HOUSE OF REPRESENTATIVES—*Thursday, July 11, 1996*

The House met at 10 a.m. and was called to order by the Speaker.

Rabbi Warren Stone, Temple Emanuel Synagogue, Kensington, MD, offered the following prayer:

Distinguished leaders of our country, why do we pray?

We pray because we need to look beyond ourselves, to seek guidance in the One beyond all time and space.

In a time of indirection, prayer can give us vision and hope.

In a time of conflict and injustice, prayer can help us act with courage.

God, may we shed our veils of defense to uncover a truth deep within ourselves. Our time on Earth is short; we are like a flower that will fade, a cloud passing by, like dust floating on the wind, a dream soon forgotten.

And yet, while here so briefly, may we never forget that we have the capacity for a lasting greatness. With our lives we can make a profound difference in the lives of others. We, created in the Divine Image, can uplift the human spirit. That is how we should be remembered.

Help us Lord to choose this path.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida [Mr. STEARNS] come forward and lead the House in the Pledge of Allegiance.

Mr. STEARNS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 743. An act to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

WELCOMING RABBI WARREN STONE

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I have the pleasure of welcoming Rabbi Warren Stone to the House this morning.

Rabbi Stone has been the spiritual leader at Temple Emanuel Synagogue in Kensington, MD for the past 10 years. His tenure at Temple Emanuel has been characterized by growth in membership and community involvement. Under Rabbi Stone's leadership, members of the congregation volunteer their services to the community, visiting the elderly, feeding the hungry, and helping at local shelters for battered women and for the homeless.

Rabbi Stone is a staunch environmentalist, and often weaves into his sermons messages about the importance of protecting our natural resources and maintaining a safe and healthy environment. He is an advocate for Israel and for human rights.

Rabbi Stone has distinguished himself with an impressive record of dedicated service to both Temple Emanuel and the Montgomery County community. I am honored that he delivered the invocation on the House floor this morning, and I am proud to represent Rabbi Stone and the congregation of Temple Emanuel Synagogue in Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). The Chair will receive fifteen 1-minutes per side.

PRESIDENT CLINTON SHOULD KEEP HIS WORD TO SIGN WISCONSIN WELFARE WAIVERS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, on July 13, 1995, speaking to the National Governors' Association, President Clinton asked the Governors to send him waivers on welfare and he said, "If you do that, you sign them, you send them to me and we will approve them within 30 days."

On May 18 of this year the President devoted his weekly radio address to the Wisconsin welfare plan. He said he was encouraged by it. He said he was supportive of it. He said, "I pledge that my administration will work with Wisconsin to make an effective transition to a new vision of welfare based on work."

Yesterday was the 30th day since Wisconsin submitted its welfare plan. The Clinton administration has broken its pledge given to the Governors a year ago. The Clinton administration has failed to approve the Wisconsin welfare waivers.

This House voted overwhelmingly in favor of approving the Wisconsin welfare waivers. We believe that people should work if they are able bodied. We believe there should be a transition from welfare to work. We believe we should strengthen families by having a strong, firm commitment to collecting child support and to making sure that child support is paid. We believe the future of the children of this country requires welfare reform.

It is very unfortunate that the President has failed to sign the waiver for Wisconsin. I call on President Clinton today to keep his word to the Governors and to sign the Wisconsin welfare waivers and allow the people of Wisconsin to reform welfare.

WASHINGTON POST OWES APOLOGY TO UNITED STATES CITIZENS OF CUBAN DESCENT

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I rise to express my outrage with yesterday's Washington Post editorial entitled "Cuba—The Poisonous title III" that refers to United States citizens as the "Miami Cubans." I have never seen the Post refer to New York Jews or the Boston Irish or the Chicago Polish community. No, this second class citizenship status by the Washington Post is preserved just for the Miami Cubans. As an American of Cuban descent, not from Miami, I think it is despicable.

Finally, title III of the Helms-Burton legislation is that part of the bill that stands up for U.S. citizens. Let us review the facts. The property of American citizens and businesses were illegally confiscated between 1959 and 1960. Those businesses were never compensated by the Cuban regime for their losses.

Title III does not prohibit investment by any nation in Cuba unless they do it in the stolen property of American citizens and companies. So there we have it. If you do not knowingly and intentionally invest in stolen property, you

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have no reason to be concerned about this bill.

I hope the Post gets its facts straight. It owes an apology to the Americans of Cuban descent.

MAKE HEALTH CARE MORE AFFORDABLE FOR AMERICANS

(Mr. NEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEY. Mr. Speaker, Congress is ready to pass bipartisan legislation that will make health care insurance more available and affordable for millions of American families without big government. It is called private sector health care reform.

However, over the last 11 weeks someone in the other body has been holding health care reform hostage, refusing to allow the legislation to proceed by using complicated procedural gimmicks. This common sense health care reform is being stonewalled, Mr. Speaker, because of the dream that still exists of imposing a single player, Government-run health care system on the entire Nation.

I think that a couple of years ago the people in this country spoke out very loud and clear that they do not want a Government-run system, but they want access, they want availability, and they want affordability for health care. Today many Americans are forced to stay in their current jobs out of fear of losing their health care benefits and insurance. Others just live in fear of losing health care coverage should they lose their job.

This bipartisan legislation would make sure Americans who lose their coverage can keep their jobs their health care, and take care of their families. I urge the movement of the bill.

EDUCATION SHOULD BE PLACED AT TOP OF NATION'S PRIORITY BUDGET LIST

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, in the spending bill that is coming to the floor this morning, the Republicans are once again proposing harmful education cuts, and, fortunately, the President has once again promised to veto any bill the Republicans send him that does not include reasonable levels of education funding.

Mr. Speaker, I believe that education should be placed at the top of our Nation's budget priorities. We should be heading in a direction completely opposite from where the Republicans are going, especially at a time when enrollment in our Nation's schools is rapidly expanding.

A failure to increase funding for education is a failure to invest in our children's future. I urge my colleagues on the other side of the aisle: Give up this quest to gut our education system. The Republicans tried it last year, they are trying it again this year, and it should not be done. Education needs to be a priority when we deal with this budget.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

WHO HIRED CRAIG LIVINGSTONE?

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I thought of a good way to find out who hired Craig Livingstone. Livingstone, as my colleagues will remember, is the Gore campaign political operative who went to work in the White House and proceeded to illegally review the FBI files of private American citizens.

When asked by the congressional committee who hired him, Craig Livingstone said, "I do not know." Now, the taxpayers are going to have to spend hundreds of thousands of dollars trying to find out who hired Mr. Livingstone.

I have got a cheap alternative. Let us ask Eleanor Roosevelt. All right, everybody, light your candles: Eleanor, Eleanor. It is not working. Maybe one of the Democrats can tell me what I am doing wrong.

The fact is we can save the taxpayers thousands of dollars if Mr. Livingstone would just tell the truth.

AMERICA NEEDS A RAISE

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I will not get into a seance with my friend from Georgia, but some good news that did come through from the Senate this week was the passage of the minimum wage bill.

That is right, in spite of the Republican leadership's concerted effort in the House and Senate to set the agenda and to add a poison pill to the minimum wage, the American public's will is being reflected in the other body and in this House.

Unfortunately, the antics and tricks to try and stop the minimum wage, the 90-cent increase for those that are making $4.25 an hour today, is still in motion. They are threatening, in fact, to tie it up and hold it to other bills, to in fact try and put in place tax breaks that will dig the deficit hole deeper in this country and deny low-income workers, mostly, I might say, adults, and very often, too often, women, the opportunity to get a fair wage, a living wage.

Mr. Speaker, America needs a raise, and they need this Congress to respond fair and equitably. At the same time we are cutting all the social programs, we have to let people earn their way and get a fair wage in our economy.

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ANOTHER BROKEN WELFARE PROMISE

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, it has been 31 days now since President Clinton promised to take action on Wisconsin's welfare waiver request.

Thirty-one days—no action.

Another welfare promise by Bill Clinton will most likely fall by the wayside. In the meantime, millions of Americans are caught in an endless cycle of dependency and poverty.

On May 18 this year, Bill Clinton held up the Wisconsin plan as a model of good welfare reform. Let me just quote from his radio address that day:

> All in all, Wisconsin has the makings of a solid, bold welfare reform plan. We should get it done. I pledge that my administration will work with Wisconsin to make an effective transition to a new vision of welfare reform based on work . . .

That was Bill Clinton on May 18 talking on welfare. Today is July 10, and all we hear is silence. His 30 days are up and all we hear is the silence of another broken welfare promise.

WHY THERE WILL BE NO MINIMUM WAGE INCREASE

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, the House and Senate have passed a minimum wage bill, but I want to let my colleagues in on a little secret. The Speaker is not going to let it become law.

Our dictator, Speaker GINGRICH, has decided that along with the majority Members of the extreme right in the Republican Party and Members of this House, that people working for minimum wage in my district and all over this Nation do not need this year an increase of 45 cents an hour.

Mr. Speaker, they are working right now today, while these Members up here are enjoying all their large incomes, et cetera. They say, Speaker

GINGRICH and the extreme right Republicans say that my people should not get 45 cents an hour more. Now is that right? No, it is not right.

Why do we not have a minimum wage bill? Why? Because Speaker GINGRICH has decided that he is going to kowtow to the special interests that give large funds to their campaign funds.

POINT OF ORDER

Mr. MCINNIS. Point of order, Mr. Speaker. I ask that the words of the gentleman be stricken. The gentleman called the Speaker of the House a dictator. I would ask for an interpretation of the House. The Speaker of the House is not a dictator, and I ask that the words of the gentleman from Missouri [Mr. VOLKMER] be stricken.

The SPEAKER pro tempore (Mr. FOLEY). The Chair rules that point of order has come too late. There has been intervening debate.

DEADLINE FOR DECISION ON WISCONSIN WELFARE PLAN

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, today is the day. Thirty days have passed since Bill Clinton placed a self-imposed deadline to take action on Wisconsin's welfare waiver request.

Mr. Speaker, the Wisconsin welfare plan has bipartisan support in Wisconsin, and here in our Nation's Capitol.

The Wisconsin welfare plan truly ends welfare as we know it. It moves people from welfare, to work, instilling personal responsibility, and lifting families and children out of the poverty trap.

Mr. Speaker, Bill Clinton pointed to the Wisconsin welfare plan as a model. He pledged his administration's firm and strong support for helping the people of Wisconsin move from welfare to work. He said and I quote, "We should get this done."

Last year, Bill Clinton promised to sign waivers within 30 days. Well, the 30 days are up, and all we hear from the White House is the sound of another broken promise.

Mr. Speaker, this is just another example of Bill Clinton saying one thing and doing another.

MAJORITY NEEDS TO GET ITS MATH RIGHT

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, when it comes to investing in our children's education, the new majority must need a refresher course in basis math because their numbers just do not add up. While school enrollment is expected to grow by 7 percent by 2002, the new majority is proposing a cut in education by 7 percent below 1995 levels.

This means that our schools, as they get more crowded, our teachers will be taking on more and our students will be receiving less; less help in fighting drugs and violence, less help in raising learning standards; and less help in basic reading and math.

Mr. Speaker, this is not the way to take care of our children. It is time for the new majority to get its math right. It is time for a budget that gives our children the tools they need to succeed in the next century.

THE NATURAL DISASTER PROTECTION PARTNERSHIP ACT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the East Coast is currently being battered by Hurricane Bertha. As we all know, such disasters can occur at any time. The Midwest has been hit by floods in the past. The West Coast has been hit by natural disasters. Since Hurricane Hugo in 1989, the Federal Government has paid out over $67 billion on disaster relief. Insurance companies have also paid out over $33 billion since 1989.

But now, Mr. Speaker, we have a bill that will help out. It is called the Natural Disaster Protection Partnership Act. It forges together Government and private entities to provide geographic areas insurance protection.

This legislation will reduce cost and physical damage from natural disasters by requiring States to adopt improved enforcement of model building codes, and would also provide a grant program, financed by the private sector, to provide badly needed resources to implement preparation and loss reduction strategies.

Mr. Speaker, my colleagues, we should all support this initiative.

SENATE SHOULD FREE THE MINIMUM WAGE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, it is day 2 and the Republican Senate continues to hold the minimum wage hostage. The Republicans are demanding that Medical Savings Accounts be added to health care reform as ransom for its release. MSA's—the Republican payoff to special interests and big donor insurance companies. The same MSA's that Consumers Union has called a time bomb * * * that will make health insurance less accessible and less affordable for many Americans.

Over 80 percent of the American people support a minimum wage increase. Today's LA Times editorial page says:

> An increase in the minimum wage is long overdue. What is clearly resolved in the minds of most Americans . . . is that they want to see work encouraged and appropriately compensated.

But the Republicans would rather hold this legislation hostage to special interests.

I say enough is enough. For the sake of hard-working American families across this country—the Republicans in the Senate must give up their unreasonable demands and free the minimum wage.

PERSONAL ATTACKS DEMEAN THE HOUSE

(Mr. COBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBURN. Mr. Speaker, I was going to speak this morning on health insurance, but based on the comments of the gentleman from Missouri [Mr. VOLKMER], I think what we ought to do is take another look at ourselves.

We accomplish nothing, we demean the House, we demean each one of us when we use such words as were used by the gentleman from Missouri. I would just tell my colleagues, as a freshman Member of this House, that we do not do anything positive for our country, for our future generations, or for ourselves by vicious personal attacks.

To name someone a dictator is both inappropriate and demeaning to the House. My words would be that we should look at that and say, what are we doing when we do that? We have not put forward anything positive for anybody in terms of our districts, in terms of the American public, by doing so. I would just hope that we would follow an example different than that as we talk in the 1-minutes in the morning.

EDUCATION: THE KEY TO THE AMERICAN DREAM

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, unfortunately today I think my Republican colleagues just do not get it. The fact is that education is the key to the American dream and the key to global competitiveness, but American students are falling behind their foreign counterparts. Enrollment is increasing by 7 percent over the next 6 years, but the Republicans are cutting the budget by 7 percent below 1995 levels. That will not enable us to meet the American Dream.

Let us look at the cuts. They are cutting math and reading assistance for 150,000 disadvantaged students. They are cutting local education assistance by $350 million under the Goals 2000

Program. They cut 15,000 disadvantaged students out of the Head Start Program.

They claim they want to fight drugs, but they cut $25 million out of the Safe and Drug Free Schools Program. They say they want technological advances, but they cut $277 million out of technology programs for schools. They say they want advanced higher education, but they cut direct student loans.

Let us give education the priority it deserves.

TIME TO STOP THE FAKE ADS

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, if the people do not wake up, they may have the best labor-union Congress money can buy. The AFL–CIO is doing the dirty work of the liberal Democrats in Congress and of Bill Clinton.

In North Carolina, a right-to-work State, union ads falsely charged that I voted to give myself a congressional pay raise. Of course I just arrived in Congress in 1995, not in 1989, when the last pay raise was voted on.

Next, the right arm of the Democrat National Committee, the AFL–CIO, put ads on the air in Raleigh-Durham saying that my name was Randy, not David. That would be news to my parents.

Then a colleague called me from Nebraska saying that the AFL–CIO attack ad on minimum wage was being shown on television in Omaha, NE, attacking DAVID FUNDERBURK of the Second District of North Carolina. Admittedly, Nebraska starts with "N" like North Carolina, but that is where the similarity ends. And our "Randy" in Congress is from Washington State.

The big boss labor unions of the Democrat party are spending tens of millions to lie, distort and deceive the public so they can buy back a left-wing, union-controlled Congress. It is time to stop the mud and false ads.

REPUBLICANS TARGET EDUCATION AGAIN

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I appreciate my colleague from North Carolina when he asks to stop the slinging of the mud on the one hand, and not the other.

But, Mr. Speaker, let me talk about education this morning. Did we learn anything last year in Congress? Maybe we need to do more homework on our own. The American people overwhelmingly rejected education cuts last year, and they still do. But the Republicans want to deny education services to hundreds of thousands of children with the bill we have today.

The Labor-HHS-Education appropriations bill cuts education funding $2.6 billion below the level needed to keep up with inflation. Overall education will be cut below fiscal year 1995 levels at the same time school enrollment is going up 7 percent. Education reform funding and Eisenhower teacher training grants are being eliminated. The Republican bill provides $475 million less in title I funding for disadvantaged children than the administration requested.

It is time for the Republicans to listen to the American people and provide the funds for education. It is America's future we are talking about.

AMERICA'S CHILDREN DESERVE BETTER

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, while continuing to fund his pet projects around the world, President Clinton has turned his back on the Nation's fight against drugs.

For 3 years this President has made severe staff cuts to drug enforcement agencies, and, of course, drug use among children has skyrocketed. Among 12- and 13-year-olds alone marijuana use has increased 137 percent. One reason is because Mexican drug smugglers have invaded and taken over the Texas border, allowing them to bring marijuana, cocaine, and heroin into our country and to our children at will.

Even the President's drug czar admits we have lost control of the border. President Clinton gave $20 billion to bail out Mexico, but now when we need to protect our own citizens against Mexican drug lords he says wait.

Mr. Speaker, America's children deserve better.

RESTORE EDUCATION CUTS TO RENEW THE AMERICAN DREAM

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today the Republicans once again rush to act as the demolition team for the American dream, as they are putting on their jerseys and getting ready to rush out there and unilaterally disarm our children as they prepare to move into the global competitive economy they are going to face in the 21st century. Yes, the Republicans are eagerly awaiting their ability to slash away at education funding.

I personally believe there is no better investment in our future than making sure every American child has a world-class education. I am ashamed when we are willing to add billions for prisons and slash away at education so that America's kids are going to be left holding the debt and no way to pay it off. This is shameful.

I hope everyone today votes for the Obey amendment, which will try to restore these cuts and put America back on line, following the American dream we were all able to follow.

THE CLINTON YEARS: NO END TO WELFARE AS WE KNOW IT

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.

Mrs. KELLY. Mr. Speaker, Americans have spent more than $5 trillion trying to end poverty—but throwing more of our Nation's hard-earned tax dollars at the failed programs of the 1960's is not the answer.

Remember in 1992, President Clinton campaigned on the promise to end welfare as we know it. Well, last year, when this Congress sent him a true welfare reform initiative, he vetoed it.

Then, on May 18, the President reaffirmed his desire for reform, by endorsing the welfare initiatives proposed by Wisconsin Governor Thompson.

In fact, President Clinton said, "Welfare does not have to be a partisan issue. Wisconsin has the makings of a solid, bold plan, and we should get it done."

Well, this Congress, has gotten it done. The waivers that Wisconsin needs to implement its program have been sitting on the President's desk for weeks, waiting for his approval.

Eighteen other States are also waiting for waivers to curb poverty in their communities. And according to HHS, they will wait at least 210 days, just for the initial review.

Mr. Speaker, the President has gotten one thing right about welfare reform—it shouldn't be about politics. This Congress believes it should be about giving people a hand-up, and the American people agree with us. It's time President Clinton stopped talking, and start delivering on his promises.

Where is your pen, Mr. President? The country needs welfare reform.

THE SPECULATORS VERSUS THE PEOPLE

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, it is the speculators versus the people. The bear is on Wall Street. A good example of what is happening to this country occurred last Friday when the country received good news: Unemployment had dropped to 5.3 percent; a quarter of

a million new people were added to the payrolls in America; the average hourly wage, biggest increase in 1 month in recorded history, 9 cents in that 1 month. And what happens on Wall Street? Pandemonium breaks loose. The Dow Jones average goes down 114 points, 30-year Treasury bonds leap a quarter of a point.

The bears on Wall Street make their living by betting on the next Federal Reserve decision. The Federal Reserve needs to hold the line on interest rates so that we can have true welfare reform, so we do not lock in 5 to 6 million people on unemployment because of decisions that are made to benefit speculators in this country.

WISCONSIN IS WAITING FOR WAIVER ON WELFARE

(Mr. KLUG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLUG. Mr. Speaker, on May 18, President Clinton went on national radio and called Wisconsin Works a solid, bold welfare reform proposal. Several days later he repeated the same line in the State of Wisconsin. When Governor Thompson submitted Wisconsin's bold welfare program to the bureaucrats here in Washington, they said they needed 1 month to review it. Guess what. One month expired yesterday, and we are not in month No. 2. In Wisconsin we have a rather simple idea. We think you should replace welfare with work.

How much longer will we have to wait for the bureaucrats in Washington to give us their stamp of approval to finally put in place what the President called a solid, bold welfare reform plan. Am I optimistic that the approvals just around the corner will consider this fact? There are 28 welfare waiver applications currently pending from 19 different States, some dating back almost 3 years. Mr. Speaker, how long will the State of Wisconsin have to wait? One more month? Three more months? One more year? Three more years?

Mr. Speaker, we should ask the President, where is the waiver application the State of Wisconsin needs for its bold welfare reform proposal?

MINIMUM WAGE IS A MORAL ISSUE

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to urge my Republican colleagues to stop blocking action on the minimum wage. I have said it before and I will say it again here today: Raising the minimum wage is not just an economic issue, it is a moral issue; it is the right thing to do.

The Republicans in this House tried to block an increase in the minimum wage and failed. The Republicans in the Senate tried to block it and failed. Having lost on the floor, Republicans now are holding the minimum wage hostage. The Republicans in Congress will do anything to deny hard-working people a small raise.

Mr. Speaker, Mr. Majority Leader, I know you vowed to fight an increase in the minimum wage with every fiber in your being, but you cannot fight the will of the American people forever.

One thing is for sure, come November, working people will remember.

WELFARE REFORM

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, again, President Bill Clinton has dropped the ball on welfare reform. During his 1992 campaign, Bill Clinton promised to end welfare as we known it. But when given the opportunity, Bill Clinton broke his promise—he vetoed welfare reform, not once, but twice.

Thirty days ago, Bill Clinton promised to take action on Wisconsin's welfare waiver request. Well, the 30 days are up, and again we see that Bill Clinton cannot be trusted to keep his word. Again, he has broken his promises and again he has done nothing about one of the most pressing problems in this country.

Mr. Speaker, what is it going to take? Why can't Bill Clinton keep his promises?

Millions of Americans are stuck in a cycle of welfare dependence and poverty, and all the White House can do is worry about its poll numbers and play partisan political games. Bill Clinton should keep his promise to reform welfare and finally begin showing leadership.

SAFE DRINKING WATER

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise an extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the Republicans seem to be obsessed with this welfare business but there are some issues that are much bigger than welfare. Clean drinking water in this country is something that everybody needs, whether you are Republican or Democrat.

The front page of the Washington Post has a story that you cannot drink the water in Washington, DC.

Now, if you look at USA Today they are talking about Washington State and the problems with drinking water there.

Yet this House dawdles and does not appoint the conferees to deal with the Safe Drinking Water Act. Now, it is amazing to me that you can sit here and talk about some welfare waiver when, in fact, this city, the capital of the United States, the most powerful country in the world, if you come to my office or come to the Speaker's office or any other office, they will not get you a glass of water from the tap.

Every one of us drinks bottled water in this building. You go in those Cloakrooms, both sides, you have bottled water.

The American people are entitled to safe drinking water. Appoint the conferees, Mr. Speaker.

CLINTON ADMINISTRATION ECONOMIC POLICY EFFECTS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, many Americans feel that under the Clinton administration economic policies, they are worse off. The reason why they feel that way is because they are worse off.

Under Clinton administration economic policies, real median family income has had a zero annual growth rate. That compares with a 1.7-percent annual growth rate between 1983 and 1989.

Under Clinton administration policies, wages and salaries declined by 2.3 percent between March 1994 and March 1995, the largest drop on record in the post World War II era. Under Clinton administration policies, real average weekly earnings fell in 1995 by three-tenths of 1 percent. Under Clinton administration policies, the median household has lost eight-tenths of 1 percent of their purchasing power.

The Nation has seen the GDP grow at 1.4 percent. That is one-third of the economic growth during the Reagan years.

Under Clinton, had normal recovery circumstances applied, 11.2 million jobs would have been created. Clinton only got 7.7 million jobs. We have had a bad economic performance under this President.

STRIKING THE ERGONOMIC RIDER

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, later this morning the House will vote on my amendment to the Labor, HHS bill which would strike the extreme rider which ties OSHA's hands on reptitive motion injuries and prohibits them from even developing voluntary guidelines.

This extreme rider prohibits even, as I say, voluntarily guidelines requested by many concerned businesses and would prohibit the collection of data on the frequency of such injuries.

Mr. Speaker, repetitive stress injuries are the fastest growing health

problem in the American workplace. This year 2.7 million workers will file workers compensation claims for repetitive motion injuries costing Americans employers at least $20 billion. Nonetheless, OSHA would be prohibited from even answering questions about how to prevent these injuries.

Adopting my reasonable amendment would help businesses reduce their workers compensation costs, reduce injuries to the American worker and increase U.S. productivity in the workplace. I urge my colleagues to support my amendment on ergonomics.

BOB DOLE'S AMERICA

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, what is Bob Dole thinking? What is his vision for America?

The answers to those questions are slowly coming out.

First, we are told that America is a place where cigarette smoking is not addictive. He lectures all of America and experts like C. Everett Koop on the issue and says he opposes President Clinton's efforts to take cigarettes out of the hands of our young people.

Now we are told that the Brady bill was not a good idea and that he would repeal the law's reasonable 5-day waiting period. That should not be a big surprise, because he led the fight against the law as the Senate Republican leader. This comes at a time when President Clinton is leading the fight to end gun killing violence. He announced a program this week to disarm America's kids.

The visions of the two candidates is clear and distinctly different. Bill Clinton sees America where our children are healthier and safer. Bob Dole sees an America where kids have a nonaddicting cigarette in one hand and a pistol in the other. Lucky for us that kids do not have three hands. What's next, Bob Dole?

WISCONSIN WELFARE REFORM

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, I just thought I would take 1 minute because I do have a revelation here. When I was a kid going to school, the Jesuits used to say that not even God can square a circle. There are some things that God cannot do.

I got a really nice letter from the President in Wisconsin in regard to the Wisconsin reform plan. And the President said, and I quote, "I am pleased that you have joined me in expressing support for Wisconsin's effort to reform welfare." But then he went on to say, "but we are currently reviewing the State's waiver request and we look forward to possibly, you know, getting it done." He says, getting it done.

And on one hand he is for the program and on the other hand he is against the program. I cannot quite figure this out. So I got news for the Jesuits: God may not be able to square a circle, but I think Bill Clinton can.

I want to be fair with the President. Let us ask the President to give Wisconsin their waivers so we can move forward with this Wisconsin reform plan.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. McINNIS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule:

Committee on Agriculture, Committee on Banking and Financial Services, Committee on Commerce, Committee on Government Reform and Oversight, Committee on International Relations, Committee on the Judiciary, Committee on National Security, Committee on Resources, and Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3396, DEFENSE OF MARRIAGE ACT

Mr. McINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 474 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 474

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3396) to define and protect the institution of marriage. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. No amendment shall be in order except those specified in the report of the Committee on Rules accompanying this resolution. Each amendment may be considered only in the order specified, may be offered only by a member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments specified in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1045

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Colorado [Mr. McINNIS] is recognized for 1 hour.

Mr. McINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I might consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 474 is a straightforward resolution. The proposed rule is a modified closed rule providing for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on the Judiciary.

After general debate the bill shall be considered under the 5-minute rule and shall be considered as read. The proposed rule provides for two amendments to be offered by the ranking member of the Subcommittee on the Constitution, the gentleman from Massachusetts [Mr. FRANK]. The first amendment made in order under the rule is an amendment to strike section 3 of H.R. 3396. This amendment is debatable for 75 minutes. The second amendment made in order under the rule is an amendment to suspend the Federal definition of marriage under certain circumstances.

The Committee on Rules recognized that these two amendments go to the core of the bill, and by making them in order the committee ensures that full consideration will be given to the important issues raised by this legislation.

Finally, the proposed rule provides for one motion to recommit with or without instructions. Mr. Speaker, the Committee on Rules reported House Resolution 474 out by unanimous voice vote.

Mr. Speaker, H.R. 3396, the Defense of Marriage Act, consists of two provisions which will protect the rights of the various States and the Federal Government to make their own policy determinations as to whether same-sex

marriages should be recognized in their respective jurisdictions. Section 2 of the bill clarifies that no State need give effect to a marriage recognized by another State if the marriage involves two persons of the same sex. It does not prevent a State from giving effect to such a marriage, nor does it prevent a State from making its own determination for purposes of its State law.

Section 3 ensures that the traditional meaning of marriage, the legal union between one man and one woman as husband and wife, will be the meaning used in construing Federal laws.

Mr. Speaker, it is my understanding that H.R. 3396 has considerable bipartisan support. In fact, President Clinton will sign this bill in its current form. I believe that H.R. 3396 advanced that interest. I urge my colleagues to support the rule and the underlying legislation.

Mr. Speaker, I insert the following extraneous material for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 10, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-Open[2]	46	44	77	60
Structured/Modified Closed[3]	49	47	35	27
Closed[4]	9	9	17	13
Total	104	100	129	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A structured or modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 10, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–199; A: 227–197 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 10, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 249–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands	PQ: 221–197 A: voice vote (5/15/96).
H. Res. 309 (12/18/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	Tabled (4/17/96).
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	C	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/19/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/21/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	C	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S	H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96).
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal 4.3 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96).
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219–211 (5/22/96).
	MC	H.R. 1227	Employee Commuting Flexibility	
H. Res. 442 (5/29/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96).
H. Res. 445 (5/30/96)	O	H.R. 3540	For. Ops. Approps. FY 1997	A: voice vote (6/5/96).
H. Res. 446 (6/5/96)	MC	H.R. 3562	WI Works Waiver Approval	A: 363–59 (6/6/96).
H. Res. 448 (6/6/96)	MC	H.R. 2754	Shipbuilding Trade Agreement	A: voice vote (6/12/96).
H. Res. 451 (6/10/96)	O	H.R. 3603	Agriculture Appropriations, FY 1997	A: voice vote (6/11/96).
H. Res. 453 (6/12/96)	O	H.R. 3610	Defense Appropriations, FY 1997	A: voice vote (6/13/96).
H. Res. 455 (6/18/96)	O	H.R. 3662	Interior Approps, FY 1997	A: voice vote (6/19/96).
H. Res. 456 (6/19/96)	O	H.R. 3666	VA/HUD Approps	A: 246–166 (6/25/96).
H. Res. 460 (6/25/96)	O	H.R. 3675	Transportation Approps	A: voice vote (6/26/96).
H. Res. 472 (7/9/96)	O	H.R. 3755	Labor/HHS Approps	PQ: 218–202 A: voice vote (7/10/96).
H. Res. 473 (7/9/96)	MC	H.R. 3754	Leg. Branch Approps	A: voice vote (7/10/96).
H. Res. 474 (7/10/96)	MC	H.R. 3396	Defense of Marriage Act	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; S/C-structured/closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

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

Mr. Speaker, I thank my colleague from Colorado, Mr. McINNIS for yielding me the customary half hour.

Mr. Speaker, this is a very difficult, very emotional issue and, my personal opinions aside, I do not believe it belongs on the floor of the House of Representatives today.

This issues makes a tremendous amount of people extremely uncomfortable; it divides our country when we should be brought together; and frankly, it appears to be a political attempt to sling arrows at President Clinton.

But, my Republican colleagues have decided to bring this issue up, and unfortunately for the country, here it is.

Mr. Speaker, it is a shame that my Republican colleagues are bringing up this bill instead of tackling the mountains and mountains of work awaiting them. This Congress has yet to finish five appropriations bills; this country is waiting for the bipartisan Kennedy-Kassebaum health care bill; and a long-overdue minimum wage increase. But what are my Republican colleagues doing?

This week they are doing this bill.

Mr. Speaker, this is not what the country wants and I am sorry to see that my Republican colleagues are wasting precious floor time on their political agenda with complete disregard for the needs of working Americans and congressional responsibilities for Federal spending.

But, Mr. Speaker, the rule for this bill not as unfair as other rules we have seen this year.

It will allow for 1 hour of general debate, of which the Democrats get half, it makes in order two Democratic amendments by Mr. FRANK, and it gives the Democrats the time requested on these two amendments.

My Republican colleagues did not make in order an amendment by Representative SCHROEDER to exclude from the Federal definition of marriage any subsequent marriage unless the prior marriage was terminated on fault grounds.

They also did not make an amendment in order by Representatives JOHNSON and HOBSON to provide for a GAO study of the differences in benefits in a marriage and a domestic partnership.

But, there is adequate time for debate of this issue during general debate and debate on the amendments.

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

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

Mr. Speaker, I think it is very important to distinguish a couple of remarks made by my friend, the gentleman

from Massachusetts. The gentleman from Massachusetts says that this Protection of Marriage Act is not what this county wants. I take issue with that. I think this is exactly what this country wants. This country is demanding that the tradition of marriage be upheld. What this country does not want is for one State out of 50 States, that is, specifically the State of Hawaii, to be able to mandate its wishes upon every other State in the Union.

What this bill does is it allows every State to make their own individual decision. So if the State of Wyoming wants to make their decision, they can make their decision. Texas can make its decision. Colorado can make its decision. But they have the freedom to make that decision; it is not mandated upon them by a court, a supreme court in the State of Hawaii.

I think it is particularly important to take a look at the traditional marriage, and we are going to have plenty of time to debate that. If we look at any definition, whether it is Black's Law Dictionary, whether it is Webster's Dictionary, a marriage is defined as union between a man and a woman, and that should be upheld, and there is no reason to be ashamed of that tradition. It is a long-held tradition. It is a basic foundation of this country, and this Congress should respect that.

Finally, I think it is important, Mr. Speaker, to address a couple of other issues. First of all, in regard to the Schroeder amendment, which was not allowed by the Committee on Rules, that amendment is clearly, in my opinion, a delusion, it is a diversion. It is not focused on the key issue which is important here, and that is, should one State be able to mandate on every other State in the Union a requirement that those States recognize same sex marriage?

Now, in regard to the gentleman's comment about the Johnson amendment: The Johnson amendment would put in the statute a requirement that the General Accounting Office do a study. It does not require a mandate by statute. In fact, the chairman of the committee, the gentleman from Illinois [Mr. HYDE], said that he would write a letter requesting that study. Every Member of the U.S. Congress has that right to request that study be made. There is no reason to put that in statute.

Again I think it is a delusion, I think it is a diversion from the topic at hand, from the issue that we have got to look at, and that is where our focus ought to be.

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

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

Mr. Speaker, I just cannot think why we could not be talking about getting the water cleaned up in this country right now, why we could not be getting the Kennedy-Kassebaum health bill before us right now, why we could not get the minimum wage.

The matter before us today, nothing is going to happen for at least 2 years. People are going to be dying very shortly if we do not clean up our water. People are going to be dying unless we get adequate health care. People are going to be starving in the streets unless we do not raise our minimum wage.

So I think the gentleman from Colorado [Mr. MCINNIS] may have got his items a little out of priority, out of whack.

Mr. Speaker, I yield 5 minutes to the honorable gentlewoman from Colorado [Mrs. SCHROEDER], the ranking member on the Subcommittee on Courts and Intellectual Property.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY] for yielding this time to me.

I want to say I think that this bill and bringing it up today is an absolute outrage. If my colleagues think there is not enough hate and polarization in America, then they are going to love this bill because this just trying to throw some more gasoline on political fires people are trying to light this year, and that is not what we need. The State of Hawaii is years away from taking final action. Meanwhile the gentleman from Massachusetts is right: We cannot drink the water in the capital city of this great Nation.

So we got to deal today with something that might, might, happen years from now, but we cannot deal with the water issue today? Now, something is wrong with that.

We are also saying what this bill basically says is that there is a tremendous threat to marriage if two people of the same sex stand up and vow commitment to each other, that if they do that, then my marriage is being threatened. I do not think so. I belong in the marriage hall of fame. I have been married for 34 years. I have never felt threatened by that issue.

In over 200 years this Congress has never gotten into the definition of marriage because we have left it to the States. What we are saying today is even if States vote unanimously to allow this type of marriage, the Federal Government will not recognize it. This is unique, this is different, and I really am troubled by that.

But I had an amendment that said, "If you want to defend marriage, I'm going to tell you what I see wrong with marriage. It is the fact that we have let people crawl out of marriages like they crawl—a snake crawls out of its skin and never deal with economic consequences."

So I had an amendment saying, "The real defense of marriage would be to say at the Federal level you don't give benefits to the next marriage until the person who left that marriage has dealt with the first one in a property settlement based on fault."

That would save us gazillions of dollars in welfare and child support and all sorts of things because we say we are defending marriage. But we know the traditional way this has been done is that people move to the Federal dole because we do not want to go tap the person on the shoulder and say, "You have responsibility for that family you just left. You cannot just shed them and throw them on the taxpayers' roll."

But, no, no, they do not want to take up my amendment. That is a diversion, they say. That is delusion.

It is not diversion, it is not delusion. It is absolutely to the point of this bill. It was not ruled out of order. So what happened? The Committee on Rules said, oh, "No, we cannot take that up." Why? Because this is a political ruse. This is not about really protecting marriage and the things that have caused this great institution of marriage to crack.

Now, I feel very strongly that if we are going to make marriage work, we should be really valuing adults, taking responsibility for each other. That is very hard for anybody to do any more. This country is getting straight A's in fear of commitment. Most people do not want anything but maybe a cat. So if there are two individuals and they are willing to make a commitment to each other under the civil law of a State and a State decides to recognize it, what right does the Federal Government have to say, no, they cannot do that?

What we? Are we not human beings? Do we not respect each other? Should we not really be doing everything we can to try and take care of each other as our brother's keepers, as our sister's keepers? Taking care of children?

I am shocked that my amendment was not allowed, terribly shocked, because if nothing else, it protects the most innocent victim of throwaway marriages, and that is children.

□ 1100

Children have been cast off and thrown away, and people do not want to take responsibility for them and say, "I am going to have a new family."

To me, Mr. Speaker, my amendment goes to the core of the defense of marriage. If we really want to defend marriage in this country, then say to people, when you make that commitment you have to mean that commitment. And even if you want to leave that commitment, you may be able to leave it physically, but you cannot shed it economically. You still have economic responsibility.

That is why I say this bill is absolutely nothing but a wedge issue. We are building the platform for Candidate

Dole to stand on in San Diego. We are out trying to make candidates spend a million dollars defending this issue when we are not talking about the debt, when we are not talking about clean water, when we are not talking about all the real issues. I urge a no on this rule.

Mr. McINNIS. Mr. speaker, I yield myself such time as I may consume.

Let me point out first of all, Mr. Speaker, that the amendment of the gentlewoman from Colorado in committee was turned down 22 to 3, 22 to 3.

Second of all, I think an interesting situation here, the gentlewoman, the preceding speaker, is from the State of Colorado. As Members know, I am from the State of Colorado. The gentlewoman from Colorado supports same-sex marriage. The gentleman from Colorado opposes same-sex marriage. That is a debate that ought to be carried out within the confines of the State of Colorado.

Neither the gentlewoman from Colorado nor the gentleman from Colorado ought to have their debate determined by the Supreme Court in the State of Hawaii. The gentlewoman is very capable of carrying forward this debate within Colorado, as I feel that I am, too. We ought to carry that out, not the people of Hawaii. That is a decision for the people of Colorado or for the people of Wyoming or for the people of New York.

Second of all, I think it is important to highlight the President's comments. At the very beginning, I believe that the gentlewoman from Colorado made the comment that she is shocked that we are bringing this type of bill to the floor. Let me say the President's comments, of whom I find the gentlewoman from Colorado in constant support, the President, through his press secretary says, "The President believes this is a time when there is a need to do things to strengthen the American family, and that is why he has taken this position in opposition to same-sex marriage."

This is an issue that becomes very relevant the minute the Hawaii Supreme court issues its decision. In addition, it is also very relevant because of the implications it has to the Federal Government on benefits that are entitled to spouses. So there are three keys we really need to look at: First, what will the Federal Government be obligated to as far as tax-funded dollars by same-sex marriages; second, what are States' rights? Why should not the States exercise their individual rights? The third point is the traditional definition of marriage.

I for one have no shame, have no bashfulness, in standing in front of the U.S. House and saying I do not support same-sex marriages. I believe that the tradition of marriage, as recognized between one man and one woman, not one man and five women, not one man and one man or one woman and one woman, but one man and one woman, should be continued to be recognized as a tradition which is basic to the foundation of this country.

Mr. Speaker, I yield 5 minutes to the fine gentleman from the State of California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, I speak to a specific point, the constitutionality of what we do today, because the issue had been raised. I begin with drawing my colleagues' attention to Article 4, Section 1: "Full faith and credit shall be given in each State to the public Acts, Records and judicial Proceedings of every other State." But I urge my colleagues to read to the second sentence of that section: "And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved and the Effect thereof."

The second sentence of that provision of the Constitution is quite important to understand the constitutionality of the bill we debate today, because whereas the general rule is that full faith and credit is to be given to the acts, records, and judicial proceedings of every other State, an exception is created if Congress chooses by general law, as opposed to a specific law to a specific contract, by general law to prescribe the manner in which such records and proceedings are proved, and the effect thereof. I emphasize the second phrase, "The effect thereof."

A leading treatise on the field of constitutional law, the Library of Congress' own contracted work, the annotated Constitution, at page 870, refers to this power in the context of divorce, not marriage; we do not have any quotation from this source on marriage. But on divorce they say, "Congress has the power under the clause to decree the effect that the statutes of one State shall have in other States."

This being so, it does not seem extravagant to argue that Congress may under the clause describe a certain type of divorce and say it shall be granted recognition throughout the Union and that no other kind shall." "And that no other kind shall," establishing, I think quite clearly, what the phrases of the Constitution suggest: that Congress has the constitutional authority to establish exceptions to the general full faith and credit clause.

Has Congress used this authority? Yes, it has, quite recently, in a very related context. In 1980 the Congress adopted section 1738(a) of title 28, which provided that "Whereas child custody determinations made by the State where the divorce took place generally are applied in all other States, not so if the couple moved to another State." And Congress said that the second State did not have to abide by the child custody determinations of the first State where the couple moved to the second State, an explicit use of this second sentence of article 5, section 1, power in the Congress.

Then most recently, in 1994, in section 1738(b) of the same title, Congress once again established that rule for child support orders. We have, thus, a rather clear example of power explicitly in the Constitution, recognized by treaties, and used as recently as last year.

The advisability of this bill shall be debated. My purpose this morning was to speak to its constitutionality. Mr. Speaker, there is no doubt as to its constitutionality.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Honolulu, HI [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I would ask the gentleman from Colorado, inasmuch as he continues to invoke the name of Hawaii, to at least try to be accurate. I understand the gentleman has his political duty that he is going to do today here, at least as he conceives it. I do not object to that. I do object to his, I must say, making statements like "Hawaii mandating its wishes on the rest of the Nation"; his constant invocation of what Hawaii intends to do or not do.

I daresay that there are not five people in this House of Representatives that have the slightest clue as to what is taking place legislatively or judicially or personally in Hawaii with respect to this issue. I can tell the Members that the individuals involved are constituents of mine, two of whom I know personally.

