

victims prior or in conjunction with the mandatory testing, as does current Federal law. But that would not be the case under this bill.

Finally, in another counterproductive departure from current law, the bill needlessly requires distribution of HIV test results—which are highly sensitive health information—to a large number of parties, some of whom in some situations may not require or even desire the information. Again, in contrast, states like Wisconsin have been sensitive to these legitimate victim's concerns, specifying that test results shall not become part of a person's permanent medical records.

I am troubled by these obvious deficiencies of H.R. 3088, and regret that neither the Committee on Judiciary nor the Members of this House were afforded an opportunity to correct them.

Mr. STARK. Mr. Speaker, I rise today to oppose H.R. 3088, the Victims of Rape Health Protection Act.

This bill places the wrong emphasis in dealing with the very important crime of rape by violating law-biding citizen's constitutional privacy rights and due process rights.

This bill inappropriately focuses on the defendant rather than helping the victim of rape. If the Congress really wants to aid the health of a rape victim, then this bill should include referrals or direct assistance for health services to rape victims. These health services should include making available the rapid testing for HIV and other sexually-transmitted diseases in order to allow the rape victim to take advantage of an aggressive treatment regimen that needs to begin within 48–72 hours after infection.

This legislation illegally encourages the violation of the due process rights of people who may well be innocent law-biding citizens. The bill threatens states with the partial loss of their drug control grants if they do not test individuals accused of rape for HIV. These individuals have not been convicted of a crime therefore it is not right to subject them to a mandatory health test. This action is a violation of these individuals' due process rights that are afforded to them during a search and seizure.

This bill violates the privacy of United States citizens. The law requires states to provide health information of individuals' accused—not convicted—of rape to court officials and to the prosecutor. This information is private medical documentation that this law encourages States to make public. The release of this information to the public could adversely affect innocent law biding individuals who are found not guilty. With the public misconceptions and lack of understanding surrounding the HIV virus, these individuals could experience job discrimination and social exclusion if these records become public.

Moreover, this legislation unfairly targets individuals with HIV and gives the implication that having HIV as being a crime rather than a medical condition. It is time that this Congress began treating diseases such as HIV as a medical condition and not a crime.

It is disgraceful that the majority has decided to put such a controversial bill on the suspension calendar. This bill has not had a hearing or a mark-up in committee and it only has eleven Republican cosponsors. This is an-

other example of the Majority trying to score election year points rather than passing thoughtful legislation that improves the health and respects the rights of all United States citizens.

Mrs. FOWLER. Mr. Speaker, today I rise in support of H.R. 3088. I believe that we in Congress must do everything possible to insure the emotional, mental and physical health of the victims of violent crime.

In recent years Congress has worked very hard to elevate the status of the victim in the criminal court process—by recognizing the need for victims' rights and writing those rights into law.

Now we have the opportunity to expand upon doing the right thing for the victims of violent crime. HIV testing of those charged with violent crimes is a step in the right direction. The second step—making it legal to tell the victims the medical test results—is essential for their emotional, mental and physical health. And, of course, timeliness of testing and notification of the victim is of the essence.

We will never be able to undo the harm that has been done to the victim, but we can take steps to control its long-term effects. I urge my colleagues on both sides of the aisle to take a stand on victims' rights. Vote yes on H.R. 3088.

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 gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 3088.

The question was taken.

Mr. WELDON of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 4 o'clock and 56 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed today in the order in which that motion was entertained.

Votes will be taken in the following order:

- H.R. 4049, by the yeas and nays;
- H.R. 4147, by the yeas and nays; and
- H.R. 3088, by the yeas and nays.

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

PRIVACY COMMISSION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4049, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 4049, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 146, not voting 37, as follows:

[Roll No. 503]

YEAS—250

Aderholt	Diaz-Balart	Kasich
Allen	Dickey	Kelly
Archer	Dicks	Kildee
Armey	Dooley	Kind (WI)
Bachus	Doolittle	Kingston
Baird	Dreier	Klecza
Baker	Duncan	Knollenberg
Ballenger	Dunn	Kolbe
Barcia	Edwards	Kuykendall
Barrett (NE)	Ehlers	LaHood
Barrett (WI)	Emerson	Lampson
Bartlett	English	Largent
Bass	Etheridge	Larson
Bentsen	Ewing	Latham
Bereuter	Foley	LaTourette
Berkley	Forbes	Leach
Berry	Fossella	Lewis (CA)
Biggert	Fowler	Lewis (KY)
Bilbray	Frelinghuysen	Linder
Bilirakis	Frost	Lipinski
Bishop	Gallegly	LoBiondo
Bliley	Ganske	Lucas (KY)
Blumenauer	Gekas	Lucas (OK)
Blunt	Gibbons	Maloney (CT)
Boehlert	Gilman	Maloney (NY)
Boehner	Gonzalez	Manzullo
Bonilla	Goode	Mascara
Bono	Gordon	McCarthy (NY)
Boswell	Goss	McCrery
Boyd	Graham	McHugh
Brady (TX)	Granger	McInnis
Burton	Green (WI)	McIntyre
Buyer	Greenwood	McKeon
Callahan	Gutknecht	McNulty
Calvert	Hall (TX)	Meek (FL)
Camp	Hansen	Metcalf
Canady	Hastings (WA)	Mica
Cannon	Hayes	Miller (FL)
Capps	Hayworth	Miller, Gary
Castle	Herger	Minge
Chabot	Hill (IN)	Moore
Chambliss	Hill (MT)	Moran (KS)
Chenoweth-Hage	Hobson	Moran (VA)
Clement	Hoekstra	Morella
Coble	Holt	Myrick
Collins	Hooley	Nethercutt
Combest	Horn	Ney
Cooksey	Hostettler	Northup
Costello	Hulshof	Nussle
Cramer	Hunter	Ose
Crane	Hutchinson	Oxley
Crowley	Hyde	Packard
Cunningham	Insee	Pascrell
Davis (FL)	Isakson	Pastor
Davis (VA)	Istook	Pease
DeFazio	Jenkins	Peterson (MN)
DeGette	Johnson (CT)	Peterson (PA)
DeLay	Johnson, Sam	Petri
DeMint	Jones (NC)	Phelps