz	Sanchez	Thune
Owens	Sanders	Thurman
Oxley	Sandlin	Tiahrt
Packard	Sawyer	Tierney
Pallone	Saxton	Torres
Pappas	Schaefer, Dan	Towns
Parker	Schaffer, Bob	Traficant
Pascrell	Schumer	Turner
Pastor	Scott	Upton
Paul	Sensenbrenner	Velazquez
Paxon	Serrano	Vento
Payne	Sessions	Visclosky
Pease	Shaw	Walsh
Pelosi	Sherman	Wamp
Peterson (MN)	Shimkus	Waters
Peterson (PA)	Shuster	Watkins
Petri	Sisisky	Watt (NC)
Pickering	Skeen	Watts (OK)
Pickett	Skelton	Waxman
Pitts	Smith (MI)	Weldon (FL)
Pombo	Smith (NJ)	Weldon (PA)
Pomeroy	Smith (OR)	Weller
Portman	Smith (TX)	Wexler
Poshard	Smith, Adam	Weygand
Price (NC)	Smith, Linda	White
Pryce (OH)	Snowbarger	Whitfield
Quinn	Snyder	Wicker
Radanovich	Solomon	Wise
Rahall	Souder	Wolf
Ramstad	Spence	Woolsey
Rangel	Spratt	Wynn
Redmond	Stabenow	Yates
Regula	Stark	Young (AK)
Reyes	Stearns	Young (FL)
Riley	Stenholm	

NAYS—14

Barr	Johnson, Sam	Sanford
Barton	Kolbe	Scarborough
Campbell	Porter	Shadegg
Ehrlich	Riggs	Shays
Fowler	Rohrabacher	

NOT VOTING—6

Armey	Markey	Skaggs
Burton	Schiff	Slaughter

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Messrs. ROHRABACHER, PORTER, SHAYS, RIGGS, BARR of Georgia, BARTON of Texas, and Mrs. FOWLER changed their vote from ''yea'' to ''nay''.

Ms. DEGETTE and Mr. BLUNT 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.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

For consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. KASICH, HOBSON, ARMEY, DELAY, HASTERT, SPRATT, BONIOR, and FAZIO of California.

As additional conferees from the Committee on Agriculture, for consideration of title I of the House bill, and title I of the Senate amendment, and modifications committed to conference: Messrs. SMITH of Oregon, GOODLATTE, and STENHOLM.

As additional conferees from the Committee on Banking and Financial Services, for consideration of title II of the House bill, and title II of the Senate amendment, and modifications committed to conference: Messrs. LEACH, LAZIO of New York, and GONZALEZ.

As additional conferees from the Committee on Commerce, for consideration of subtitles A–C of title III of the House bill, and title IV of the Senate amendment, and modifications committed to conference: Messrs. BLILEY, DAN SCHAEFER of Colorado, and DINGELL.

As additional conferees from the Committee on Commerce, for consideration of subtitle D of title III of the House bill, and subtitle A of title III of the Senate amendment, and modifications committed to conference: Messrs. BLILEY, TAUZIN, and DINGELL.

As additional conferees from the Committee on Commerce, for consideration of subtitles E and F of title III, titles IV and X of the House bill, and divisions 1 and 2 of title V of the Senate amendment, and modifications committed to conference: Messrs. BLILEY, BILIRAKIS, and DINGELL.

As additional conferees from the Committee on Education and the Workforce, for consideration of subtitle A of title V and subtitle A of title IX of the House bill, and chapter 2 of division 3 of title V of the Senate amendment, and modifications committed to conference: Messrs. GOODLING, TALENT, and CLAY.

As additional conferees from the Committee on Education and the Workforce, for consideration of subtitles B and C of title V of the House bill, and title VII of the Senate amendment, and modifications committed to conference: Messrs. GOODLING, MCKEON, and KILDEE.

As additional conferees from the Committee on Education and the Workforce, for consideration of subtitle D of title V of the House bill, and chapter 7 of division 4 of title V of the Senate amendment, and modifications committed to conference: Messrs. GOODLING, FAWELL, and PAYNE.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of title VI of the House bill, and subtitle A of title VI of the Senate amendment, and modifications committed to conference: Messrs. BURTON of Indiana, MICA, and WAXMAN.

As additional conferees from the Committee on Transporation and Infrastructure, for consideration of title VII of the House bill, and subtitle B of title III and subtitle B of title VI of the Senate amendment, and modifications committed to conference: Messrs. SHUSTER, GILCHREST, OBERSTAR.

As additional conferees from the Committee on Veterans' Affairs, for consideration of title VIII of the House bill, and title VIII of the Senate amendment, and modifications committed to conference: Messrs. STUMP, SMITH of New Jersey, and EVANS.

As additional conferees from the Committee on Ways and Means, for consideration of subtitle A of title V and title IX of the House bill, and divisions 3 and 4 of title V of the Senate amendment, and modifications committed to conference: Messrs. ARCHER, SHAW, CAMP, RANGEL, and LEVIN.

As additional conferees from the Committee on Ways and Means, for consideration of titles IV and X of the House bill, and division 1 of title V of the Senate amendment, and modifications committed to conference: Messrs. ARCHER, THOMAS, and STARK.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2014, TAXPAYER RELIEF ACT OF 1997

Mr. KASICH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2014) to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer a motion to instruct the conferees.

The Clerk read as follows:

Mr. RANGEL 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. 2014, be instructed to work in a bipartisan fashion to provide fair and equitable tax relief to working families and avoid large and growing out-year revenue costs. In doing so, the conferees shall, within the scope of the conference,—

1. Recede from their insistence on the provision of the House bill that provides for indexing of capital assets,

2. Support tax relief that provides a family credit commonly referred to as the $500-per-child credit, to working families, who pay Federal taxes,

3. Support tax provisions designed to assist working families in meeting the costs of college education and those provisions shall—

a. Include a HOPE Scholarship credit for the first 2 years of postsecondary education consistent with the objectives of the HOPE Scholarship credit proposed by the President so that students attending low-cost community colleges are not disadvantaged,

b. Include tax benefits for families paying tuition costs for the second 2 years of postsecondary education out of wages and salary income, and

c. Not include the provisions of the House bill that impose new taxes on graduate students receiving tuition waivers.

Mr. RANGEL (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXVIII, the gentleman from New York [Mr. RANGEL]