I know that the kind of rhetoric that has been utilized with respect to this issue does not reflect either their wishes or their motivations. I find it at best a question that needs to be answered as to our definition with respect to marriage. I will not use the word hypocritical, but I think others might certainly question the motivation of people who want to define marriage when this Defense of Marriage Act might better be characterized as defense of marriages.

If we intend to say that marriage, and we are writing a national marriage law, which is what we want to do here, is between one man and one women, does that mean that we will now write a national divorce law? Because I understand some of the people who are sponsoring this bill are on their second or third marriages. I wonder which one they are defending.

I do not object to that. I think people are entitled to make their private relationships what they will and to seek such happiness in this life as they are able to achieve, but I think that when we move into the area of the private relationships of other people, that we at least ought to show some respect for the human context.

When the gentleman from Colorado and others speak so glibly of Hawaii and the people who are involved in the

legal proceedings there, they forget these are human beings, some human beings that I know personally. All they are trying to do is conduct their lives as reasonable, sober, responsible people seeking their measure of happiness and tranquility in this life, and to try to bring as much as they can into their lives of the values that we cherish in Hawaii, of kindness and responsibility.

Mr. Speaker, amendments will be offered to this bill, because this is more than the defense of marriage. It also gets into the question of benefits. We contend and I certainly contend that nothing that is proceeding today in Hawaii and in the courts of Hawaii affects in any way what any other State does. It is quite clear, and I can cite at great length, and I do not have the time obviously now, the fact that other States are able to establish already what they recognize or do not recognize with respect to marriage.

The full faith and credit clause has been invoked in our Nation's history very few times, less than half a dozen times, and it involves the custody of children, the protection of children, the interstate capacity to enforce child support laws. That is the kind of thing we have dealt with, serious issues.

I do not doubt that it is a serious issue for individuals here as to what constitutes marriage, but to try to utilize Hawaii for some political agenda having to do with, I guess, the elections in November is something that I find nothing less than reprehensible. We can define marriage any way we want in the States right now. This bill has nothing to do with that. Hawaii certainly is not challenging it.

In fact, I would like to hear from the gentleman from Colorado or anybody else any indication that the State of Hawaii has ever indicated in any way, shape, or form that it intends to, as the gentleman put it, mandate its wishes on the rest of the Nation. I do not think this is the case, and I do not think this is the bill to do this kind of thing, and certainly not to malign Hawaii in the process.

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

First of all, Mr. Speaker, in regard to the gentleman from Hawaii, there certainly will be a mandate or an attempt to mandate upon every State in the Union any decision that comes out of the Hawaiian Supreme Court allowing same-sex marriage.

Second of all, the gentleman from Hawaii starts out by, in my opinion, lecturing the gentleman from Colorado about the State of Hawaii and where do these comments come from. Let me quote from a gentleman from the State of Hawaii who represents the State of Hawaii in the State House of Hawaii. The gentleman is State representative Terrance Tom, who testified before the committee here.

Let me quote: "I do know this: No single individual, no matter how wise or learned in the law, should be invested with the power to overturn fundamental social policies against the will of the people.

"If this Congress can act to preserve the will of the people as expressed through their elected representatives, it has a duty to do so. If inaction by the United States Congress runs the risk that a single judge in Hawaii may redefine the scope of Federal legislation, as well as legislation throughout the other 49 States, failure to act is a dereliction of the responsibility you were invested with by the voters."

This is not politics. This is clearly, if we fail to act in this body, as stated by the gentleman from the State of Hawaii, "It is a dereliction of responsibility you," referring to the U.S. Congress, "were invested with by the voters."

Mr. Speaker, I yield 4 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, you need to duck in here today. The red herrings are flying fast and furious. We hear about clean water and we hear about minimum wage and we hear about amendments that were defeated by overwhelming votes in committee, and it being outrageous that those amendments are not before us today. We hear about politics.

We hear about all sorts of things from the other side, when the fact of the matter is, Mr. Speaker, let us do away with the red herrings, let us put aside the smoke and look at what we have. We have a basic institution, an institution basic not only to this country's foundation and to its survival but to every Western civilization, under direct assault by homosexual extremists all across this country, not just in Hawaii.

This is an issue, Mr. Speaker, that has arisen in a bipartisan manner, as the gentleman from Colorado has already stated. President Clinton said he supports this legislation and would sign it. I would also point out that our colleagues on the other side, this is not a Republican proposal, it is a proposal that enjoys bipartisan support. Just look at the list of cosponsors, both original cosponsors and subsequent cosponsors, and Members will find people from both parties who support this. The reason they do support it is because it is not a partisan issue. This is an issue that transcends partisan lines. It goes to the heart of a fundamental institution in this country, and that is marriage.

□ 1115

Mr. Speaker, this issue is not one invented by anybody who is a cosponsor of this bill. It was not invented by anybody in this Congress. It is an issue that is being forced on us directly by assault by the homosexual extremists to attack the institution of marriage. One has to look no further than the words of some of their organizations themselves, such as the Lambda Defense Fund. This is part of a concerted effort going back many years and now poised, at least in the State of Hawaii, for success from their standpoint.

The learned gentleman from Hawaii took issue with any of us who might claim to know something about what is going on in Hawaii as if we did not. Well, in fact we do. One of the reasons we do know a little bit about what is going on in Hawaii is the fact that one of the persons we heard from in the Judiciary Committee, the subcommittee, was Hawaiian State Representative Terrance Tom, chairman of the Hawaiian House Judiciary Committee. He said that the Supreme Court's ruling in Hawaii has been met with very strong resistance on the part of the Hawaiian public and public opinion and their elected representatives.

He went on to explain in some detail the background as to why this legislation that he was testifying in behalf of in the Congress was important to him and to other people in Hawaii. We do not purport to know certainly as much as the learned representative from Hawaii but we do know a little bit about what is going on out there.

The legislation that is before this body today is a reaction to what is being forced on this country. It is very limited legislation. It goes no further than is absolutely essential to meet the very terms of the assault itself. It simply limits itself to providing, as the Constitution clearly and explicitly foresaw in the full faith and credit clause, that we exercise that power to define the scope of full faith and credit, and it also goes no further than simply fulfilling our responsibility in this body to define the scope of marriage as with other relationships and institutions that fall into the jurisdiction of Federal law, to define it, that for purposes of Federal law only, marriage means the union between a man and a woman.

One of the most astounding things that I heard was in our committee, one member indicating that he did not really know the difference for legal purposes between a man and a woman or between a male and a female. I daresay, Mr. Speaker, that we all know that. And the fact of the matter is that marriage throughout the entire history of not only our civilization but Western civilization has meant the legal union between one man and one woman. For us to now be poised as a country, and this is an issue that will be presented, to sweep that away would be outrageous. The American people demand this legislation.

Mr. Speaker, this legislation is necessary, it is essential, it is limited in scope, and it addresses the legal issues

that properly fall within the ambit of congressional authority. It goes no further than is necessary to meet this challenge, but the challenge is there, and the challenge must be met. If we were to succumb to the homosexual extremist agenda on the other side, and this is part of a plan, then we would be the first country to do so. Not even the very liberal socialist economies of Europe or the countries of Europe have done this. No country in the world recognizes homosexual marriages as the full legal equivalent of heterosexual marriage.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from West Palm Beach, FL [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Speaker, let me preface my remarks that yesterday I celebrated my 42d wedding anniversary with my first and only wife. I have two children and four grandchildren that I am very proud of.

Mr. Speaker, I really have to say that we should be embarrassed today to consider this legislation. Of all the pressing needs facing our country, the leadership has chosen to focus on this, the so-called Defense of Marriage Act.

Defending our country against enemies is certainly important, as is defending our children against poverty and ignorance. Defending the elderly against neglect is important, as is defending our families against crime and criminals. But defending marriage? Get real. Defending marriage against what? Against whom? We are wasting precious time here.

Mr. Speaker, this legislation denigrates the House of Representatives. What this bill lacks in substance and import, it makes up for in shameless politics. Demonizing Communist countries, welfare mothers, or immigrants is now old news. So the demon du jour is gays.

I do not doubt the sincerity of those Americans who truly fear the notion of gay marriage. But the institution of marriage is not in jeopardy because some choose to associate with the benefits and the obligations of marriage. We as Members of Congress have a duty to educate, to enlighten, and push for a society that does not punish people because they are different. We are here to lead our constituents, not leave them behind.

The possibility that gays may marry must rank pretty low among the problems and the difficulties facing American families today. Everyone knows that the only true threat to marriage comes from within. Let us focus on the real problems this election year and do our constituents a real favor. They just might appreciate it.

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

Embarrassed? The preceding speaker says we should be embarrassed because we are talking about marriage on this House floor. Let me say to every one of my colleagues, I am not embarrassed by defending the traditional recognition of marriage. I would like to quote from a friend of mine, Bill Bennett:

> The institution of marriage is already reeling because of the effects of the sexual revolution, no-fault divorce, and out-of-wedlock births. We have reaped the consequences of its devaluation. It is exceedingly imprudent to conduct a radical, untested, and inherently flawed social experiment on an institution that is the keystone and the arch of civilization.

The issue is very simple here. No. 1, the rule that we are discussing today is a very fair rule. In fact, the gentleman from Massachusetts, who has just asked for a request to yield, is going to have lots of time in the following hour because the Rules Committee has allowed two of his amendments to be debated on the floor. It will be a very healthy and good debate for all of us.

No. 2, the bill is very clear in what it does. It does the following:

First, it confirms the tradition of marriage as this country and every other country in the world recognizes. That is, a union between one man and one woman. Second, it preserves the States rights, so that one State, like the Supreme Court of the State of Hawaii, cannot mandate upon another State their interpretation of what marriage should be. And, third, it preserves the ability for the Federal Government not to be obligated to a particular State that may choose to recognize same sex marriage.

With that, Mr. Speaker, I yield 3½ minutes to the fine gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Speaker, I would just like to say, as I have said many times, that the family is the cornerstone, in fact the foundation of our society, and at the core of that foundation is the institution of marriage.

Mr. Speaker, there have been many that have come and said already this morning, does Congress not have more important things to do? I would say, Mr. Speaker, that there is absolutely nothing that we do that is more important than protecting our families and protecting the institution of marriage.

I have said, too, that this current situation that is taking place in Hawaii, where the Supreme Court is about to rule that same sex marriages are in order, is a frontal assault on the institution of marriage and, if successful, will demolish the institution in and of itself with that redefinition.

How can we possibly, once we begin to redrew the border, the playing field of the institution of marriage to say it also includes two men, or two women, how can we stop there and say it should not also include two men and one woman, or three men, four men, or an adult and a child? If they love one another, what would be the problem with that? As long as we are going to expand the definition of what marriage is, why stop there? Logically there would be no reasonable stopping place.

Another thing that I would like to address is that there have been many who have said that we are doing this for political reasons. What political gain is there for Republicans or Democrats when the President has already endorsed this very bill? He has said he will sign it. This is not a wedge issue. This is not a line of distinction between one Presidential candidate and another. The President has said he will sign it. We just simply have to do the right thing and pass it today.

Many are asking, why do we need the Defense of Marriage Act? Quite simply, the legal ramifications of what the State court of Hawaii is about to do cannot be ignored. If the State court in Hawaii legalizes same-sex marriage, homosexual couples from other States around the country will fly to Hawaii and marry. These same couples will then go back to their respective States and argue that the full faith and credit clause of the U.S. Constitution requires their home State to recognize their union as a marriage.

We in Congress can prevent confusion and litigation in 49 States by passing this modest bill. The legislation does two things, simply: First, it allows States to decide for themselves if they will recognize same-sex unions as marriages. Each State can affirmatively embrace either same-sex marriages or refuse to recognize Hawaiian same-sex marriages. This provision respects each State's historical power to establish conditions for entering into a legal marriage.

Second, the bill defines for Federal purposes marriage as the legal union of a man and woman as husband and wife, and spouse as a husband or wife of the opposite sex.

Let me just conclude by saying, Mr. Speaker, that as a concerned father and observer of our culture, I wonder what marriage and child-rearing will be like for my own grandchildren. Destroying the exclusive territory of marriage to achieve a political end will not provide homosexuals with the real benefits of marriage, but it may eventually be the final blow to the American family. Now, more than ever, the institution of the family needs to be protected, promoted, and preserved.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from New York City [Mr. NADLER].

Mr. NADLER. Mr. Speaker, marriage does not need defense from Congress. Two gay people applying for the benefits and the obligations of marriage should stay together their whole life, that does not threaten a marriage. If your marriage is threatened, it may be because you have lost your job and cannot provide for your family. It may be because of emotional reasons. Congress is not going to save your marriage. If your marriage is not threatened, you do not need Congress to intervene. I will talk about that later.

What I want to say now is that this bill is a fraud from beginning to end. It is a fraud. It purports to do two things: It is going to save the other States from having to go along with same sex marriages if and when Hawaii does so. No; it will not.

First of all under the full faith and credit clause of the Constitution, the Supreme Court has always recognized the public policy exception. If one State recognizes 12-year-old marriages and New York chooses not to, New York does not have to recognize a marriage of 12-year-olds if they get married in one State and move to New York, and so forth. If Hawaii chooses to recognize same sex marriages and Colorado or New Jersey has a policy against same sex marriages, they will not be forced to recognize it under the existing Constitution and the existing law. If they were, if the Supreme Court read the full faith and credit clause differently than it does, this could not stop it because you cannot amend the Constitution by a statute. So this bill is unnecessary for that purpose and were it necessary it would be ineffective.

But the second clause of the bill is the really pernicious clause because the first clause, save all the States from Hawaii, does nothing at all. It does nothing. It is a fraud to talk about it, a fraud on the American people.

The second part of the bill is that assault on States rights which we keep hearing from the gentleman from Colorado and others as sacrosanct, this bill is going to defend States rights, nonsense. What this bill says in the second clause is that if Colorado or New York or Hawaii or New Jersey or any State chooses whether by judicial fiat or by action of its legislature or by public referendum of its people to recognize same sex marriages, the Federal Government will not recognize those marriages for purposes of Social Security or Veterans' Administration benefits or pensions or tax benefits or anything else. We will say to a State, "Do what you want, we won't recognize what you do because Congress knows better."

Mr. Speaker, marriage and divorce has always been a State matter, never to be tampered with by Congress or by the Federal Government. Why start down that road now? And if we start down that road now, we will continue. This is not States rights. This is Federal invasion.

□ 1130

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, welcome to the campaign headquarters for the radical right. You see, knowing that the American people overwhelmingly rejected their deep cuts in Medicare and education, their antifamily agenda and their assault on our environment, the radical right went mucking around in search of an election-year ploy to divide our country. Not only does the Defense of Marriage Act trample over the Constitution, it flies in the face of everything the new majority supposedly supports when it comes to States rights and to determining marriage law.

Let us not be pawns. Let us not be pawns of the radical right. Let us not turn the floor of the House of Representatives into a political convention for extremists. Let us not take part in this assault on lesbian and gay Americans and their families. Instead, let us defeat the rule on this mean-spirited bill.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Colorado [Mr. MCINNIS] has 8½ minutes remaining, and the gentleman from Massachusetts [Mr. MOAKLEY] has 11 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, I rise in opposition to this bill. The Republican leadership of this Congress should be ashamed of itself. This bill is nothing more than a publicity stunt. Despite the rhetoric we have heard today in this Hall and the rhetoric of the religious right, one can honor the relationship between a man and a woman without attacking gay men and lesbians. No matter who is being attacked, discrimination is discrimination, and it is wrong.

You know, I have never been called by any constituent, by anyone to complain to me that they want me to defend their marriage. If we want to have a debate about defending American marriages and American families, let us talk about the real issues affecting American families. Let us talk about the rising cost of college education. Let us talk about the ability to get health insurance, to afford health insurance, to keep health insurance for our children. Let us talk about raising the minimum wage. That is the way we strengthen our families, by looking at the real issues and taking responsible action to solve them.

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

Mr. Speaker, how interesting it is that President Clinton now is being labeled with the radical right or that some of the Democrats, and there are going to be a number of Democrats who vote for this bill, being labeled, as they should be apparently, ashamed of themselves or extremists. These are not extremists. This is a long-held American tradition and not just an American tradition. It is a tradition held in every country in this world. It is a tradition we ought to uphold.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I rise in strong support of this act. The impending recognition of same-sex marriages in Hawaii is what is bringing it to the floor. The suggestion that somehow this is political or this is campaign rhetoric or campaign tactics, which I heard in the subcommittee, I heard again at the full committee, is simply not the case.

As I will mention later, if anything, it is about the last thing that I or my colleagues on that subcommittee or on the Committee on the Judiciary want to get involved with. It is something that frankly no one wants to touch with a 10-foot pole, certainly not me. The fact is that the impending recognition of same-sex marriages in Hawaii has raised the probability that all other States in the United States of America are going to be compelled to recognize and to enforce the Hawaii marriage contract under the full faith and credit clause of the U.S. Constitution. That has very far-reaching implications, both fiscally as well as socially for the State of Ohio.

For example, if two individuals of the same gender obtain a marriage license in Hawaii and then move to Ohio, the State of Ohio would have to honor that marriage license. The people of Ohio would have no say in the matter. The fact is that there is some question about that. It is not absolutely crystal clear as to whether the full faith and credit clause would apply in that way, but what we are going to do is we are going to make it crystal clear that a State will not have to recognize a same-gender marriage if it chooses not to.

Second, I want to point out that there is another issue involved in this, and it has to do with all of the rights and privileges, the obligations and responsibilities that go with a legal marriage contract as it relates to Federal law. We are talking about probably most important, survivors benefits, both for veterans as well as for Social Security recipients, et cetera, et cetera, et cetera.

One of the things that was said during the debate that I think is probably the most preposterous, and this was said at committee. I do not know if it has been said on the floor today. But that is that Congress has no business legislating morality. That is preposterous. It is ridiculous and it is absurd. The fact is that we legislate morality on a daily basis. It is through the law that we as a nation express the morals and the moral sensibilities of the United States, and what is morality except to decide what is right and what is wrong? That is what morality is all about.

Clearly we have got laws about murder, we believe that murder is wrong. It is a moral issue. We have laws about theft and burglary, larceny, rape, and other bodily attacks. Those are moral

issues. To question that somehow we have no right to make a moral judgment on an issue completely misses the point of what we do in Congress every single day of the week.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts, Mr. GERRY STUDDS, the ranking member of the Subcommittee on Fisheries, Wildlife and Oceans.

Mr. STUDDS. Mr. Speaker, first if I may make a legal observation then a much more personal one. This bill has two brief sections. One purports to give States the right to decline to recognize marriages in another State, and the other denies Federal benefits to any State which makes such a decision. As has been said before, the first part is absolutely meaningless. Either under the Constitution the States already have that right, in which case we do nothing, or they do not, in which case we cannnot do anything because it is a constitutional provision. So, so much for the first part.

We are then left with a bill that simply denies Federal benefits to any State which choose to sanction a certain kind of marriage. Mr. Speaker, I have served in this House for 24 years. I have been elected 12 times, the last 6 times as an openly gay man. For the last 6 years, as many Members of this House know, I have been in a relationship as loving, as caring, as committed, as nurturing and celebrated and sustained by our extended families as that of any Member of this House. My partner, Dean, whom a great many of you know and I think a great many of you love, is in a situation which no spouse of any Member of this House is in. The same is true of my other two openly gay colleagues.

This is something which I do not think most people realize. The spouse of every Member of this House is entitled to that Member's health insurance, even after that Member dies, if he or she should predecease his or her spouse. That is not true of my partner. The spouse of every Member of this House knows that, if he or she predeceases, is predeceased by their spouse, a Member, that for the rest of their lives they may have a pension, long after if they live longer, the death of the Member of Congress.

I have paid every single penny as much as every Member of this House has for that pension, but my partner, should he survive me, is not entitled to one penny. I do not think that is fair, Mr. Speaker. I do not believe most Americans think that is fair. And that is real. Yet that is what the second section of this bill is about, to make sure that we continue that unfairness. Did my colleagues know, for example, that, if my partner, Dean, were terribly ill and in a hospital, perhaps on death's door, that I could be refused the right to visit him in the hospital if a doctor either did not know or did not approve of our relationship? Do you think that is fair? I do not think most Americans think that is fair.

He can be fired solely because of his sexual orientation. He can be evicted from his rental home solely because of his sexual orientation. I do not think most Americans think that is fair. Mr. Speaker, not so long ago in this very country, women were denied the right to own property, and people of color, Mr. Speaker, were property. Not so very long ago people of two races were not allowed to marry in many of the States of this country.

Things change, Mr. Speaker, and they are changing now. We can embrace that change or we can resist that change, but thank God All Mighty, as Dr. King would have said, we do not have the power to stop it.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts, Mr. BARNEY FRANK, the ranking member of the Subcommittee on the Constitution.

Mr. FRANK of Massachusetts. Mr. Speaker, I understand why no Member on the other side agreed to yield. We have a tradition around here of yielding. But when your arguments are as thin as theirs, you do not risk rebuttal.

Let us talk about the points here. First of all, we are told that this is not political. Now, people may understand why we do not speak here under oath. No one in the world believes that this is not political. We are told we must do this because the Hawaii Supreme Court is threatening them. The Hawaii Supreme Court decision in question came in 1993. The process in Hawaii, which is now still going on, does not end until, at the earliest, in late 1997 and probably 1998. There is a trial that has to take place that has not even started. Why, when the decision came in 1993 and the process will not end until 1997 or 1998, are we doing this 3 months before the election? Oh, it is not political, sure.

Second, there is a very false premise, the notion that this is to protect States from having to do what Hawaii does. Every Member on the other side who sponsored this bill believes that that part is unnecessary. Every Member believes that the States already have that right. What is being protected here is not the right of States to make their own decision but the right of States to vote Republican in the 1996 Presidential election.

We will be told time and again that we have 3 weeks left in this session until August and then we will have a month. We have an enormous amount of undone work. The leadership is talking about abandoning the appropriations process, the Republican leadership, and doing continuing resolutions on issue after issue after issue. We will be told we do not have time to debate it. Why? Because we have to protect America from something that will not happen until 1998.

And what are we protecting, as my colleague and friend from Massachusetts has just said? This is the most preposterous assertion of all, that marriage is under attack. I have asked and I have asked and I have asked and I guess I will die, I hope many years from now, unanswered: How does the fact that I love another man and live in a committed relationship with him threaten your marriage? Are your relations with your spouses of such fragility that the fact that I have a committed, loving relationship with another man jeopardizes them? What is attacking you? You have an emotional commitment to another man or another woman. You want to live with that person. You want to commit yourselves legally.

I say I do not share that commitment. I do not know why. That is how I was born. That is how I grew up. I find that kind of satisfaction in committing myself and being responsible for another human being who happens to be a man, and this threatens you? My God, what do you do when the lights go out, sit with the covers over your head? Are you that timid? Are you that frightened?

I will yield to the gentleman from Oklahoma if he will tell me what threatens his marriage.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. LARGENT. Absolutely. I would just submit, Mr. Speaker, that the relationship of the gentleman from Massachusetts [Mr. FRANK] with another man does not threaten my marriage whatsoever, my marriage of 21 years with the same woman.

Mr. FRANK of Massachusetts. Mr. Speaker, whose marriage does it threaten?

Mr. LARGENT. It threatens the institution of marriage the gentleman is trying to redefine.

Mr. FRANK of Massachusetts. It does not threaten the gentleman's marriage. It does not threaten anybody's marriage. It threatens the institution of marriage; that argument ought to be made by someone in an institution because it has no logical basis whatsoever.

Here we go, I keep asking people, whose marriage is threatened? Not mine, not his.

No one on the other side yielded once. People on the other side mentioned other Members, distorted their arguments and never yielded once. I certainly will not yield again, because I think the nonanswer is clear. I have asked it again and again.

□ 1145

What is it that says, and people have said this, I have had people when I was in my district for 9 days last week saying, I am worried. I cannot afford my

college tuition. I am worried about public safety. I am worried about Medicare. No one said to me, oh, my God, two lesbians just fell in love and my marriage is threatened. Oh, my God, there are two men who commit to each other and they are prepared to be legally responsible for each other. How can I possibly go on with my marriage?

What we see is very clear. There is no reason for this in terms of time. There is no reason for it legally, because the States already have that right. This is a desperate search for a political issue by hitting people who are unpopular. And, yes, I acknowledge the notion of two men living together in a committed relationship or two women makes people nervous and uncomfortable. I want to talk about that. But threaten your marriage?

I will make a prediction that between now and the end of this debate tomorrow we will hear not one specific example of how this threatens marriage because no one who believes that the bonds between a man and a woman who love each other and care for each other and are prepared to commit to each other for a lifetime or 3 years or whatever the pattern may be, is somehow threatened because two other people love each other.

What about the love that two others have for each other threatens your own love? What an unfortunate concept.

Mr. MCINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Speaker, I want to address the last speaker's comments and say that, first, we need to step back from trees and look at the forest and try to take a long view of our culture, and we can look at history and show that no culture that has ever embraced homosexuality has ever survived.

Second, I would say that what this same-sex marriage is seeking is State sanction of their relationship. There is nothing that prevents the gentleman from Massachusetts [Mr. FRANK] right now from having a loving relationship with his significant other, no matter what their sexes are.

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

Let me point out about this yielding and not yielding. The gentleman from Massachusetts tried to make a point, as frivolous as I felt it was, that our side was not yielding. Both sides are allocated a fair amount of time, 30 minutes each. We each get 30 minutes.

Now, the gentleman from Massachusetts criticized or lectured the gentleman from Colorado because I would not yield time to him, and the gentleman from Massachusetts claims the reason we will not do it is because we do not like debate. As soon as the gentleman from Oklahoma begins his debate, the gentleman from Massachusetts claims his time back.

I think we need to be very civil and very professional on this House floor. We each have 30 minutes, let us use our 30 minutes.

Let us talk, and I think first of all understand this is not an issue between the parties. President Clinton supports this. President Clinton says now is the time to address it. And let me quote directly from his press agent. "He believes this is a time when we need to do things to strengthen the America family, and that is the reason why he has taken this position in support of this bill."

What is the rule? The rule is fair. What is especially interesting about it is the gentleman who says this side of the aisle will not or is afraid to debate him. It is this side of the aisle who voted unanimously up in the Committee on Rules, along with the gentleman from Massachusetts and his side of the aisle, to allow the gentleman from Massachusetts 75 minutes on his first amendment and a certain period of time for his second amendment. He is going to get lots of debate time coming up.

What is it that this bill does? I think we need to take our collective arguments here in the last hour and focus in on exactly what does this bill do. It does not impact the Clean Water Act, it does not have anything to do with domestic relations, as far as the gentlewoman from Colorado suggested as no fault, fault, et cetera, et cetera. It is very specific. It is very simple. First, it upholds the long-held tradition that a marriage is defined as a union between one man and one woman.

Second, it declares that one State will not be bound by the decision of the Supreme Court of another State in regards to a marriage. In other words, the Supreme Court of the State of Hawaii cannot mandate upon the State of Ohio or upon the State of Colorado or upon the State of California that they recognize same-sex marriages within their State even if their State wholeheartedly rejects that type of concept.

Third, it does not obligate the Federal Government for financial requirements or financial obligations because a State chooses to recognize it. For example, if the State of Hawaii, through their Supreme Court, recognizes same-sex marriage, it does not immediately obligate the Federal Government to pay for benefits.

If a Member wants those kinds of benefits, and the other gentleman from Massachusetts spoke about that, and I thought his words were well spoken, if he wants those benefits, introduce a bill and run it through the regular process of the U.S. Congress. That is how he can get those benefits, not through a mandate from the Supreme Court of the State of Hawaii.

So, in other words, every State preserves their right. We preserve the long-time tradition of marriage between one man and one woman. And I will reaffirm once again, and I have no shame in standing up here in the House of Representatives saying that I support wholeheartedly the traditional interpretation, the traditional recognition, and I hope for all time the future recognition of the definition of marriage.

Mr. Speaker, I yield the balance of my time to the gentleman from Florida [Mr. STEARNS], my good friend.

Mr. STEARNS. Mr. Speaker, I want to say to my colleagues, when we hear from that side of the aisle that this is a political issue, we have heard the President of the United States indicate that he would sign this bill, so I think the President is almost saying that he agrees with what we are doing and he would like to see as soon as possible the bill brought to him for his signature. So we really cannot say it is a political one when the President of the United States, who represents the Democrats, says he wants the bill, too.

I rise in strong support of this rule. I commend the gentleman for bringing this rule forward. And I might point out to my colleagues that it is our party that brought this bill here; that this bill probably would never have seen the light of day if it had not been for the new majority in Congress, and I think it is important to point that out.

I would like to conclude by saying that we all know that families are the foundation of every civilized society, and marriage lies at the heart, the core, of what a family is. If we change how marriage is defined, we change the entire meaning of the family. So what we are doing today, I say to the gentleman from Colorado, is extremely important and all of us should realize we must pass this rule.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. FRANK of Massachusetts. 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 290, nays 133, not voting 10, as follows:

[Roll No. 300]

YEAS—290

Allard	Baker (CA)	Barrett (NE)
Archer	Baker (LA)	Bartlett
Armey	Ballenger	Barton
Bachus	Barcia	Bass
Baesler	Barr	Bateman

Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
English
Ensign
Evans
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Manton
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Zeliff
Zimmer

NAYS—133

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Berman
Blumenauer
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chenoweth
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Dooley
Durbin
Engel
Eshoo
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Green (TX)
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hobson
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Klink
Kolbe
Lantos
Lewis (GA)
Lofgren
Lowey
Maloney
Markey
Martinez
Matsui
McDermott
McKinney
Meehan
Meek
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Williams
Woolsey
Yates

NOT VOTING—10

Dunn
Gibbons
Hall (OH)
Lincoln
Longley
McDade
Peterson (FL)
Riggs
Thornton
Young (FL)

□ 1212

Messrs. GEJDENSON, GUNDERSON, GENE GREEN of Texas, and HORN changed their vote from "yea" to "nay."

Mr. SCHUMER and Ms. KAPTUR changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No. 300, on House Resolution 474 providing for the consideration of H.R. 3396, the Defense of Marriage Act, was unavoidably detained on other business and unable to be physically present for the vote. Had I been present, I would have voted "yea."

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 472 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3755.

□ 1214

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3755) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, with Mr. WALKER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 10, 1996, a request for a recorded vote on the amendment by the gentlewoman from California [Ms. PELOSI] had been postponed and the bill had been read through page 22, line 16.

The Clerk will read.

The Clerk read as follows:

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, X, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, and the Health Care Quality Improvement Act of 1986, as amended, $3,080,190,000, of which $297,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: *Provided*, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: *Provided further*, That of the funds made available under this heading, $2,828,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $192,592,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication of distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $75,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act and shall be distributed to States as authorized by section 2618(b)(2) of such Act.

AMENDMENT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. LOWEY: Page 22, line 22, after the dollar amount, insert the following: "(reduced by $2,600,000)".

Page 26, line 1, after the first dollar amount, insert the following: "(increased by $2,600,000)".

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 40 minutes and that the time be divided, 20 minutes to the gentlewoman from New York [Mrs. LOWEY], 10 minutes to the gentleman from Wisconsin [Mr. OBEY], and 10 minutes to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

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

Mr. Chairman, this amendment that the gentleman from Delaware [Mr. CASTLE] and I are introducing with the gentleman from New York [Mr. SCHUMER] restores funding to the CDC National Center for Injury Prevention and Control. Our amendment simply overturns the Dickey amendment passed by the full committee which reduced the bill's appropriation for the CDC injury prevention and control program by $2.6 million and increased the appropriation for the area health education centers by a like amount.

This amendment will restore the injury prevention and control program to its fiscal year 1996 level of $43 million, which is the level approved by the subcommittee. My colleagues who support the area health education centers program, as I do, please note that under our amendment, the area health education center will receive an increase of $2.9 million, or over 12 percent, compared to last year.

Why must we restore funding for the CDC injury control program? Because the injury prevention and control program helps to prevent thousands of needless and tragic accidents and injuries each year.

The injury prevention and control program is one of the leading Federal agencies working to prevent domestic violence. Injury control funds are also being used to prevent drownings at Federal recreation facilities, reduce violence in public housing projects, cut down on driving accidents by the elderly, improve emergency medical services in order to decrease the number of traumatic brain and spinal cord injuries, reduce deaths caused by fires in the home and many, many other lifesaving activities.

Unless our amendment passes, all of these vital activities could be affected. So why were funds for the injury prevention program cut? Let me be very blunt to my colleagues. The NRA dislikes the fact that the injury control center collects statistics and does research on gun violence. Even though the injury control program spends only 5 percent, or 2.6 million, of its budget on gun violence related research, it is despised by the NRA. But frankly, my colleagues, I do not understand this. Is not the purpose of the NRA to promote the responsible use of guns? Is not the NRA interested in keeping guns out of the hands of criminals and teenagers who are not using guns for sport but to kill? It seems to me that the CDC and the NRA really should be working together to ensure that guns are used safely and responsibly.

We will hear charges that the CDC research is biased and duplicative, but the program passed three rigorous reviews by the GAO, the National Academy of Science and the HHS office of the inspector general.

After reviewing Federal violence prevention efforts, conservative columnist George Will concluded in 1992:

Clearly the criminal justice community is inadequate to the task of turning the tide of violence; so as a sound investment in improving the quality of American life, no Federal funds are spent better than those that fund the CDC's research.

While the Justice Department focuses on the incarceration of offenders after the shootings occur, the CDC focuses on the prevention of gun injuries before they occur. CDC injury control research is examining how trauma surgeons can help to intervene in the cycle of youth violence and prevent youth from returning to trauma centers at a rate of 44 percent.

CDC research is looking at why some inner-city youths commit violence with guns and others do not. CDC research is helping State departments of health around the country better monitor gun related injuries so that they can most effectively target their prevention activities.

The NRA's attack of the CDC puzzles me put it also outrages me. Gun violence in America is a public health emergency. According to Dr. George Lundberg, an editor of the Journal of the American Medical Association, "There is no question now that violence is a public health issue. Research to end this epidemic of violence is absolutely vital and it must continue."

Over 37,000 Americans die each year from wounds inflicted by guns. Almost 6,000 children and teens are shot every year by guns; 100,000 other Americans are injured in shootings each year. This explosion of violence is placing an enormous burden on our health care system. The medical cost of gun violence is $4.5 billion a year.

The cost of treating a patient with a gunshot wound averages over $14,000. As a result, more than 60 urban trauma centers have been forced to close over the past 10 years alone. If current trends continue, Mr. Speaker, gunshots will surpass car accidents as the leading cause of death in United States.

To combat this horrifying trend, the National Center for Injury Prevention and Control has conducted groundbreaking peer reviewed research on the types and costs of injuries caused by firearms. It has worked to prevent suicide among teens, taught conflict resolution techniques. Let me be very clear, the center conducts research, gathers facts. It is not an advocacy organization nor does it make policy. In fact, our amendment preserves language in the bill which prohibits the CDC from advocating or promoting gun control.

Let me state this a second time so that my colleagues are clear. This amendment preserves language in the bill which prohibits the CDC from advocating or promoting gun control. The NRA opposes the CDC injury control research because it wants to suppress the awful truth about gun violence. The NRA simply does not want the facts set getting out. It is no more than censorship. It must be stopped.

There are many groups that support this amendment: The College of Emergency Physicians, AMA, ABA, American Public Health Association, the American Nurses Association, the Association of State Health Officials, and on and on. I urge my colleagues to support this amendment to preserve the vital work of the injury control center.

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

Mr. PORTER. Mr. Chairman, because of my position on this amendment, I believe that the time that has been allocated to me should be allocated instead to the gentleman from Arkansas [Mr. DICKEY] who is an opponent of the amendment. So I ask unanimous consent that the 10 minutes allocated to me be allocated to the gentleman from Arkansas [Mr. DICKEY], and that he control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1230

Mr. DICKEY. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, this is an issue of federally funded political advocacy. We have here an attempt by the CDC through the NCIPC, a disease control agency of the Federal Government, to bring about gun control advocacy all over the United States through seminars, through the staff members and through the funding of different efforts all over the country just on this one issue, to raise emotional sympathy for those people who are for gun control. It is a blatant attempt on the part of government to federally fund lobbying and

political advocacy. Rather than calling violence a disease and guns as a germ, these people should be looking at the other root causes of crime: Poverty, drug trade, gangs, and children growing up without parental support, and the cruel trap of welfare dependency. Those things have more to do with crime control than trying to come at it from a disease definition.

Ownership of guns by itself is what this particular amount of money is going to. It is not a public health threat. In fact, the violence related to guns has been found to be going down to the extent of two-thirds, where we actually have a 173 percent increase in the number of guns in the United States. So it is obviously not a public health threat, because we are doing this through education and training and not through a discredited study program by the CDC through the NCIPC.

Some quotes that exist from one of the officials that we pay Federal money to, what we need to try to do is to find a socially acceptable form of gun control. Experts from Harvard and Columbia medical schools have reviewed the work on firearms that this agency has done with Federal money and have stated that it displays an emotional antigun agenda and are so biased and contains so many errors of fact, logic and procedure that we cannot regard them as having a legitimate claim to be treated as scholarly or scientific literature. So this is discredited by authorities. It is not something we should be doing.

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

Mr. OBEY. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I rise in opposition to the Lowey amendment, but I do so in despair of our ability to discuss this on substance rather than on symbolic grounds.

This controversy started when the gentleman from Arkansas [Mr. DICKEY] offered an amendment in subcommittee which purported to eliminate the ability of CDC to engage in research on gun control and which purported to prevent that agency from engaging in unbiased research. I voted against that amendment in subcommittee because I have always resisted the idea of telling anybody in this Government what kind of research they can conduct in the health field. I just do not think that lay people know enough to do that. I think health research issues ought to be decided by scientists, not by politicians.

But the gentleman from Louisiana [Mr. LIVINGSTON] and I jointly cosponsored an amendment to the bill which reads as follows, and it was adopted. On page 26 of the bill it says: "None of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control." We then added this paragraph to the report on page 49: "The bill contains a limitation to prohibit the National Center for Injury Prevention and Control at the Center for Disease Control from engaging in any activities to advocate or promote gun control. The CDC may need to collect data on the incidents of gun-related violence, but the committee does not believe that it is the role of the CDC to advocate or promote policies to advance gun control initiatives or to discourage responsible private gun ownership. The committee expects research in this area to be objective and grants to be awarded through an impartial peer review process."

What the gentleman and I tried to do was to make certain that CDC, in fact, did not engage in biased research, and that is the language that we adopted. When we got to the full committee, the gentleman from Arkansas [Mr. DICKEY] then did not offer the report language to which we objected and merely offered an amendment which moved money from CDC to the area health education centers, and I supported that amendment because it was essentially a judgment about where we thought the money would do the most good. Would it do the most good in this controversial program at CDC, or would it do the most good in the area of health education centers?

I come down on the side of the education centers primarily because I represent rural areas, and I know that they are medically underserved communities. The area in which this money was put simply enables us to support training of medical residents and students for medicine, nursing, allied health, pharmacy and related fields.

I would point out that in my State, for instance, these agencies are administered by a partnership between Wisconsin's two medical schools, the Medical College of Wisconsin and the University of Wisconsin Medical School.

So basically what I would suggest to my colleagues is that this amendment, while it is being debated in terms of gun control, the effect of the Lowey amendment will not be to enhance gun control any more than the effect of the Dickey amendment was to diminish gun control. The only direct effect on CDC's ability to get involved in the gun control issue is determined by the language which we already have in the bill and have in the report by virtue of the amendment sponsored jointly by the gentleman from Louisiana [Mr. LIVINGSTON] and myself.

So I would say the House simply has a choice to make. If they think that the money ought to be put in CDC where the gentlewoman from New York [Mrs. LOWEY] puts it, then vote with her. If they think the money ought to stay in the area of health education centers where I believe it ought to be and where the gentleman from Arkansas [Mr. DICKEY] put it, then vote against the Lowey amendment. I would urge that my colleagues vote against the Lowey amendment because I think that the dollars have been placed in a preferable place by the effect of the Dickey amendment offered in full committee.

As I say, I despair of this issue ever being discussed in anything but symbolic terms. I know that at the presidential level we have Mr. Dole, in my view, trying to exploit the gun issue one way and the White House trying to exploit it dealing with it the other way. I am not interested in that phony debate. What I am interested in doing is making rational choices as a policymaker about where scarce dollars ought to go, and I frankly think that it has become so controversial at CDC that the money is much more rationally spent where the committee wound up putting the money.

So this may seem a very quaint position on my part, but my trouble is that I read the amendments, I do not just read the titles. So it seems to me that Members ought to focus on what the real effect of this amendment really is. It simply moves dollars. It is only indirectly related to the gun issue, and I wish we could address it in that fashion because we are qualified to decide where research dollars ought to go. We are not qualified to pretend that we are doing something that we are not doing.

Mrs. LOWEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I rise in support of the Lowey-Castle amendment.

Two years ago, the NRA waged a campaign against the President's crime bill, saying programs like shelters for battered women and rehab for drug addicts were nothing more than "pork."

Now, the NRA has set its sights at the Centers for Disease Control [CDC]. They have succeeded in pushing an amendment to cut the National Center for Injury Prevention and Control [NCIPC] from the CDC's budget. This office does research on injuries, including those caused by guns, and links it to health outcomes.

But the NRA says that this office engages in "recklessly biased research and blatant political advocacy."

I disagree.

This office does vital studies to improve how law enforcement, the judicial system, and our health care system can prevent and improve assistance to victims of domestic violence.

Now the NRA wants us to stop looking at the problem so they can pretend it does not exist.

They can't further their extremist goals if we engage in studies and discussion of gun violence as a public health issue.

In this case, the NRA and the radical right are saying, if you fear it, kill it, and in doing so, they are blocking progress in ending violence against women and their families.

Vote to end family violence; support the Lowey-Castle amendment.

Mrs. LOWEY. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware [Mr. CASTLE], my colleague and cosponsor of the amendment.

Mr. CASTLE. Mr. Chairman, I thank the gentlewoman from New York [Mrs. LOWEY] for yielding this time to me.

I obviously rise in support of the Lowey-Castle amendment, and I listened carefully to the always articulate comments of the gentleman from Wisconsin [Mr. OBEY] about this, and I would just note that right now the National Center For Injury prevention and Control, which is getting a reduction in this, is actually getting a reduction to less than 6 percent of their budget from last year, whereas the health education center he talked about is going up to 23 percent, and if we are able to succeed in this amendment, that would still go up 12.8 percent, and this particular agency that we are dealing with here would go down by some 5 percent. So no matter how we look at this, the very cause that he is talking about is being well treated.

This is a modest amendment. I would simply, as we know, restore the funding for the National Center for Injury Prevention and Control. But this is very important, and what they do is important, and I do not think they should be involved in gun control, and the gentleman from Wisconsin [Mr. OBEY] pointed out very carefully it is very specific in this piece of legislation right now that they cannot be involved in any advocacy with respect to gun control.

I do not have a problem with that. I absolutely concede that. They should not be, and in fact I think one can even make an argument that they have not been in the past. They rejected studies that try to do that. But the bottom line is that it is important because injuries kill over 85 children and young adults in the United States every day and cost our country more than $224 billion in the last decade in terms of direct medical care and rehabilitation costs as well as lost wages of the individual and productivity losses to the Nation.

This agency, the NCIPC, collects and analyzes data about a wide range of injuries including motor vehicle crash, fires, drowning, falls, poisonings, suicide and homicide. They have saved lives. They have prevented injuries from happening in this country. The centers research has led to a number of important recommendations in a variety of areas, from wearing helmets while riding a bicycle to storing firearms in the home separately from bullets to installing fire detectors in homes. These are major safety changes. They probably had as much influence on saving lives as any agency in this country, and I think to reduce their funding would be a tremendous mistake.

It does also collect and analyze data about firearm injuries because they are the second leading cause of injuries of Americans between the ages of 10 and 24. Firearms are the cause of approximately 37,900 deaths in this country as well as all manner of other problems, including 3 times as many serious injuries. Ten States and the District of Columbia now have more people dying because of firearms than they do in automobile accidents. By the year 2000 there are going to be more people dying because of firearms and automobile accidents in the United States of America. The cost of gun shot violence in the United States amounts to $20 billion, a fifth of which is medical expenses. That is $200 per family that we are paying for these injuries to people and deaths to people because of the use of guns in the United States.

They have done many things. My short time does not allow me to go into all the things which they have done. They are not advocacy, they are changes which they have made, and I would encourage each and every one of us to support this amendment. I think it is absolutely the right thing to do. It is not a gun issue. It is a safety issue in this country.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding this time to me.

Mr. Chairman, I rise in opposition to the Castle-Lowey amendment.

One of the principal efforts of the CDC's National Center for Injury Prevention and Control was to study American firearms—guns—in regard to injuries involving firearms.

Let me save the American taxpayer $2.6 million dollars with some free information:

Guns can be dangerous, especially if loaded, pointed at someone and the trigger is pulled.

Now, that was simple; was it not?

Given this knowledge, one has to question why taxpayer funds were even wasted on this issue in the first place. I think I know the answer.

The bottom line is that it is bothersome to some Members of this body that many Americans own firearms.

Therefore, anything that can shed a negative inference on firearms, like the fact that they are dangerous, becomes worthy of taxpayer support research and political exploitation.

As interesting as pursuing these issues further might be, they are in the end irrelevant.

The second amendment to the United States Constitution reads: "A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."

I urge a "no" vote on this amendment.

□ 1245

Mrs. LOWEY. Mr. Chairman, I yield such time as he may consume to the gentlemen from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I rise in support of the amendment.

What is the NRA so afraid of? Perhaps it is the truth.

Once again, the NRA is making its annual assault on scientific efforts to make guns more safe for families.

Last year, 38,000 Americans died of gunshot wounds compared to 41,000 who died from automobile accidents. Yet we would never dream of opposing Government research efforts to make automobiles safer. If the automobile lobby was as irresponsible as the NRA, we would not have the seat belt.

Today, we are seeing a proliferation of cheaply made guns that are blowing up in people's hands, misfiring when jostled or dropped, and killing or wounding people accidentally.

So while motor vehicle deaths are dropping year by year, we have seen no progress on the number of those dying accidentally from gunshot wounds.

Shame on the NRA for spreading its paranoic world view to stop legitimate scientific research from making guns just a little bit more safe.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. PORTER], chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations.

The NRA arguments that the Centers of Disease Control research is "junk science" is, of course, specious. Does the NRA know more about science than the New England Journal of Medicine?

The NRA protestations that the research is duplicated elsewhere is spurious. Even the GAO disagrees.

So what is the NRA afraid of? They are afraid that legitimate science will conclude that having a gun in the home is dangerous. They are afraid that consumers will learn that a gun in the home increases the chances of suicide and accidental deaths—particularly among children.

Last year, I joined with my Republican friend STEVE HORN in a bipartisan letter to restore these important CDC funds. I hope that this amendment will have similar bipartisan support.

We need to prove to the American people that when the NRA says jump, Congress doesn't put on its gym shorts.

Everyone—everyone except the extremists at the NRA—understands that this CDC research is necessary and objective. Let's show that we can rise above the paranoid rantings of the NRA to do something to make gun ownership a little bit more safe.

Support this amendment.

Mr. PORTER. Mr. Chairman, 145,000 people die each year from injuries in

our society, including those sustained in motor vehicle crashes, fires, drownings, falls, poisonings, suicide, and homicide. Injury is the leading cause of death and disability for our Nation's children and young adults. Those injuries cost our country more than $224 billion a year in direct medical care and rehabilitation as well as lost wages and productivity. That is an increase of 42 percent in the last decade alone.

Is injury a proper subject for our Centers for Disease Control and Prevention? Of course it is. Only $2.6 million of $46.3 million goes to gun-related research. It also goes for car crashes. What do they examine when they look at car crashes? They look at how the cars are equipped, how the cars are used, how the drivers are trained. Should we not also look at the same injury result regarding guns? Of course we should do that. Of course, we should study how we can make society safer and how we can reduce injuries.

The CDC work on firearms injuries is not duplicated anywhere else in the Government. Unlike other agencies, CDC uses the same public health model to prevent firearms injury that it does with other public health problems. It identifies the problem, examines the risk factors, develops interventions, and evaluates what works. This is an area we should be addressing. CDC has done it.

The gentlewoman from New York [Mrs. LOWEY] and the gentleman from Louisiana [Mr. LIVINGSTON] have made absolutely certain that the information cannot be used to advocate gun control in any way. I believe this amendment is a very, very proper amendment. To take away the $2.6 million makes no sense at all. We are making good progress here. It is not being misused. This is simply an attempt by the NRA to remove guns, which cause a great deal of injury and death in our society, from a list of other instruments that do. There is no rational reason for doing that. They should be examined as well.

Mr. DICKEY. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, I thank my distinguished colleague from Arkansas for yielding time to me.

Mr. Chairman, Centers for Disease Control, Centers for Disease Control. The words are not real long, only a couple of syllables. Look up the word "disease" in the dictionary, at least any legitimate dictionary. I have done it. There is no reference in any dictionary that I can find that says that accidents or handgun injuries or murders are a disease. There is a reason why they are not found within a definition of disease. They are not diseases.

Let us talk about honestry and truth in government. The Centers for Disease Control, all of us ought to agree, and but for the political agenda on the other side here most Members do agree, that the Centers for Diesease Control have not eradicated disease. In other words, they have work left to do, very important work they could be doing. Yet they are devoting scarce resources for a political agenda that is, pure and simple, a political agenda.

If my colleagues from New York and other States want to do away with handguns, that is fine, from their standpoint. Or if people on my side of the aisle do not like handguns and want to outlaw them, do it, but do it honestly. Propose legislation to outlaw them. Propose an amendment to the Constitution doing away with the second amendment. But do not take an institution that has done so much good work and cause it to lose credibility further, as it has already done, by engaging in a political agenda. This is a political agenda.

The political agenda is well-documented. You can look at publications such as the Injury Prevention Network, which is funded in part by CDC, and which engages, by the very terms of its publication, in illegal lobbying activity. It recommends picketing. It recommends lobbying. As a matter of fact, the kind of work these organizations engage in with Federal funds is so bad that even when I wrote to the director of CDC, Dr. Satcher, he had to agree with it, and said it is improper what they are advocating here.

There is a political agenda at work here that ought to be of concern to all of us on both sides of the aisle. It is called politics. Politics should not be injected into the CDC. One does not also have to look beyond simply the organizations themselves that the National Century for Injury Prevention and Control or whatever is engaged in. They are very clearly, very explicitly, antigun lobbies.

Again, if colleagues on either side of the aisle support those organizations, support what they do, then come up front and say so, and say we need to do something to get handguns off the streets of America. But do not do it through an organization dedicated explicitly to disease control.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Ohio [Mr. STOKES], a distinguished member of the committee.

Mr. STOKES. Mr. Chairman, I thank the distinguished gentlewoman from New York for yielding time to me.

Mr. Chairman, I rise in strong support of the Castle-Lowey amendment.

Defunding critical injury prevention and control research and outreach is a dangerous precedent. Over the years, this lifesaving research has enjoyed bipartisan support. We must not let politics cloud the need to fund meritorious science in this area. We did not allow such to interfere with the conduct of research on cancer, AIDS, and other areas which threaten the lives of hundreds of thousands of Americans. And, we must not prevent critical research in the area of firearm and other injuries as well.

While CDC conducts research on the prevention and control of injuries from fires, drownings, and poisonings as well, the concern appears to be with respect to firearm injuries. CDC is not working the area of firearms injury prevention and safety for political reasons. It is working in the area because of the tremendous number of Americans injured or killed with firearms. According to the American Academy of Pediatrics, firearms injuries are in fact the fourth leading cause of years of potential life lost, and is the second leading cause of injury fatality in the United States. Firearms are the leading cause of death for African American youth ages 15 to 24, and is the second leading cause of death among white youth in this same age group. Like cancer, AIDS, and heart disease, this is a major public health problem that must be addressed.

Applications for the CDC's injury control research grants are peer reviewed by the scientific community prior to funding. In fact, its peer review process is modeled after that used by the National Institutes of Health which we strongly support.

For over three decades now, firearms fatalities have steadily increased in the United States. It is projected that if current trends continue, by the year 2000, they will be the leading cause of injury death. the World Health Organization has in fact issued a resolution declaring that violence is a leading worldwide public health problem, and designating the prevention of violence as a public health priority. Let's do what's right. Let's continue to protect children and families across this country. Support the restoration of $2.6 million to the CDC's Injury Prevention and Control Program.

I strongly urge my colleagues to vote "yes" to this critical lifesaving amendment.

Mr. DICKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Chairman, what we are talking about here is a simple debate between spending money on health care needs of people in low-income and rural areas and spending money on a politically correct study that some of our colleagues in some parts of the country think is very important.

My colleague, the gentleman from Georgia, Mr. BARR, made the point very well earlier: What is the Centers for Disease Control doing studying a politically correct idea that some few people in this country think is important? This is a classic idea of a Federal agency that has grown appendages over the years that have nothing to do with

the original mandate that Congress set up in the first place.

If our friends from New York or other States in the country or other cities believe that this study is important, why do they not go to their local citizens in their cities, why do they not go to their States, and ask them to pay more tax money to fund a politically correct study like this? Why do they not tell them it is a great idea and raise new tax money for something like this? Why do they think the Federal Government ought to be studying such an issue?

There is not a one of us in this Congress who believes that kids should have guns, that people should be using firearms for any reasons aside from sport. The law-abiding citizens of this country use firearms. We are for that, but we are not for firearm abuse or misuse in any way. So we would encourage everyone here to think about that.

We are not talking about a vital function for the Centers for Disease Control. We need to look after the needs of our people and our communities, but we cannot stand here and say it is more important to fund something like this, as opposed to giving people in need health care that they need in low-income and rural areas. If Members love this idea, they should go back and ask their local citizens to raise tax money locally to fund a crazy idea like this.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Lowey-Castle amendment. This amendment will restore $2.6 million in funding for the National Center for Injury Prevention and Control.

This funding was cut in committee in a misguided attempt to stop the NCIPC's research into the prevention of firearms injuries, based on the allegation that such research masquerades as Government-funded gun control advocacy. The cut also represents a profound misunderstanding of the important work of the NCIPC.

The NCIPC is tasked with undertaking medical and scientific studies of issues affecting the public health. Such work is validated by a number of improvements in public health in recent decades, particularly as it relates to automobiles. Scientific research into car accidents has led to improvements in car design, road engineering, driver education, and drunk-driving prevention.

Mr. Chairman, regardless of our views on gun control, there seems to be general agreement in this body that our Nation is suffering an epidemic of gun violence. Firearms are the second-leading cause of death for children and young adults; in 10 States they are the leading cause. Shootings are the leading cause of death for black teenagers, and the second-leading cause of death for white teenagers.

NCIPC's research on firearms violence may bring improvements in gun design, training, and methods of storage. Moreover, the committee cut in NCIPC funding will not end the center's firearms research. Instead, the center is likely to reallocate funds from other important violence prevention programs, such as combating violence against women. Furthermore, gun control opponents who persist in their belief that NCIPC has been advocating gun control can take heart from the provision already in the bill which prohibits the CDC from using injury prevention and control funds to advocate or promote gun control.

I urge my colleagues to join me in support of the Lowey-Castle amendment.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentlewoman for yielding time to me, Mr. Chairman, and for her leadership in bringing this important amendment to the floor. I urge my colleagues to support it. The National Center for Injury Prevention and Control provides the Nation with information that is crucial, reliable, and well-respected among experts about the incidence of and extent to which injuries, including those which result from automobile accidents, fires, domestic violence, bicycle accidents, and guns affect our lives, and identify strategies for reducing these injuries, many of which are fatal.

The Lowey amendment addresses the problem the committee created in symbolic action that will have real effects on America's children and families when it eliminated funds. The gun injury crisis facing our Nation, especially our children, must not be ignored and cannot be hidden. Firearms violence from homicides, suicide, or, and this is important, accidental shootings, killed 5,751 children aged 1 to 19 in 1993. Child deaths from guns in a year are the equivalent of more than the deaths of 205 classrooms of children. We need CDC research and expertise to help inform the Nation, to help gun owners have safety. I urge my colleagues to support the amendment of the gentlewoman from New York [Mrs. LOWEY].

Mr. DICKEY. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA. Mr. Chairman, I would just like to take a moment to point out that violence and firearms-related research will not be undermined by a transfer of $2.6 million from the CDC's NCIPC to area health education centers, because firearms violence is studied already by a number of agencies within the Department of Justice, including the National Institutes of Justice and the Bureau of Justice Statistics as well as the Bureau of Justice Assistance and other programs.

In fact, Dr. Arthur Kellermann, an NCIPC grantee recipient who has received millions of taxpayer dollars to study firearms, recently received a grant from the Department of Justice to study firearms violence, a clear indication of the duplicative nature of NCIPC's work in this area. I want to point out that a number of studies are currently involved, studying the cause and effect of injuries caused by firearms, and I see this transfer as not a threat to that research, but merely cutting one area of the funding.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 1 minute to my colleague, the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of the Lowey-Castle amendment to restore funding for the National Center for Injury Prevention and Control. This research at the CDC not only increases our understanding of the effects of firearms on our society but may also aid us in finding ways to prevent firearm deaths and injuries.

Opponents of this research maintain that it is used to further a political agenda. But acknowledging the 37,000 firearm deaths each year is not political posturing; it is recognizing that firearms pose a major threat to the health and well-being of our society.

Those who oppose this research should speak with the police officers who risk a face-off with a deadly weapon each time they put on their uniform. They should go to the emergency rooms in my district and across the Nation where doctors and nurses deal with wreckage left by gun violence day and night.

They should see the skyrocketing costs of health care to those who have been affected by this.

They should visit the children who have seen close friends and neighbors taken away by firearms—or talk, as I have, with the family of a 6-year-old accidentally killed in a gang shooting.

They would learn then that this research is not about advancing an agenda, but about combating a growing epidemic of violence.

Already this Congress has tried to repeal the ban on assault weapons enacted in the 1994 crime bill. A majority of Americans oppose making it easier to get deadly weapons. Let's not deprive them of the one weapon they can use in response—knowledge.

I urge a "yes" vote on the Lowey-Castle amendment.

□ 1300

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in opposition to this amendment, primarily because the funding for the

amendment comes from the Area Health Education Centers Program. Establishing priorities is always difficult for each of us but my support for the AHEC Program specifically stems from the fact that rural America still is in desperate need of health care providers.

While there is talk of physician gluts in some parts of the country, rural America faces exactly the opposite with regard to its needs for physicians. In Texas several AHEC Programs have a direct impact on the supply and support of rural providers in my district and all over the State. The AHEC Program has a proven track record of successfully improving the supply and support of health practitioners. To me, keeping the funds in this program is a much higher priority for dollars spent than what this amendment proposes. Therefore, I urge a "no" vote on the Lowey-Castle amendment.

Mr. DICKEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I rise to express my opposition to the amendment that is being offered and express my support for the committee position in the bill and ask that Members vote accordingly.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise in support of this amendment to restore $2.6 million to support vital research into injury reduction and violence prevention.

Forty thousand Americans, almost 6,000 children, are killed by firearms every year. In communities across this Nation, parents must put their children to bed at night fearing that they might be shot in their sleep by a stray bullet. The National Center for Injury Prevention and Control has taken a scientific approach to studying this problem. That is why their work has passed muster with the New England Journal of Medicine's peer review process and with the American Medical Association. But apparently the NRA is fearful that the facts may move concerned Americans to want to do something about the problem. I think the fact that thousands of Americans are shot every year is a real problem. I think the lives of our children are so important that maybe, just maybe, this Congress should for once say "no" to the NRA and do something about our children being shot.

All the authors of this amendment ask is that we not be afraid to gather the facts about gun-related violence in America so we may know better how to deal with this problem and how to prevent it. Vote for this amendment.

The CHAIRMAN. The gentleman from Arkansas [Mr. DICKEY] has the right to close. It is the Chair's understanding that the gentleman from Wisconsin [Mr. OBEY] has only one remaining speaker and he has 2 minutes remaining, the gentleman from Arkansas has 2 minutes remaining, and the gentlewoman from New York [Mrs. LOWEY] has 3½ minutes remaining.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Lowey-Castle amendment to restore $2.6 million in funding for the National Center for Injury Prevention and Control.

The Center is the only Government entity that addresses the issue of injury in a comprehensive manner.

But don't take my word for it. Let me read a passage from a letter I received from Dr. Linda Degutis, assistant professor at Yale School of Medicine and the codirector of the New Haven Regional Injury Prevention program:

> I have seen the increasing level of gun violence in New Haven and the surrounding areas. I have seen children die and adolescents face permanent disability due to spinal cord injuries and head injuries. Not all of these victims are victims of interpersonal violence. Many have attempted suicide. In the case of children, several have been unintentionally shot by other children, or caught in the crossfire between adults with guns. It is disturbing to see this on a daily basis, but viewing the effects of violence has served to strengthen my resolve to do something about it on a personal and professional level.

Continued support for the injury prevention program would allow scientists in the field of injury control, like Dr. Degutis, to continue their work. Vote for the Lowey-Castle amendment.

Mr. Chairman, I rise in strong support of the Lowey-Castle amendment to restore $2 million in funding for the National Center for Injury Prevention and Control.

The Center is the only Government entity that addresses the issue of injury in a comprehensive manner and encourages an interdisciplinary approach to decreasing the burden that injuries place on society—140,000 people in the United States die of injuries each year, and many thousands more suffer permanently disabling injuries. These deaths and disabilities lead to loss of productive years of life, as injuries are primarily a disease of the young and the leading killer of persons under age 44. Many injuries can be prevented, at a much lower cost than treating them. In addition, the severity and long-term effect of injuries that do occur can be minimized through effective treatment and early rehabilitation.

But don't take my word for it. Let me read a passage from a letter I received from Dr. Linda Degutis, assistant professor at Yale School of Medicine and the codirector of the New Haven Regional Injury Prevention Program.

Dr. Degutis states:

> I have seen the increasing level of gun violence in New Haven and the surrounding areas. I have seen children die and adolescents face permanent disability due to spinal cord injuries and head injuries. Not all of these victims are victims of interpersonal violence. Many have attempted suicide. In the case of children, several have been unintentionally shot by other children, or caught in the cross fire between adults with guns. It is disturbing to see this on a daily basis, but viewing the effects of violence has served to strengthen my resolve to do something about it on a personal and professional level.

Continued support for the Injury Prevention Program would allow scientists in the field of injury control, like Dr. Degutis in New Haven, continue their work in preventing a disease that has its greatest impact on young people. Projects funded through the Injury Prevention Program have already had an impact in decreasing injury morbidity and mortality from recreational activities, fires, bicycle crashes, falls, domestic violence and other injury events. Restoring the funds for the center in New Haven will provide the opportunity for areas of research that have been ignored and developing interventions to decrease the toll that injury takes on our citizens.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, page 26, line 9 has very binding language as far as the CDC funding is concerned.

It says as follows: Those funds may not be used to advocate or promote gun control. They will not be used for that purpose.

As far as the rural health care argument is concerned, that particular budget, before this amendment which would add $2.6 million, before the change in appropriations, is going to go up 12.8 percent. With the additional money, it would go up 23 percent. All we are trying to do is to have the CDC budget stay the same.

As to politically correct study aspects, the CDC has been dealing in these issues for a long time: Motor vehicle crashes, fires, drownings, falls, poisonings, suicide, and homicide. The Center's research has led to all manner of recommendations in this country with respect to helmets, with respect to storing guns and bullets separately, in dealing with all of the problems of injuries in this country. More people are dying by injuries every year in this country. We simply need to do something about it. There is a place for CDC to do this. There is a place to look at what we can do to prevent injuries and deaths from guns. It is not gun control. Please vote for the amendment.

The CHAIRMAN. It is the understanding of the Chair that each of the three participants with time now is down to one speaker, so the Chair recognizes the gentleman from Wisconsin [Mr. OBEY] for 2 minutes.

Mr. OBEY. Mr. Chairman, again trying to separate symbol from substance, the bill language already clearly says that none of the funds made available for injury prevention may be used to advocate or promote gun control, courtesy of the Livingston-Obey amendment. So that problem is taken care of.

The report language makes clear that CDC may continue to engage in all legitimate research and analysis.

All it says is that the committee expects research in this area to be objective and grants to be awarded through an impartial peer review process. It says, "The committee does not believe it is the role of the CDC to advocate or promote policies to advance gun control initiatives or to discourage responsible private gun ownership."

We have already been told by supporters of the Lowey amendment that they no longer have any objection to that language. That means we simply have a choice about where the dollars ought to go.

One can have a legitimate difference of opinion on that. All I would say is that I think the dollars are best spent if they remain where the committee put them in the Area Health Education Centers account. That has been a very tiny account. It is only $23 million.

If you think $23 million is enough to spread around to all of the underserved rural areas of the country and the underserved urban areas of the country, you are looking at a different country than I am. Those underserved areas badly need those added resources. That is where the committee puts them. I would urge Members to make a choice on that basis and oppose the Lowey amendment.

The CHAIRMAN. The gentlewoman from New York [Mrs. LOWEY] is recognized for 1½ minutes.

Mrs. LOWEY. Mr. Chairman, I would like to respond to some of the points that were brought out in this debate, because again I invite my colleagues who support the NRA, who believe that the individual citizen has the right to carry a gun, to join us in support of this amendment.

I do that for the following reasons: First, I would like to clarify that the CDC's mission is to promote health, quality of life, by preventing and controlling disease, injury, and disability.

We have heard from doctors like Dr. Lundberg that violence is a public health emergency. We are not talking about taking away anyone's gun. This is not an advocacy amendment. We are talking about preventing violence. This is not duplicative. We have seen from studies that CDC does not duplicate the work of any other Federal agency or department in its work on firearm injuries. It focuses on the prevention of firearm injuries before they occur. The Department of Justice focuses on incarceration of offenders after the shootings occur. So we are not talking about taking away guns, Mr. Chairman. We are talking about preventing violence. That is why this agency has done such important work on conflict resolution, helping to prevent violence, working in our communities, working to prevent domestic violence. That is what this is all about.

Mr. Chairman, I urge my colleagues to support this amendment. I urge Members to work with me to stop the violence that pervades our communities and our country.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. DICKEY] for 2 minutes.

Mr. DICKEY. Mr. Chairman, the Centers for Disease Control was given $75 million more than last year in this particular budget. But that is for disease control. It is not for political advocacy.

So that the people here who are going to vote will know what the attitude of the Senate is, I have a letter here addressed to the chairman of the subcommittee in the Senate from 10 Senators, including TRENT LOTT, DON NICKLES, and LARRY CRAIG, who are part of the leadership. In that letter it states here,

> One of the most egregious of these is contained in a publication called the Injury Prevention Network newsletter which was funded by a grant from the NCIPC. This newsletter contained purely political statements and appears to be dissuading individuals from voting for certain political party members.

That is nothing but a lobbying group.

I have another letter from the Help Network which is sponsored by NCIPC. In refusing to allow someone to come to one of the seminars that was provided by the Center, it stated: "Your organization clearly does not share these beliefs and therefore does not meet the criteria for attendance at the meeting."

What are those beliefs? It is intended to be a meeting of like-minded individuals who represent organizations that believe handgun violence is a public health crisis. They excluded someone, a doctor, a medical doctor who wanted to come to a meeting, and this was funded federally by this particular agency.

We have had a decline in gun accidents. I want to be more specific on that. From 1967 to 1986 there was a rise in the number of handguns owned by 173 percent. The number of violent accidents that happened was reduced by two-thirds during that same period of time.

The NRA has nothing to do with this bill whatsoever. It has not testified. I ask Members to vote against this amendment.

Mrs. SCHROEDER. Mr. Chairman, in 1993, the Denver Post began its editorial supporting my legislation calling for objective scientific information about gun deaths the following way:

> The often overly emotional debate surrounding gun violence in America disguises a curious lack of solid statistical information about firearms and death. America needs better, more objective information if it is to formulate rational public policy.

The debate on guns has been guided for too many years by glands. Let's give our brains a chance to figure out how we reduce the number of lives cut short by gun violence.

The Lowey-Castle amendment restores the Injury Prevention and Control Program to its fiscal year 1996 level of $43.19 million. This is what the subcommittee approved for the program before the NRA exerted its influence.

The Lowey-Castle amendment gives us a chance to rationally talk about gun and gun violence in a way where we are dealing with untainted science, rather than politicized rhetoric.

Unbiased facts on guns and death would improve public policy. The Lowey-Castle amendment will allow the American people to get those objective facts.

CDC's approach to violence prevention is based on science—good science. To ensure this level of credibility, the research on firearm injury prevention passes through two tough peer-review processes.

This science can yield answers to questions being asked in communities around the country: How can we curb the number of unintentional deaths and injuries from firearms? Can we do anything to prevent violence in the streets, violence in the home, and violence in the schools?

In 1992 alone, firearms were responsible for approximately 1,500 unintentional deaths and an undetermined number of suicide attempts and non-fatal injuries. Are we not to try to figure out why and see how these unintentional injuries could be prevented? When Americans were dying by the hundreds due to automobile accidents, we turned to science to help us figure out how to prevent these deaths. The result? Seatbelts and child restraints. Perhaps if we take a scientific approach to firearms, we can find a similar solution.

Let's give our brains a chance to treat violence as a major public health problem that can be solved. Vote for the Lowey-Castle amendment.

Mr. TOWNS. Mr. Chairman, I rise today to urge my colleagues to support the amendment offered by my colleagues from New York and Delaware. This amendment calls for the reinstatement of $2.6 million for the Centers for Disease Control. Specifically, these funds would go to the National Center for Injury Prevention and Control [NCIPC]. The NCIPC has produced studies relating to a multitude of issues addressing violence in America. For example, because of the work of this national center, we now know the effects of abuse on women and the preventive measures that will help to provide better intervention programs for batterers. The NCIPC also provided a study on the effects gun violence has on our health care system.

I want to say to my colleagues that this is a serious public health issue that we cannot ignore. During hearings that my subcommittee held last Congress on "Violence as a Public Health Issue," witness after witness discussed how violence in this society is having an increasingly negative impact on the public health sector. For example, the Centers for Disease Control reported that firearms have accounted for more than 90 percent of the upturn in homicides in young Americans since the mid-1980's. A recent Washington Post article reported guns kill more teenagers than cancer, heart disease, AIDS, and other diseases combined. In 1990, 57 percent of African-American teenagers who died, died because of a bullet. This issue is not only about lives lost, but also an issue of bad economics. In New York City hospitals, nearly 10 percent of all emergency room visits, that were the direct result of violence, are without coverage. This does not include followup visits. Simply stated, the cost to hospitals is enormous.

Let us make no mistake: The Injury Prevention and Control Center is not promoting gun control; it is promoting new approaches to controlling violence and reducing injuries. The fact that most traumatic injuries are due to gun violence is not a rationale for eliminating funding for this important center's work. In this day and age doesn't it seem only reasonable that we should help promote any Federal program dedicated to the prevention of violence? I, therefore, urge the adoption of this amendment.

Mrs. MALONEY. Mr. Chairman, I rise in support of the Lowey-Castle amendment.

Two years ago, the NRA waged a campaign against the President's crime bill, arguing that crime prevention efforts—like shelters for battered women and rehab for drug addicts—were nothing more than "pork." Now, the NRA and members of the new majority, have aimed their assault weapons at the Centers for Disease Control [CDC]. The NRA succeeded in pushing an amendment to cut $2.6 million—the exact amount budgeted for the National Center for Injury Prevention and Control [NCIPC]—from the CDC's budget.

The NCIPC does research on injuries and links it to health outcomes. They have found that there are 56,000 violence-related fatalities a year, which includes 37,000 deaths from firearm injuries. They also estimate that there are approximately 100,000 nonfatal shootings each year—and that the resulting injuries burden an already over-extended health care system.

Other projects have included: Examining the effectiveness of methods like interventions with batterers, preventative education, and better enforcement of protective laws by the police and court system; and helping states to collect data on violence against women and services available to these women while evaluating training programs for health care providers in order to identify, treat, and refer victims of violence.

It's clear to me that these studies don't fit the NRA's accusations that the NCIPC engages in "recklessly biased research and blatant political advocacy." But, it should come as no surprise that the NRA, and members of the radical right want to kill this program—because it's the year of an all-out assault on American women and children.

The NCIPC's research is vital in our efforts to learn what causes gun violence, violence against women, and what we can do to prevent it. That the NRA squeals that programs like these are "pork" shows their desperation—they can't further their extremist goals if we engage in studies and discussion of gun violence as a public health issue. The NRA has fought to kill NCIPC funding for one reason, they know they can't really argue against studies that will protect our children, and reduce deaths due to domestic violence. In this case, the NRA and the radical right are saying, if you fear it, kill it—and in doing so, they are blocking progress in ending violence against women and their families.

Vote to end family violence, support the Lowey-Castle amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentlewoman from New York [Mrs. LOWEY] will be postponed.

Are there further amendments at this point?

AMENDMENT OFFERED BY MR. NEY

Mr. NEY. Mr. Chairman, I offered an amendment.

The Clerk read as follows:

Amendment offered by Mr. NEY: On page 22, line 22, strike "$3,080,190,000" and insert "$3,082,190,000" and on page 57 after line 13, insert:

SEC. 215. Amounts available in this title for Congressional and legislative affairs, public affairs, and intergovernmental affairs activities are hereby reduced by $2,000,000.

Mr. NEY. Mr. Chairman, in 1969 Congress passed the Black Lung Benefits Act upon realizing that specialized pulmonary medical services were needed in the Nation's coal fields. They also realized that Federal support would be needed to develop these services.

The main goal of the Black Lung Clinics Program has always been to keep respiratory patients out of the hospital by utilizing preventive medicine in the fields. Mr. Chairman, these patients are extremely expensive to treat. The Black Lung Clinics Program also guarantees that respiratory disease patients will have the medical care they need even if they cannot afford it.

However, this year the Black Lung Clinics Program is funded at the level of $1.9 million which is the same level requested by the President in his fiscal year 1997 budget proposal. Unfortunately this would represent about a 50-percent reduction from the fiscal year 1996 funding level of $3.8 million. It should also be noted that in fiscal year 1996 the Black Lung Clinics Program received a funding reduction of about 8 percent. My amendment merely restores funding for Black Lung Clinics to the original level.

It has been recently brought to my attention, and I hope my colleagues listen closely to this point, that some confusion has arisen between the Black Lung Clinics Program and the Black Lung Benefits Program. as you know, the Black Lung Benefits Program pays disability and medical benefits only to those coal miners that are found to have black lung disease. On the other hand, the Black Lung Clinics Program currently has 40 black lung clinic sites and 27 mobile units throughout the United States, providing preventive health care to over 165,000 coal miners in our country.

□ 1315

Mr. Chairman, coal miners have helped to build this great Nation, and they made it what it is today. Through no fault of their own, many miners are now constricted by a variety of respiratory illnesses contracted through occupational hazards, and that is associated with the mining of coal.

I ask my colleagues for their support in restoring funding for the Black Lung Clinics Program. I can assure my colleagues that this money will be spent wisely on hard-working Americans whose industries have been decimated by previous acts and rules and regulations around 1990.

Mr. Chairman, I also would be remiss if I did not thank the gentleman from Illinois, Chairman PORTER, and his staff for their efforts, also the gentleman from Wisconsin, Mr. OBEY, and his staff for their efforts on this, and the diligent work of the gentleman from Illinois, Mr. POSHARD, who worked with this to help make this amendment come about. Also the support of the gentleman from Ohio [Mr. CREMEANS], the gentleman from Kentucky [Mr. WHITFIELD], the gentleman from Illinois [Mr. WELLER], and the gentleman from Kentucky [Mr. ROGERS].

I again urge your support of a very important amendment.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. NEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, we believe very strongly that the gentleman from Ohio [Mr. NEY] has targeted a very, very serious problem. Black lung is a pernicious disease. We support the amendment, commend him for his leadership and urge its adoption.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, on this side, let me say I have mixed feelings about the gentleman's amendment because I do agree with his effort to add funding for the Black Lung Clinic's Program. I am dubious about the fairness of taking the funding from the area the gentleman takes it from, but with the clear understanding that the source of this will have to be fixed and rearranged in conference, I, at this point, would have no objection to the gentleman's amendment and would accept it on this side.

Mr. POSHARD, Mr. Chairman, I rise today in very strong support of the Ney amendment. I represent a district in southeastern Illinois that once was home to a large and prosperous coal mining industry—one that employed thousands of miners and provided a strong economy for our region. Unfortunately, many of these miners, who have since lost their jobs, now suffer from black lung disease.

Withut a strong Black Lung Clinic Program, many of the coal miners in my district and across the Nation suffering from this disease will no longer have access to needed health care services. I am afraid that because of a weakened economy and high unemployment, many of the miners in my district will be forced to seek more costly services.

The fact is decreasing funding for the Black Lung Clinic Program will only increase the cost of health care for all Americans and the burden on Federal and State governments. Those currently seeking the services of black lung clinics do not want to be forced onto public aid and into welfare simply because they can no longer afford and have access to these services.

For these reasons, I urge my colleagues to support the Ney amendment to restore level funding to the Black Lung Clinic Program, and to be champions of cost-effective health care services in America.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. NEY].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MEDICAL FACILITIES GUARANTEE AND LOAN FUND FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $7,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $140,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $2,688,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

VACCINE INJURY COMPENSATION

For payment of claims resolved by the United States Court of Federal Claims related to the administration of vaccines before October 1, 1988, $110,000,000, to remain available until expended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, and XIX of the Public Health Service Act, sections 101, 102, 103, 201, 202, and 203 of the Federal Mine Safety and Health Act of 1977, and sections 20, 21 and 22 of the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $2,153,376,000, of which $8,353,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, up to $48,400,000 shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control.

Mr. OBEY. Mr. Chairman, I would ask the Chair whether or not it would be in order, if the gentleman from Illinois concurs, to ask unanimous consent to take out of order the Condit amendment and dispose of it. I understand that after a colloquy the gentleman has agreed to withdraw the amendment.

Mr. PORTER. Mr. Chairman, if the gentleman will yield, how much time will it take?

Mr. OBEY. I think less than 5 minutes.

Mr. PORTER. Mr. Chairman, we have no objection.

The CHAIRMAN. The Chair would respond to the gentleman that by unanimous consent that can certainly be done. Is the gentleman from Wisconsin asking unanimous consent?

Mr. OBEY. Mr. Chairman, I ask unanimous consent to take the Condit amendment out of order at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. CONDIT] is recognized for purposes of offering an amendment out of order.

AMENDMENT OFFERED BY MR. CONDIT

Mr. CONDIT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CONDIT: Page 87, after line 14, insert the following new section:

SEC. 515. The amount provided in this Act for "DEPARTMENT OF HEALTH AND HUMAN SERVICES—Administration for Children and Families—Refugee and entrant assistance" is increased, and each other amount provided in this Act that is not required to be provided by a provision of law is reduced, by $487,000,000 and 0.9 percent, respectively.

Mr. CONDIT. Mr. Chairman, by the end of the fiscal year, nearly 150 Hmong refugees will be reunited with their families in the 18th Congressional District of California. It is morally right for us to allow these families to be reunified after decades of separation. However, it is morally imperative that the Federal Government assure the communities of the resettlement that their new residents will not place undue strain on already scarce local resources. Unfortunately in the past, this commitment has never been fully met.

The underlying law, which establishes cash and medical assistance to refugees, provides such assistance to continue for 36 months. The appropriations bill before us today provides assistance for only 8 months. For many refugees unfamiliar with life in the United States, 8 months of assistance is simply not enough. The 8 months ends, but the need remains for much longer. Invariably, it is the State and local communities which are left to fill the void. This is unacceptable.

The amendment which I offer today would increase refugee cash and medical assistance levels to the point at which they would reach their 36-month threshold authorized in law. In reality, the need is much greater, even than that, even than my amendment today, Mr. Chairman, proposes. Many refugees require aid as long as they live here. The number in my amendments are the best estimates of those who administer th program based on the broad numbers assumptions, but the fact is clear, the money in the appropriation bill on the floor today does not even begin to cover the cost of the refugees and assimilate the refugees into their new communities.

The burden they are placing on social services is breaking the back of communities like my home community of Merced County. In Merced County, CA, in my district, the unemployment rate is over 20 percent, and almost half of the population is in some sort of public assistance program. Clearly, communities such as Merced need to be compensated, and this needs to be thoroughly thought out, and they need help under these very difficult circumstances in assimilating additional refugees into the community.

We must begin to increase our sensitivity to this issue. Granted, many of these problems transcend finances. It is undisputed that structural changes are necessary in the way we resettle refugees, and I have been working with the gentleman from Wisconsin [Mr. OBEY] and the chairman of the committee on legislation to achieve this much-needed change. But in the meantime, the issue of money is not trivial. It is extremely important.

I am pleased that this year the office of refugee resettlement received a comparably generous level of funding in this lean budgetary time. Yet the amount is still pale in comparison to what local communities need and to the funding level originally intended by Congress. I am hopeful that the committee in the future will impart the greatness, at least discuss the importance of the Federal responsibility in this area, and would ask the chairman and the ranking member if they

would just for a moment engage me in a colloquy on this matter.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. CONDIT. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I am pleased to engage my colleague from California in a colloquy. I understand that this is an issue of Federal accountability, and I share the gentleman's concern for local areas strapped by the demands of refugee resettlement. While there may be more to be done, I believe that the increase in funding for the office of refugee settlement over the administration's request represents our real commitment to these programs.

However, I would be pleased to work with the gentleman in the future to assure that this issue continues to receive the committee's full attention. I will be happy to work with the gentleman from California [Mr. CONDIT] and the gentleman from Wisconsin [Mr. OBEY] during the conference on this matter.

Mr. CONDIT. Reclaiming my timing, I thank the gentleman from Illinois for entering into this colloquy. I also want to thank the chairman for all his hard work on this legislation. I realize the difficult balancing act which it represents, and so I greatly appreciate the gentleman's effort to protect the current funding for refugee assistance. It also goes without saying any additional funding which may emerge in conference with the Senate would be most helpful.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. CONDIT. I yield to the gentleman from Wisconsin. I commend him for his successful effort in assuring a more substantive level of funding for refugees and his assistance in the bill which is before us today.

Mr. OBEY. Mr. Chairman, I thank the gentleman for helping us to raise this issue because it is important for Members to understand what is happening. I happen to share the problem that the gentleman has in his district.

The CHAIRMAN. The time of the gentleman from California [Mr. CONDIT] has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. CONDIT was allowed to proceed for 3 additional minutes.)

Mr. CONDIT. I yield to the gentleman from Wisconsin.

Mr. OBEY. The gentleman referred to Hmong refugees. For those people who do not understand who they are, during the Vietnam war, the Hmong did our CIA's dirty work in Laos. They took a lot of guff. They suffered a lot of casualties. When the war effort collapsed, a lot of them came to this country. More are now coming. If we did not want to incur more obligation to the Hmong, then we should not have asked for their help undercover during the Vietnam war. It is just that simple.

They performed a service for this country and that is the reason that they are now here, because their country has collapsed. The problem, however, is that when the Federal Government made a foreign policy decision to allow them into this country, it did not follow up that decision with the provision to deliver adequate support to the local districts so that education costs, welfare costs, and other costs would not have to be borne by local taxpayers who never made that foreign policy decision.

That is why, during the immigration bill, I tried to offer an amendment which would correct the problem, because I think that there is a bigger problem than just the absence of money. I think the current system is broken. The problem is that refugees are abandoned at the doorstep of the local welfare office. This condemns those refugees to the welfare treadmill and it condemns local communities to having to pay large amounts of their support.

Mr. Chairman, that is why I tried on the immigration bill last year to require private voluntary organizations to actually assume their obligations and become true sponsors of refugees through an intensive case management approach of job skills and that our proposal would have barred able-bodied refugees from any cash assistance during their first year in the United States.

This approach was tried on a pilot basis by Catholic Charities in Chicago and San Diego. They reduced welfare levels to a very low level. It was also tried by the Cuban American National Foundation in Florida. Both the Bush administration and the Clinton administration tried to adopt this approach but they were prevented in court from doing so, and I am extremely unhappy that the Committee on Rules prevented us from attacking this problem on the immigration bill.

But I want to assure the gentleman that my interest remains and I know the gentleman has already joined in sponsoring that legislation with me. But I would invite other Members who are aware of the problem to join us, as well, because it is a serious problem. Local taxpayers should not be left holding the bag for a foreign policy decision, and I congratulate the gentleman for helping us to once again bring this to the attention of the House and look forwarding to the opportunity to work with him.

The CHAIRMAN. The time of the gentleman from California [Mr. CONDIT] has expired.

(By unanimous consent, Mr. CONDIT was allowed to proceed for 1 additional minute.)

Mr. CONDIT. Mr. Chairman, I simply want to thank the chairman, Mr. PORTER, and the ranking member, Mr. OBEY, for their willingness to discuss this matter. This is an important matter to, I think, a lot of people in my district, as well as the district of the gentleman from Wisconsin [Mr. OBEY], and probably other people throughout the country.

We are not opposed to the people coming to our district, I want to underline that. We are not opposed to that. We just simply think it is unfair to bring them there and not give them the wherewithal to assimilate them into the community. It is unfair to them. It is unfair to the citizens around them. It puts an undue burden on the social structure, social services in the community. We welcome them there, we want them there, but we want them to be able to be constructive, important components of the community.

So with that, I want to thank the chairman and I want to thank the ranking member, and I look forward to working with both of them.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, $33,642,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40151 and 40261 of Public Law 103-322.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $2,385,741,000.

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GOODLING: Under the heading "DEPARTMENT OF HEALTH AND HUMAN SERVICES—NATIONAL INSTITUTES OF HEALTH"—

(1) in the item relating to "NATIONAL CANCER INSTITUTE", after the dollar amount, insert the following: "(reduced by $48,902,000)";

(2) in the item relating to "NATIONAL HEART, LUNG, AND BLOOD INSTITUTE", after the dollar amount, insert the following: "(reduced by $29,581,000)";

(3) in the item relating to "NATIONAL INSTITUTE OF DENTAL RESEARCH", after the dollar amount, insert the following: "(reduced by $4,499,000)";

(4) in the item relating to "NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES", after the dollar amount, insert the following: "(reduced by $17,270,000)";

(5) in the item relating to "NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE", after the dollar amount, insert the following: "(reduced by $15,826,000)";

(6) in the item relating to "NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES", after the dollar amount, insert the following: "(reduced by $31,124,000)";

(7) in the item relating to "NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES", after

the dollar amount, insert the following: "(reduced by $20,175,000)";

(8) in the item relating to "NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT", after the dollar amount, insert the following: "(reduced by $13,293,000)";

(9) in the item relating to "NATIONAL EYE INSTITUTE", after the dollar amount, insert the following: "(reduced by $6,816,000)";

(10) in the item relating to "NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES", after the dollar amount, insert the following: "(reduced by $7,058,000)";

(11) in the item relating to "NATIONAL INSTITUTE OF AGING", after the dollar amount, insert the following: "(reduced by $10,947,000)";

(12) in the item relating to "NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES", after the dollar amount, insert the following: "(reduced by $5,319,000)";

(13) in the item relating to "NATIONAL INSTITUTE OF DEAFNESS AND OTHER COMMUNICATION DISORDERS", after the dollar amount, insert the following: "(reduced by $4,566,000)";

(14) in the item relating to "NATIONAL INSTITUTE OF NURSING RESEARCH", after the dollar amount, insert the following: "(reduced by $1,385,000)";

(15) in the item relating to "NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM", after the dollar amount, insert the following: "(reduced by $4,857,000)";

(16) in the item relating to "NATIONAL INSTITUTE ON DRUG ABUSE", after the dollar amount, insert the following: "(reduced by $10,377,000)";

(17) in the item relating to "NATIONAL INSTITUTE OF MENTAL HEALTH", after the dollar amount, insert the following: "(reduced by $14,462,000)";

(18) in the item relating to "NATIONAL CENTER FOR RESEARCH RESOURCES", after the dollar amount, insert the following: "(reduced by $9,311,000)";

(19) in the item relating to "NATIONAL CENTER FOR HUMAN GENOME RESEARCH", after the dollar amount, insert the following: "(reduced by $6,923,000)";

(20) in the item relating to "JOHN E. FOGARTY INTERNATIONAL CENTER", after the dollar amount, insert the following: "(reduced by $490,000)";

(21) in the item relating to "NATIONAL LIBRARY OF MEDICINE", after the first dollar amount, insert the following: "(reduced by $3,251,000)";

(22) in the item relating to "OFFICE OF THE DIRECTOR", after the dollar amount, insert the following: "(reduced by $5,450,000)"; and

(23) in the item relating to "BUILDINGS AND FACILITIES", after the first dollar amount, insert the following: "(reduced by $19,118,000)".

In the item relating to "DEPARTMENT OF EDUCATION—SPECIAL EDUCATION", after each of the two dollar amounts, insert the following: "(increased by $291,000,000)".

□ 1330

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and that 10 minutes be allocated to the gentleman from Pennsylvania [Mr. GOODLING] and 10 minutes to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GOODLING. Mr. Chairman, to put it very bluntly, my amendment would increase the Federal appropriation for the Individuals with Disabilities Education Act [IDEA]. IDEA is the Federal law supporting our Nation's special education system. It was originally passed 21 years ago. It was supposed to be a partnership between the Federal Government, States, and local government, but that partnership has disintegrated. But before that I would say that last month we passed by voice vote a comprehensive reform of IDEA. In that bill the central partnership of IDEA remained unchanged. But let me tell my colleagues what the partnership was all about 21 years ago.

Twenty-one years ago this Congress said we have a partnership with State and local governments. We will tell you exactly what you will do, how you will do it, when you will do it; we will mandate everything, but as partners, we are going to give you 40 percent of the money for all of our mandates.

Anybody have any idea how much they got last year? Less than 7 percent; 21 years later our partnership has provided less than 7 percent of the 40 percent we promised.

We should have been promising 100 percent if we were going to mandate 100 percent. The greatest problem facing local school districts at the present time is this tremendously unfunded mandate from the Federal Government, IDEA. It costs almost 2.5 times more to educate an IDEA student than it does to educate any other student. And without Federal support, the only place the local districts have to get that money is to take it from the rest of the students because of a Federal mandate.

Now, for 20 years, as a minority member, I tried to get the then Democrat majority to live up to the obligation that we said we were going to carry out when we passed the legislation. In fact, in a bipartisan effort on the Committee on the Budget, the gentleman from Michigan, Congressman KILDEE, and I worked out a plan where we would get close to the 40 percent over a 5-year period simply by increasing by 5 percent per year. But look what has happened. We promised 40 percent and we should get there.

In fact, Mr. Perkins, when he was the chairman and when IDEA was originally on the floor in 1975, said,

> Members should understand that while the legislation will place the Federal Government in a more active role of financing the education of handicapped children, it does so in gradual fashion and in a manner which can only be described as fiscally responsible.

Senator Randolph said,

> This measure will provide for a gradually increasing Federal fiscal role for the education of handicapped children. . . . Beginning in fiscal year 1978 a new formula will target Federal monies for handicapped children by paying a specified percentage of the average per pupil expenditure multiplied by the number of handicapped children receiving special education and related services in a State.
>
> This percentage will increase gradually from 5 percent of the average per pupil expenditure in 1978 to 40 percent in 1982.

Not 1996; 1982. Our support is going down, folks. And what is happening to local school districts? The cost of special education has skyrocketed. It has skyrocketed for many reasons; first of all, a number of children are born to drug-addicted mothers. Second, it has skyrocketed because of expenses that local districts must pay defending themselves when they get into a conflict with a parent. And there are many other reasons.

But what happens all the time, and particularly from my side of the aisle, they will say, boy, the cost of education today is skyrocketing and yet education is not any better. Never does anyone say, however, that much of that escalated cost comes from Federal Government mandates, and this is the biggest one.

We do not mandate chapter 1; we do not mandate early childhood education programs; we do mandate IDEA, but we do not pay for it. The local district is caught having to pay for that.

So I merely ask that we take $291 million, not from NIH but from an increase for NIH. Under this bill, that increase is 6.8 percent. This amendment would make it only a 4.4-percent increase, which is a 10.5-percent increase over the last 2 years.

Let me point out, by the time this bill is finished in conference, no matter how much we may decrease NIH at this particular time, I guarantee Members that it will be more than the 6.8 percent that the House has in the bill now. And how can I say that? Because just last week I was with the senior citizen from Pennsylvania. Excuse me, I am the senior citizen from Pennsylvania; he is the senior Senator from Pennsylvania. As we traveled through a disaster area in Gettysburg, he said, "GOODLING, you can tell PORTER that I already told NIH that there is no way PORTER can outbid me, that I will make sure they get more from me than he can possibly promise them."

It was suggested to me that this can be taken care of in conference, and we can get this measly 1 percent increase. Take $291 million from a $283 billion appropriations bill? Well, I would like to believe that we could get that, but we went through this last year, and I assumed that we would get an increase last year. Now, the negotiations were taken out of the hands of the people that normally negotiate, but in the end, we did not get a penny, not one penny.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I would be happy to yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I encourage my colleagues on both sides, and particularly on this side, to heed the wisdom of the gentleman from

Pennsylvania, the chairman of the committee, and I would ask my colleagues this: Have you not heard from your school districts, your school boards, and your local mill levy taxpayers about the cost of your schools? Well, the gentleman in the well, the gentleman from Pennsylvania, is taking a fairly good step to try to solve that problem of local school costs.

One of the reasons, as the gentleman has noted, that local school costs are climbing like they are is because the Federal share, the promised, guaranteed but reneged on Federal share of educating America's disabled students is on the decrease. The gentleman is trying to stop that hemorrhage, and I urge my colleagues on behalf of their local taxpayers to support the gentleman's amendment.

Mr. GOODLING. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments.

Let me again indicate that contrary to what a lady from Hanover, in my district, called this morning to say, I am not taking money from her sick family.

How could anything be more wrong than a statement like that? I am trying to get a little bit of the increase to NIH moved to IDEA. I cannot emphasize enough how much we mandated everything in that law. We promised them 40 percent. Last year they got somewhere between 6 and 7 percent, and this year they do not get a penny more.

So I would encourage all to keep in mind that we made a great promise 21 years ago. We called it a partnership, but the partnership turned out to be "we will dictate from Washington everything you will do, and you will pay for it, because we said you will pay for it."

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

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MILLER], a member of our subcommittee.

Mr. MILLER of Florida. Mr. Chairman, I rise today to oppose the amendment from the gentleman from Pennsylvania, and I do that reluctantly because first of all, I have a great respect for him, I served on the committee for 2 years with him, and also because I agree with most of what he said concerning the IDEA program and the problems about mandates.

My opposition to it is not about the IDEA program or the question of mandates; my opposition is the cuts in NIH funding. The National Institutes of Health is really one of the crown jewels of the Federal Government, something we can all be proud of. This is the area where dozens and dozens of Nobel Prize winners come out of.

The National Institutes of Health is where the National Cancer Institute is located, the National Heart, Lung and Blood Institute. This is where AIDS research is done.

Now, it is not all done at the National Institutes of Health; 78 percent of the money for the National Institutes of Health is given in extramural grants to universities and research centers all over the United States. In fact, over 1,700 institutions in the United States receive grants from the NIH. Some 78 percent of the money goes all over the United States, and that is what is funding AIDS research, heart disease research, cancer research.

We have to make such touch choices when we are on Appropriations and Budget, and really this gives a great illustration of the touch choices we are faced with. I am a very strong believer in basic biomedical research, and we have to continue to provide that kind of support.

I urge my colleagues, we have made the choices, we have made the decision, let me see if we can find more money from the IDEA program, but let us not cut the National Institutes of Health. I urge opposition to the amendment.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the full committee and the subcommittee.

Mr. OBEY. Mr. Chairman, I cannot disagree with a single word uttered by the distinguished chairman of the Education and Labor Committee, or whatever the new title is now. The gentleman from Pennsylvania [Mr. GOODLING] has had a long commitment to education for the handicapped, and I respect it and I share it.

I would simply say that the problem with the amendment is not where he wants to put the money; it is what has to be cut in order to fund it. The basic problem we have is that this problem cannot be fixed under the allocation process given to us by the Speaker and by the leadership of the Republican Party in the House.

Any time that this House decides it is going to add $11 billion above the President's request for the Pentagon, then we have to expect that that money is going to come out of somewhere. And that means that we have less available to put in this bill, less available to put in housing, less available to put in environmental protection.

That is the nub of the problem. That is why on this side of the aisle we fiercely oppose the allocation that led this subcommittee into this hole. At this point Mr. GOODLING has no choice but to try to find a source within this bill to fund this amendment, and the problem is the source he has selected means that we would reduce the number of competing research grants at NIH by 282 new researchers, we would slow research development from the committee bill for Alzheimer's disease, for developmental diagnostics of breast and prostate cancer, cancer genetic studies, et cetera, et cetera.

I do not think Members want to do that. I do not think Members want to vote against the Goodling amendment either. So what I would suggest be done, Mr. Chairman, is that for every Member in this House, no matter which party they belong to, who would like to do what the gentleman from Pennsylvania is asking that we do, I would suggest that you go to your leadership, explain that the allocation process which they have supported has short-sheeted this committee and that this subcommittee needs more resources, and we ought not be increasing the Pentagon budget by $11 billion in the process.

□ 1345

These decisions are not the fault of the gentleman from Illinois [Mr. PORTER]; they are the fault of the allocation process which in my view has been severely warped, which causes all of the reductions that lead us to oppose this bill in general.

Mr. PORTER. Mr. Chairman, could the Chair advise us about the allocation of the remaining time?

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 6 minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 1 minute remaining.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS], the chair of the Biomedical Research Caucus.

Mr. GEKAS. Mr. Chairman, I thank the gentleman from Illinois for yielding.

Mr. Chairman, just as the other Members have expressed the pain that they are sustaining at having to disagree with the gentleman from Pennsylvania [Mr. GOODLING], my colleague, I must say that it is doubly painful for me because we are neighbors in spirit, neighbors in geography, neighbors in congressional districts, and I believe until now good friends. We will see, following this presentation of mine, whether we remain, but I think we will be on equanimity when I terminate.

Mr. Chairman, the biomedical research that is conducted by the National Institutes of Health has for years shown a steady progress in the prevention of disease and fight against disease. That goes without saying.

The programs that the gentleman from Pennsylvania wants to support also show the necessity for this society to do something about a special problem, namely with special education.

The problem that we had in determining how to vote on this bill is, which is an orange, which is an apple, which one will we put in our own fruit basket?

For now it seems that we have to stick with the NIH, the orange of this combination, because in the long run it

also helps disabled students. The NIH, if it completes its work, and, of course, it will never complete its work, will some day bring us a startling discovery that will prevent a whole generation perhaps of disabled students, the very students which the gentleman from Pennsylvania wants to help by transferring this fund.

We have made a commitment to NIH because it is a national problem of discipline in the research and bringing about of remedies for disease. The disabled children will be helped by that.

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

Mr. Chairman, let me say that I have the utmost respect for the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the authorizing committee. We work well together. We have attempted to reflect his priorities in our appropriations, and have done the very best that we can with limited resources to do that.

Mr. Chairman, the gentleman correctly puts his finger on an area of funding that is a very high priority for our country. Special education for handicapped children certainly is very high on our priority list, and he correctly points out that it is an unfunded mandate that the Federal Government promised to meet and has fallen far short of meeting.

I might say to the gentleman, however, that the bill, this bill alone, this one bill, provides about $10 billion of assistance to children with disabilities. It is provided in different ways, not just through the education system, but through Medicaid and through SSI, where kids are helped. That, of course, does not help the budgets of the school districts involved, I realize. But it is not as if this country and this Congress and this side of the aisle is not making a very strong commitment to kids with disabilities. We are.

I might repeat a point that the gentleman from Pennsylvania [Mr. GEKAS] just made, and I want to make it more forcefully even than he did. That is, if we can invest money in biomedical research, we can over time prevent the very disabilities that end up with kids having to have special education in our schools.

So it is the primary investment that I want to support, to make certain that we do not have a growing population of kids with disabilities but a reducing population, and hopefully at some point in time, absolutely none; every kid able to be in school without special education funding and the need for special education treatment.

HIH is a priority for our country. NIH is perhaps the best money we spend. The entire cost of biomedical research has been saved in America by one discovery. All the costs of NIH through its entire history have been paid for through one discovery, and there have been tens of thousands of discoveries. It is a tremendously efficient investment for our country. We lead the world in biomedical research. We improve the lives of people not only in our country but everywhere on earth through the discoveries made. There are tough choices to be made.

Mr. Chairman, I will tell the gentleman from Pennsylvania in closing that I will do everything possible in conference and in negotiations with the White House, if I am permitted to be a part of those negotiations, to bring up funding for this very high priority. Special education for disabled kids is a priority for our country, and I think the gentleman puts his finger upon a problem that we must address and correct.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding the time, and I thank him for the leadership that he has shown for biomedical research.

Mr. Chairman, the National Institutes of Health, as has been stated by my colleagues, has done phenomenal work in terms of seeking remedies through research, from the time a child is born through the elderly, with women's health. This is now the midpoint in the decade of the brain. Some incredible research has yielded some fantastic results which it comes to juvenile diabetes, Alzheimer's, coming to grips with some of the major problems we have had.

We know that the work that is being done, as one small example, that if we arrest Alzheimer's for 5 years we save $40 billion. This is the kind of research, as has been stated, that is going to allow these young people who have taken advantage of the IDEA Act to find that they have the cures.

So, Mr. Chairman, IDEA is a very good program. We can work it out in conference. It has been funded as it was last year. Let us keep this money in NIH. It will make a difference in health care.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairamn, in closing I want to say that, number one, I am not taking any money that NIH presently has. They will still have a 10.5 percent increase in this Congress. But all of our biomedical research is not going to do anything to stop the number of youngsters that will be coming into IDEA because of mothers and fathers who are drug addicted, and mothers who are smoking and drinking during pregnancy. All of those things are going to continue to bring more and more young people into IDEA.

IDEA is a mandate from the Federal Government, one of the few in this entire bill when you get beyond Medicaid and Medicare. Yet what do we do about it? We just give lip service. In fact, even worse than that, as the chart shows, we decrease the amount, not increase, the amount that we promised 21 years ago and just last month. We are down to less than 7 percent, and who knows where we will be by the time conference is over?

Mr. Chairman, I can only hope that the leadership that I pleaded with for 6 months to do something about this issue will do something for someone who plays on the team, rather than what I see in this bill, with all sorts of increases for those who give the leadership fits on many issues. Maybe that is the way Members get something around here, and if that is the way it is, I will have to change my sweet disposition and become a miserable cuss.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The amendment was rejected.

Mr. MOAKLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first I would like to compliment the gentleman from Illinois [Mr. PORTER] for his excellent leadership in developing a very good bill under very difficult circumstances. The subcommittee faced a very restricted 602(b) which made difficult choices necessary.

I want to compliment the gentleman particularly for providing important increases for the National Institutes of Health. These increases total $819.6 million over last year and $340.9 million over the President's request.

But, as the chairman knows, liver disease affects 25 million people and there has been a recent 11 percent surge in the number of people affected by hepatitis C. Dr. Tony Fauci recently talked about the need for "a strong commitment to basic and clinical research" to address new emerging and reemerging infectious diseases. Dr. Fauci specifically mentioned liver disease due to the hepatitis C virus as one of those emerging diseases.

Does the gentleman from Illinois agree with me that liver disease due to hepatitis C virus is a very serious public health problem to which the National Institutes of Health should give priority?

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I certainly agree, and would encourage NIH to sue all of the mechanisms at its disposal to create a balanced interdisciplinary program of basic, applied, and clinical research to learn more about the ways to treat, cure, and prevent hepatitis C.

Mr. MOAKLEY. Mr. Chairman, I thank the gentleman for his response.

My second question relates to the Centers for Disease Control and Prevention. I understand from the private

organizations which are trying to respond to the public's need for information about liver disease that they have experienced a fourfold increase in public inquiries about liver disease from patients, family members and physicians. Does the gentleman believe that the CDC has a role to play in meeting this public demand for information on liver disease?

Mr. PORTER. Mr. Chairman, if the gentleman will continue to yield, yes, I certainly believe it is within the mission of the Centers for Disease Control and Prevention to inform the public about this serious risk, and the prevention and treatment of infectious diseases such as hepatitis. I would encourage the agency to work collaboratively with national voluntary health organizations, which include professional societies and community-based patient groups, to help meet this need.

Mr. MOAKLEY. Mr. Chairman, I thank the gentleman from Illinois for his response. I feel strongly that the CDC should actively pursue a public information campaign to meet the rapid growth in public inquiries about liver disease.

Mr. GREENWOOD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the gentleman from Illinois [Mr. PORTER] in a colloquy regarding traumatic brain injury. As the gentleman is aware, I have been working for 3 years for enactment of a comprehensive bill to address the needs of those affected with traumatic brain injury.

H.R. 248, of course, the Traumatic Brain Injury Act, passed the House earlier this week and is expected to pass the Senate before the week is out. We believe it will be this evening. The bill authorizes a number of activities that are essential to those with serious brain injuries: Prevention projects, enhanced NIH research, demonstration projects to improve access to health services, and epidemiological data collection.

We had hoped this bill would be signed into law by the time the House considered the Labor-HHS appropriation so that we could take the next step to fund these important new activities. I realize that that will not be possible under the rules of the House, but I would ask the chairman if he would consider supporting these activities in later action on the bill once they are authorized.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I am pleased to respond to the gentleman from Pennsylvania, and want to applaud his diligent efforts to enact legislation to address this important health problem.

As you point out, we cannot fund programs that have not yet been authorized, but if H.R. 248 is enacted in a timely way, it is my hope that the Senate and eventually the conferees will support its activities.

□ 1400

I am sure my colleagues on the committee recognize how devastating traumatic brain injury is to our country and its citizens, and we will do everything to be of help in this regard.

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman.

The CHAIRMAN pro tempore (Mr. EVERETT). The Clerk will read.

The Clerk read as follows:

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $1,438,265,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $195,596,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney diseases, $819,224,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $725,478,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $1,256,149,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,003,722,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $631,989,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $333,131,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $308,258,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $484,375,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $257,637,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $189,243,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $59,715,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $212,079,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $487,341,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $701,247,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $416,523,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That $37,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR HUMAN GENOME RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $189,267,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $26,707,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $150,093,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 1997, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $275,423,000: *Provided*, That funding shall be available for the purchase of not to exceed five passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be increased or decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That NIH is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or

used by the National Institutes of Health, including the acquisition of real property, $200,000,000, to remain available until expended, of which $90,000,000 shall be for the clinical research center: *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the clinical research center may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $1,849,235,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $90,469,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $34,700,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $75,056,618,000, to remain available until expended.

For making, after May 31, 1997, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1997 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1998, $27,988,993,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $60,079,000,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, title XIII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $1,733,125,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended, together with such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to and available for carrying out the purposes of this appropriation.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1997, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV–A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $13,301,000,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–A and D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV-A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1998, $4,700,000,000, to remain available until expended.

JOB OPPORTUNITIES AND BASIC SKILLS

For carrying out aid to families with dependent children work programs, as authorized by part F of title IV of the Social Security Act, $1,000,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $900,000,000.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $412,076,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 103–333 for fiscal year 1995 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1996 and 1997.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $950,000,000, which shall be available for obligation under the same statutory terms and conditions applicable in the prior fiscal year: *Provided*, That $13,000,000 shall become available for obligation on October 1, 1996.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $2,480,000,000: *Provided*, That notwithstanding section 2003(c) of such Act, the amount specified for allocation under such section for fiscal year 1997 shall be $2,480,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Abandoned Infants Assistance Act of 1988, and part B(1) of title IV of the Social Security Act; for making payments under the Community Services Block Grant Act; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 126 and titles IV and V of Public Law 100–485, $4,854,036,000, of which $531,941,000 shall be for making payments under the Community Services Block Grant Act: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes.

In addition, $27,358,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40155, 40211 and 40241 of Public Law 103–322.

FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, $240,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, $4,445,031,000.

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, for the first quarter of fiscal year 1998, $1,111,000,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, $810,545,000.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for

carrying out titles III, XVII, and XX of the Public Health Service Act, $148,999,000, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided*, That of the funds made available under this heading for carrying out title XVII of the Public Health Service Act, $11,500,000 shall be available until expended for extramural construction.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $29,399,000, together with any funds, to remain available until expended, that represent the equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, and which are transferred to the Office of the Inspector General by the Department of Justice, the Department of the Treasury, or the United States Postal Service.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $16,066,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $9,000,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

SEC. 204. None of the funds made available by this Act may be used to withhold payment to any State under the Child Abuse Prevention and Treatment Act by reason of a determination that the State is not in compliance with section 1340.2(d)(2)(ii) of title 45 of the Code of Federal Regulations. This provision expires upon the date of enactment of the reauthorization of the Child Abuse Prevention and Treatment Act.

SEC. 205. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

(TRANSFER OF FUNDS)

SEC. 207. Of the funds appropriated or otherwise made available for the Department of Health and Human Services, General Departmental Management, for fiscal year 1997, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.

SEC. 208. None of the funds appropriated in this Act may be obligated or expended for the Federal Council on Aging under the Older Americans Act or the Advisory Board on Child Abuse and Neglect under the Child Abuse Prevention and Treatment Act.

(TRANSFER OF FUNDS)

SEC. 209. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 210. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 211. None of the funds made available in this Act may be used by the National Institutes of Health to provide grants or cooperative agreements under the SBIR program under section 9(f) of Public Law 85-536 for research proposals when it is made known to the Federal official having authority to obligate or expend such funds that (in the process of technical and scientific peer review under section 492 of the Public Health Service Act) the median of the evaluation scores for the proposals in the review cycle involved is higher than the median of the evaluation scores in such review cycle for RO1 proposals.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Massachusetts: Beginning on page 43, strike line 23 and all that follows through page 44, line 7.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 20 minutes, with the time divided equally between myself and the gentleman from Massachusetts [Mr. KENNEDY].

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] and the gentleman from Massachusetts [Mr. KENNEDY] will each control 10 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

I rise today to object to a particular provision that was contained in this bill. I think anyone that recognized that this is basically writing legislation in an appropriations bill would recognize very quickly that, if you look at the specifics that are contained in this provision, that there is a major change in U.S. law, which is for the first time going to be backing off the standard for the SBIR Program.

People in the Chamber and listening on C-SPAN ought to understand that the SBIR Program is one of the most innovative and creative and successful programs that has been created in the Government of the United States. It sets aside just about 2 or 2.5 percent of all the funding that goes into every funding bill that comes through the Congress of the United States and makes certain that there is a small business component to how our funding is set.

I have fought very, very strongly and successfully to increase NIH funding. In this legislation, there is a funding increase of over 6.5 percent. Yet what we find is hidden in the appropriations language a very devious and, I think, harmful piece of wording which essentially limits the small business component from what should be 2.5 percent of total funding down to 2 percent of total funding.

Now, there are those within NIH that would say that small businesses have not been able to come up with the kind of quality applications for funding that have been provided by universities. Universities receive 98 percent of the funding that comes out of NIH.

The truth of the matter is universities do something very, very well. They do basic research very, very well. The kind of research that we see in the SBIR Program is not basic research. It is applied research. It is specifically designed to create jobs for the people of our country and to create a competitive environment for the people of our country so that we can actually take the basic research which our universities and others do and use it to actually create real wealth for the American people.

Now, what is bizarre is that we use the standards for basic research to determine whether or not the applications that come in under the applied research portion of the bill which goes into the small business component as

the standard for determining whether or not the small businesses are meeting the quality criteria that is required of the universities.

If we simply assessed what, in fact, was basic research versus that, in fact, was applied research, there would be more than enough quality applications submitted under the SBIR Program to attain the 2.5 percent level which was part of this bill and a part of this legislation before there was language submitted into the legislation which has been protected under the rule which no longer allows us to knock out the provisions that essentially provide authorization within an appropriations bill.

I wish we could knock this out on a point of order. The truth of the matter is that what we really see here is a devious and, I think, unfair attempt by the major universities and academic institutions of the country to come in and knock out just a 2.5 percent set-aside for the small businesses of this country.

We fund, as I said, 97.5 percent. Today 98 percent of all the money that comes into NIH, which we have fought very hard to increase when every other account of the Government goes down, we have actually increased the NIH funding by 6.5 percent. But that is not good enough. My district, in Cambridge and all the rest of it up in Massachusetts, receives more money from NIH perhaps than any other district in the country, a fact which I am very proud of. But I am not proud of the fact that those same universities are going out through the back door of cutting and gutting the provisions that set aside funds for the SBIR Program.

I would hope that the Congress of the United States would take action today; if we are not successful today, that we will take action between now and the time that we actually mark up where we go to conference to make certain that the full assessment is done to determine whether or not it is in fact fair, justified or even good public policy to have the small business standard assessed by virtue of the academic standards that are met for basic research by the universities.

I would ask my friend, the chairman of the committee, the gentleman from Illinois [Mr. PORTER], if he would entertain a colloquy with me over the idea of perhaps meeting with those various interests, including people from NIH, from GAO, from the National Science Foundation, as well as those people in the biotech industry and people in the small businesses of this country and determine whether or not we in fact have achieved the best public policy by virtue of the legislation that was contained in today's action on the House floor.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, let me say to the gentleman that our concern with the SBIRs is not that there is a set-a-side for biomedical research. That is fine. Our concern is with the quality of research that is offered.

I think there are some very, very legitimate unresolved questions as to how you evaluate that quality. I think the gentleman has put his finger on an issue that has to be resolved in some sensible and good way. I would say that his suggestion that we bring together all of the concerned parties, including NIH itself, and sit down and work through this, I think people of good will can resolve this very easily. I would definitely support the gentleman in that conference and be willing to sit in on it and see if we cannot work this out. I am sure that we can.

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Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentleman, who is perhaps one of the reasonable and, I think, an individual who has pursued, ever since I have served with him in the Congress, nothing but good public policy in all of the actions that he has taken, and it is a pleasure to serve with the gentleman from Illinois [Mr. PORTER]. And having said that, I think it is unfortunate that we in this legislation actually knock down what should have been a 2.5-percent funding level to a 2-percent funding level.

I think that if the review would indicate that there is not, in fact, good quality research that is coming in by the small businesses, then obviously we do not want to be funding it. But I think that it is unfortunate that we took action to actually knock down the funding level for the small businesses before the full assessment in terms of the basic research versus applied research differentials were taken into account.

But I think that if the gentleman is willing to try to take into account those differences at a meeting between now and the time we get to the conference, I would be happy to withdraw my amendment and look forward to meeting with the gentleman unless—I know that there were some other speakers, but they probably do not know we are even doing this.

So I would be happy to withdraw with that proviso that we do, in fact, have that meeting.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] is withdrawn.

The Clerk will read.

The Clerk read as follows:

SEC. 212. EXTENSION OF MORATORIUM.—Section 6408(a)(3) of the Omnibus Budget Reconciliation Act of 1989, as amended by section 13642 of the Omnibus Budget Reconciliation Act of 1993, is amended by striking "December 31, 1995" and inserting "December 31, 2000, or the first day of the first quarter on which the Medigrant plan for the State of Michigan is effective under title XIX of such Act.".

SEC. 213. (a) The Secretary of Health and Human Services may in accordance with this section provide for the relocation of the Federal facility known as the Gillis W. Long Hansen's Disease Center (located in the vicinity of Carville, in the State of Louisiana), including the relocation of the patients of the Center.

(b)(1) Subject to entering into a contract in accordance with subsection (c), in relocating the Center the Secretary may on behalf of the United States transfer to the State of Louisiana, without charge, title to the real property and improvements that (as of the date of the enactment of this Act) constitute the Center. Such real property is a parcel consisting of approximately 330 acres. The exact acreage and legal description used for purposes of the transfer shall be in accordance with a survey satisfactory to the Secretary.

(2) Any conveyance under paragraph (1) is not effective unless the conveyance specifies that, if the State of Louisiana engages in a material breach of the contract under subsection (c), title to the real property and improvements involved reverts to the United States at the election of the Secretary.

(c) The transfer described in subsection (b) may be made only if, before the transfer is made, the Secretary and the State enter into a contract whose provisions are in accordance with the following:

(1) During the 30-year period beginning on the date on which the transfer is made, the real property and improvements referred to in subsection (b) (referred to in this subsection as the "transferred property") will be used exclusively for purposes that promote the health or education of the public, with such incidental exceptions as the Secretary may approve, and consistent with the memorandum of understanding signed June 11, 1996 by the Chancellors of Louisiana State University and Southern University.

Mr. CHABOT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I ask my colleague from Illinois [Mr. PORTER] if he would please engage me in a brief colloquy.

I also want to thank the gentleman from Illinois for his tremendous leadership in crafting this bill. I am most grateful for the gentleman's continued strong support for medical research.

Two weeks ago, I introduced a bipartisan bill that would authorize expenditures for research into an extremely rare and deadly disease known as lymphangioleiomyomatosis, or "LAM." LAM is especially cruel because it strikes only women, most of whom are of childbearing age. LAM victims develop painful cysts on their lungs and gradually lose their capacity to breathe. Because doctors know so little about LAM, they often misdiagnose it. Tragically, LAM patients die within 10 short years of their diagnosis. The intent of the LAM Disease Research Act is to build upon the excellent work undertaken by the National Heart, Lung, and Blood Institute; work

encouraged by the gentleman and his subcommittee in its fiscal year 1996 report.

Were the rules different, I would have offered the LAM Disease Research Act as an amendment to the Labor-HHS appropriation. I understand, however, that such an amendment would be subject to a point of order. Therefore, I cannot offer my amendment.

It is my understanding, however, Mr. Chairman, that money appropriated under this bill may be used by the National Heart, Lung, and Blood Institute to study LAM and work toward a cure. I ask the gentleman if I am correct in that understanding, and I know that he joins me in being greatly concerned about the deadly LAM disease.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. CHABOT. Yes, Mr. Chairman, I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the gentleman for his remarks. I might say to the gentleman that testimony was given before our subcommittee on this very deadly disease. I did manage to pronounce its name, as the gentleman from Ohio [Mr. CHABOT] did so successfully a moment ago. I am not going to try it again.

But let me say that he is correct that under this bill the money may be spent to research LAM along with other deadly diseases. In fact the Heart, Lung and Blood Institute has begun research into LAM, and I fully expect that effort to go forward.

Mr. CHABOT. I thank the gentleman from Illinois. I want to commend him for his efforts in this area. I and many, many people afflicted with this disease really do appreciate his efforts.

Mr. SOUDER. Mr. Chairman, I ask unanimous consent that I be allowed to offer my amendment. I missed by a few minutes the earlier time and would like to offer the amendment at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. PORTER. Reserving the right to object, Mr. Chairman, I would like to say to the gentleman from Indiana [Mr. SOUDER] under my reservation that we have so many amendments offered to the bill, that since he was not here at the time this portion of the bill was read I find great difficulty in going back now to pick up these amendments.

I think the gentleman perhaps, from Wisconsin, would also object to this, and while we would like to accommodate the gentleman from Indiana and would have accommodated him had he been here, I do not know that we can do it with so many amendments pending. I think we are going to have objection on the other side as well.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. PORTER. I would object, yes, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. GUNDERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Does the gentleman from Wisconsin ask unanimous consent to return to that portion of the bill?

Mr. GUNDERSON. If necessary, Mr. Chairman. I thought we were on that portion of the bill.

The CHAIRMAN. The gentleman's amendment goes to a section of the bill that we have already passed in reading by paragraph, so the gentleman would have to ask unanimous consent in order to take up the amendment at this time.

Does the gentleman from Wisconsin [Mr. GUNDERSON] ask unanimous consent?

Mr. GUNDERSON. I do. I ask unanimous consent to offer my amendment.

Mr. PORTER. Mr. Chairman, reserving the right to object, I would say to the gentleman again it is the same problem, but I understand that the gentleman intends merely to make comments and then withdraw this amendment.

Mr. GUNDERSON. That is correct.

Mr. PORTER. On that condition, I would not object if he simply wants to strike the last word and present his arguments.

Mr. GUNDERSON. Mr. Chairman, I withdraw my unanimous-consent request and move to strike the last word.

Mr. Chairman, it was our intent on behalf of the Rural Health Care Caucus, and I apologize for the confusion on timing here to offer an amendment which would do two things. The amendment would increase spending for rural outreach grants and for rural transition grants by $10 million each. It was our intent personally, not by everybody, but at least by this Member, that we would take that money out of the $2.4 billion available for the social services block grant.

Why do I say that? I say that because if my colleagues will look at the committee report, the committee report intended that these programs would be funded out of that social services block grant.

Now, the reality is, in all due respect, that our rural counties do not get that much money under the social services block grant, that that money is truly available in this area.

Second, I think it absolutely essential that we understand the importance of these two particular programs, that perhaps all of the rural programs, these are the two programs most essential in guaranteeing access to health care in rural areas. The transition grants are the basis by which we make changes in rural hospitals in order to keep those health care access facilities alive, and they have been a very key program.

Yes, they should be changed from a demonstration project to a permanent project or permanent program, but what we have done on behalf of the Rural Health Care Caucus is we have introduced legislation that will consolidate these various programs into a rural health care program. Unfortunately, that was originally a part of the balanced budget reconciliation for last year. As my colleagues all know, that bill was vetoed by the President, through no fault of us, and so that has not been accomplished.

We have in the last week, on a bipartisan basis, introduced a Comprehensive Rural Health Care Improvement Act that includes these changes. It is our intent to get this done, if at all possible, before the appropriation process is complete, and at that point we would hope that we can then get the necessary funding for these programs.

Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. ROBERTS], my colleague and leader from the Committee on Agriculture.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding this time to me.

The distinguished gentleman from Wisconsin is the cochairman of the Rural Health Care Coalition. I had the privilege only a session ago, and I was going to rise in support of his amendment; I do, and it simply has been described by the gentleman very well.

The problem is this bill includes only $4 billion for the rural health outreach grants. This is $27.3 million below the level of last year. As the gentleman has indicated, in the committee report we were supposed to get the full funding. This funding will provide support only for the continuation of grants that were funded before this year. As to the transition grants, and as the gentleman has indicated, both of these programs are vital to the rural health care delivery system, this bill simply zeros out all of the transition grant funding.

Now, what the gentleman was trying to do and what I certainly was going to support him doing is that we are increasing the social services block grant $99 million. We were simply going to ask for an additional $20 million of restoring that funding that would be under last year's level.

And so I guess I would ask the distinguished chairman of the full committee whether or not it is his intent when we go to conference, since I think, obviously, he is going to object when we offer this amendment, but could I have the assurance of the distinguished gentleman and the chairman, who I know has worked very hard, so that at least in conference we could restore these funds and we could restore a vital part of the rural health care delivery system?

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Illinois.

Mr. PORTER. Let me explain what my feelings are about the program the way it is written. We talked, if I can say to the gentleman from Kansas and the gentleman from Wisconsin, earlier we talked about a program called Healthy Start, a demonstration program started under President Bush by Secretary Louis Sullivan at HHS, a very, very good program. I said in respect to this program and in respect to the State students incentive grants program, one that the President himself zeroed out in this budget and that we zeroed out and have steadfastly maintained it ought to be zeroed out, these are programs that have never been specifically authorized. They have operated under a demonstration authority just like this one has, the rural outreach grants, since fiscal year 1991, and in respect to rural outreach the current cycle of grants will end for the most part in fiscal year 1996.

The bill's funding level of $4 million would permit the few remaining grantees to continue operating through fiscal year 1997. But after $146 million of total funding this demonstration should be evaluated, the lessons learned from it and the resources provided, incorporated into existing programs that provide similar services or new legislation should be written to reflect that, and one of the great difficulties we have in Congress is that we start a demonstration project. SSIG is a prime example; 24 years of demonstration, and we kept funding it year after year after year.

And so I would say to the gentleman I would try to do my best to work out his concerns because I think there is undoubtedly a lot to be learned and a lot of good derived from this program, but if the gentleman, both from Kansas and from Wisconsin, and he is on the authorizing committee, if we could get this thing moved into legislation that applies broadly and not continue with those demonstrations year after year after year, we would make a lot of progress in getting our budget under control.

The CHAIRMAN. The time of the gentleman from Wisconsin [GUNDERSON] has expired.

(By unanimous consent, Mr. GUNDERSON was allowed to proceed for 2 additional minutes.)

□ 1430

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, as the gentleman from Wisconsin has indicated, we are striving to do just that in regard to authorizing language. We have a rural health care bill that is supported in a bipartisan effort on behalf of the Rural Health Care Coalition; 146 Members now support this effort, so we can get the authorizing language.

What I want to demonstrate to the distinguished chairman of the subcommittee is this. Last year, 309 hospitals all throughout our rural areas have applied for these grants. Sixty-five new grants were awarded. With the funding we have for these programs now, that is going to end. When we have Medicare reimbursement problems, when we have miles to go in regards to servicing our area, when we have major health care reform and managed care reform, this is the way we are going to transition.

These are good programs. We need the funding if we possibly can. We simply ask for $20 million, when it was cut by $26 million. It is very evident to me that with 309 hospitals applying for these grants almost on an emergency basis, I have small communities in my district who have no primary health care, a community of 8,000, which, with a grant, then had the primary care for 3,000 of these residents. We will simply have no health care in many, many areas.

So I would plead with the chairman that once we do our job in regard to the Rural Health Care Coalition, we can have at least adequate funding under the severe budget restrictions that we have. I thank the chairman for listening.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Illinois.

Mr. PORTER. If the gentleman would further yield, nothing would make me happier to see that by the time we go to conference on this bill we have authorizing legislation and we can fund that directly.

Mr. GUNDERSON. We are working toward that goal. I appreciate the support of both gentlemen.

Ms. WATERS. Mr. Chairman, I move to strike the last word. Mr. Chairman, I rise to engage the chairman of the subcommittee in a colloquy.

Mr. Chairman, first, I would like to thank the gentleman for his leadership in increasing NIH by over $800 million and the National Heart, Lung, and Blood Institute by some $83 million.

I rise to have this colloquy with the chairman of the subcommittee because I am very concerned about problems of women as it relates to cardiovascular diseases. It is not well understood or known, but heart disease is the No. 1 killer of women. However, women are not represented in research. For many years women and minorities were either absent or underrepresented in clinical trials. Most of the treatment and equipment are based on studies that have been limited basically to men.

Unfortunately, and surprisingly, many of the doctors in this country remain unaware of women's more subtle symptoms, such as shortness of breath, dizziness, and arm pain. They do not recognize these as symptoms of cardiovascular disease, and oftentimes when women go in complaining of these symptoms they are mistreated, misdiagnosed, or not treated at all. Of the women who die suddenly from heart attack, 63 percent of them had no evidence of previous heart disease. They did not know, there had been no other signs. But the fact of the matter is they have these symptoms that are unrecognized by doctors. Four out of 5 women are not aware that heart disease is the leading killer of women in this country.

I know that oftentimes we hear a lot about cancer, we hear a lot about other diseases. Most people think that cancer may be the No. 1 killer of women, but Mr. Chairman, I want Members to know that heart disease is the leading killer of women in this country. One in 5 females has some form of cardiovascular disease. Half a million females die from cardiovascular diseases each year. This is almost double the number of deaths of all cancers combined.

Mr. Chairman, appreciating the work of the chairman of the subcommittee with NIH and the way that he has worked to fund them, and I know he understands these problems, as we continue with this year's appropriations process, I would like to know if we can work together to ensure that NIH, in particular the Heart, Lung, and Blood Institute, focus a fair portion of their increased budget resources on research, prevention, and education programs for women, and at-risk women, including African-American women.

Mr. PORTER. Mr. Chairman, will the gentlewomen yield?

Ms. WATERS. I yield to the gentleman from Illinois.

Mr. PORTER. We would be very happy to work with the gentlewoman in this regard, Mr. Chairman, I think she puts her finger on a very serious problem, and to work also with NIH to ensure that they move in that direction.

Ms. WATERS. I appreciate that, Mr. Chairman. I think if we can work together to ensure the research, management, and support account for education programs of the National Heart, Lung, and Blood Institute, that we will eliminate the slippage that we see in funding levels. The chairman is aware that that account has been as high as $6 million, but it could fall to as low as $3 million this year.

We know that education can work. Education is the first line of preventing these diseases, and it is particularly important for women's heart disease. If we can work together through this process, we can ensure that the education budget shares in the increase provided to NHBLI.

Mr. Chairman, I hate to push this issue. I know that with all the work the gentleman is doing and all the attempts the gentleman is making, he is

trying to focus attention on so many things, but I have gotten focused now on cardiovascular diseases of women, and I am very moved by the fact that many of my friends now who are my age are literally dying, women in their fifties who are dying from cardiovascular diseases.

I think we need not wait much longer until we have a higher number of women dying. We can in fact, with a little attention, focus some education so we can eliminate this as a major problem in our society.

Mr. PORTER. If the gentlewoman will continue to yield, Mr. Chairman, I would agree that NHLBI's public education activities are tremendously important, and I would be happy to work with the gentlewoman to ensure that they are well supported in the final product.

Ms. WATERS. I thank the gentleman very much, Mr. Chairman.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the chairman of the subcommittee, the gentleman from Illinois [Mr. PORTER]. I would say to the chairman, over the years he has been a strong supporter of the efforts to end domestic violence in this Nation. His commitment in the issue is reflected in his support of the Violence Against Women Act programs in the bill. He has committed all of the funds allocated to this subcommittee from the violent crime reduction trust fund to these crucial programs. Unfortunately, despite these efforts, these programs are not yet fully funded because the current 602(b) allocation falls short of the necessary funding levels.

As we know, the Violence Against Women Act was passed unanimously by this House in 1994. This Act was Congress' statement that we would not stand idly by while American women were injured by their husbands, boyfriends, or family members. It symbolizes our commitment to end the epidemic of domestic violence in our Nation.

Mr. Chairman, I was pleased to work with the chairman of the subcommittee on the provisions in the bill that funds the domestic violence programs. Currently this bill takes a large step forward in fulfilling our commitment to the women of this country. Working together, we have provided funding for battered women's shelters, victims of sexual assault, and local community programs to end domestic violence. In addition, we have also included full funding for the National Domestic Violence Hotline. The hotline, which opened in February received over 15,000 calls in its first 4 weeks alone. It is helping women all over the country receive the services that they desperately need.

Mr. Chairman, I know the chairman of the subcommittee did everything he could to fund these programs under the 602(b) allocation from the crime trust fund for this subcommittee. However, despite his commitment to these programs, we are still approximately $16 million short of full funding. Can we find a way to get these programs the funding they so desperately need?

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would like to thank the gentlewoman from New York for bringing this to our attention. I would also like to commend her for the wonderful work she has done on the subcommittee on behalf of the victims of violence. No one has been a stronger advocate, and she has kept our focus on these very, very important issues.

Like the gentlewoman, I believe that the Violence Against Women Act programs provide much needed services to victims of domestic violence throughout our country. I was glad to provide as much funding to these vital programs as I could under the current allocation to our subcommittee. I was particularly pleased to provide over $57 million to the battered women's shelters. This money is critical because it goes directly to the victims of domestic violence and helps them to escape the violence and begin their lives anew.

As pleased as I was to provide $61 million to the Violence Against Women Act programs, I believe these crucial programs should be fully funded. It is my understanding that the Senate subcommittee for Labor-HHS appropriations has a 602(b) allocation that will allow it to fully fund these programs.

In addition, it is my understanding that Chairman SPECTER currently intends to fully fund VAWA programs. In light of this, at conference I would plan to seek an adjustment of our 602(b) allocation to allow us to match senate funding levels. I am committed to doing everything I can to ensure that Violence Against Women Act programs are in fact fully funded.

Mrs. LOWEY. Mr. Chairman, I would like to thank the chairman for his dedication to eradicate domestic violence, and his commitment to fully fund these programs. Under his leadership we will have a program that truly assures that victims of domestic violence will receive the services they desperately need.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the remainder of title II is as follows:

(2) For purposes of monitoring the extent to which the transferred property is being used in accordance with paragraph (1), the Secretary will have access to such documents as the Secretary determines to be necessary, and the Secretary may require the advance approval of the Secretary for such contracts, conveyances of real or personal property, or other transactions as the Secretary determines to be necessary.

(3) The relocation of patients from the transferred property will be completed not later than 3 years after the date on the transfer is made, except to the extent the Secretary determines that relocating particular patients is not feasible. During the period of relocation, the Secretary will have unrestricted access to the transferred property, and after such period will have such access as may be necessary with respect to the patients who pursuant to the preceding sentence are not relocated.

(4) The Secretary will provide for the continuation at the transferred property of the projects (underway as of the date of the enactment of this Act) to make repairs and to make energy-related improvements, subject to the availability of appropriations to carry out the projects.

(5) The contract disposes of issues regarding access to the cemetery located on the transferred property, and the establishment of a museum regarding memorabilia relating to the use of the property to care for patients with Hansen's disease.

(6) In the case of each individual who as of the date of the enactment of this Act is a Federal employee at the transferred property with management, engineering, or dietary duties:

(A) The State will provide the individual with the right of first refusal to an employment position with the State with substantially the same type of duties as the individual performed in his or her most recent position at the transferred property.

(B) If the individual becomes an employee of the State pursuant to subparagraph (A), the State will make payments in accordance with subsection (d)(3)(B) (relating to disability), as applicable with respect to the individual.

(7) The contract contains such additional provisions as the Secretary determines to be necessary to protect the interests of the United States, and the Secretary shall have final approval over the terms of the contract.

(d)(1) This subsection applies if the transfer under subsection (b) is made.

(2) In the case of each individual who as of the date of the enactment of this Act is a Federal employee with a position at the Center and is, for duty at the Center, receiving the pay differential under section 5545(d) of title 5, United States Code:

(A) If as of the date of the transfer under subsection (b) the individual is eligible for an annuity under section 8336 or 8412 of title 5, United States Code, then once the individual separates from the service and thereby becomes entitled to receive the annuity, the pay differential shall be excluded from the computation of the annuity unless the individual separated from the service not later than 30 days after the date on which the transfer was made.

(B) If the individual is not eligible for such an annuity as of the date of the transfer under subsection (b) but subsequently does become eligible, then once the individual separates from the service and thereby becomes entitled to receive the annuity, the pay differential shall be excluded from the computation of the annuity unless the individual separated from the service not later

than 30 days after the date on which the individual first became eligible for the annuity.

(C) For purposes of this paragraph, the individual is eligible for the annuity if the individual meets all conditions under such section 8336 or 8412 to be entitled to the annuity, except the condition that the individual be separated from the service.

(3) In the case of each individual who as of the date of the enactment of this Act is a Federal employee at the Center with management, engineering, or dietary duties, and who becomes an employee of the State pursuant to subsection (c)(6)(A):

(A) The provisions of subchapter III of chapter 83 of title 5, United States Code, or of chapter 84 of such title, whichever is applicable, that relate to disability shall be considered to remain in effect with respect to the individual (subject to subparagraph (C)) until the earlier of—

(i) the expiration of the 2-year period beginning on the date on which the transfer under subsection (b) is made; or

(ii) the date on which the individual first meets all conditions for coverage under a State program for payments during retirement by reason of disability.

(B) The payments to be made by a State pursuant to subsection (c)(6)(B) with respect to the individual are payments to the Civil Service Retirement and Disability Fund, if the individual is receiving Federal disability coverage pursuant to subparagraph (A). Such payments are to be made in a total amount equal to that portion of the normal-cost percentage (determined through the use of dynamic assumptions) of the basic pay of the individual that is allocable to such coverage and is paid for service performed during the period for which such coverage is in effect. Such amount is to be determined in accordance with chapter 84 of such title 5, is to be paid at such time and in such manner as mutually agreed by the State and the Office of Personnel Management, and is in lieu of individual or agency contributions otherwise required.

(C) In the determination pursuant to subparagraph (A) of whether the individual is eligible for Federal disability coverage (during the applicable period of time under such subparagraph), service as an employee of the State after the date of the transfer under subsection (b) shall be counted toward the service requirement specified in the first sentence of section 8337(a) or 8451(a)(1)(A) of such title 5 (whichever is applicable).

(e) The following provisions apply if under subsection (a) the Secretary makes the decision to relocate the Center:

(1) The site to which the Center is relocated shall be in the vicinity of Baton Rouge, in the State of Louisiana.

(2) The facility involved shall continue to be designated as the Gillis W. Long Hansens's Disease Center.

(3) The Secretary shall make reasonable efforts to inform the patients of the Center with respect to the planning and carrying out of the relocation.

(4) In the case of each individual who as of October 1, 1996, is a patient of the Center and is receiving long-term care (referred to in this subsection as an "eligible patient"), the Secretary shall continue to provide for the long-term care of the eligible patient, without charge, for the remainder of the life of the patient. Of the amounts appropriated for a fiscal year for the Public Health Service, the Secretary shall make available such amounts as may be necessary to carry out the preceding sentence.

(5) Except in the case of an eligible patient for whom it is not feasible to relocate for purposes of subsection (c)(3), each eligible patient may make an irrevocable choice of one of the following long-term care options:

(A) For the remainder of his or her life, the patient may reside at the Center.

(B) For the remainder of his or her life, the patient may elect to receive payments each year in an annual amount of $33,000 (adjusted for fiscal year 1998 and each subsequent fiscal year to the extent necessary to offset inflation occurring after October 1, 1996), which payments are in complete discharge of the obligation of the Federal Government under paragraph (4). If the individual makes the election under the preceding sentence, the Federal Government does not under such paragraph have any responsibilities regarding the daily life of the patient, other than making such payments.

(6) The Secretary shall provide to each eligible patient such information and time as may be necessary for the patient to make an informed decision regarding the options under paragraph (5).

(f) For purposes of this section:

(1) The term "Center" means the Gillis W. Long Hansen's Disease Center.

(2) The term "Secretary" means the Secretary of Health and Human Services.

(3) The term "State" means the State of Louisiana.

(g) Section 320 of the Public Health Service Act (42 U.S.C. 247e) is amended by striking the section designation and all that follows and inserting the following:

"SEC. 320. (a)(1) At the Gillis W. Long Hansen's Disease Center (located in the State of Louisiana), the Secretary shall without charge provide short-term care and treatment, including outpatient care, for Hansen's disease and related complications to any person determined by the Secretary to be in need of such care and treatment.

"(2) The Center referred to in paragraph (1) shall conduct training in the diagnosis and management of Hansen's disease and conduct and promote the coordination of research, investigations, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of Hansen's disease and the complications of such disease.

"(3) Paragraph (1) is subject to section 213 of the Department of Health and Human Services Appropriations Act, 1997.

"(b) In addition to the Center referred to in subsection (a), the Secretary may establish sites regarding persons with Hansen's disease. Each such site shall provide for the outpatient care and treatment for Hansen's disease to any person determined by the Secretary to be in need of such care and treatment.

"(c) The Secretary shall make payments to the Board of Health of the State of Hawaii for the care and treatment (including outpatient care) in its facilities of persons suffering from Hansen's disease at a rate determined by the Secretary. The rate shall be approximately equal to the operating cost per patient of such facilities, except that the rate may not exceed the comparable costs per patient with Hansen's disease for care and treatment provided by the Center referred to in subsection (a). Payments under this subsection are subject to the availability of appropriations for such purpose.".

SEC. 214. (a) None of the funds made available in this Act or any other Act may be used to make any award of a grant or contract under section 1001 of title X of the Public Health Service Act for fiscal year 1997 or any subsequent fiscal year unless the applicant for the award agrees that, in operating the voluntary family planning project involved, the applicant will comply with the following conditions:

(1) Priority will be given in the project to the provision of services to individuals from low-income families.

(2) An individual will not be charged for services in the project if the family of the individual has a total annual income that is at or below 100 percent of the Federal poverty line, except to the extent that payment will be made by a third party (including a government agency) that is authorized, or is under a legal obligation, to pay the charge.

(3) If the family of the individual has a total annual income that exceeds 100 percent of such poverty line but does not exceed 250 percent of the line, the project will impose a charge according to the ability to pay.

(4) If the family of the individual has a total annual income that exceeds 250 percent of such poverty line, the project will impose the full charge for the services involved.

(5) Subject to paragraphs (1) through (4), the policies of the applicant will ensure that economic status is not a deterrent to participation in the project.

(b) None of the funds made available in this Act may be expended for the program under section 1001 of title X of the Public Health Service Act after the expiration of the 180-day period beginning on the date of the enactment of this Act unless the Secretary of Health and Human Services submits to the Congress, not later than such date of expiration, a report providing, to the extent that the information is available to the Secretary, the following information for the most recent fiscal year for which the information is available:

(1) The number of individuals who receive family planning services through voluntary family planning projects under such section 1001, and the demographic characteristics of the individuals.

(2) The types of family planning services chosen by recipients of services from such projects.

(3) The number of individuals served by such projects who are—

(A) at risk of unintended pregnancy; and

(B) from a family with a total annual income not exceeding 250 percent.

(4) The extent to which the availability of family planning services from such projects has, among individuals served by the projects, reduced the number of unintended pregnancies, reduced the number of abortions, and reduced the number of cases of sexually transmitted diseases.

(5) The extent to which the availability of family planning services from such projects has reduced Federal and State expenditures for—

(A) the program under title XIX of the Social Security Act (commonly known as the Medicaid program); and

(B) the programs under title IV of such Act (commonly referred to as welfare programs).

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1997".

The CHAIRMAN. Are there amendments to the balance of title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—DEPARTMENT OF EDUCATION

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 472, proceedings will now resume on those amendments on which further proceedings were postponed in

the following order: the amendment offered by the gentlewoman from California [Ms. PELOSI], and amendment No. 4 offered by the gentlewoman from New York [Mrs. LOWEY].

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

Mr. CLAY. Mr. Chairman, I move to strike the last word.

I rise in support of the Pelosi amendment, to strike the ergonomics rider from this legislation.

I had thought the radical House Republicans had learned their lesson last year, when their extremist agenda of adding legislative riders to appropriations bills led to two Government shutdowns. Unfortunately, as this bill shows, it is hard to teach old dogs new tricks.

The ergonomics rider is a clear demonstration of the Republican Party's utter disregard for both worker safety and science. The bill forbids the Department of Labor from issuing any rules, or even proposed rules, or even voluntary guidelines, to protect workers from ergonomics injuries. This despite the fact that ergonomic injuries represent the fastest growing workplace health problem, resulting in estimated annual workers compensation costs of $20 billion annually. But the bill goes even further.

Despite the pious claims of Republicans that they merely want regulators to use good data when they regulate, this provision adopts a "hear no evil, see no evil, speak no evil" attitude toward workplace safety. This bill actually forbids the Department of Labor from even collecting data about ergonomic injuries.

The Republican view is that what OSHA does not know OSHA does not have to regulate. Unfortunately, with respect to workplace safety, what you don't know can cripple you.

Make no mistake, this rider is not about ensuring that the Department of Labor regulates in a rational manner. This rider is about suppressing data, suppressing science and suppressing the truth. And American workers will suffer.

Let's strike this extreme rider from the bill. Let's help prevent another Government shutdown. Support the Pelosi amendment.

AMENDMENT OFFERED BY MS. PELOSI

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California [Ms. PELOSI] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. PELOSI: Page 19, strike lines 8 through 15.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 205, not voting 12, as follows:

[Roll No. 301]

AYES—216

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bellenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Chapman
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Ehlers
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Skelton
Slaughter
Smith (NJ)
Solomon
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NOES—205

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Ehrlich
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Franks (CT)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Zeliff
Zimmer

NOT VOTING—12

Becerra
Clayton
Dunn
Fattah
Gibbons
Hall (OH)
Lincoln
Longley
McDade
Oberstar
Vento
Young (FL)

□ 1501

The Clerk announced the following pair:

On this vote:

Mrs. Clayton for, with Mr. Longley against.

Mr. BILIRAKIS changed his vote from "aye" to "no."

Ms. MCKINNEY, Ms. MCCARTHY, and Mr. KLUG changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BLUTE. Mr. Speaker, on rollcall 301 I inadvertently voted "yea." I intended to vote "nay."

PERSONAL EXPLANATION

Mr. FOX of Pennsylvania. Mr. Speaker, on rollcall No. 301, I inadvertently voted "aye" and intended to vote "no."

AMENDMENT OFFERED BY MRS. LOWEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York [Mrs. LOWEY] on which further proceedings were

postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 263, not voting 12, as follows:

[Roll No. 302]

AYES—158

Ackerman
Andrews
Baldacci
Barrett (WI)
Beilenson
Bentsen
Berman
Blumenauer
Blute
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Castle
Clay
Clayton
Clement
Collins (IL)
Collins (MI)
Conyers
Coyne
Cummings
Davis
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Greenwood
Gutierrez
Harman
Hastings (FL)
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
King
Kleczka
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Mink
Moakley
Molinari
Moran
Morella
Nadler
Neal
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Porter
Pryce
Quinn
Rangel
Reed
Rivers
Roemer
Roukema
Roybal-Allard
Rush
Sabo
Sawyer
Schiff
Schroeder
Schumer
Serrano
Shays
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Torkildsen
Torres
Torricelli
Towns
Upton
Velazquez
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
White
Wolf
Woolsey
Wynn
Yates
Zimmer

NOES—263

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Frisa
Funderburk
Gallegly
Gekas
Geren
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Quillen
Radanovich
Rahall
Ramstad
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Traficant
Volkmer
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Williams
Wilson
Wise
Young (AK)
Zeliff

NOT VOTING—12

Becerra
Dunn
Fattah
Gibbons
Hall (OH)
Hancock
Lincoln
Longley
McDade
Oberstar
Vento
Young (FL)

□ 1510

Mr. EDWARDS and Mr. FOLEY changed their vote from "aye" to "no."

Mrs. CLAYTON and Mr. WYNN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HEINEMAN. Mr. Chairman, on July 11, 1996, due to an error, I was incorrectly recorded on the Lowey amendment to H.R. 3755, the fiscal year 1997 Labor-HHS-Education appropriations bill. The record reflects a "no" vote on rollcall vote No. 302. I request the record reflect I intended to vote "yes" and emphasize my support for the Lowey amendment.

PERSONAL EXPLANATION

Mr. OBERSTAR. Mr. Speaker, earlier today during the consideration of H.R. 3755, the Labor/HHS/Education appropriations bill for fiscal year 1997, I missed two votes on amendments to this legislation. At the time those votes were ordered, I was giving important testimony to the Senate Subcommittee on Forests and Public Land Management concerning legislation regarding the Boundary Waters Canoe Area Wilderness.

Had I been present, I would have voted "aye" on the Pelosi amendment, rollcall vote No. 301; and I would have voted "no" on the Lowey amendment, rollcall vote No. 302.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EDUCATION REFORM

For carrying out activities authorized by the School-to-Work Opportunities Act, $175,000,000, which shall become available on July 1, 1997, and remain available through September 30, 1998.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, $7,204,130,000, of which $5,895,244,000 shall become available on July 1, 1997, and shall remain available through September 30, 1998, and of which $1,298,386,000 shall become available on October 1, 1997 and shall remain available through September 30, 1998, for academic year 1997–1998: *Provided*, That $6,042,766,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 1996, to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $684,082,000 shall be available for concentration grants under section 1124(A) and $7,000,000 shall be available for evaluations under section 1501.

□ 1515

AMENDMENT OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MICA:

Page 57, line 24, after the dollar amount, insert "(increased by $20,000,000)".

Page 57, line 25, after the dollar amount, insert "(increased by $20,000,000)".

Page 58, line 9, after the dollar amount, insert "(increased by $20,000,000)".

Page 66, line 9, after the dollar amount, insert "(decreased by $20,000,000)".

Mr. MICA. Mr. Chairman, I present this amendment today. It is slightly different than what was printed. I had hoped to increase this amount by $40 million; however, I have changed the amendment to $20 million.

Let me tell my colleagues what my amendment does today, and it is probably one of the most important amendments on this bill and dealing with education in particular. What this does is it, in fact, transfers from Washington bureaucracy to the local classroom education dollars.

What we in the Congress do and what we are doing through this appropriations procedure is, in fact, deciding how the resources of our Nation and the Congress get allocated to different programs.

This is an important amendment because it is part of the fundamental debate about what we have been talking about in Congress during this entire session. It is a fundamental question. It is not just how much money we throw at various problems and how much money we expend, but how we expend the money. That is the fundamental part of our expenditure

Let me tell my colleagues, I chair the House Subcommittee on Civil Service, and I know where the bureaucrats and the bodies are buried throughout our nearly 2 million employee Federal work force. There are 5,000 employees in the Department of Education, 5,000, and then thousands of other contract employees. Of the 5,000 full-time employees in the Department of Education, 68 percent are in Washington, DC.

What this amendment does is it does not cut any money from any programs, it does not cut any money for education, but what it does is it transfers some of that money that we as a Congress are appropriating and it transfers it from the bureaucracy and administrative account in Washington, DC, to the classroom. That is what this debate is all about.

This is not a debate on exactly how we can spend all the money and the regulations that come out of the Department of Education, and I cannot change that because this is an appropriations bill, and I would like to change some of the way we authorize the money. But what this does is it addresses a fundamental question. Do we spend the money up here on a big Federal education bureaucracy or do we send the money to the classrooms, when we have instances where some of our classrooms do not have the resources, they do not have the materials, they do not have the teachers?

We have a clear responsibility in this Congress to make these important choices, and that is the choice this amendment gives us today. Do we spend it here in Washington on the 68 percent of the employees of the 5,000 who are located in Washington, DC or does that money go back into our local classrooms?

This is a very, very fundamental debate. I want to take a minute and talk a little bit more about what we are doing with education. I hear from parents all the time. I talk to my community college presidents. When we have students who cannot read their diplomas, when we have 71 percent of the students in one of my local community colleges entering that require remedial education, when we have a situation in education that I consider a crisis, when we have to put police and others in our classroom and fire other teachers and do not have the money for the resources that we need in our classroom, we, as a Congress, have an important responsibility to make these choices of where that money is spent.

So this is a simple amendment. it is a clear choice. Do we spend the money in Washington on bureaucrats and a large Department of Education?

I am not cutting the Department of Education. We will still have a Department of Education. But what we are doing is taking $20 million and we are putting it into title I programs, the programs that are really in our classrooms, that affect our children and their education.

So we are going to decide by my amendment whether we put those resources again in Washington or in the local classroom where our students and our teachers are really at the bottom end of the feeding chain, because we have built a huge bureaucracy, not just the 5,000 in Washington, DC, but we have exploded that bureaucracy to regional offices and then to State offices.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MICA] has expired.

(By unanimous consent, Mr. MICA was allowed to proceed for 1 additional minute.)

Mr. MICA. Mr. Chairman, I remember serving in the legislature and I saw that bureaucracy. I saw the huge bureaucracy that we created and that we force, and I cannot solve those problems today with this bill, but what I can do is to help this House as it makes those important choices, and we will, by this amendment and by the agreement that we have reached, restore title I to its level of funding for last year.

So this is an important amendment. Again, it is a clear choice. Do we spend the money on bureaucrats in Washington, or do we spend it in local classrooms on students and teachers?

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding to me. I am interested, does the gentleman have any idea of what percentage of discretionary education the Department of Education, the bureaucracy, or bureaucrats of which he speaks, is?

Mr. MICA. Mr. Chairman, reclaiming my time, the total amount of money that comes from Washington, DC, towards local education, I believe, is about 5 percent of all education funding.

Mr. HOYER. No, no, no, that is not what I asked. Does the gentleman know what percentage——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I asked a question; let me answer the question. Of the money, discretionary money, that we spend on education—which is, as the gentleman points out, a relatively small percentage of the total amount spent on education in this country, 2 percent—2 percent, is administrative cost. Two percent is administrative cost, I tell my friend.

Mr. Chairman, I rise in opposition to this amendment. Of course, one could say we will put $20 million more in title I. We ought to put $20 million more in title I. We ought to put $100 million more in title I, I tell my friend from Florida, but we are not doing it because the 602(b)s have been squeezed very badly. Why? Because the Republican tax cut was deemed to be essential in a time when we are trying to balance the budget and serve our children.

I tell my friend, that 2 percent—2 percent—is administrative cost for the administration of the 98 percent of discretionary funds which is sent either to students or to schools and local school districts. Two percent.

All the gentleman wants to do is, as he frankly likes to do on a regular basis, attack the bureaucrats. These are real people doing important things, trying to make programs that this Congress adopts work. I frankly am fed up, I tell my friend, fed up with people rising on this floor and using "bureaucrat" as an epithet, as a slur, as an effort to dehumanize people that we have employed to try to carry out the policies and programs that we adopt.

Good people have to spend time every day trying to make sure that these policies and programs will work for Americans, for children, for families. "Bureaucrat"—it is said with a snide smile sometimes, demagoguing for the people back home. I am fed up with it.

Yes, I represent a lot of Federal employees, and I am proud of it. They work hard and they do a good job, and I dare every one of you to ask the people who come from the private sector, from corporations, from businesses, large and small, ask them what they think of the quality of the morale and of the product of those people who work in Washington and around the country.

By the way, Mr. Chairman, only 20 percent work in Washington. The rest work in Florida, in California, in New York, in Texas, in Iowa, in Illinois, in every State in the Nation, trying to deliver the services that this Congress and the President—in previous administrations and in this one—decided were appropriate for the American public.

□ 1530

Two percent, I tell my friend from Florida, 2 percent overhead in education and 92 percent to the recipients, either students or local school districts or States, to deliver education to the students of this country to make us more competitive.

I am tired of this demagoguery. You can disagree with the programs, but we ought to stop demeaning the people that we have hired, because there are some demented souls in America who hear that debate and decide that they can go to the office building in Oklahoma City, angry at their government, angry at the policies of their government, and in a demented, deranged, sick manifestation of that sentiment, attack the people, persons, the individuals that we ask to carry out the responsibilities given to them by the

Congress and the President of the United States.

I hope, Mr. Chairman, that this amendment is defeated. If the gentleman wants to put $20 million additional in title I, I will support it because it needs $20 million more. But to cut Federal employees further in the process when we are already reducing 272,000 plus probably another 50,000 or 100,000, I say to my friend, is wrong.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I believe the gentleman from Florida [Mr. MICA] has put his finger on the right place to put more money, because title I concentration grants go to the schools that need the money most. I have been saying for quite some time now, and I want to say again, that one of the major problems with title I is that it comes out of that era of our Government where we felt that in order to get something passed here in the House for people who need it, we had to spread it around to every single congressional district, every school district in America. And title I money goes to school districts all over this country who have plenty of resources and no need for the additional money, and we ought to stop that practice.

The authorizing committee ought to address targeting this money where we have real serious problems with poor kids that have no opportunity, and stop sending it to school districts like some in my district; New Tria high school get title I money and the administrators and the parents will tell us that it should not be sent to them at all.

Mr. Chairman, we ought to start deciding where our problems are and putting our money to solve those problems, instead of thinking that we have to buy votes in here by spreading it all across America, and so I would commend the gentleman to the extent that that is the place to put the money.

I would say to the gentleman from Maryland [Mr. HOYER] that I do not understand how anyone can stand up and say that the problem is with title I or any other spending that we have cut taxes. To my knowledge we have not cut taxes. It has been proposed but it has never been enacted.

No, the reason that we do not have enough money is that we have not had enough courage, the President has not had enough courage to sign a bill that would slow the rate of growth in entitlement programs that he could have signed last year but did not, that would take the pressure off the discretionary spending where we cannot solve our budget problems entirely.

We can make a contribution, sure. But we will never get the budget into balance if we don't address the growth in entitlement programs. This Congress has had the courage to propose good programs to do that. The President of the United States chose to veto that, I think in great error.

I am very reluctant to take money out of S&E accounts. It seems like an easy place; salaries and expenses, we will just take it out of that. The gentleman from Maryland is right. Federal employees are just like all the rest of us, they have families, they have kids, they have kids in school, they have mortgage payments to meet. Making a cut sounds easy, but it does affect real human beings who do an excellent job for our country for the most part.

And yet, I think the amendment does aim in the correct direction on providing greater money for concentration grants. I am not going to fight it for that reason. I am not enthusiastic about the place from where the gentleman takes the money.

Mr. KINGSTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I stand in support of the Mica cut-the-bureaucracy, not-education amendment. I believe that it is the right thing to do. I do sympathize with the gentleman from Maryland that we are talking about real people, but I do want to point out that while we are downsizing the Federal Government, for some reason the Department of Education has almost skirted all the downsizing.

In 1992, the number of full-time equivalent employees was 4,876, and today it is 4,816. That is a decline of less 1 percent. Compare that to the Department of Defense and it has declined over 13 percent.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, if the gentleman would bother to look at the size of DOE going back to 1980, he would discover that Department has declined in size already by 20 percent.

Mr. KINGSTON. Mr. Chairman, this is from the full-time equivalents as the gentleman knows.

Mr. OBEY. Mr. Chairman, that is exactly what I am talking about. The gentleman is talking about a 1-year bridge. What he is forgetting is that from 1980 up to until 2 years ago, the Department of Education had major, major, major reductions. If the gentleman is going to compare apples to oranges, let us do it over the decade not over the nanoseconds.

Mr. KINGSTON. Mr. Chairman, reclaiming my time, I think that the point is that the declination in the size of the bureaucracy is the will of the American people, and it is necessitated by the fact that we have a deficit and a national debt of almost $5 trillion.

The deficit on an annual basis we pay nearly $20 billion a month in interest on. It is time to bring this thing under control. What the Mica amendment simply does is say let us take the money out of bureaucracy and put it in the classroom. I have been in one of the title I program classes in my district, and it is a very effective, hands-on program teaching kids how to read, how to improve their education skills, and so, forth. And this is not an education cut. It will help counties where there is over 15 percent of the kids below the poverty level.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I just want to clear up a couple of points. First, the gentleman from Maryland who launched into the debate, first of all, I oversee the Federal work force as chairman, at least from the House side, as chairman of the Civil Service Subcommittee, and I greatly respect the efforts of our Federal employees throughout our Federal work force. But we have the neighborhood of 350,000 Federal employees within my speaking voice here in the Washington, DC area. And they do too have to experience some downsizing.

The Department of Education in the past year has had a 1-percent decrease. I heard the ranking member talk about the actual number of decreases in full-time employees and he is correct, but we have examined this in the Civil Service Subcommittee and seen where thousands and thousands of employees have been contracted out. And that is one of the problems that we have.

But the question here is now a cut of probably about 300 positions in the Department of Education, which would be between an 8- and 10-percent cut of the Washington work force in Washington, DC. I tell my colleagues that through normal attrition we lose between 6 and 7 percent, people who die or retire or go on to other positions. So I think this can be managed.

Mr. Chairman, I appreciate the ranking member's agreement to accept this amendment and support this amendment. And I also thank the chairman for his support of this amendment, also the gentleman from Georgia [Mr. KINGSTON], the gentleman from Wisconsin [Mr. NEUMANN], and other Members, the gentleman from Florida [Mr. SCARBOROUGH], and the 20 or 30 Members who are prepared to come out here and talk in favor of it.

Mr. KINGSTON. Mr. Chairman, reclaiming the time one of the things I hear over and over again from teachers in the classroom, and I visit lots of schools, is that they have too much of their day-to-day routine dictated out of Washington. This type of amendment reduces the influence of Washington command and control bureaucracy and allows teachers to teach children in their home counties as they see fit. I think it is a very good amendment, and urge my colleagues to support it.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would simply like to understand, if this amendment has been accepted, why are we palavering on it? Why do not we just move on?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MICA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DEAL OF GEORGIA

Mr. DEAL of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEAL of Georgia: Page 57, line 24, after the dollar amount, insert "(increased by $1,000,000)".

Page 57, line 25, after the dollar amount, insert "(increased by $1,000,000)".

Page 58, line 4, after the dollar amount, insert "(increased by $1,000,000)".

Page 66, line 9, after the dollar amount, insert "(decreased by $1,000,000)".

Mr. DEAL. Mr. Chairman, my amendment likewise deals with the area of title I basic education funding. It would simply transfer $1 million out of the management administration account and even though there have been transfers pursuant to the previous amendment, I would point out that in this one Office of the Secretary, half of the 100 employees there perform press-related activities. I believe that an additional million dollar transfer would certainly be appropriate into the classroom to deal with title I basic education, Mr. Chairman, that this is a minimal thing that we can do to help those in the classroom level of education.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. DEAL].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $728,000,000, of which $615,500,000 shall be for basic support payments under section 8003(b), $40,000,000 shall be for payments for children with disabilities under section 8003(d), $50,000,000, to remain available until expended, shall be for payments under section 8003(f), $5,000,000 shall be for construction under section 8007, and $17,500,000 shall be for Federal property payments under section 8002.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles IV–A–1, V–A, VI, IX, X and XIII of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964; $1,235,383,000 of which $1,071,495,000 shall become available on July 1, 1997, and remain available through September 30, 1998: *Provided*, That of the amount appropriated, $606,517,000 shall be for innovative education program strategies State grants under title VI–A: *Provided further*, That the percentage of the funds appropriated under this heading for innovative education program strategies State grants that are allocated to any State or territory shall not be less than the percentage allocated to such State or territory from the total of the funds appropriated in appropriation laws for fiscal year 1996 for the combined totals of such grants plus Eisenhower professional development State grants, foreign language assistance grants, and the star schools program.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual and immigrant education activities authorized by parts A and C of title VII of the Elementary and Secondary Education Act, without regard to section 7103(b), $167,190,000, of which $50,000,000 shall be for immigrant education programs authorized by part C: *Provided*, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies: *Provided further*, That the Department of Education should only support instructional programs which ensure that students completely master English in a timely fashion (a period of three to five years) while meeting rigorous achievement standards in the academic content areas.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (except part I), $3,246,315,000, of which $3,000,000,000 shall become available for obligation on July 1, 1997, and shall remain available through September 30, 1998.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, and the Helen Keller National Center Act, as amended, $2,509,447,000.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $6,680,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $43,041,000: *Provided*, That from the amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $79,182,000: *Provided*, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act and the Adult Education Act, $1,329,669,000, of which $1,326,750,000 shall become available on July 1, 1997 and shall remain available through September 30, 1998: *Provided*, That no funds shall be awarded to a State Council under section 112(f) of the Carl D. Perkins Vocational and Applied Technology Education Act, and no State shall be required to operate such a Council.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1 and 3 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $6,630,407,000, which shall remain available through September 30, 1998.

The maximum Pell Grant for which a student shall be eligible during award year 1997–1998 shall be $2,500: *Provided*, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 1996 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $29,977,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, parts A and B of title III, without regard to section 360(a)(1)(B)(ii), titles IV, V, VI, VII, and IX, part A and subpart 1 of part B of title X, and title XI of the Higher Education Act of 1965, as amended, and the Mutual Educational and Cultural Exchange Act of 1961; $829,497,000, of which $15,673,000 for interest subsidies under title VII of the Higher Education Act, as amended, shall remain available until expended: *Provided*, That funds available for part D of title IX of the Higher Education Act shall be available to fund noncompeting continuation awards for academic year 1997–1998 for fellowships awarded originally under parts B and C of title IX of said Act, under the terms and conditions of parts B and C, respectively.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $187,348,000: *Provided*, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under the Howard University Endowment Act (Public Law 98–480).

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For administrative expenses to carry out the existing direct loan program of college housing and academic facilities loans entered into pursuant to title VII, part C, of the Higher Education Act, as amended, $698,000.

COLLEGE HOUSING LOANS

Pursuant to title VII, part C of the Higher Education Act, as amended, for necessary expenses of the college housing loans program, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account

pursuant to 12 U.S.C. 1749d, relating to payment of costs for inspections and site visits, shall be available for the operating expenses of this account.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 724 of title VII, part B of the Higher Education Act shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, $104,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994; the National Education Statistics Act of 1994; section 2102(c)(11), sections 3136 and 3141, parts A, B, and section 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of Public Law 103-227, $319,264,000: *Provided*, That $48,000,000 shall be for sections 3136 and 3141 of the Elementary and Secondary Education Act: *Provided further*, That none of the funds appropriated in this paragraph may be obligated or expended for the Goals 2000 Community Partnerships Program.

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, III, and IV of the Library Services and Construction Act, and title II-B of the Higher Education Act, $108,000,000, of which $2,500,000 shall be for section 222 and $1,000,000 shall be for section 223 of the Higher Education Act.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $320,152,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $54,171,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $27,143,000, together with any funds, to remain available until expended, that represent the equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, and which are transferred to the Office of the Inspector General by the Department of Justice, the Department of the Treasury, or the United States Postal Service.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 304. Notwithstanding any other provision of law, funds available under section 458 of the Higher Education Act shall not exceed $420,000,000 for fiscal year 1997. The Department of Education shall use at least $134,000,000 for payment of administrative cost allowances owed to guaranty agencies for fiscal years 1996 and 1997. The Department of Education shall pay administrative cost allowances to guaranty agencies, to be paid quarterly. Receipt of such funds and uses of such funds by guaranty agencies shall be in accordance with section 428(f) of the Higher Education Act.

Notwithstanding section 458 of the Higher Education Act, the Secretary may not use funds available under that section or any other section for subsequent fiscal years for administrative expenses of the William D. Ford Direct Loan Program. The Secretary may not require the return of guaranty agency reserve funds during fiscal year 1997, except after consultation with both the Chairmen and ranking members of the House Economic and Educational Opportunities Committee and the Senate Labor and Human Resources Committee. Any reserve funds recovered by the Secretary shall be returned to the Treasury of the United States for purposes of reducing the Federal deficit.

No funds available to the Secretary may be used for (1) the hiring of advertising agencies or other third parties to provide advertising services for student loan programs, or (2) payment of administrative fees relating to the William D. Ford Direct Loan Program to institutions of higher education.

SEC. 305. None of the funds appropriated in this Act may be obligated or expended to carry out sections 727, 932, and 1002 of the Higher Education Act of 1965, and section 621(b) of Public Law 101-589.

(TRANSFER OF FUNDS)

SEC. 306. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

This title may be cited as the "Department of Education Appropriations Act, 1997".

Mr. PORTER (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PORTER: Page 69, after line 23, insert the following:

SEC. 307. (a) Section 8003(f)(3)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(3)(A)(i)) is amended—

(1) in the matter preceding subclause (I), by striking "The Secretary" and all that follows through "greater of—" and inserting the following: "The Secretary, in conjunction with the local educational agency, shall first determine each of the following:";

(2) in each of subclauses (I) through (III), by striking "the average" each place it appears the first time in each such subclause and inserting "The average";

(3) in subclause (I), by striking the semicolon and inserting a period;

(4) in subclause (II), by striking "; or" and inserting a period; and

(5) by adding at the end the following: "The local educational agency shall select one of the amounts determined under subclause (I), (II), or (III) for purposes of the remaining computations under this subparagraph.".

(b) The amendments made by subsection (a) shall apply with respect to fiscal years beginning with fiscal year 1995.

Mr. PORTER. Mr. Chairman, this is a noncontroversial amendment. I understand that both sides on the authorization committee have agreed to it, as well as the gentleman from Wisconsin [Mr. OBEY] on our subcommittee. It has been scored by CBO as having no cost.

The amendment is a technical amendment to the impact aid law regarding payments for heavily impacted districts. Payments to these school districts have been made in the past on the basis of one of three formulas.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, to save time, let me simply say we accept the amendment on this side of the aisle.

□ 1545

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. PORTER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY: After title III of the bill, insert the following new title:

"TITLE III-A—EDUCATION AND TRAINING PROGRAM INCREASES

ADDITIONAL AMOUNTS FOR EDUCATION AND TRAINING PROGRAMS

The amount provided in title I for "Employment and Training Administration-

Training and employment services" is increased, the portion of such amount for "Employment and Training Administration-Training and employment services" that is specified under such heading to be available for the period July 1, 1997 through June 30, 1998 is increased, the amount provided in title II for "Administration for Children and Families—Children and families services programs" is increased, the amount provided in title III for "Education reform" (including for activities authorized by titles III and IV of the Goals 2000: Educate America Act) is increased, the amount provided in title III for "Education for the disadvantaged" is increased, the portion of such amount for "Education for the disadvantaged" that is specified under such heading to be available for the period July 1, 1997 through September 30, 1998 is reduced, the portion of such amount for "Education for the disadvantaged" that is specified under such heading to be available for the period October 1, 1997 through September 30, 1998 is increased, the amount provided in Title III for "School improvement programs" (including for school improvement activities authorized by titles II-B and IV-A-2 of the Elementary and Secondary Education Act of 1965) is increased, the portion of such amount for "School improvement programs" that is specified under such heading to be available for the period July 1, 1997 through September 30, 1998 is increased, the amount provided in title III for "Student financial assistance" is increased, by $125,000,000, $125,000,000, $70,000,000, $250,000,000, $450,000,000, $1,000,000,000, $1,450,000,000, $258,000,000, $233,000,000, and $93,000,000, respectively.

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

Mr. PORTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Chairman, last year this committee funded the coming school year by providing funding for a combination of both fiscal years 1996 and 1997 by moving a portion of the funding for title I from 1996 into fiscal year 1997.

This year the committee has done the same thing for the following school year, which means the school districts will get one check in July and another in October. We in this amendment simply propose to do the same thing. We propose to increase the portion of that funding that goes out with the October check, which enables us to increase education funding for a number of programs.

The new result is that this amendment would increase funding for education and training programs by $1,246,000,000 over the same period of time, which is being considered in this bill.

Title I, overall, would be increased by $450 million; dislocated workers would be increased by $100 million. That would enable us to provide one-half of the President's request for an increase so that 50,000 additional workers who lose their jobs because of the impact of foreign imports can get help to be retrained.

For Head Start, it enables us to add $70 million to maintain the same number of kids who were funded last year. For Goals 2000, which was begun by President Bush, and President Clinton was then Governor, and which was strongly supported by Governor Clinton, representing all of the Nation's governors at that time, Goals 2000 has been zeroed out by the committee. We would restore $250 million of that funding. That still leaves us $240 million short of the President's request.

For safe and drug-free schools, we would add $25 million. That would bring us back up to the 1996 funding level. For Eisenhower teacher training, we add $233 million. The committee has zeroed this money out. That still leaves us $42 million or 15 percent below 1996, even if you accept the added numbers in our bill. That would enable 286,000 math and science teachers to receive upgraded training under this proposal.

On handicapped education, we just had the gentleman from Pennsylvania [Mr. GOODLING] come to the floor and ask us to add $300 million for handicapped education by taking it out of NIH. The House rejected that amendment.

We would have asked that $100 million of that $300 million increase be provided. This is one-third of the increase asked for by the President, only we would not cut the National Institutes of Health in order to do it. We would do it by following the same procedure that this committee provided by way of title I funding.

This would enable us to begin to respond to the fact that the Federal Government has reneged on its responsibilities to local school districts for a long time to pay more fair share for the education of handicapped children.

For Perkins loans, we add $93 million, which would bring it back up to the 1996 level. The committee had limited Perkins loans. For summer youth, we add $25 million. Under the committee bill, 79,000 fewer children will be provided with summer jobs. With this addition, we would be able to meet the needs of approximately one-fourth of those children, still, a very small addition but one which we think is amply justified.

This, in my view, is the primary amendment to this bill. This amendment more than any other defines the differences between the two parties in terms of our priorities. We believe that a Congress which can afford to add $11 billion above the President's budget for Pentagon spending, a Congress which has tried to provide twice as many B-2 bombers as the Pentagon asked for, we believe that, if a Congress decides it is OK to do that, it certainly ought to be OK to try to restore some of the reductions that have been made in real dollar terms and in nominal dollar terms in the committee bill.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 3 additional minutes.)

Mr. OBEY. Mr. Chairman, without this amendment, this committee bill is the first step in a 6-year process that will reduce the investment that we make in our kids by 20 percent in real dollar terms. I do not think, and I do not think that the country thinks, that this is the way to prepare for the 21st century.

The children we are sending into the world of work today are going to have to be better prepared, better educated, better trained than any kids in the history of this country, if they want to get decent-paying jobs and provide a decent standard of living for their families. They do not do that, they are not going to be in a position to do that if we short-sheet this bill, if we short-sheet our ability to help the kids who are most difficult to educate in this country to get ahead.

This amendment, I apologize for the fact that it is so small because, even after this amendment, it still leaves us some $5 billion below the funding level for education and training that was contained in the bipartisan coalition bill on the budget just a couple of months ago. It is the very, very, very least that we should do to provide adequate education for our young people. It is far less than we can afford to do, but it is at least a nominal step forward from the committee bill.

I strongly urge passage of the amendment.

The CHAIRMAN. Does the gentleman from Illinois [Mr. PORTER] insist on his point of order?

Mr. PORTER. Mr. Chairman, I do not press my point of order, no.

The CHAIRMAN. The gentleman withdraws his reservation of a point of order.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to ask the gentleman from Wisconsin if he could explain to the House how much total money would be added under his amendment and from where he would derive the funding.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, as I said earlier, we are adding $1.246 billion to the bill.

Mr. PORTER. And where is the gentleman deriving that from?

Mr. OBEY. Mr. Chairman, we are adding that by moving, just as the

committee bill did on title I, we are moving a significant amount of money from title I expended in this year, moving it to the October payment, must as the committee has provided for an October payment, and that gives us ample room to provide the additions that I described.

Mr. PORTER. Mr. Chairman, first of all, let me say that we have been working with the minority all last night and all today, and we have never seen this gentleman's amendment. We knew nothing about the fact that it was going to be offered until it was offered. We did not have a copy, if I could have the attention of the gentleman from Wisconsin, we did not have a copy of the amendment prior to its being offered.

The gentleman and I both exchanged concern about not being informed of other Members' amendments just a moment ago, and this suddenly comes out without any prior notice to the majority that it was going to be offered.

I have to say, I am incredibly surprised by that.

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, I am, too.

I must say two things. First of all, this is not the only thing that has come out with considerable surprise to Members of this House today, as Members will find out in days to come. And I would certainly say that I apologize for the fact that we did not make the gentleman aware of this amendment. We have been perfecting it up until the very moment, literally, that we offered it. And as the gentleman knows, because of the great difficulty in making certain that it was in order parliamentarily, we had to keep making adjustments until we could get it in shape to offer it.

Mr. PORTER. May I ask the gentleman if I can expect anymore surprises this evening or tomorrow?

Mr. OBEY. Mr. Chairman, none that I know of. Again, I would apologize to the gentleman for not getting it to him. I literally had still been working with the staff on this into the hours this afternoon trying to perfect it so we could, in fact, offer it and have it be made in order.

Mr. PORTER. Mr. Chairman, reclaiming my time, I will simply address the substance of the amendment.

Would we like to put in more money in Head Start or in special ed or in dislocated workers? Of course. What this amendment does is simply borrow from next year's 602(b) allocation $1.3 billion and make the same mistake that we were forced to make in the 1996 fiscal year final product, when the President absolutely insisted before he would sign the bill on additional spending that was not within our allocation. And it is a gimmick that no Congress should ever have engaged in and we should not have engaged in last year but had to in order to get the bill signed. I would oppose it on that ground alone.

It is simply a budgetary gimmick to take from next year and spend this year. It is going to have to be paid for sometime.

If I can say to the gentleman, once again, and say it as emphatically as I possibly can, while I realize that we are never going to be able to balance the budget by cutting discretionary spending and that we must address the rise in entitlement programs and we should not cut taxes, I would add to that as well, and I am not always happy with the allocations in function, but let me say to the gentleman, we have a job to do here and that is to get spending under control. And simply to try and squeeze it out of next year is adding more to the deficit ultimately, asking our children and grandchildren to pay the bills for spending that occurs right now.

I do not want to be any part of that.

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, let me say that this may be a gimmick but this is a gimmick which the gentleman's own bill has engaged in to the tune of $1,298,000,000.

Mr. PORTER. Mr. Chairman, reclaiming my time from the gentleman, that gimmick was forced by the White House in order to get a signable bill and was not something that we engaged in. They wanted to put in more spending than we could possibly afford.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Obey amendment. Unless we adopt the Obey amendment, this bill reduces our commitment to education by an additional $400 million below last year's cut of over $1 billion. Mr. Chairman, there are a host of reasons for supporting the Obey amendment. Let me mention just a few.

First, education cuts will hinder our efforts to improve the overall productivity of our economy. The National Center on Education and Quality of the Work Force estimates that each 10 percent increase in education results in an 8.6 percent increase in productivity and that increasing education improves productivity more than increasing capital or increasing hours. In other words, making investments in education benefits the entire Nation.

□ 1600

As my colleagues know, one can transfer capital around the world, fluid capital, instantaneously; machinery in a matter of days. One can transfer capital anywhere. What gives us the cutting edge in competition in the global economy is education and training.

Second, we expect, Mr. Chairman, significant new enrollments in schools across the country in the next few years. In my own State of Michigan alone there will be 29,000 new enrollments by next year. Schools in my State will need to hire an additional 1,700 teachers. We should not be turning our back on local communities when their needs are increasing, and that is exactly what we will be doing if we do not adopt the Obey amendment.

Do not forget that in the last appropriations bill we cut education funding by over $1 billion.

Now my colleagues will hear today that this budget merely freezes last year's funding levels. That is not true. It cuts $400 million below last year's levels, but even so, freezing a billion-dollar cut is not something to be proud of.

I think it is very unfortunate that in this bill once again the Republican leadership, bowing to pressure from outside, has endorsed the elimination of Goals 2000. I would like to quote one of our witnesses before our committee this year commenting on Goals 2000. That was James Burge, vice president of Motorola. He said "The business community has been supportive of bipartisan legislation to encourage education reform in the States, beginning with Presidents Bush's America 2000 proposal through President Clinton's Goals 2000 proposal." This was a bipartisan concept, Goals 2000. There is only one reason for eliminating this proposal: political posturing and pressure from certain extreme groups in the outside.

Goals 2000 is the most voluntary program we have. It is the simplest program, a 1-page application. Forty-eight States are participating in it. The Governor of Texas, the son of President Bush who started this concept, has endorsed and embraced Goals 2000, and why again are we insisting that those 48 States who have embraced Goals 2000, that they are wrong and we are going to pull the rug out from under them?

States are beginning to see some real improvements in their achievement levels under Goals 2000. Real, sustainable progress is being made because of Goals 2000. Goals 2000 had its roots with the Governors, was picked up by President Bush. Lamar Alexander frequently visited my office for several months pushing Goals 2000, although he denounced it during his primary election for President.

This is no time to pull that rug out. To my colleagues on the other side of the aisle who through the years have been supporters of education, I am convinced that the Obey amendment is the most important education vote we can cast. This will assure that the Federal Government will keep its support of education. Education is a local function. We want it to be a local function. It is a State responsibility, a very important State responsibility, but it is a very, very important Federal concern,

and to help these States with voluntary programs to improve their educational standards, their delivery system, is something that reflects that Federal concern.

I urge support for the Obey amendment.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 80 minutes divided, 40 minutes to the gentleman form Wisconsin [Mr. OBEY] and 40 minutes to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding this time to me, and I rise in very strong support of this amendment.

Earlier in this debate today I quoted from "A Nation at Risk," issued in 1983 by the Reagan Department of Education. In that report they said this:

> History is not kind to idlers. The time is long past when America's destiny was assured simply by an abundance of natural resources and inexhaustible human enthusiasm. We live among determined, well-educated and strongly motivated competitors. America's position in the world may once have been reasonably secure with only a few exceptionally well-trained men and women. It is no longer.

That is what this amendment is about.

I voted for a budget which balanced the budget by 2002. It cut $137 billion more from the debt that will be incurred over the next 6 years, and it provided for $45 billion more for education than the Republican alternative.

My colleagues, this amendment adds $1 billion to education in 1997 far short of the additional $6 billion in the Coalition budget.

The gentleman from Wisconsin [Mr. OBEY] mentioned a little earlier that there will be, over these years for which we budget, 3,410,000 additional students in our schools. Next year, there will be more students in America's schools than at any time before in history.

The gentleman from Florida [Mr. MICA] and I had a debate about adding $20 million to title I. He said that was important, to put money on the ground in schools for kids that needed help. The gentleman from Florida ought to be very enthusiastic about this amendment, and I presume he will vote for it.

The gentleman from Georgia [Mr. DEAL] offered an amendment to cut management and add $1 million to title I. That would not be noticed, of course, by the State of Georgia or any other State when we spread that among the school districts of this country. This amendment gives the gentleman from Georgia the opportunity to add $450 million to title I. Now, that is an important thing to do because what the chairman's bill does without this amendment is to take down the number of students that will be served in 1997 from the 6.8 million who receive them today to 6.6 million next year. That is 200,000 students that will not be served.

This amendment will add next year an additional 150,000 students over those provided for in the bill. Why is that important? Because under title I today, my colleagues, we serve only 53 percent of those students who are eligible. What does title I try to do? It tries to take those students who are educationally and economically and culturally deprived and tries to make sure that they will be able to be participants in growing our economy and increasing the quality of our society.

This is not a esoteric or intellectual interest. This is a real interest for my children and the children of families across America.

This is a families first, children first amendment. That is why this amendment should be improved. If we do not pass this amendment, and we support the chairman's bill—and I might say the chairman was constrained by the 602(b), that is to say, the money he had available—we will cut from 53 percent of the young people served to 42 percent. That is 11-percent fewer children served in America in programs that the Reagan administration supported, the Bush administration supported, and the Clinton administration supported, to lift kids up, to educate them and make them full participants in our society.

Furthermore, this amendment adds $70 million to Head Start to serve 15,000 additional children, 15,000 additional children. We talk a lot about being concerned about one life, the ability to make one life better, more able to understand and to participate in and be advantaged by education. One life. This is 15,000 additional children and additional families, additional moms who want to see their children have a seat in Head Start, not to hear, "No, there is no more room."

This amendment also adds $250 million, as the gentleman from Michigan indicated, to Goals 2000 to provide for better quality education in America.

My colleagues, this was called a gimmick by the chairman of our committee. Let me point out that the Committee on the Budget has interposed no objection to this process.

Let me repeat to my colleagues, the Committee on the Budget has interposed no objection to this policy. As a result, my colleagues in this House, we are giving an opportunity to raise an additional billion dollars for educating kids to help families in America, which is what we all say we want to do. And we do that consistent with what the Committee on the Budget has approved within the framework of our numbers.

Mr. Chairman, I hope when the role is called on this amendment, my colleagues will vote "yes" for children, "yes" for families, "yes" for America.

Mr. PORTER. Mr. Chairman, I yield myself 2 minutes.

Let me further comment for a moment on the procedure here.

First of all, it was our understanding before the Committee on Rules that the reason the gentleman from Wisconsin asked for additional time for general debate, and there was 2 hours allotted, was that we would not be seeing this generic type of Democrat priority amendment again. We had seen it in our subcommittee, and we had seen it in the full committee, in part, and it was our understanding it would not be offered.

Beyond that, it is being offered without any notice, without any chance for us to analyze whether it is different than previously offered or not, and I would say to the Members of the House that this is the Democrat wish list for funding for education that is not supported by anything except additional borrowing of money. It is part of the problem and not part of the solution, and I believe very strongly it is irresponsible in the extreme and in further forwarding funding where we have forward funded in the past in response to the President's demands that we spend more money than we have. And I would simply say the Members ought to reject this kind of approach out of hand. It is exactly what the problem is in Washington and the kind of problem that we are trying to solve by getting our budget into balance and not pull these kinds of gimmicks in funding in order to say that we are for this group or that spending or the like. I think it is the height of irresponsibility.

Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the full committee.

Mr. LIVINGSTON. Mr. Chairman, I appreciate the gentleman from Ilinois [Mr. PORTER] yielding me as much time as I might consume, but I ask the Chair to advise me when I have consumed 4 minutes.

Mr. Chairman, this is a cute way to avoid the Budget Act and appear as if we are throwing money at education and saying the children need education dollars. The fact is, if we look at President Clinton's own budget, we see that in 1996 the total amount of funding that there is available for education, training, and employment and social services is about $39 billion, and it goes up in his budget substantially over the years to almost where it peaks at about $46 billion, and then by his own figures it starts to go down substantially in his plan to balance the budget.

Now, the President has said of course he wants to balance the budget. Ironically, his cuts do not really ever get

anywhere until after the next term of office. I would not have any idea why that is, but we would assume that again it is typical liberal mentality and that we will worry about the real problems mañana; not this term, or even the next term of course, but the term after.

□ 1615

That shows though that even he talks about the need to cut back. That is not in keeping with the sentiment of this particular amendment, which throws money that we do not have at education.

Where does it really go? Does it go to the child? No, of course it does not go to the child. The current Washington bureaucracy in the Department of Education involves the Office of the General Counsel, Inspector General, Secretary of Education, the Deputy Secretary, Under Secretary of Education, Office of Public Affairs, Executive Management Committee, Reinvention Coordinating Council, Budget Services, Planning Evaluation Services, Office of Legislation and Congressional Affairs, Intergovernmental Agencies, Interagency Affairs, Secretary of Education, Office of Elementary, Secondary, and Post-secondary Education, et cetera, et cetera, et cetera.

The money goes to the Washington bureaucracy. Even if this amendment were adopted, the money go to the bureaucracy, which the gentleman from Wisconsin [Mr. OBEY] who has just preceded me in the well would hope to perpetuate because these are his constituents anyway.

Mr. Chairman, the point I want to make is under this bill, money for education goes up, money for student loans goes up. This is the projection from 1995 to the year 2000. Every year the estimated annual student loan volume and the cost goes up. The average student loan amount increases from $3,600 in 1995 to $4,300 in the year 2000. The maximum Pell grant, the overall student aid, the TRIO Program, the work study programs, all go up between fiscal year 1996 and fiscal year 1997.

Head Start, which has gone up 132 percent since 1990, is held even in fiscal year 1997. Title I, where in the last 7 years alone there has been an increase of 40-percent in title I grants to the States, it is being held even; again, a 40-percent increase over just what was spent in 1990. It goes on and on and on.

Look, there is never any end to the pleas for more money to help the children who need to be educated. The Federal Government only handles 5 percent of the total education dollars, and most of the money, 95 percent of the money spent on education for elementary and post-secondary education or secondary education, comes directly from the States and local governments. But, they never have enough money to spend.

The fact is, even if they took the money and spent it, it would go to the bureaucracy and not to the children. Where does the money come from? It comes from the American taxpayer, and increasingly, since World War II, the average American taxpaying family has contributed back then 5 percent of its annual income to Washington, DC and the Federal Government, and today, 25 percent of its annual income to Washington, DC, so the people who take their money can go back and get reelected every 2 years by saying, look what we have done for you with your cash. Even then, they have taken more and more and more over the last 50 years, and that is still not enough, because they have spent even more and even more and even more.

In 1980 they were spending $100 billion more than they were receiving in revenues. By 1990 they were spending $300 billion more than they received. This year, even though we are spending $1.6 trillion in the Federal budget, it is still not enough, and we are spending $150 billion more than we collect.

As a result, all those accumulated deficits mean that we now have a national debt of $5.1 trillion, $20,000 for every man, woman, and child in America, and we are paying interest on that debt, the interest of which is soon to exceed what we spend on the defense of this Nation in a single year.

The first dollar that we spend in the Federal payroll goes to interest, not to defend America, but to interest on the debt. And yet they say spending is not enough. They want to drive this country into bankruptcy in order to get reelected. It is time we stopped it. Reject this amendment.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, whatever amendments Democrats offer to try to help people, we get the same response from the Republican side of the aisle: "It is all going to the bureaucracy." Let me tell the Members where the money is going. We are trying to provide help for 15,000 more kids for Head Start, so we do not have to reduce the number by 15,000 this year from last year. The last time I looked, first-graders were not bureaucrats, they were kids who needed help.

We provide help for 450,000 kids under title I. Those are not bureaucrats, those are first- and second- and third-graders. We provide $250 million for school improvement. That goes to schools. It goes to neighborhood schools. We provide $233 million to restore the teacher training that they wiped out in the bill. That is 186,000 math and science teachers that will get the training they otherwise would not get. We restore $25 million for safe- and drug-free schools, not bureaucrats. I wish it could be $125 million. We restore $25 million to help 17,000 kids, not bureaucrats, get summer jobs. We restore $93 million in order to help 96,000 students, not bureaucrats.

We provide $150 million so 50,000 American workers who have lost their jobs because of trade can get help to get retrained. So do not give me this baloney about money going to bureaucrats. This money goes to workers, it goes to kids, it goes to neighborhood schools, it goes to working families. This is the bill above all others that is supposed to help kids and working families get ahead. Give me a break. Quit giving us that same old song.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Ohio [Mr. STOKES], a member of the subcommittee.

Mr. STOKES. Mr. Chairman, I thank the distinguished ranking member of the subcommittee for yielding time to me.

Mr. Chairman, I rise in strong support of the education and training amendment offered by Mr. OBEY of Wisconsin, The amendment overturns this bill's devastating funding shortfall in worker assistance and summer jobs, Head Start, support to local schools, and student aid. The $100 million increase in dislocated worker training means that 50 thousand additional, for a total over 600 thousand, workers would receive the critical training and related services they need to successfully re-enter the workforce. One might ask, just who are these people? Well, let me give you a basic snapshot: 54 percent are male; 73 percent are in the prime of their working career aged 30 to 54; 79 percent are white; 21 percent are minorities; over 40 percent have post high school education; and 17 percent are veterans. These are people, who in good times, have carried the weight of this country on their backs, and will resume doing so when they return to the work force. However, for now, as a result of some form of downsizing, they have been forced out of their jobs. These hard working people do not want a hand out, they just need a temporary helping hand. They deserve that much from their country.

The $25 million increase for summer jobs means that over 15,000 additional summer jobs can be supported. While this is an improvement to the bill, the number of summer jobs supported is still 65,000 fewer than the number currently supported, which is 521,000. The Summer Jobs Program is absolutely critical to furthering the development of the Nation's disadvantaged youth. As I am sure each of us knows, disadvantaged children from all backgrounds whether they are African-American, Hispanic, Native-American, or White—just do not have access to the critical linkages to the work force that they need. The Summer Jobs Program provides that "critical link" and marks disadvantaged youth's first step toward learning work ethics and gaining real work experience.

In fact, the unemployment rate among all teens almost triples that of

the overall unemployment rate. For African-American teens, the rate of unemployment is more than five times that of the overall rate. The potential costs to society from not adequately developing and nurturing its disadvantaged youth is too costly to ignore. It is for these reasons that the President's fiscal year 1997 budget request includes $871 million to support 574,000 summer jobs. This Nation's investment in summer jobs pays for itself.

With respect to education, the Obey amendment provides for children's safety and academic achievement. By adding $25 million for safe and drug-free schools, children's safety in the classroom is much improved. These funds are absolutely critical in providing the over 40 million children served by the program a crime and violence-free classroom in which to learn. Schools use these funds to support conflict mediation, latchkey programs, substance abuse prevention, and violence prevention initiatives including counseling and support groups for at-risk students. The availability of resources to improve classroom safety have encouraged students, parents, and teachers to get involved in managing their schools. And, equally important, it has encouraged parents to get involved in managing their children's education. As a result, some of the schools are experiencing improvements in academic achievement and attendance. Also, dropout rates and suspensions are going down.

The $70 million increase for Head Start will make available 15,000 additional slots. Less than half of the estimated 2 million children who are currently eligible for Head Start are being served.

The restoration of funding, $250 million, for the Goals 2000 Program which was eliminated by the bill, means 6,800 schools will have access to the resources they need to raise academic standards and to continue to help students meet them. In my own State, Ohio, Goals 2000 funds are being used to advance local school improvements designed to enhance student achievement in math and other subject areas where students are lacking in proficiency, to increase and strengthen parental, business and community involvement in education, and to support partnerships with other school districts, colleges, and universities.

The $450 million increase for title I means that 450,000 additional children, as compared to H.R. 3755, will now have access to the critical assistance they need in basic reading and math. Title I funds have made a positive difference in communities across the country allowing schools to focus on early intervention strategies to help prevent academic failure, to help close the gap between the lowest achieving children and other children, between high- and low-poverty schools, and to involve parents more centrally in the education of their children.

The amendment's restoration of $233 million in funding to the Eisenhower Professional Development Program, which was eliminated by the bill—means that an estimated 286,000 teachers and other educators would receive the training and development they need to teach core academic subjects.

The restoration of $93 million in funding to the Perkins loan program means that approximately 96,000 students will be provided the additional financial aid they desperately need at a time when the cost of college is up. Providing a maximum award of $4,000, the Perkins student aid program is critical to helping make college affordable for low-income and middle class families alike.

Mr. Chairman, I stand here on behalf of the Nation's children. Let's not abandon them and their families. Let's fix this bill. I urge you to vote "yes" on the Obey education and training amendment.

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

Mr. Chairman, I want to try to put all this in perspective for people. The total spending on primary and secondary education in this country is somewhere in the neighborhood of $280 billion. The Federal Government spends about $14 billion of that sum. That means about roughly 5 percent of the total. The cuts made last year between fiscal 1995, enacted in fiscal 1996, here in the Congress in education funding would amount to approximately three-quarters of 1 percent of the money spent on education.

So let me say, Mr. Chairman, to the gentleman on the other side of the aisle once again, he is saying the sky is falling, that we are doing terrible things to education, that we are short-changing the kids. Believe me, the gentleman is so, so far from the truth.

Let me say one other thing. If we follow the approach of this amendment, no appropriations subcommittee will ever be able to enforce the discipline of the Budget Act, or to live within their 602(b) allocations.

We will set ourselves on the course of borrowing from the next year ahead on and on in the most irresponsible way, and I would tell the Members that the gentleman from Maryland who just made his presentation, I believe I heard the same presentation four times now, and that may be very good propaganda, but I know it word for word. I think he would tell us if he were here that this is an irresponsible way to proceed, because I have heard him say it myself many, many times.

This is not serious legislation, Mr. Chairman, this is a propaganda game to see who can say they are spending the most and caring the most. It is irresponsible in the extreme.

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

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

Mr. RIGGS. Mr. Chairman, I appreciate the chairman of the subcommittee yielding so I can make this simple point. As the gentleman knows, I am a member of the Subcommittee on Labor, Health and Human Services, and Education, and I, too, have sat through this very informative presentation by the gentleman from Maryland [Mr. HOYER] and the gentleman from Wisconsin [Mr. OBEY] during the course of both the subcommittee and full committee markups.

As the chairman will recall, on both occasions we asked the minority to tell us how much per pupil funding, per pupil expenditures for public education by State and local education agencies has increased over that same corresponding time period. We have yet to get an answer to that particular question.

Since everyone participating in this debate acknowledges that public education is chiefly the responsibility of State and local education agencies, I think that is a rather important piece of information that is currently lacking from the debate. I call again on the minority to tell us and the American people how much per pupil funding has increased for public education over the same time period, as used by their charts.

□ 1630

Mr. PORTER. I thank the gentleman from California.

Mr. Chairman, I inquire of the Chair how much time is remaining on each side.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has 28 minutes remaining, and the gentleman from Illinois [Mr. PORTER] has 29 minutes remaining.

Mr. PORTER. Mr. Chairman, I yield 6 minutes to the gentleman from Mississippi [Mr. WICKER], a member of our subcommittee.

Mr. WICKER. Mr. Chairman, I thank the chairman of my subcommittee for yielding me this time.

Mr. Chairman, this amendment is a budget-busting amendment, make no mistake about it. During general debate last night, I attempted to point out what an important and integral part of the balanced budget question this entire legislation is. We need to ask ourselves with regard to this amendment, are we going to be able to make the tough decisions to actually reduce the deficit and stay on a glide path toward a balanced budget by 2002?

To adopt the amendment that is before us would be to add another $1.3 million in spending that we cannot afford and that we cannot expend and stay on that path.

A second question that is a legitimate concern for Members of this body is, can we adequately fund education in

the context of the bill that has been reported by the Committee on Appropriations? I would simply point out to my colleagues, the chart that I have before me, student aid increases under this bill.

As my colleagues can see, Mr. Chairman, the maximum Pell grant will go up from $2,470 to $2,500 under this bill. Overall student aid will be increased under this bill between 1996 and 1997. An increase for the TRIO Program. An increase for the work study program.

With regard to Head Start funding, as my colleagues can see, this legislation in the context of a balanced budget provides a modest increase for Head Start. According to this chart in the last 7 years, Head Start funding has increased by 132 percent. That is a substantial commitment that this Congress has correctly made to this important program. As a matter of fact, since fiscal year 1989, the appropriation for Head Start has grown by 200 percent, reflecting the commitment of this Congress to Head Start funding. That amount will increase by some $31 million under the bill that we have before us.

Another point that my colleagues have made, particularly my friend from Maryland, is that we are trying to balance the budget and give tax relief to middle-class Americans at the same time. My colleague from Maryland says we cannot do that. As a matter of fact, Mr. Chairman, we can do that. In the budget plan that we have adopted that a majority of this body has voted for, we can do that. I want to provide tax relief for that middle-class family. I want to provide an opportunity for that family making $25,000 to $30,000 a year to have an extra $1,000 or $1,500 in their take-home pay. If we can do that and still provide an increase for Head Start and for the other programs that I have already outlined, then I think that is a bargain that we ought to take. That is an opportunity we ought to grab. I think the American people support that.

One last chart, and the chairman of the full committee has already alluded to this, this is a chart of President Clinton's budget for education, training, employment and social services out through 2002. As my colleagues can see, the President and his party have proposed dramatic increases in spending in these areas until 2000. That would be the end of the text presidential term. And then the President of the United States says, "After 2000, we will make dramatic cuts in these programs." How are we going to do it? It has not quite been explained. I say that if we were to take this approach and adopt this sort of dramatic upswing and then hope for a cut in the out years that we will never balance that budget and I think every Member of this body on either side of the aisle knows that. It is the same with this amendment. This amendment says,

Let's spend in fiscal year 1997 another $1.3 billion, and we're not going to get it out of another program, we're not going to take it out of some other line item, we're just going to borrow it from next year. Next year. We'll worry about it then."

Is that not the problem that we have had that has led to the deficit that we are currently faced with? Is that not the problem that has led to a $5 trillion debt or has contributed at least to a $5 trillion debt in this country?

I urge my colleagues to say no to robbing from people tomorrow so that we can spend more money today. I urge my colleagues to vote against this budget-busting amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. CLAY], the distinguished ranking member of the Education Authorizing Committee.

Mr. CLAY. Mr. Chairman, I rise in support of the Obey education and training amendment and in opposition to H.R. 3755, the fiscal year 1997 Labor-Education-HHS appropriations bill.

Mr. Chairman, Republican appropriators boast that their budget preserves meaningful Federal support for education. Unfortunately, their behavior does not coincide with their rhetorical bragging.

The appropriations bill before us today does not preserve our commitment to the children of this country. It shortchanges basic education and assistance to the most vulnerable student populations, withdraws support for State and local education reform, sabotages school improvement efforts, and denies opportunities for low-income students to pursue higher education as a reasonable goal.

Republicans attempt to package their fiscal year 1997 education budget as a freeze. But characterizing this atrocity as a budgetary freeze is like calling a termite an interior decorator. In reality, the bill represents a continued erosion of Federal support for education. The simple fact is this bill cuts education funding, and these cuts come on top of last year's $1.1 billion reduction in education dollars. Unfortunately, the Republican 6-year balanced budget calls for a continued downward slide in Federal education support.

I fail to see the logic of curtailing support for education, particularly in light of the increasing demands on our education system. School enrollments are rising to record-high levels. In the next 6 years, the period covered by the Republican budget plan, public elementary and secondary school enrollments are projected to increase by 7 percent, and college enrollment by 12 percent. Given these soaring increases in the student population, ever-increasing service costs, and shrinking local education budgets, these cuts will have disastrous results for our children.

It makes no sense to balance the budget by sacrificing investments in the young people who will assume awesome responsibility of leading the world. Investing in education yields extraordinary benefits in terms of increased productivity and economic growth. Equal access to education and educational excellence for all of our children require vigorous and responsible leadership. The bill before us today takes this country in the wrong direction.

Mr. Chairman, on the other hand, I support the amendment offered by my colleague, Mr. OBEY. His amendment would restore funds to assist 8,500 schools in improving the academic achievement of their students, provide basic education assistance for an additional 450,000 children from low-income communities, preserve professional development opportunities for 750,000 teachers and educators, and restore opportunities for 96,000 low-income students to receive Perkins grants to pursue higher education.

Finally, the bill's funding of training programs is woefully inadequate. In this era of increased global competition, we must rely more than ever on our Nation's most valuable resource: The skills and productivity of our workers. A strong training system is critical to our future. Regrettably, the Republican Congress continues to ignore this reality.

The Republican Congress cut over $3 billion from education and training in the 1995 rescission bill and the 1996 omnibus appropriations bill. Today we consider a bill that cuts further at training programs. The Republican bill would deny training opportunities to thousands of dislocated workers who seek retraining to improve their skills, and remain productive citizens. Job losses are inevitable in today's fast-paced economy, as corporate downsizing continues at an alarming rate. The faster dislocated workers can move into new jobs, the better it is for them, their families, and for the American economy. We cannot turn our backs on workers in need of retraining.

I urge my colleagues to reject the Republican approach to education and training. I urge Members to honor our commitment to students and workers by voting for the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the gentleman for yielding me the time.

Mr. Chairman, the charts and graphs and the square root of last year's budget are all interesting, but I think they miss an essential point. That is, that traditionally and without exception, appropriate funding and aggressive support for education has been a bipartisan effort in this Congress. It was, after all, a Democratic President that proposed the GI bill and a Republican Congress that said yes. It was a Republican President that supported the

great National Defense Education Act and a Democratic Congress that said yes. Together we have supported such things as drug-free schools and Head Start. The list is glorious and it was bipartisan until this Gingrich Congress. Until this Congress, for 50 years, both Democrats and Republicans joined hands as the American people wanted us to in appropriately funding education and now it has changed. Our Republican colleagues cut $1.1 billion out of the schools and the children of this country in the last Congress and now they propose to cut almost a half a billion more. The Obey amendment attempts to restore bipartisanship to education, to what it has traditionally been.

Mr. PORTER. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. RIGGS], a member of our subcommittee.

Mr. RIGGS. I thank the subcommittee chairman for yielding me this time.

Mr. Chairman, to hear all this compassionate discussion about public education makes me harken back to last year and our efforts to offer educational choice to the poor people of the District of Columbia. If we have a direct responsibility for any education system in this country, it certainly is the District of Columbia public schools and we were unable, because of Democratic opposition, to offer educational choice to the poor children of the District of Columbia and their families. These are children that are trapped in failing schools and trapped in circumstances that as far as I am concerned very seriously cloud their future and deny them educational opportunity, which is the cornerstone of American democratic society.

But the point I want to make during this debate is that simply throwing more money, more taxpayer dollars at our failing educational system has not helped the problem and it is not the answer. I think I can come down to floor here with pretty clean hands because I parted company with some of my California Republican colleagues, I certainly parted company with some of my colleagues on the Committee on Appropriations and voted against the defense spending bill last year because I thought it was excessive, only to later witness the President, who had opposed the bill and threatened to veto it, turn around and sign that bill into law because he claimed that he needed the $8 billion additional spending in that defense bill, which he had earlier called excessive, to help pay for our Bosnian mission which I think is in the long term doomed to catastrophic failure in that part of the world.

But I want to point out, here is what is missing from the charts and the statistics and the figures that are thrown around on the other side during this debate. Since 1970 per-pupil spending in this country, this was the point I tried to make earlier, per-pupil spending in this country has increased from $4,000 per pupil to almost $7,000, and that is adjusted for inflation, a $3,000 per-pupil increase after adjusting for inflation. Yet SAT test scores have dropped from a total average of 937 in 1972 to 902 in 1994.

There are a couple of other figures that I want to share with Members as well. We all recognize that education is suffering in this country. According to the 1994 National Assessment of Educational Progress, when testing for U.S. history achievement, 36 percent of fourth graders, 39 percent of eighth graders, and 57 percent of 12th graders failed to attain even a basic skill level. For reading achievement, the same National Assessment of Educational Progress test reports that 40 percent of fourth graders, 30 percent of eighth graders, and 25 percent of 12th graders failed to attain again basic skill sufficiency levels.

So where is all this money going? Because it is obviously not going into the classroom, it is obviously not producing the kind of educational results, the kind of educational improvement that we would like to see in this country.

Mr. Chairman, we really have to take this into account when we hear the other side talk about spending more and more money and growing our Federal education bureaucracy back here in Washington. When we took over last January and became the new Republican majority in this House of Representatives for the first time in 40 years, we started an inventory of all Federal education programs. That count today stands at 760 separate categorical Federal education programs and increasing. Seven hundred and sixty education programs, administered by a bureaucratic, redtape, absolutely a maze of bureaucratic agencies. Thirty-nine separate Federal departments, agencies, boards and commissions to administer these 760 Federal education programs. These programs cost Federal taxpayers $120 billion in 1995. But only 51 of these programs are determined to be for the purposes of science, reading, or math. That is how far we have gotten away from the 3 R's in this country. Remember reading, writing, and arithmetic? I would add two others, respect and responsibility, which I think we all need to teach through our public schools. Only 3.6 percent of these 760 Washington Federal education programs are science related, only 1.8 percent are reading related, and only 1.1 percent of these programs are math related.

Mr. Chairman, it is very clear. We are not getting the bang for the buck, we are not getting the kind of results and the kind of accountability we should expect and demand in our public education schools in this country today.

I urge my colleagues, reject this argument and remember that the best thing we can do for our children is to balance the budget. The Democrats say that this bill hurts children but the fact is that we are balancing the budget for our children, for the first time in decades. If we do not get runaway Federal spending under control, we simply will not have money for college loans, we will not have money for Head Start, and we will not have money for children's health programs.

□ 1645

So we again are prioritizing spending. Remember, more money, based on the experience of the last few years, the last few decades in this country, does not necessarily mean better education.

Mr. Chairman, I urge my colleagues to reject the argument that throwing money at the problem is the solution. Qualitative educational reform and improvement is the answer.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I rise in support of the Obey amendment and in opposition to this bill and specifically in opposition to the bill's shortsighted allocations for education funding.

Mr. Chairman, if this country is truly going to meet the challenges of the 21st century, its children will meet the best education we can provide. I think we all agree on that point. However, this bill does not reflect that need.

We know that over the next several years, enrollment in public schools will rise to levels we have never seen before. In fact, the Department of Education estimates that America will need 50,000 additional teachers for the upcoming school year, just to keep class sizes the same as they were last year. This is not a 1-year anomaly—we expect these numbers to continue to increase over the next several years.

At the same time, we are facing a collapse of the current cohort of teachers. The baby-boomers are reaching retirement age. This will mean not only fewer teachers, but fewer role models and mentors for all of the new teachers we hope to acquire. All of this is happening during a time of extreme change in our society. For example the body of scientific knowledge changes daily. We simply can't expect teachers who were trained in this subject 20 years ago, or even 5 years ago, to be able to teach science effectively without the resources and the training they need to stay current. Constant retraining and strengthening of skills is essential—especially as we ask teachers to incorporate new technology into their classrooms.

However, this bill responds to this by doing exactly the opposite of what is needed. It eliminates the Eisenhower Professional Development Program—

the one program that has provided national leadership in strengthening the skills of our Nation's teachers. The Department of Education estimates that the President's request for this program would have given 750,000 teachers hands-on training. Even keeping the level of funding equal to last year would have given 338,000 teachers the professional development necessary to teach the next generation the lessons they will need to survive in today's changing world. This does not even take into account the millions of teachers who access the Eisenhower clearinghouse on-line every year to share information about lesson plans and innovations, in order to make their classrooms better learning environments.

With this bill, none of that will take place.

And this is only one cut. I have not even spoken of the detrimental effects of eliminating Goals 2000 or rejecting the President's technology initiative. If we expect our schools to improve, we cannot take away the tools—and yes, the money—they need to do so. With enrollment increasing, with our current teacher cohort shrinking and becoming, on average, less experienced, and with technology developing faster than ever before, we must begin to invest more in education—not to cut, or simply maintain the efforts of previous years. I have always maintained that education is a local function, a State responsibility, but now more than ever, it must be an overarching national concern. I hope that before Members vote on this bill, they understand both the gravity of that decision and its implications for this country's education system.

Mr. PORTER. Mr. Chairman, could I inquire of the Chair how much time is remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 18 minutes remaining, and the gentleman from Wisconsin [Mr. OBEY] has 25 minutes remaining.

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

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Obey amendment to restore vital funds for public education.

The amendment rejects the bill's slashing cuts in public education that hit children and working families at every level of their academic development. This bill will deny working American families the great equalizer of our time, the opportunity of a quality public education. It cuts safe and drug-free schools. It kicks 15,000 children out of Head Start, denies help in reading and mathematics to 150,000 kids, and it limits the ability of colleges and universities to grant student loans to middle-class families.

The Obey amendment honors the priorities values of working American families by making desperately needed educational investments. Education is vital to the productivity and the competitiveness of our Nation, both today and in the 21st century. Some of my opponents say that the Republicans have changed their tune from 4 months ago and have a newfound faith in the merits of public education. This is simply not true. Put families first. Put out kids first. Vote for the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas, Mr. GENE GREEN, because he talks slow.

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague for an extra 30 seconds. Those of us from Texas, we talk a little slower.

I am just shocked that the Republican majority would be opposing this amendment that does not increase the deficit and yet it puts money where 80 percent of the American people want it, in education funding. Education is hard, it's difficult and it is not cheap, and we know it is not free. We cannot cut spending, as my colleague from California thinks, in education and expect it to improve. Education is tough when we spend the money. It is impossible when we do not spend the money. That is why the Obey amendment is so important. It increases title I funding, increases summer youth training programs, dislocated workers, Head Start it increases $70 million, title I funding for disadvantaged children, $450 million.

At a time when we see an increase in the student enrollment, as the chart in the front talks about, 7 percent increase, this bill cuts it. That is why the Obey amendment is so important.

If we do not restore the funding with the Obey amendment, then a number of us are going to have to vote against this bill because it is not preparing for the future of our country. It is cutting the future of our country. Using the gentleman from California's argument that education is failing and it is because we are not seeing the improvement, the Pentagon might be zeroed out this year if we know what the GAO study said on the gulf war. We have to do better, not only with the Pentagon but also with education funding.

That is why the Obey amendment is so important for us to adopt and to pass.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, I rise in serious opposition to some remarks that the gentleman from California [Mr. RIGGS] made. In fact, walking on the floor, I thought I was back in the Mississippi legislature when they were debating not whether or not to increase but whether or not there would even be mandatory education in the schools.

Mr. Chairman, Mississippi tried that. We went for almost 30 years without mandatory education, I say to the gentleman from California [Mr. RIGGS]. That is probably why our State ranks last in so many categories. It does not work. It costs to educate kids, and it costs more to educate kids with disabilities. There was a time when they were given a couple pots and pans and told to play in the backyard. Now we try to educate them and, yes; we spend a disproportionately high amount of money trying to educate those kids. But it is for the purpose of making them self-sufficient so that we do not have to pay welfare for them.

It costs money to educate children. My State tried the alternative. My State tried going without education and it is suffering for it. So I rise in complete argument with everything that the gentleman said and also want to remind you that the Republican Congress is increasing the annual operating deficit, not reducing it.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentlewoman from New York [Mrs. LOWEY], a member of the subcommittee.

Mrs. LOWEY. Mr. Chairman, I rise in very strong support of the Obey amendment to maintain our commitment to our Nation's children, workers, and our schools.

Mr. Chairman, the spending bill we are debating today provides insufficient funding for title I math and English instruction, Safe and Drug-Free Schools, and Head Start. When we consider that school enrollment will increase by 44,000 in New York State alone and that even modest inflation will mean higher costs everywhere, level funding is simply not good enough.

This bill also completely eliminates funding for Goals 2000, provides no new funds for the Perkins Loan program that helps families send their kids to college, and that is just not acceptable.

Mr. Chairman, what will this bill mean? New York City will need an additional $4.5 million in title I funds to provide remedial math and English instruction to their students. Under this bill, they just will not get it. More than 6,000 students and 260 teachers will be cut from the program under this bill next year alone. What is worse, if we follow the Republican budget resolution through the year 2002, 41,000 fewer students will receive title I instruction and 1,600 fewer teachers will be funded in New York City. Overall, the Republican budget resolution cuts funding for education and training by several hundred million dollars by 2002.

The Obey amendment would add $450 million to title I and bring funding up to the level requested by the President in his 6-year balanced budget plan. Under the amendment, over 100,000 students who would have lost remedial

help can continue to receive it. An additional 250,000 to 300,000 disadvantaged students would receive the help they so desperately need.

Mr. Chairman, we are all concerned that American students have fallen behind their peers in other countries in math and science. To help push our students to the head of the world's class, the Obey amendment provides an additional $230 million for math and science professional development. This funding is crucial to help train teachers to prepare our students for the technical demands of the 21st century.

Mr. Chairman, I remember when I was in college and there was a great rush to catch up with Sputnik and there was a big move to invest in math and science, and we did so. There was a tremendous effort to invest in math and science at the time, and we made a real difference in our schools. Well, we need to do that again. This amendment restores funding to the Goals 2000 program to ensure that our schools are prepared for the 21st century.

In 1996, New York State received $25 million in Goals 2000 funds to help establish and meet challenging academic standards. Some in this Chamber may argue that schools do not see Goals 2000 money. However, 90 percent of Goals 2000 money that went to new York this year will reach local schools, 90 percent. So make no mistake about it, eliminating Goals 2000 will mean $22 million less to local schools in New York State, and that would be wrong.

In addition, this amendment adds $70 million for Head Start. That means 15,000 more slots in a program that ensures that young children will be ready to learn when they enter school. As written, this bill will deny Perkins loans to thousands of needy college students. This amendment restores $93 million for the Perkins Loan Program, enough to restore Perkins loans to 96,000 needy students who want desperately to achieve the American dream.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I find it interesting that 1 short week after cost of government day that says that all the income that American families and individuals make up until July 3 of any given year goes to support various aspects and various taxes, but basically it goes to fund the cost of government. The Republican vision for education is to return decisionmaking back to the local level. When we are already collecting taxes for more than half the year, perhaps we ought to reassess how those tax dollars are being spent, and more importantly, perhaps what kind of impact are they having.

When we take a look at putting more money back into the educational system in Washington, perhaps it is important to take a look at how Washington defines education. So often we say education in Washington is the Education Department, right? It is this agency, this Department that funnels education dollars back to States and local school districts. They are the ones that drive for excellence in education at the local level. They maybe have a few programs that do this targeting at different kinds of needs and specific requirements at the local level. It is a little bit more complex than that.

It is really a myth here in Washington, because in education, we really have embraced the myth that Washington can solve every problem in education at the local level.

What has this myth evolved to? The result of us in this Chamber believing that we can solve every problem means that we have developed 760 different education programs in this town; 760 different programs that people at the local level have to filter through. It is a good thing that these all go through the Department of Education, so at least the people at the local level can go to one agency and one bureaucracy in Washington and say: These are my requirements. How can you help me and where should I go to look for assistance?

□ 1700

Wrong. If you are at the local level and you have a problem and you think that maybe the Federal Government can help you, and you say which one of these 760 programs is targeted to help my specific requirements, I think I will go to the Department of Education and get a catalog of these. No, sorry, go to the Department of Education and then go to the 38 other agencies in Washington that have responsibility for education.

I am at the local level. I can go to 39 agencies and say, can you please help me find out which of these 760 programs can help me to solve my problem, 760 programs, 39 agencies. But they spend a lot of money. Yes, they spend about $120 billion per year.

It is time to take a look at the agencies, not the money.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from California [Ms. PELOSI], a member of the subcommittee.

Ms. PELOSI. Mr. Chairman, I thank our distinguished ranking member for yielding me this time and also thank him for his leadership. This is a very important amendment because if there were nothing else wrong with this Labor-HHS bill there would still be three reasons, as I said yesterday, to vote against it: Education cuts, education cuts, education cuts.

The needs of our children and our schools are increasing rapidly and that this House is willing to shortchange them is shortsighted. Our children deserve better.

Mr. Chairman, as you know, the Committee on Appropriations voted to cut the President's request for funding for education by $2.8 billion. The Obey amendment would restore funding for some of the education and training programs that have been frozen, cut, or eliminated in this bill.

I am also pleased that the Obey amendment contains $100 million for dislocated worker training. This is a particularly difficult time for Congress to be freezing or cutting funds for dislocated worker training when workers are dislocated by virtue of trade and downsizing. I should not say virtue, but because of trade, downsizing, or technology. It is just exactly the wrong time for us to be cutting funding for their relocation and their training.

I am pleased also that there are funds for summer youth training. Some of those positions are restored, 16,000, even though the committee cut 79,000 summer job training positions. Of course, I am pleased with the increased funding that the Obey amendment provides for Head Start, Goals 2000, and title I.

Much has been said on the floor today about the Federal role in education, and over and over in the course of the debate in the committee, full committee, and here, about the fact that the Federal role is 5 percent of education funding in our country. Indeed, it is only 5 percent, but it is an important 5 percent, and under this legislation, as has been presented here today, we, this Congress of the United States, would not even be able to sustain that small responsibility as important as it is to our Nation's children.

Our children deserve to learn in a safe and drug free environment, to arrive at school ready to learn, to fully develop basic skills like reading and math, to have expanded access to new technologies, to be taught by well prepared teachers, to support higher education and to learn the appropriate skills to succeed in the 21st century workplace.

Sometimes it is difficult for some of us to understand when we have helped to teach our children to read and write that some children do not have that assistance at home. Title I helps provide that for children, and I am so pleased that the gentleman from Wisconsin [Mr. OBEY] has found a way to increase the funding for title I.

We are beholden as public servants, I believe, to provide these opportunities for our children. If we do not display this commitment, we are destined to slam head first into a crisis in education and a down turn in our Nation's productivity.

By this fall, 52 million students will be enrolled in elementary and secondary education schools. Local education budgets are stretched to the limits.

Ask any local educator. Education is not just a local responsibility, however, and I addressed earlier the 5 percent that we provide that is very essential. It is the responsibility of all of us, and if we do not live up to it, our children will suffer great consequences.

The education of our children is at great risk. In my view, our Federal commitment to education is a measure of our sincerity about economic success, social progress, and our children's future. I hope our colleagues agree and that they will support this amendment.

So many times in the course of the appropriations bill we have to refer to the budget allocation that our chairman receives. He deserves credit on making the best of our allocation. Even so, I think we should keep our priorities in line with children first and support the Obey amendment.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MILLER], a member of our subcommittee.

Mr. MILLER of Florida. Mr. Chairman, the debate here is not who supports education more. Everybody supports education; the Democrats, Republicans. I have two children, one still in graduate school working on her master's in social work. We support education; that is not the debate. The debate is who is fiscally responsible in addressing the problem.

Do we go back to the irresponsibility and use smoke and mirrors and just build up debt and put debt on our children? We are talking about the future of our kids, and the future of the kids is dependent upon the debt we are putting on them. We have a debt of over $19,000 to every man, woman, and child in this country today. If we just build that up and build that up and spend, spend, spend, that is nice for today, but what are we doing for our children and grandchildren? That is what this debate is about.

We have to have fiscal responsibility. We have to have common sense when we get into spending, and we are talking about the future of our kids. That is what it is about. If we just throw more money, that does not necessarily solve the problem. We have increased spending for elementary and secondary education in this country from $4,000 per child in 1970 to $7,000 today.

The District of Columbia spends over $9,000 per child. Now, there is sending, lots more money, and what do we have to show for it? I doubt if there is a Member sitting in the room today that will put their kids in the public school in the District of Columbia, and that is throwing more money at it.

So I think the rhetoric is scare tactics and that is unfortunate. It has been tried on Medicare: Oh, the sky is falling. We are going to destroy Medicare. Hey, we all support Medicare. They support Medicare. We want to preserve Medicare. Education, the same thing. Everybody feels strongly about education. We need to educate our kids. It is the future of our country. But let us educate them in a fiscally responsible way and not burden them with more debt.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. ISTOOK], a member of our subcommittee.

Mr. ISTOOK. Mr. Chairman, this amendment is about $1.3 billion extra in Federal spending. No matter where we say the money is going to go, where is it going to come from? We asked the proponents, and they say we will take it out of the money that we were planning to spend next year. Where do we get the money next year? Well, from the year after that and the year after that.

Kind of reminds me of the husband who wanted the boat. He says to his wife, "I am going to get a boat." "Where are you going to get the money?" "I will take it out of the mortgage." "How will you pay the mortgage?" "I will take it out of the electric bill." "How are you going to pay the electric bill?" "I will take it out of the clothing budget." "How are you going to buy clothing?" "I will take it out of the grocery budget." "How are you going to buy groceries?" "I guess we will have to borrow."

That is what this is about. This is about increasing the amount that we are going to borrow. From where do we intend to borrow this $1.3 billion? Well, there are many different ways. We could write a check, if we had one. We could put it on a MasterCard or an American Express or a Visa. But ultimately it means we are talking about borrowing that money from our children.

I have five of them. I do not want them to be buried in debt before they are even grown. I keep a chart in my office. It is on the wall. People come in and they can see every day what is the national debt: $5.1 trillion, $5,154,104,500,603 as of today, the share of each of my children, $19,329, and going up.

Where is the money going to come from? They want to borrow, borrow, borrow, borrow and put our kids in hock for it. This is not for the kids. This amendment is for the bureaucrats, to preserve 760 Federal programs in the name of education, and 95 percent of the education budget in this country comes from the communities and the States. It is not dependent upon the Federal Government.

What depends on the Federal Government is bureaucrats, 760 Federal agencies spread out among 39 departments. Department of Defense. I do not even know the names of some of these. Department of Energy. I do not know what ATBCB is or AG. I know what EPA is and HHS and HUD. But 760 Federal programs? How many bureaucrats are we trying to support on the backs of our children? That is what this is about.

If we believe in responsibility, if we believe that our children come first, then we should not pretend we are helping them by borrowing more money and putting more debt on their backs. Oppose the amendment. Let us keep some sanity. Let us get away from the notion that has dominated this body for so long that the American people are sick of it. Quit borrowing, let us keep the budget solid and keep on the path towards getting in it balance.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KOLBE], a member of the Committee on Appropriations and the Committee on the Budget.

Mr. KOLBE. Mr. Chairman, we have already heard that this really is not about education. We are all committed to education. There are philosophical differences as to whether or not the education can best be paid for at the Federal level or at the State and local level. I think most of us on our side of the aisle believe this is a local responsibility.

We can have programs that are better, more efficient, better funded, better for children if they are run locally and funded locally. But that is not really the issue that is involved here because we have increased spending. If we put all the spending of State, Federal and local spending together, we have increased dramatically.

Over the last 40 years, even when we take inflation into account, we have more than doubled the per capita spending. Can anybody in this body look at the statistics and say we are getting more for the dollars that we are spending on education? I doubt it.

So the issue really is whether or not we are going to spend more to provide for Federal bureaucracies. That is really what we are talking about, keeping the bureaucracies in place who run these Federal programs that amount to only 5 percent of the total education dollars.

Now, I know this is a little bit inside baseball, but the gimmick that is being used here is very clever, and I think my colleagues need to know about it. It is really a very clever device, because what they are doing is, rather than take the money out of any other account, reduce spending in any other place, because that might mean some pain in some other areas, in health care, or in higher education or in job training or something else, so rather than do that, we are going to forward fund. That is, we are going to take the money out of certain accounts and we are going to put it into the accounts in fiscal year 1998.

This is another year, not the year for which we are appropriating, but we will make it available on October 1 during the school year, October 1, 1997.

Now, the people on the other side have claimed, well, this has really already been done by the Committee on the Budget, and it is true. In the case of title I we did some of this forward funding. Why did we end up having to do that? Because the President last year on this bill said he would veto it if all the money he wanted for title I was not in the bill, and we could not take it out of any other place, so we had no choice but to forward fund that.

It is certainly not a practice that anybody should want to continue. It is certainly not a practice that anybody thinks we ought to replicate and make widespread in the Federal budget, because as the gentleman who spoke before me suggested, when we start doing this with one part of the budget, we can do it with all the parts of the budget. Why not forward fund defense or the Commerce Department and law enforcement, and so forth? And we will just keep borrowing it and putting it all into the next year's budget. We will take this year's and put it into the next year's budget.

□ 1715

Obviously, each year the problem becomes bigger as we try to deal with this problem. This is a bad process. We should not follow this process. We should not do this any further. We should reject this idea. We should stick to the budget resolution that we have adopted. We should not play these kinds of games and use these gimmicks. This amendment should be soundly rejected.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Economic and Educational Opportunities.

Mr. GOODLING. Mr. Chairman, where in the world were the bleeding hearts an hour and a half ago when I stood down in this well and pleaded with my colleagues on the other side of the aisle to face up to the mandate that they gave 21 years ago which is destroying every school district in this country? Not one of them was here.

Mr. Chairman, for 20 years they have refused to step up to the plate and put the 40 percent they promised into special education, and for 2 years my side of the aisle has done exactly the same. And now they want to exacerbate the problem.

Mr. Chairman, I will not have a snowball's chance in Hades of getting any money to step up to the plate to do something about the 40 percent unfunded mandate in special education because they are now taking the 1998 money away from me.

Where were they an hour and a half ago when they should have been here? Dislocated worker training is not an unfunded mandate. The summer youth training is not an unfunded mandate. Head Start is not an unfunded mandate. The Goals 2000 is not an unfunded mandate. Title 1 is not an unfunded mandate. Eisenhower Teacher Training, unfunded mandate, and it is not zeroed out either. It is moved into what we call chapter 2, which is where it should be, which gives the kinds of flexibility we need.

But to think my Democrat colleagues would then have the gall not to step up to the plate and do what they should do for local school districts, which is deal with the IDEA problem. Why are they falling behind in education in this country on the local level? Simply because of unfunded mandates from the Federal Government. They have to take their money that they would spend to upgrade education for the masses of students to spend on what we mandated for the few that are out there.

Mr. Chairman, I say to my colleagues on the other side, do not turn around and play games before an election like this and take away the possibility that at least next year, if I cannot do anything about it this year, at least next year being able to step up to the plate and help those local districts and do something about the unfunded mandate so that they can improve the education system. They know how to do it. We do not. But we mandate and they pay. Let us reverse that. Please reject this amendment above all.

Mr. PORTER. Mr. Chairman, I would inquire as to the time remaining.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 4 minutes remaining; the gentleman from Wisconsin [Mr. OBEY] has 13½ minutes remaining.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MCKEON], the chairman of the Subcommittee on Postsecondary Education, Training and Lifelong Learning of the Committee on Economic and Educational Opportunities.

Mr. MCKEON. Mr. Chairman, I thank the gentleman from Illinois for yielding.

Mr. Chairman, I was sitting in my office following the debate, and I heard the same old untrue tirade of how we are cutting student lending and how students will not be able to get help to go to college. I do not know how many young people we have scared into not even trying to get into school because of saying this untrue thing.

It seems to me that there is enough difference philosophically and politically between us on both sides of the aisle that we can make our points while still telling the truth, and I would implore that we do that. That we not scare people needlessly with untruths.

Let me just give a new facts about student loans. This bill that we are working on right now, the Labor-HHS-Education appropriation bill for Federal student aid, this year increases Federal student aid $2.4 billion to $40.7 billion from the $38.7 last year. We continue to make student aid one of our priorities, and we increase funding for all of the major student aid programs.

Just a few examples: Pell grants we increase to $5.3 billion. That is a $428 million increase. The Pell grant maximum we raise to $2,500 from the $2,470. This is the highest maximum ever provided over the maximum that we increased last year. The work-study program we increase to $685 million. That is over $68 million increase from last year, higher than the President's request.

The TRIO Program we increase to $500 million. That is a $37 million increase.

The bill appropriately makes limited reductions in duplicative and outdated student aid assistance programs, but no student will have his or her aid decreased as a result of the bill.

Student aid funding in combination with Federal entitlements like student loans will increase aid available to students, as I said, this year by $2.4 billion. So please ignore the false rhetoric and misleading statements regarding student aid in this bill. This is a good bill.

Mr. OBEY. Mr. Chairman, I yield myself 9 minutes. I had thought there would be other speakers here, but there are not, so I will try to limit my remarks.

Mr. Chairman, we have heard a lot of rhetoric today and we have heard a lot of talk about bureaucrats. We have heard a lot of talk about mandates. The gentleman from Pennsylvania just asked where on earth were we when he offered his amendment just a few minutes ago. I will tell my colleagues where I was. I was right here, and I was voting against his amendment because I do not believe that we ought to reduce the funding in the committee bill for cancer research. I do not believe we ought to reduce the funding in the bill for Alzheimer's research. I do not believe we ought to reduce funding in the bill for the new clinical center at National Institutes of Health to replace a 50-year-old hospital. I make no apology for not wanting to cut those items.

As I indicated earlier, I think that where the gentleman wanted to put the money was fine. Where he got the money from was atrocious. And so if the gentleman wants me to be blunt about it, I voted against his amendment because it took care of one problem and it creates numerous others. And given all of the people who die from heart disease and cancer and Alzheimer's and Lou Gehrig's disease and all the rest, I am not going to go home and try to explain to people why I have voted to cut medical research. I do not believe in cutting medical research.

Having said that, let me repeat again what we are trying to do. I believe, and I think most people in this country believe, and I certainly think most people

on our side of the aisle believe, that we are most clearly defined, both economically and morally, by where we rank the importance of helping our children, and where we rank the importance of helping people who struggle every day to make ends meet, to stay one paycheck ahead of the bill collector, and hopefully to find some way to help their kids get ahead in the process. And I also think we are judged by how we deal with the most unfortunate members of our society.

This bill makes quite clear that our top priority is education. Now, it has been said: "Oh, my goodness, if we move this money out of this fiscal year into the next fiscal year in order to provide more head room to meet education needs in the country, that we are adding to the deficit next year." Absolutely not so. All we are suggesting is that next year we ought to be spending more money than we otherwise will be spending on education, and maybe, just maybe, that means that the majority in this House will not make the same decision next year that it made this year when it decided that new Pentagon toys were more important than better education for our kids.

Mr. Chairman, I simply do not believe that next year we ought to add $11 billion to the Pentagon budget above what the President has asked for and what the Pentagon itself has asked for. After all, we already spend 2½ times as much as all of our military opponents put together. Add up any list one wants to name. We spend 2½ times as much as they do.

I do not think we are nearly as much at risk from a Soviet or from a Russian soldier or a Russian tank as we are from cancer, Alzheimer's, bad education, bad discipline in schools, and weak worker training for workers who are expected to compete in a world economy.

So what we are trying to do is not give more money to bureaucrats. I repeat where this money goes. We are trying to see to it that my Republican colleagues do not knock an additional 15,000 kids out of Head Start, which this subcommittee bill will, and we are trying to see to it that they help 450,000 American kids who otherwise will not be helped to learn math and science and how to read. We are asking that they restore 70 percent of what we cut out of the Goals 2000. That money goes to schools to improve school quality.

We ask that they restore 85 percent of the money that was cut in Eisenhower teacher training so that we can provide 186,000 math and science teachers with upgraded training.

We ask that the restore Safe and Drug-Free School funding to the 1996 level. We ask that they provide $25 million more for summer jobs than the committee bill does so that rather than stripping 79,000 kids out of that program next year, that we can at least help 17,000 of the 79,000 kids that they are dumping out of that program next year.

On Perkins loans, we are asking that 96,000 young people in this country get Perkins loans that otherwise would not get them because they zeroed out the program.

We are asking, last, that we provide $100 million more than the committee provides so that 50,000 American workers, not welfare recipients but workers who have been dumped out of their jobs because of the consequences of trade and imports, so that they can get some training to get a second start in providing a decent income for their families.

Mr. Chairman, let me point out, this does not violate the Budget Act. This does not exceed the budget. This comes in, in fact, $5 billion below the bipartisan Coalition budget which was provided for education and training. I would suggest, Mr. Chairman, that, if anything, this is too modest.

I would simply add one point in closing. When my colleagues look at this bill, this above all others is the bill that the Congress produces each year which is supposed to be focused on creating greater opportunity for working people and creating greater opportunity for people just starting out in life. That is what this bill is supposed to do. It is, as Bill Natcher used to say, the "people's bill." We are trying to provide greater educational opportunity. We are trying to provide greater training opportunity for workers, and that is all this amendment does.

It can be attacked for being socialistic, which is a joke. It can be attacked for spending too much money. It seems to me that we are far better off spending money here than we are in spending additional money to buy additional B–2 bombers that we do not need. And I would also say, Mr. Chairman, that in the end, I think this more than any other amendment on any appropriation bill this year defines the differences in priorities between the two parties.

So, Mr. Chairman, I would respectfully suggest that if Members vote for this amendment, what they will be doing is trying to pull us away in some small measure from the determination demonstrated in this bill to take the first step which, over a 6-year period, will lead to a 20-percent real reduction in the amount of deliverable education support for our youngsters in this country.

□ 1730

That is where this committee bill wants to take us. This committee bill wants to say: "OK, we are going to stealthily begin the process under which at the end of the 6 years, under the budget resolution—which you have adopted on your side of the aisle—that we will be spending 20 percent less than in real dollar terms to support the education of our children and the training of our workers." We simply do not believe that is the best way to prepare America for the 21st century.

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

Mr. PORTER. Mr. Chairman, I yield myself the balance of my time.

First of all, I have heard the other side say several times in the course of the debate that we were zeroing out the Perkins loan program. That is simply, plainly not true. There is $6 billion in circulation under the program. We are simply not adding additional capital this year to the $6 billion.

Mr. Chairman, this is not a serious amendment. I have heard the gentleman from Maryland [Mr. HOYER] for years now, because he and I would always agree on this in subcommittee markup, oppose forward funding of exactly this type and denounce it as fiscally irresponsible in the extreme. And yet he got up and debated in favor of the amendment, knowing very well that that is exactly the kind of funding that he himself opposes. No, it is not a serious amendment.

It is, however, a very serious propaganda effort by the other side to say somehow Democrats are more concerned than Republicans are about educating kids and yet they know that is something that could not be further from the truth and is not true.

No, we can never seem to outbid the other side in terms of saying how much we are going to spend and that, therefore, makes us more concerned because the other side takes not responsibility for the bottom line. They simply say, "we would spend and add to the deficit. We do not care what level of debt we put upon our children and grandchildren. We are willing to do anything to say that we are more concerned about education than you are." That is total nonsense.

What is true, Mr. Chairman, is that we are going to do the job of education better for the kids than has been done by the Democrats over the last 40 years.

The gentleman from California [Mr. RIGGS] pointed out very forcefully, we have spent far more money on education and have gotten worse results. What we are going to do is work for programs that work better for the kids and get results.

Ms. WOOLSEY. Mr. Chairman, when it comes to investing in our children's education, the new majority needs to take a refresher course in basic arithmetic because their numbers just don't add up.

Just take a look at this bill: At the same time school enrollment is expected to increase by 7 percent by 2002, the new majority is proposing to cut funds for education by 7 percent.

This means our schools will have larger classes, fewer teachers, and fewer learning resources, like textbooks and computers. While enrollment increases.

I would recommend that my friends on the other side of the aisle study the history of the Goals 2000 Program, which they are proposing to eliminate.

They would learn that it was a Republican President, President Bush, who first championed the need for education reform. It was the Bush administration which crafted the Goals 2000 Program to meet that need and enlisted the help of Democratic Governors, such as then-Governor Clinton, to get goals 2000 passed by Congress.

Eliminating funds for Goals 2000 means ending support to almost every State in this country, as they work to establish high national learning standards and to ensure that all their students can meet those standards. My State of California will lose approximately $42 million.

I wonder how many of the Members who support this bill have taken a field trip recently to a local school, and talked to the students and their families? Are they telling these kids and their parents that they want to cut the funds that help kids learn basic reading and math, cut the funds for special education and cut funds for safe and drug-free schools?

In addition, this bill completely ignores the President's technology initiative, which joins public and private resources to get computers in all our classrooms and to give teachers the training they need so that every American student will know how to use modern technology in school and on the job.

And what about the teachers? Do they know that this bill eliminates the valued Eisenhower Professional Development Program? We need, and expect, so much from our teachers these days. They need to be a combination of Mother Theresa, Mr. Chips, and Bill Gates—yet, the new majority wants to end funding for professional development?

Maybe the supporters of this bill should audit a college course, and get to know some of the more than 200,000 college students who will be affected by the bill's provision to eliminate new funding for the Perkins Loan Program. They would learn, firsthand, what those of us who support this amendment to increase funding for education already know—the cost of college is increasing too rapidly for many students to afford, and they need our help to continue their education and get the skills they'll need for the high-tech, high-wage jobs of tomorrow.

Americans want a good education for their kids, and they expect responsible national leadership to help them get it. I hope my colleagues will "get it" too, and support the Obey amendment and support American students and schools.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. LOWEY: At the end of title III of the bill, insert the following new title:

"TITLE III V-B—WOMEN'S EDUCATIONAL EQUITY INCREASE

"The amount provided in title III for 'school improvement programs' (including for activities authorized by title V-B of the Elementary and Secondary Education Act of 1965) is increased, and the amount provided in title III for 'education research, statistics, and improvement' is reduced; by $2,000,000, and $2,000,000, respectively."

Mrs. LOWEY (during the reading.) Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and that the time be divided, 10 minutes to the gentlewoman from New York [Mrs. LOWEY], and 10 minutes to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentlewoman from New York [Mrs. LOWEY] will be recognized for 10 minutes, and the gentleman from Illinois [Mr. PORTER] will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY].

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

Along with my distinguished colleague from Maryland, Mrs. MORELLA, I am very pleased to offer an amendment to the bill that will provide $2 million in funding to the Women's Educational Equity Act programs. Currently, the bill eliminates funding for these important educational programs.

Abolishing the critical WEEA program is simply unfair to girls and women throughout this Nation. These programs successfully opened previously closed doors for girls in school and in the workplace.

The WEEA programs cost $2 million, and that money pays off in a big way. As my colleagues all know, women still earn only 72 cents for every dollar earned by men. The glass ceiling has kept women from achieving success in upper management. The best way for women to break through these economic barriers is by becoming better educated, particularly in nontraditional jobs which are generally higher paying.

The Women's Educational Act programs will give today's girls the ability to become tomorrow's high-wage earners. These programs help girls to succeed in math, the sciences and other nontraditional classes. In addition, WEEA supports programs that keep girls from dropping out, in keeping with the national goal of increasing graduation rates to at least 90 percent by the year 2000. Other programs are designed to eliminate discrimination against girls in the classroom and to develop programs, materials, and curricula free of gender bias.

Let me tell my colleagues about a few of the successful projects funded by WEEA.

In Massachusetts, the Preengineering Program helps girls to enhance their performance and their participation in math and science, classes and encourages them to pursue careers in engineering, science and technology. In Chairman LIVINGSTON's State of Louisiana, the Women's Leadership Development Program works with high school girls, teen mothers, and female educators to keep girls in school and, by graduating, to increase their independence and self-sufficiency.

In Florida, Project Can provides young women with training and information about high-skilled, high-wage careers that can provide them with economic self-sufficiency.

My amendment will be offset by reducing funding for research at the Department of Education by $2 million. In this bill, research is increased by $16 million over fiscal year 1996 and over $15 million more than the administration requested. While I certainly support the research efforts of the Education Department, I believe that we must save the successful Women's Educational Equity Act programs. Cutting these programs is incredibly shortsighted. We may save some money this year, but we are sacrificing the future of today's young women.

With the WEEA programs, these girls can learn the skills they need to become independent and economically successful. Let us not let them down. Our amendment is supported by the American Council on Education, the PTA, the American Association of University Women, the Association of Women in Science, the National Organization of Women, the Older Women's League, and many other organizations.

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

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

Mr. Chairman, there is nothing wrong with the program that the gentlewoman wants to fund. In fact, for years I was a very strong supporter of that program. The question, however, is where it is to be funded.

We have made a very strong effort, and this is some of what we are talking about in making government work better for people. We have made a very, very strong effort in approaching our

bill over the last two cycles, this being the second cycle, to take small programs that are very expensive to administer and put them into larger programs where they can be administered much more effectively and efficiently and this is one that we did that to.

This is a program that is presently not funded. Why not? Because the money is put into education research and improvement, and the program can be carried out there very easily.

Now the gentlewoman would want to take the money out of education research and improvement and put it back into a separate line item for women's educational equity. I suggest that that is wonderful symbolism, and we all are concerned about women's educational equity. I am and I have supported it for a long, long time. But I do not see the point of doing that.

I think we have to go back to the core programs, the larger ones that can be more effectively administered instead of having a favorite line item for every single Member of the House and every single Member of the Senate and make a very inefficiently run department.

The Department of Education has 240 separate programs to administer. Sit down with anybody in the Department under any administration, Republican or Democrat alike, and they will tell you this is crazy. It is nonsense to administer all these separate programs.

We have made a very, very conscious effort to try to move smaller programs into larger ones so that they can be funded and have some discretion over in the Department as to where the funds ought to go. This is one of them.

I would simply urge the Members to reject the amendment, not because women's educational equity is not important. It is very important. But allow the Department to pursue it through the educational research and improvement account where they have been pursuing it. It is perfectly well done there. It saves administrative expense, and I believe that it is equally well served there as having its own separate line item.

I would oppose the amendment for that reason.

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

Mrs. LOWEY. Mr. Chairman, I yield myself 15 seconds, just to respond to our distinguished chairman, although I agree with the gentleman that consolidation of programs when it makes sense is a good idea. Whenever we can save money in administration, I think it is a good idea. But this happens to be a jewel of a program, if we can target money to specific programs that are known to work effectively.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA], my distinguished cochair of the Congressional Caucus on Women's Issues.

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding time to me. As she mentioned, the gentlewoman from New York, Mrs. LOWEY, and I chair the Congressional Caucus for Women's Issues. This is a high priority for us. I think for all of the women in the United States, as well as the men in terms of wives, daughters, nieces, et cetera.

I want to respond also to the chairman of the subcommittee, and I have mentioned earlier that I think he has done a yeoman job on this bill. I think he has really tried to treat very sensitively all of the programs. I would submit to the gentleman that this is a small program that focuses on what its primary objective is. It is like bringing Government closer to the people and closer to the people who are administering it.

Mr. Chairman, I rise to urge my colleagues to vote in favor of the Lowey-Morella amendment. This amendment would restore $2 million for women's educational equity programs. The funding would come from educational research, a program which would receive, in this bill, an increase of $16 million over the fiscal year 1996 amount and more than $15 million over the budget request.

I believe that in order to achieve educational excellence in our schools, we must eliminate gender bias. In 1974, the Women's Educational Equity Act [WEEA] was established to promote title IX, which barred sex-discrimination in federally funded programs. Over the years, WEEA has funded research, training programs, and other projects to promote educational equity for girls and women. More than 20 years after the enactment of WEEA, a pattern of gender equity still persists in our Nation's schools.

Research by the American Association of University Women [AAUW] shows that during the school years, girls receive less teacher attention then boys and less constructive criticism. Girls' self-esteem drops dramatically as they move through adolescence, and they continue to drop-out of high level math and science courses. Although girls score as well as boys on math tests, by the time they are 17, they have fallen behind. High school girls still earn more credits then boys in English, history and foreign languages, but fewer in math and science. Women earn more than half of all bachelor's degrees, but their degrees are clustered in traditional fields for women such as nursing and teaching.

WEEA provides schools with the materials and tools needed to comply with title IX. WEEA promotes projects that help girls to become confident and self-sufficient women. These projects help to prevent teen pregnancy, keep girls in school until graduation, and steer them toward careers in math and science. A current project of WEEA is designed to clarify for schools a definition of sexual harassment and what the law requires them to do. WEEA funds also initiated the observance of Women's History Month, which has alerted students across the country of the important contributions of women.

Mr. Chairman, we must not allow WEEA programs to fall by the wayside. Girls and women have made great strides through the programs funded under WEEA. I urge my colleagues to support the Lowey-Morella amendment to continue funding for WEEA. Our efforts to reform and improve education will not be complete unless we address the needs of all of America's school children.

□ 1745

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. KILDEE], the distinguished ranking member from the authorizing committee.

Mr. KILDEE. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, as former chairman of the elementary and secondary vocational subcommittee and as a teacher and as a father of a daughter, I stand here to support this amendment very strongly. I support it as a separate program also, not to be buried in another program, because we need to build sensitivity to the rights and abilities of all women, all students.

I recall a few years ago when my daughter and my two sons and I were flying, the cabin attendant came by and gave my two sons pilot wings and gave my daughter stewardess badges, and I told the cabin attendant at that time, I am sure my daughter would rather have the pilot wings.

That situation exists in our schools yet today, too, where they steer people in a certain direction because of their gender. We have to break down this gender bias, and this program as a separate program is important, because that gender bias still exists in society, and that includes our schools. So it is very, very important that we keep this program as a separate program, not buried in another very good program.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI], a member of the committee.

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in support of the Lowey amendment to restore funding to the Women's Educational Equity Act.

We have talked much in this Congress about preparing our children for the future and teaching personal responsibility. The programs administered under the Women's Educational Equity Act, in place for the last 20 years, have made great strides to accomplish these goals for girls.

Girls and young women face a number of real and serious obstacles that often keep them from reaching their full potential, such as lack of skills or self-confidence, teen pregnancy, sexual harassment, violence in the classroom, and intentional and unintentional sex discrimination.

Through projects and outreach programs, girls learn job skills for traditional and for nontraditional, high-paying careers. They learn to reject the notion of traditional employment for women and embrace education in a variety of fields. It is sad but true that girls and women still need to be told in our society that they are capable of anything. These programs helps girls become confident, educated and self-sufficient. They remind and encourage girls that they can become self-sufficient adults who make a great contribution—our scientists, world leaders, working mothers, Members of Congress.

Mr. Chairman, I ask my colleagues, for the sake of the future of your daughters and granddaughters, to vote for the Lowey amendment to restore funding to this important program.

Mrs. LOWEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New York, and in great support of women and girls in our education system.

I support this amendment because often the barriers to girls' participation in the classroom or on the playing field are unintentional. Often these barriers are subtle and go unnoticed. But the fact remains that girls in our country, and the consequences are profound.

Mr. Chairman, as we move toward the 21st century, there is no question that girls and boys need top-notch math and science skills. Women earn more than half of all bachelor's degrees, yet, their degrees are clustered in traditional fields for women, which often means lower paying jobs.

Unless we combat this problem, women will have fewer economic opportunities, women will continue to a lower quality of life than men, and these inequalities will persist into the next century.

We must make sure this does not happen.

As a member of the Economic and Educational Opportunities Committee, I am working hard to improve education for girls and boys, for women and men.

Programs funded through the Women's Educational Equity Act is a way to achieve this goal.

When you vote on this amendment, I urge you to think of your sister; your wife; your granddaughter. Vote for the Lowey amendment, and vote for equality in education.

Mrs. LOWEY. Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to support the amendment of the cochairman of the Women's Caucus to emphasize the importance of girls' education with respect to science. This is an important amendment.

Mr. PORTER. Mr. Chairman, I yield myself 30 seconds, simply to say that I understand that the gentlewoman in her remarks had said the American Council on Education endorses this amendment. We have received a call just now. The American Council on Education does not endorse the amendment. We just received the call.

Mr. Chairman, I am pleased to yield 3 minutes to the gentlewoman from Wyoming [Mrs. CUBIN].

Mrs. CUBIN. Mr. Chairman, I am speaking in opposition to this amendment. This amendment, some of the language in it says:

Gender equality policies and practices. The program provides teacher training to encourage gender equity.

First of all, Mr. Chairman, I think it is important, and I am speaking here today on behalf of our children, this program was zeroed out in fiscal year 1996, as we know, The fact remains that if we do not reach a balanced budget, if we do not make the appropriate steps to balance the budget, then none of our children, boys and girls, will have a future, will be able to preserve the American dream.

We know a child born today owes $187,000 only in interest on the national debt. If I had started a business the day Jesus Christ was born and spent $1 million a day every day from then through today, I would still not have lost my first $1 trillion, and we are $5 trillion in debt.

Mr. Chairman, this is not a legacy that we can send onto our children, whether they are male or female. I very much resent the opportunity not to be able to compete with anyone, man or woman, on a level playing field. I do not think that women feel that they are in a position where they cannot compete. I think so much of this discussion is a generational problem. The young women that I know believe that they can compete, and that they can do equally as well in this society.

Yes, I freely admit in the years that I was in college and the years when I was younger, I agree there was discrimination, and it was harder for women to make their way in the professional world. But I believe times have changed, and I also believe that we need to cut programs that are not as effective as they should be, because we have to spend our money in wise use in this budget. We need to do that for the sake of our children.

I am very determined. I will not be a party to leaving a country to my children or other people's children that is not in as good a condition as the country that I received from my parents. We need to save the American dream for them, and we cannot do that if we continue to spend money on irresponsible programs. I ask on behalf of the children and families in America that we defeat this amendment and get on with our business.

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

Mr. Chairman, I would simply say to the gentlewoman, I was prepared to yield some of my time to speakers on the gentlewoman's side, with the understanding that she was not going to ask for a recorded vote on this. Since I now understand the gentlewoman is going to ask for a recorded vote, I find it difficult to do that. Therefore, I will simply close after the gentlewoman proceeds with her final speakers.

Mrs. LOWEY. Mr. Chairman, will the gentlewoman yield?

Mr. PORTER. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I am sure that the remaining speakers who are going to speak on the gentleman's generous time would clarify the issues, so that I have confidence that he would want to continue to yield the time to them.

I know that our distinguished Member, the gentlewoman from Connecticut [Mrs. JOHNSON], would like to speak, and we have a few speakers here to share my 1 additional minute.

Mr. PORTER. Maybe I should not have opened this subject, Mr. Chairman. I wanted to explain why I was unable to yield the time.

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

Mrs. LOWEY. Mr. Chairman, it is my pleasure to yield 40 seconds to the distinguished gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of this amendment. This small program has made an enormous difference in creating among girls in America the belief that they have a wide range of opportunities in our society.

One of our biggest problems right now is teen pregnancy, and the teen-to-teen pregnancy prevention is enabling girls to see that math and science open worlds of opportunity, that staying in school matters, that self-esteem is there for them to get. This program funds projects that do exactly that for girls. We must not pull back on a single dollar that can help our girls understand that life is full of opportunity.

Mrs. LOWEY. Mr. Chairman, I yield the balance of my time to the gentlewoman from Hawaii [PATSY MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I ask unanimous consent that the debate on this amendment be extended by an additional 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Hawaii?

Mr. PORTER. Reserving the right to object, Mr. Chairman, I was about to

yield my remaining time, except for 1 minute, to the side of the gentlewoman from New York [Mrs. LOWEY], if that would help. Could we do it that way?

Mrs. MINK of Hawaii. Mr. Chairman, I withdraw my unanimous-consent request.

Mr. PORTER. Mr. Chairman, I yield the remainder of my time, except 1 minute, to the gentlewoman from New York [Mrs. LOWEY].

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] yields 2½ minutes to the gentlewoman from New York [Mrs. LOWEY], and he retains 1 minute for himself.

Mrs. LOWEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentlewoman for yielding time to me, and I thank my colleague, the gentleman from Illinois [Mr. PORTER], the distinguished chairman of this committee, for the time that is so precious to defend this amendment, to urge its adoption. It is only $2 million, and it is basically a research program. It is moneys that are coming out from a research program in the department, and we are using this method to earmark the money for an area that might otherwise be ignored.

It is so important that we fund the research and training and impetus to the classrooms and to the schools to keep encouraging them to emphasize the importance of equity in education. Our girls are not being encouraged properly into the fields of math and high-tech and science, and they need this special way of dealing with this issue, especially in the elementary ages. They need programs that enhance role models. The whole thing of history, women's history month, is to find all of the people in the country, women, who have excelled in these programs, and to encourage our young people to follow that route.

□ 1800

If we just support research in general in the department, and the committee has been very generous, and I commend them for it by adding $16 million, but if we leave this area into this general, nebulous research and not carve out a special program of only $2 million for the girls, for the sake of equity in education, we are going to really love the tremendous ground that we have achieved thus far. I happen to be the author of this program, and I applaud the gentlewoman for raising this issue once again.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, as generous and knowledgeable as our chairman the gentleman from Illinois, Mr. PORTER, is, and of course he has the strong support of the ranking member, the gentleman from Wisconsin, DAVE OBEY, I do not think they realize how important this is. This is a very important amendment which the gentlewoman from New York, Mrs. NITA LOWEY, has put in. She asked for merely $2 million. This $2 million will being recognition to the women in this country. It was a very hard fight to get this recognition for women. Please, I beg the gentleman from Illinois [Mr. PORTER] and the Members who are not supporting this amendment to turn around and think what an important time this is. Women fought hard to get here. We need your support to be sure that this $2 million will focus this similar block grant, because I know and most Members know, when this money is allocated, women's equity will not be at the top of the list and when the money is allocated, we will be at the end. Please support the Lowey amendment.

Mrs. LOWEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from New York [Mrs. LOWEY] is recognized for 20 seconds.

Mrs. LOWEY. Mr. Chairman, to close this debate, I would like to thank my colleagues with whom I have worked so closely on this issue over the years. Having seen the results of these programs, having seen the educational programs that have encouraged women to get into fields of math and science and engineering, I would again like to appeal to all my colleagues to support this very important amendment. We can work to cut out a lot of programs, but this is one in which we should invest.

Mr. PORTER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] is recognized for 1 minute.

Mr. PORTER. Mr. Chairman, let me say again, I have supported this program in the past, I think it is important, but line items are not meant for recognition. If so, we have too many already. This program can be and is presently administered under the education research and improvement line item. That is where it is right now. There is not a separate line item for it. That is where it ought to remain. To put it simply back into existence either as recognition or symbolism to me is simply not the way we ought to proceed. There are too many separate programs. They are all worthy, of course. They all have defenders. But we have managed to cut down on the number of single programs with high cost to administer, put them under larger accounts like educational research and improvement. We have done it here. I would ask the Congress to keep that exactly as it is and allow us to reduce the number of programs and do a much more efficient job.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The question was taken; and the chairman announced that the noes appeared to have it.

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentlewoman from New York [Mrs. LOWEY] will be postponed.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas: After title III of the bill, insert the following new title:

"Title IIIC—Bilingual Education Increase

Of the amount made available under the heading "IMPACT AID" for Federal property payments under section 8002 of title VIII of the Elementary and Secondary Education Act of 1965, $10,000,000 is transferred and made available as an additional amount under the heading "BILINGUAL AND IMMIGRANT EDUCATION", of which $6,800,000 shall be for carrying out subpart 2 of part A of title VII of such Act."

Ms. JACKSON-LEE of Texas. Mr. Chairman, I respect very much the process of the gentleman from Illinois [Mr. PORTER], the gentleman from Wisconsin [Mr. OBEY] and also the question of the importance of education that has been debated on this floor today. I supported the Obey amendment and will support it once it comes to the floor again for a vote, because I believe the priorities of education says to the American people that we would invest in the front end and not the back end, the back end meaning incarceration, imprisonment, hopelessness and joblessness for Americans. Interestingly enough a recent report cited that the lack of promise of our recent immigrants comes mostly from their lack of understanding of English and their inability to have the appropriate job skills to move into mainstream America.

Coming from the State of Texas, I can say to you that I applaud local officials and the Governor of the State of Texas that have not tried to create a wedge issue on immigration. We have in fact included our new immigrants and have worked very hard to provide them with the resources that they need to integrate into our society. Bilingual education is the key to providing people the opportunity to open the door that gives them an even playing field, and particularly it is important to provide the dollars added professional development training of teachers so that they can educate those who come into our school system. Although the committee has worked hard in this area, I think it is important that we recognize that more dollars are needed to support bilingual education. This particular amendment would have offered an extra $10 million to ensure that bilingual education is both respected and

enhanced in the professional and development training and to provide the access to those teachers who would teach our children. Recognizing that the source that I have taken such moneys from deal with Impact education, and might I say that I recognize all those who worked so hard in the Impact education area, I would note that it was only 235 school districts that are impacted on this out of 14,000, but nevertheless it is an important issue.

But I raise this amendment because I think it is important again to focus on the question of bilingual education. I would simply ask my colleague from California [Mr. BECERRA], who is on the floor, if he would accept me engaging him in a colloquy on bilingual education.

This amendment is one that I have offered, though I am going to ask for unanimous consent to withdraw it. But the reason, of course, is to comment, I think both of us have been in the Committee on the Judiciary and we have heard that studies offered by the Rand Commission that have talked about the front end investment versus the back end. So I am hoping that we can all join together and work on increasing the dollars for bilingual education to ensure that direct dollars to the school systems but as well to training bilingual teachers and enhancing their professional development. I query Mr. BECERRA for his input on the importance of this kind of training and expanding bilingual education.

Mr. BECERRA. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. BECERRA. I thank the gentlewoman for yielding, and would say that I agree with everything she has said. All the information we have, the data and any studies you look at show that we are absolutely in need of teachers who can help transition a lot of our young students who are not yet proficient in English so that they can become fully proficient. What we have found is that the best way to do that is to not let them fall behind in math, in geography and science while they are trying to learn English but let them learn all those subjects so that within 3, 4, or 5 years they are actually in fully mainstream course work.

I would agree with the gentlewoman completely we do need to see more funding, we do need to see some money allocated to the professional development component of bilingual education so we can have the teachers that we need to teach. We are drastically by tens of thousands of teachers understaffed in our schools for bilingual education and hopefully we will see something remedied as we go through the process of trying to pass a bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if I may make an inquiry to the chairman of the Appropriations Subcommittee, I had wanted to enter into a colloquy with the gentleman from Illinois [Mr. PORTER] but I do want to allow the gentlewoman from California [Ms. Millender-McDonald] to comment on this.

Would the gentleman yield me time to enter into a question of him so that I can yield to the gentlewoman?

Mr. PORTER. Mr. Chairman, if the gentlewoman will yield, we expected that she was going to offer the amendment and then withdraw it. We see that there are other speakers on both sides. Perhaps we could simply agree to a 10-minute time limit on this amendment and all amendments thereto and divide it between yourself and myself and finish it in the next 10 minutes.

Ms. JACKSON-LEE of Texas. I would appreciate that.

Mr. PORTER. I ask unanimous consent to do that, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentlewoman from Texas [Ms. JACKSON-LEE] and the gentleman from Illinois [Mr. PORTER] will each control 5 minutes.

The Chair recognizes the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. MILLENDER-MCDONALD].

Ms. MILLENDER-MCDONALD. I thank the gentlewoman from Texas for yielding me this time.

Mr. Chairman, I would like to just speak on behalf of the increase in funding for bilingual education. We do recognize that there are numerous students now coming into the public school systems that are non-English-speaking students. There is a critical need for teachers to teach these students English. I am appealing to those who are on the Committee on Appropriations and my colleagues to increase bilingual education, thereby providing these young people a qualified teacher who can help them to learn English. It is important, it is critical for the future of our country to have these young folks who are thousands, increasing thousands, in the public schools, to have a teacher who can teach English to them.

I am urging that we support the increase in bilingual education that will afford us the opportunity to train teachers to teach these students.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentlewoman from Texas.

The amendment seeks to cut funding from the Federal Impact Aid Program and transfer the moneys to bilingual education.

Without debating the merits of bilingual education, let me emphasize that cutting impact aid, especially section 8002 of the program, will be devastating to schools around the country that depend upon this assistance.

Local governments cannot collect property tax revenue from federally-owned property, which affects their ability to provide sufficient revenue to the local school system. Section 8002 of impact aid reimburses local governments for the lost tax revenue.

Funding for impact aid represents the Federal Government's commitment to reimburse local governments impacted by a Federal presence. By cutting these funds, regardless of the reason, we are essentially turning our back on this commitment.

I represent the Highland Falls-Fort Montgomery School District, which sits adjacent to the U.S. Military Academy at West Point, and is very dependent on the moneys it receives from the Impact Aid Program to survive. I fear the gentlewoman's amendment, if passed, could seriously jeopardize the school district's ability to remain open or adequately serve its students.

The Federal Government must live up to the commitment it has made to the communities in my district and across the country who depend on the Impact Aid Program. The bill contains a modest amount of funding to reimburse land-impacted school districts like the one I represent. I urge my colleagues to oppose this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think I mentioned and stated earlier for the record that I offered the amendment and asked unanimous consent to withdraw it in order to enter into a colloquy with the gentleman from Illinois [Mr. PORTER] if he would on the question of the importance of bilingual education.

□ 1815

We realize that there are so many interests involved in this bill dealing with Education and Health and Human Services. Certainly, I believe that we could have enhanced this legislation by additional funding for bilingual education. However, in the spirit of cooperation, I would simply say to the gentleman who has worked hard, along with the gentleman from Wisconsin [Mr. OBEY], that I would like to join with others to make sure that we have the number of bilingual teachers and the proper training for those teachers to ensure that we invest in the front end and not the back end, to make our new immigrants have access to English and to ensure that the children who are in our schools are fully educated in some of our States.

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, let me say that I support transitional bilingual education that moves young people from their native language as quickly as possible into English and teaching them then in English. But I do not support bilingual education as has been practiced in many of our larger cities where kids are kept in their native language for year after year instead of moving them to English. So, to the extent that we transition and actually use the bilingual program as it was originally intended to move children as quickly as possible into the English language and being taught in the English language, I support it.

Ms. JACKSON-LEE of Texas. Reclaiming my time, and simply forwarding or completing my remarks, let me say that we probably have a slight disagreement on that. It is my concern that we continue to teach children as long as they need to be taught in order that they can move into the mainstream. However, I will seek to work with those who will work with me to ensure that we do provide the right kind of resources for bilingual education, a fair assessment of resources for bilingual education.

Mr. BECERRA. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. BECERRA. Mr. Chairman, I am actually quite encouraged to hear the chairman's remarks because I think, if he were to go to some of the large cities like mine in Los Angeles, what he would find is that transition is actually occurring rapidly. But when you have a situation where, like in Los Angeles, you have so many new kids coming in who are in a situation where they must learn anew—in fact, you have some kinds who have never seen a computer so they do not even know how to say computer even in their native language—it takes some time for a school to be able to show the success. But if you look at the individual children, the average time of stay in a bilingual education program is 3 years. So they are transitioned to a fully mainstreamed program of English-only instruction in about 3 years.

So I am very encouraged to hear the chairman's remarks and I hope that we are able to do something because over the last decade, bilingual education has taken about a 60-percent cut in funding. So these are kids who are trying to learn who have seen their funding at the Federal level cut by 60 percent.

I have a figure here that says that the Department of Education recently estimated that we are short approximately 175,000 bilingual education teachers to help these kids transition quickly into mainstream instruction.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I think Texas will work with California and many other States that are impacted by this need for additional funds. I would simply encourage all of my colleagues that we work to make sure that we invest in the front end and not the back end.

Mr. PORTER. Mr. Chairman, I yield back the balance of my time.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

Mr. PORTER. Mr. Chairman, I would inquire of the Chair at this point, we have 3 minutes of our time remaining, whether we are not entitled to use that before the amendment is withdrawn.

Mrs. JACKSON-LEE of Texas. Reclaiming my time, then, Mr. Chairman, if the gentleman is going to have another speaker.

Mr. PORTER. Why does the gentlewoman not reserve the balance of her time?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentlewoman reserves the balance of her time and withdraws her unanimous-consent request.

The gentleman from Illinois will have the right to close.

Mr. PORTER. Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank my friend from Illinois for yielding.

This is an issue in bilingual education that I have done a good deal of study on, and I think it is important for us to have a balanced view of what is taking place in bilingual education. Thirty percent of the Hispanic students in America drop out of school. The lowest pay rates in America today come to Hispanic youngsters because they do not have training in the English language. Kids in bilingual education are not in their for 3 years. They are in there for as long as 9 years, and they get 30 minutes a day at the most in English language.

This comes from U.S. News & World Report, that did an in-depth study on bilingual education. They concluded that, along with the crumbling classrooms, along with the crumbling classrooms, violence in the hallways, bilingual education has emerged as one of the dark spots in the grim tableau of American public education.

Today I wish that the person who is introducing this amendment would talk to some of her constituents in Texas, for example, Ernesto Ortiz, who said: They teach my kids in school in Spanish so they can become busboys and bellhops. I am trying to teach them English at home so they can become doctors and lawyers.

That is what I am saying today. Let us give these new Americans the same chance to have part of the American dream that we have historically given our new Americans. There is a 30-percent dropout. This is not an issue between the kids in school. This is an issue of the bureaucracy. The only people who are for this are the bureaucrats. In New York City, kids are put in bilingual education. Why? Because of their surname, and then the parents cannot get them out of these educational classes.

In New York City, the parents had to take the school board to court to get their kids out of bilingual education so their kids could have an equal chance. If my colleagues want to establish linguistic ghettos in America, vote for this type of amendment. But if my colleagues want this country to be equal and have everyone have an equal chance, then vote against amendments like this. Americans, all Americans should have the same chance to be part of, get part of the American dream that all of us have had.

English is a language of opportunity in the United States. The way people are kept down is if you keep them in bilingual education. You have to immerse young Americans in the English language so that they can compete. We want all Americans to have an equal chance, and we have to begin with giving all Americans an equal chance with the English language. Otherwise we are going to keep these kids in linguistic ghettos, and we are opposed to that in any form.

Mr. FAWELL. Mr. Chairman, I rise in strong opposition to the Jackson-Lee amendment, which would transfer $10 million from section 8002 impact aid funds to bilingual education.

As we all know, States and localities provide approximately 95 percent of education funding in the United States. The largest source of this funding is local property taxes. When a school district loses 10 percent of its taxable property to the Federal Government, the local schools are severely impacted. In 1950, Congress responded to this problem by creating the Impact Aid Program. I have always been a strong supporter of this program.

Mr. Chairman, Burr Ridge School District 180 in my congressional district is 1 of 8 districts in Illinois that qualifies for section 8002 impact aid funds. In the case of Burr Ridge school district, three-fourths of the assessed value of the school district is federally owned land at Department of Energy's Argonne National Laboratory. When the Federal Government does not pay its share for the Federal property taken off the tax rolls, the burden falls to local homeowners.

Mr. Chairman, as you may know, the entire section 8002 impact aid program costs about $17.5 million. This funds federally impacted school districts at about 40 to 50 percent of funds they are qualified to receive. In the case of Burr Ridge school district, these funds go directly to teaching positions, reading programs, and special education. Unlike most Federal aid programs, such as title 1 and drug-free schools, impact aid directly funds schools which are adversely impacted by the presence of Federal lands.

Mr. Chairman, I urge the House to strongly oppose the Jackson-Lee amendment, and support our responsibility to serve federally impacted schools.

The CHAIRMAN. All time has expired.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent for 1 additional minute, please.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

Mr. SOLOMON. Mr. Chairman, I would just have to object. We have to expedite these bills. We cannot carry them on any longer.

Ms. JACKSON-LEE of Texas. Will the gentleman from Illinois [Mr. PORTER] allow me time to ask unanimous consent to withdraw the amendment?

Mr. PORTER. Mr. Chairman, I would inquire of the Chair, is there any necessity for yielding time to the gentlewoman from Texas to ask unanimous consent to withdraw the amendment?

The CHAIRMAN. The gentlewoman can ask unanimous consent to withdraw her amendment without additional time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, to avoid any more ugly talk about bilingual education, I ask unanimous consent to withdraw the amendment so that those of us of good will can work together to ensure that the children are educated and we are investing in America.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. FOX OF PENNSYLVANIA

Mr. FOX of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOX of Pennsylvania. Page 66, line 9, after the dollar amount, insert the following: "(reduced by $1,923,000)".

Page 70, line 24, after the dollar amount, insert the following: "(increased by $1,923,000)".

Mr. FOX of Pennsylvania. Mr. Chairman, I understand there is an agreement agreed to by both sides, by the ranking member, the gentleman from Wisconsin [Mr. OBEY], and also by the chairman, the gentleman from Illinois [Mr. PORTER]. I would just make brief remarks, if I may, in support of the amendment.

The Foster Grandparents Program pairs low-income adults with special needs children. The foster grandparents themselves are active, healthy older Americans who have a desire to stay active in their communities but do have limited incomes. The children that are served in the Foster Grandparents Program have special needs and are considered at risk.

Some of the children included in this program are: children with HIV/AIDS; children with severe physical, mental or emotional disabilities; children suffering from serious or terminal illnesses; children who were abused or neglected; and pregnant teens.

The foster grandparents spend 40 hours in training and orientation. Then they are matched with approximately four children. The grandparents are then required to work 4 hours a day for 5 days a week participating in activities with the children.

The benefits of the program include enabling seniors to increase their own standard of living by offering them a small stipend for their work.

The Foster Grandparent Program has also done an outstanding job at providing matching funds from the State and local level and from the private sector. As a matter of fact, the Foster Grandparent Program is currently averaging a 46 percent matching level. In my hometown of Montgomery County, the Preschool Intervention Program, a program for children ages 3 to 5, lost their grandma and are in desperate need of help. After placing a call to the local Foster Grandparent Program, they were told that there was simply not enough money to provide a new grandparent for them.

In a similar situation, Mr. Chairman, a drug treatment center that rehabilitiates drug-addicted mothers and their children recently lost two grandparents. But this can be avoided, Mr. Chairman, with the passage of my amendment and the adoption by both sides of the aisle because it will restore the funding for the Foster Grandparents Program to the fiscal 1995 level, an increase of only $1.9 million, which would equal 550,000 volunteer hours from Federal dollars, an additional 550,000 in non-Federal match, about 1,000 additional volunteers, and 4,000 additional children that can be served.

Mr. GUTKNECHT. Mr. Chairman, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me the time. I will be ever so brief.

This is an important amendment. I hope Members on both sides of the aisle will join us in supporting this amendment. Really what we are talking about is prioritizing the Foster Grandparent Program. As Mr. FOX indicated, this really is the ultimate public-private partnership and the return on our investment is really very, very excellent. It taps into one of the most underutilized resources in this country, our senior citizens. Most importantly, it is revenue neutral.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I simply would say to the gentleman from Pennsylvania that this is a very good amendment. The gentleman has shown great leadership and support for the Foster Grandparent Program, and we would accept the amendment.

Mr. LAZIO of New York. I rise today to support the amendment offered by Mr. FOX. I have had the pleasure over the past few years to work with the Foster Grandparents Program as well as the other programs within the National Senior Service Corps. Last year I was successful in offering an amendment adding $13.8 million to the National Senior Service Corps and have worked with Mr. PORTER this year to secure a $4.5 million increase. I commend Mr. PORTER for the commitment he has made to these programs.

For over 30 years the National Senior Service Corps programs, which include Foster Grandparents, have brought needed services to communities across America and have provided hundreds of thousands of service opportunities to older Americans.

America's seniors have a wealth of experience and knowledge which must be engaged. As we look at today's social problems, it is essential that as a nation we look toward those who have faced adversity before, and now stand as examples of that which makes America great. Currently, America's seniors are greatly underutilized in solving today's problems.

Foster Grandparents help to fulfill community needs which may otherwise go unmet. Activities conducted by Nation Senior Service Corps and Foster Grandparents volunteers include: serving the homeless, providing hospital volunteer services, training, tutoring, serving emotionally disturbed children, serving the terminally ill, caring for children who are born with drug addictions and HIV, as well as many, many others.

The money spent on these programs goes a long way to aid both the seniors who volunteer and, more importantly, those who receive their valuable services. We should support America's senior citizens in utilizing their talents and experiences to better themselves and their communities.

I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FOX].

The amendment was agreed to.

Mr. ORTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so for the purpose of entering into a colloquy with the chairman. I want to compliment the chairman for his leadership in developing a very good bill in difficult circumstances. In order to stay within the restrictive subcommittee 602(b) allocations, difficult decisions are required.

I am particularly pleased to see the increase in funding provided to the National Institutes of Health given these funding restrictions. As the chairman knows, there are many worthy medical research projects underway at NIH and throughout the country. In time, I believe that this research will alleviate the suffering of a great many people throughout our country. I am particularly concerned that adequate research

regarding hyperemesis, or severe morning sickness, including nausea and vomiting, a condition that by one estimate affects over 50,000 pregnant women a year, is not being adequately conducted.

In addition to decreasing pregnant women's productivity in their jobs and private lives, this condition can lead to hospitalization due to severe dehydration.

□ 1830

In fact, in 1993, 43,000 women that we know of were hospitalized for severe morning sickness. Severe hyperemesis can lead to a decision to terminate a pregnancy or even lead to death in extreme cases.

I know of only one NIH study, "Nausea, Vomiting Nutrition and Pregnancy," that is, in part, looking at this problem, yet the majority of women in this country have been or will be pregnant at some time during their life and a majority of them will experience morning sickness.

Does the chairman agree with me that a problem this pervasive is a serious health problem to which the National Institutes of Health should give priority, including devotion of resources for basic clinical research?

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. ORTON. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would agree with the gentleman, and would encourage NIH to use all mechanisms at its disposal to support basic applied and clinical research that addresses the problem of hyperemesis in pregnant women.

Mr. ORTON. Mr. Chairman, reclaiming my time, I thank the gentleman for his support and for his response.

Mr. Chairman, I include for the RECORD the following material:

BRIGHAM AND WOMEN'S HOSPITAL, HARVARD MEDICAL SCHOOL, OBSTETRICS AND GYNECOLOGY EPIDEMIOLOGY CENTER,

Boston, MA, July 10, 1996.

Hon. WILLIAM ORTON,
Washington, DC.

DEAR CONGRESSMAN ORTON: I've been informed of your interest in Hyperemesis Gravidarum and would like to share my concern regarding the need for further research in this area and some very interesting preliminary findings from a pilot study conducted at our institution.

Although there have been no reliable studies that have documented the incidence of severe hyperemesis, estimates suggest that as many as 2% of all pregnancies require hospitalization for this condition. It is clear that this represents a substantial public health problem considering that most women who suffer from this condition do not seek appropriate medical care.

We have recently reported (and are in the process of preparing for publication) results from a pilot study suggesting that factors that contribute to high prenatal estrogen levels may be important in the etiology of this condition. As you can see from the attached abstract presented at the recent Society for Epidemiologic Research Meetings, we have observed that the risk of hyperemesis requiring hospitalization increases 3-4 times with each 15 gram increase in consumption of saturated fat (equivalent to one 4oz cheeseburger). Although we do not know the mechanism by which this dietary association may influence the risk of hyperemesis, we do know that a diet high in saturated fat will increase estrogen production.

To better study the influence of diet and hormones on the risk of severe hyperemesis, we would like to identify women as close to the time of their conception as possible and then measure their hormonal profile to see which profiles are more predictive of the subsequent onset of severe nausea and vomiting. We have proposed such a study to NIH which was not funded during this most recent cycle. However, we will review the evaluation when it becomes available and consider a resubmission.

If you would like any additional information concerning our research in this area please don't hesitate to contact me directly. Thank you for your interest in this area which certainly deserves much more high quality research.

Sincerely yours,

BERNARD L. HARLOW.

SATURATED FAT INTAKE AND THE RISK OF SEVERE HYPEREMESIS GRAVIDARUM

(By L.B. Signorello, B.L. Harlow, S.P. Wang, and M.A. Erick, Harvard School of Public Health and the Obstetrics and Gynecology Epidemiology Center, Brigham and Women's Hospital)

Hospitalization for hyperemesis gravidarum (nausea and vomiting during pregnancy) occurs in up to 2 percent of all pregnancies. Women suffering from this condition can experience malnutrition and severe weight loss, resulting in adverse health effects for both themselves and their babies. The authors conducted a case-control study to examine the potential association between dietary factors and the risk of severe hyperemesis gravidarum (HG). With previous research suggesting an association between estrogen levels and risk of nausea and vomiting, the aim of this study was to investigate the role of modifiable dietary factors that may influence prenatal estrogen production and/or metabolism. Cases were 50 women who were hospitalized for HG and who delivered livebirths at Brigham and Women's Hospital (BWH) between 1/1/92 and 12/31/95. Controls were 100 women who delivered livebirths at BWH during the same time period and who experienced less than 10 hours of nausea and less than 3 episodes of vomiting over the duration of their pregnancies. Data were collected via self-administered food-frequency questionnaires, with reference to the average diet during the year just prior to the pregnancy. Summary measures for the average daily intake of macro- and micro-nutrients were calculated from this data. Preliminary results using a multivariate logistic regression model indicate that high intake of total fat increases the risk of HG (odds ratio (OR)=2.2 for each 25 gram increase, 95% CI 1.1–4.2). Further investigation revealed that this association was driven primarily by saturated fat intake, with an OR of 3.5 (95% CI 1.4–8.5) for each 15 gram increase in daily saturated fat intake (equivalent to 1 four ounce cheeseburger or 3 cups of whole milk) after adjusting for age, body mass index, total energy intake, and vitamin C consumption. This finding suggests that saturated fat intake may be a strong risk factor for HG and that modifying the intake of this type of fat could prevent the onset or lessen the severity of HG. The extend to which saturated fat serves as a market for prenatal hormone levels warrants further investigation.

Mr. FILNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, America's children could once again become the innocent victims of shortsighted proposals to cut education programs.

The American people remember last year, when the majority unleashed an all-out assault on title I, Head Start, Goals 2000, bilingual and immigrant education, student loans, and a host of other valuable programs.

Well, here we go again. We have an education budget for 1997 that looks a lot like last year's proposal. Many of the cuts that appeared in their 1996 budget proposal have been given starring roles in 1997.

The plan for 1997 falls more than $2.8 billion short of President Clinton's request. Proponents of the plan claim that they are merely freezing education funding at last year's levels, yet their proposal would cut the Federal education budget by $644 million from last year.

At the same time, 1 million additional children who rely on these programs will be enrolled in America's schools by the fall of 1997. California's K–12 enrollment is expected to be 350,000 higher in 1997 than it was 2 years previously.

Considering this growth, the majority's plan grossly underfunds education programs. The level of underfunding in my home State of California is staggering:

Total funding for education in California falls $328 million short of what is needed.

Goals 2000 is underfunded by nearly $55 million.

Title I—more than $66 million below what is needed.

Safe and Drug-Free Schools Programs—underfunded by nearly $8 million.

Immigrant education programs—more than $14 million below what is needed.

Special education—underfunded by more than $33 million.

Job training and education—more than $3 million below what is needed.

Adult education—underfunded by nearly $5 million.

Even the smaller but equally as important programs that help children in California will suffer under the majority's plan. For example, homeless children and youth—more than $750,000 below what is needed; Indian education—underfunded by more than $800,000.

The majority needs to learn that the American people don't want to see cuts in education. Americans overwhelmingly rejected the cuts that were proposed last year. Perhaps the advocates

of these cuts should listen to their colleagues on the other side of the aisle who have put forth a families first agenda, which would balance the budget without draconian cuts in education.

Mr. Chairman, I would hope that we would pass the Obey amendment that is on the floor or that we would reject the bill before us because it shortchanges America's children.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to speak in response to some of the comments that the gentleman from Wisconsin had made during the debate on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE], on which all time being used, there could be no response.

There seems to be in this country a complete mistaken belief that bilingual education programs and the use of languages other than English in the classroom or anywhere else in this society somehow weakens the ability of a country and a society to move forward.

One of the problems that we have in this country right now, I believe, is that some people have taken certain very emotional issues and put them forth in a way that scares the American public. And why not? If we tell the American people that bilingual education or any other program in the Nation threatens the use of English as the official language in this country or the language of this society, then certainly good-hearted, well-intentioned, and good patriotic Americans respond to that by saying, oh, my God, there is a problem here that we have to attack.

But there is no problem. All we have to do is ask any parent of any child in this country where the family speaks a language other than English or a second language what they see, what they envision for their children, and every single one of their parents, unless they are not in their right state of mind, would tell you that they want the child to learn to speak English, to function within the society, to grow within the society.

However, what we have done in this country in the last few years, and, unfortunately, it has been going on for much too long, is to suggest to people that there are a couple of things that are going to wreck this society and one of them is the existence of languages other than English in the society.

Now, whenever I speak on this subject I use myself as an example. I speak Spanish, I speak English. I read Spanish, I read English. I write in Spanish, I write in English. I can listen to music in either language, I can read literature in either language, I can function in either language. I do not think that my existence in this House shows in any way, shape, or form that my knowledge of another language has caused a problem. I think in Spanish at times and speak in English, and it has not confused me. I understand the issues well and in no way am I handicapped.

We are handicapped as a nation, however, when we send messages throughout the world that if you want to deal with us you must deal with us in English or we shall not speak to you. If you want to trade with us you should trade with us in English or we shall not speak to you. And if you want to play baseball on the ballfield we will only speak English, otherwise I will never speak to you.

I suggest that that is a very narrow-minded approach, and all I would ask is people who support this movement of making English the official language, and therefore attack all other languages, to simply understand that the growth of a nation as great as ours is not just an economic growth, it is not just a military growth, it is not just a growth of a democracy; it is also the ability to work with other people throughout the world and to say to them we are not afraid of your language, in fact, we want to learn your language. We want to learn your culture.

Let me make one last point. During the 1970's, as I have said on a couple of occasions on this floor, there were the famous spaghetti westerns that Sergio Leone put out. These were western movies made in Italy and the actors spoke in Italian and in French and Spanish and in English. It is sad to note that even then, and nothing has changed, it was only the American actors who had to have their voices dubbed in other languages while the European actors dubbed their own voice in various languages.

What is the fear? Let us be honest about bilingual education. It is simply a program that takes you as a child speaking another language and teaches you information in your language until you learn to speak English, with the intent being that by the third grade or the fourth grade we will move you over to English, and then if in the process you maintain a second language, in my opinion, that only strengthens the society. That does not weaken the society.

Mr. Chairman, let me just say that when I learned that "Jorge Washington es el Padre de la Nacion", I learned in Spanish that George Washington was the father of the Nation. It was the same information. I just learned it in another language first.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I would like very much to thank the gentleman for yielding, and I want to associate myself with the remarks of the gentleman, and add that I am just returned from the European Parliament, the Organization of Security and Cooperation in Europe, where 53 member nations were represented. English was the second language of most of the persons there. They all spoke either two or three languages.

The CHAIRMAN. The time of the gentleman from New York [Mr. SERRANO] has expired.

(By unanimous consent, Mr. SERRANO was allowed to proceed for 1 additional minute.)

Mr. HASTINGS of Florida. Mr. Chairman, if the gentleman will continue to yield, in Sweden, where this meeting was held, children are mandated at age 7 to learn English. In Australia, where I visited last year, it is mandatory that their children learn two Asian languages.

I am finding it abhorrent that we continue this debate, and I just wish to associate myself with the remarks and the leadership of the gentleman.

Mr. SERRANO. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments, and I would hope that people in this country would understand that to speak more than one language actually strengthens you; it does not weaken you in any way.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I agree with the gentleman that just spoke about English as a common language, but it is also very, very important to have multilingual, especially in the trade and economic issues that we have.

I do disagree with my colleague, the gentleman from California [Mr. FILNER]. He quite often states his own opinion as fact, and he is factually challenged and I would like to tell my colleagues how.

First of all, the Federal Government only provides about 5 percent of the total revenue for education; 95 percent of education funding comes from State and local funds. Now, it is legitimate for those that want the Federal Government to handle more of that burden to say we can spend more money out of the Federal Government. My point comes from the waste, the fraud and the abuse that happens at the Federal level. It is better to handle it at the State level.

Let me give you a couple of examples.

□ 1845

Of that 5 percent that the Federal programs give for education, the committee identified over 760 education programs; 760 programs. Everybody wants a good program and, in fact, back in my own district I went back and everybody was coming and saying, Duke, we have all these programs and these are great programs. And you can fall into that pit. But what it does is that it spreads that 5 percent out so much that we get very little back to the classroom. In some areas, we get as little as 23 cents on the dollar and in

other areas about 32 cents on the dollar. That is not good business.

We have taken, for example, Goals 2000 with 45 instances in the bill that says "States will." we have taken that and saved the money from that. The President's direct lending program, I wish we could totally cut it out and do it privately. Why? Because to administer the direct lending Government program cost $1 billion more to administer just capped at 10 percent. GAO did a study and said it would take $3 billion to $5 billion just to collect those dollars.

We took those savings and capped the administrative fees and we increased, I would say to the gentleman from California [Mr. FILNER], we increased Pell grants. We increased student loans by $3 billion. We increased access to student loans by 50 percent. We did not cut. We added it.

We took Federal programs which my colleagues on the other side would rather spend money on the Federal level, and we are returning that money to the States and getting a bigger bang for the dollar. The vision.

If my colleagues want to work on something in education, we have less than 12 percent of our classrooms that have a single phone jack. Before Republicans and Democrats, the testimony has been that over 50 percent of the jobs in the near future are going to require high-technology skills and we do not have the tools.

Mr. Chairman, one thing I disagree with in the bill, we ought to have more money for Eisenhower grants, not less. Why? Because if we are going to expect our teachers to learn how to turn on a computer and teach the children in the future, these high-technology skills to meet their efforts in the 21st century, then we have got to train our teachers to do that. It is a disagreement I have with the bill, but overall we have added dollars for education. We have taken the Federal Government out of it and turned it back to the American people, and we have given it to the people that need it: students, not the bureaucracy.

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FORBES) having assumed the chair, Mr. WALKER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3755) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3755, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. PORTER. Mr. Speaker, I ask unanimous consent that further consideration of H.R. 3755 for amendment in the Committee of the Whole pursuant to House Resolution 472 conclude at 11 p.m. this evening and; the bill be considered as having been read; and, no amendment shall be in order except for the following amendments, which shall be considered as read, shall not be subject to amendment, except as specified, or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed:

Amendment numbered 3, by Mr. HEFLEY, for 5 minutes;

Amendment numbered 5, by Mrs. LOWEY, for 30 minutes;

Amendment numbered 23, by Mr. GUTKNECHT, for 10 minutes;

Unnumbered amendment by Mr. CAMPBELL, for 10 minutes;

Unnumbered amendment by either Mr. THOMAS or Mr. BUNNING, and a substitute if offered by Mr. HOYER, for 20 minutes;

Amendment numbered 1, by Mr. ISTOOK, and a substitute if offered by Mr. OBEY, for 30 minutes;

Either amendment numbered 12 or 13, by Mr. SANDERS, for 10 minutes;

Amendment numbered 14, by Mr. SANDERS, for 10 minutes;

Amendment numbered 15, by Mr. SOLOMON, for 5 minutes.

Amendment numbered 16, by Mr. SOLOMON, for 5 minutes;

Amendment numbered 18, by Mr. CAMPBELL, for 20 minutes;

Unnumbered amendment by Mr. ROEMER, for 10 minutes;

Unnumbered amendment by Mr. TRAFICANT, for 5 minutes;

Amendment numbered 28, by Mr. MCINTOSH, for 10 minutes; and

Either amendment numbered 7 or 29, by Mr. MICA, for 5 minutes.

Mr. FORBES. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3756 TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–671) on the resolution (H. Res. 475) providing for consideration of the bill (H.R. 3756) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore (Mr. FORBES). Pursuant to House Resolution 472 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3755.

□ 1851

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration the bill (H.R. 3755) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, with Mr. WALKER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the bill had been read through page 69, line 25. Pursuant to the order of the House of today, further consideration of H.R. 3755 for amendment in the Committee of the Whole pursuant to House Resolution 472 will conclude at 11 o'clock this evening and the bill will be considered as having been read.

The text of the remainder of the bill is as follows:

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $53,184,000, of which $432,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Soldiers' and Airmen's Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $202,046,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1999, $250,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $32,579,000 including $1,500,000, to remain available through September 30, 1998, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,060,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended by Public Law 102–95), $812,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $1,757,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $974,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $144,692,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes: *Provided further*, That none of the funds made available by this Act shall be used in any way to promulgate a final rule (altering 29 CFR part 103) regarding single location bargaining units in representation cases.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $7,656,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $7,753,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $2,920,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $3,263,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,923,000.

In addition, to reimburse these trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $460,070,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1998, $160,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $19,422,115,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

In addition, $25,000,000, to remain available until September 30, 1998, for continuing disability reviews as authorized by section 103 of Public Law 104–121. The term "continuing disability reviews" has the meaning given such term by section 201(g)(1)(A) of the Social Security Act.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out title XVI of the Social Security Act for the first quarter of fiscal year 1998, $9,690,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $5,899,797,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act or as necessary to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 from any one or all of the trust funds referred to therein: *Provided*, That reimbursement to the trust funds under this heading for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1998: *Provided further*, That not less than $1,500,000 shall be for the Social Security Advisory Board.

From funds provided under the previous paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $160,000,000, to remain available until September 30, 1998, for continuing disability reviews as authorized by section 103 of Public Law 104–121. The term "continuing disability reviews" has the meaning given such term by section 201(g)(1)(A) of the Social Security Act.

In addition to funding already available under this heading, and subject to the same terms and conditions, $250,073,000, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $6,335,000, together with not to exceed $21,089,000, to be transferred and expended as authorized by section 201(g)(1) of

the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $223,000,000, which shall include amounts becoming available in fiscal year 1997 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $223,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $300,000, to remain available through September 30, 1998, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $87,898,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,268,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in this Act may be transferred to the Office from the Department of Health and Human Services, or used to carry out any such transfer: *Provided further*, That none of the funds made available in this paragraph may be used for any audit, investigation, or review of the Medicare program.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $11,160,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 504. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 508. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

SEC. 509. Notwithstanding any other provision of law—

(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purposes for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this Act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

SEC. 510. None of the funds made available in this Act may be used for the expenses of an electronic benefit transfer (EBT) task force.

SEC. 511. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $5,000,000.

SEC. 512. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" include any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes.

SEC. 513. None of the funds made available in this Act may be used by the National Labor Relations Board to assert jurisdiction over any labor dispute when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the labor dispute does not involve any class or category of employer over which the Board would assert jurisdiction under the standards prevailing on August 1, 1959, with each financial threshold amount adjusted for inflation by—

(A) using changes in the Consumer Price Index for all urban consumers published by the Department of Labor;

(B) using as the base period the later of (i) the most recent calendar quarter ending before the financial threshold amount was established; or (ii) the calendar quarter ending June 30, 1959; and

(C) rounding the adjusted financial threshold amount to the nearest $10,000; and

(2) the effect of the labor dispute on interstate commerce is not otherwise sufficiently substantial to warrant the exercise of the Board's jurisdiction.

SEC. 514. None of the funds made available in this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the individual is not lawfully within the United States; and

(2) the benefit or assistance to be provided is other than emergency medical assistance or a benefit mandated by the federal courts to be provided by the State.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997".

The CHAIRMAN. No amendment shall be in order except for the following amendments which shall be considered as read, shall not be subject to amendment, except as specified, or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed:

Amendment No. 3 by Mr. HEFLEY for 5 minutes; amendment No. 5 by Mrs. LOWEY for 30 minutes; amendment No. 23 by Mr. GUTKNECHT for 10 minutes; unnumbered amendment by Mr. CAMPBELL for 10 minutes; unnumbered amendment by either Mr. THOMAS or Mr. BUNNING, and a substitute if offered by Mr. HOYER, for 20 minutes; amendment No. 1 by Mr. ISTOOK, and a substitute if offered by Mr. OBEY, for 30 minutes; either amendment No. 12 or 13 by Mr. SANDERS for 10 minutes; amendment No. 14 by Mr. SANDERS for 10 minutes; amendment No. 15 by Mr. SOLOMON for 5 minutes; amendment No. 16 by Mr. SOLOMON for 5 minutes; amendment No. 18 by Mr. CAMPBELL for 20 minutes; unnumbered amendment by Mr. ROEMER for 10 minutes; unnumbered amendment by Mr. TRAFICANT for 5 minutes; amendment No. 28 by Mr. MCINTOSH for 10 minutes; and either amendment No. 7 or 29 by Mr. MICA for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. FOX of Pennsylvania. Mr. Chairman, I would ask the gentleman from Illinois [Mr. PORTER], as chairman of the committee I wanted to ask you a few questions, if I can, regarding a subject very close to both of us, and that is the domestic violence programs under the Violence Against Woman Act. I understand that the current bill now calls for $63.4 million in the new bill.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would say to the gentleman, yes, that is correct.

Mr. FOX of Pennsylvania. Mr. Chairman, reclaiming my time, this represents a 15 percent increase in the programs in a bipartisan bill, including the Chrysler amendment for $2.4 million.

Mr. PORTER. Again, Mr. Chairman, the gentleman is correct.

Mr. FOX of Pennsylvania. Mr. Chairman, I further understand that this legislation is forward thinking and consistent with all the goals of this Congress in helping women avoiding domestic violence problems to children and families and includes also additional funding for battered women shelters.

Mr. PORTER. Yes.

Mr. FOX of Pennsylvania. And the rape prevention and services and the domestic violence hotline; is that correct?

Mr. PORTER. Mr. Chairman, it is.

Mr. FOX of Pennsylvania. Mr. Chairman, I would say to the gentleman, thanks to him and the rest of the committee, and especially for his leadership as being someone who in a bipartisan way helped us forge, I think for the next generation of families, decrease in domestic violence and increase in family unity because of his leadership in these programs. And I thank him for his efforts in this regard.

Mr. PORTER. Mr. Chairman, I thank the gentleman.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 472, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from Wisconsin [Mr. OBEY]; and the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

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

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered

The vote was taken by electronic device, and there were—ayes 198, noes 227, not voting 8, as follows:

[Roll No. 303]

AYES—198

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Blute
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOES—227

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis

Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—8

Dunn
Gibbons
Hayes
Lincoln
Longley
McDade
Schumer
Young (FL)

□ 1912

Mrs. KENNELLY changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. LOWEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York [Ms. LOWEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 294, noes 129, not voting 10, as follows:

[Roll No. 304]

AYES—294

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bartlett
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Bishop
Blumenauer
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Castle
Chabot
Chapman
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crapo
Cummings
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Durbin
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Ganske
Gejdenson
Gephardt
Geren
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green (TX)
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hayworth
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lightfoot
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Portman
Poshard
Quinn
Rahall
Ramstad
Rangel
Reed
Richardson
Riggs
Rivers
Roberts
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sawyer
Schaefer
Schiff
Schroeder
Scott
Seastrand
Serrano
Shaw
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solomon
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stupak
Tanner
Tate
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson
Wise
Woolsey
Wynn
Yates
Young (AK)
Zimmer

NOES—129

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barton
Bass
Bateman
Bilbray
Bliley
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins (GA)
Combest
Cooley
Crane
Cremeans
Cubin
Cunningham
DeLay
Dickey
Doolittle
Dornan
Everett
Fields (TX)
Funderburk
Gallegly
Gekas
Gilchrest
Graham
Greene (UT)
Gutknecht
Hancock
Hansen
Hastings (WA)
Hefley
Herger
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Kim
King
Knollenberg
Kolbe
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
McCrery
McInnis
McIntosh
McKeon
Metcalf
Meyers
Miller (FL)
Moorhead
Myers
Nethercutt
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Pryce
Quillen
Radanovich
Regula
Rogers
Rohrabacher
Roth
Sanford
Saxton
Scarborough
Sensenbrenner
Shadegg
Shuster
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stockman
Stump
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Vucanovich
Walker
Watts (OK)
White
Wicker
Williams
Wolf
Zeliff

NOT VOTING—10

Boehner
Dunn
Edwards
Gibbons
Hayes
Lincoln
Longley
McDade
Schumer
Young (FL)

□ 1021

Mrs. ROUKEMA changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: Page 83, after line 8, insert the following:

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio [Mr. TRAFICANT] and a Member opposed will each control 2½ minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. Chairman, the amendment is straightforward. Anyone who would

place a fraudulent "Made in America" label on an import would be ineligible to compete on any contract or subcontract under this bill, and be subject to debarment and suspension under laws already established.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say on this side we have no objection to the amendment, and accept it.

Mr. TRAFICANT. Mr. Chairman, I also want to thank the gentleman from Wisconsin for all the help over the years on appropriation bills with these measures.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Florida.

Mr. MILLER of Florida. Mr. Chairman, we have no objection to the amendment on this side, and we accept it.

Mr. TRAFICANT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer amendment No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HEFLEY: Page 71, line 6, after the dollar amount, insert the following "(reduced by $1,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado [Mr. HEFLEY] and a Member opposed will each control 2½ minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I many consume.

Mr. Chairman, both sides have agreed to the amendment. This is the amendment to strike $1 million from the Corporation for Public Broadcasting, the $1 million that goes to the Pacifica Radio Network. For several years we have offered this amendment. We have passed it in the House. This year we hope it would get through the entire process.

Mr. Chairman, in the past, I have offered amendments to the Labor/HHS/Education appropriations bills to decrease Federal funding for the Corporation for Public Broadcasting by $1 million. I now ask again for a $1 million reduction in CPB appropriations because this is roughly the amount of money that the Pacifica Radio Network receives each year from the CPB.

Based in Berkeley, CA, Pacifica is a network of 5 radio stations with at least 57 affiliates that carry its news service and talk shows. I believe the Federal Government should stop pumping dollars into Pacifica—via the CPB—and stop footing the bill for the outrageous hate programming Pacifica has distributed.

Let me list a few examples of the racist, anti-Semitic programming that has spewed out of Pacifica's networks for at least 30 years.

In 1969 Pacifica's New York station broadcast an anti-Semitic poem written by a young black girl with lines like, "Hey, Jew Boy with the yarmulke on your head/You pale-faced Jew Boy, I wish you were dead."

In 1983 Pacifica's Washington, DC station permitted its announcer to "tell potential presidential assassins to use more powerful guns than John Hinckley used" when he tried to kill President Reagan.

During Pacifica's "Afrikan Mental Liberation Weekend" in 1993, the network allowed its guest, Nation of Islam leader Louis Farrakhan, to state that Jews are a "pale horse with death as its rider and hell close behind." A caller to the show then suggested, "The Jews haven't seen anything yet * * *. What is going to happen to them is going to make what Hitler did seem like a party."

And just this year, the Pacifica network in Berkeley aired a show in which a guest claimed that "the U.S. Congress and the White House are Israel occupied territory."

Now I don't have anything against free speech—nor do I want to monitor Pacifica's programming schedule. However, I do not want to force the American taxpayer to subsidize this kind of programming at Pacifica. Let the network produce such shows on their own dollar—that is what they claim to be doing anyway! Pacifica states that it is the "nation's first listener-supported, community-based radio network." And private donations to this network have increased over the years. So I would think that Pacifica could get along fine without Federal funding to support their broadcasts.

The government should not be in the business of promoting radio shows that fan the flames of racism and hatred. Therefore, Mr. Speaker, I submit my amendment to reduce the funding for the Corporation for Public Broadcasting by $1 million. Let's put a halt to the Federal funds flowing into the Pacifica Radio Network.

Mr. Chairman, if I am correct that both sides have agreed to accept it, I yield back the balance of my time.

Mr. NADLER. Mr. Chairman, I rise today to express my vigorous support for continued Federal funding for the Corporation for Public Broadcasting and my opposition to the Hefley amendment. The CPB provides countless hours of joy, education and entertainment to over one hundred million Americans each week. Through stations and projects that range from public television, to radio programming, to the World Wide Web, the CPB reaches virtually every household in America with a television, radio, or computer.

The average American child will watch more than 4,000 hours of television by kindergarten. The CPB helps parents to use the television as an educational tool. Few American children have not explored the depth of their imagination as they watched the Land of Make Believe with Mr. Rogers. And as Americans continue the life-long learning process, the CPB provides such classics as Masterpiece Theater, Great Performances and a plethora of documentaries exploring diverse subjects in a depth rarely found elsewhere. In short, CPB programs have become an integral part of American life.

CPB programs extend to the Internet as well. In 15 projects across the country, students consult experts online, publishing their writings and receiving educational assistance on the World Wide Web.

In areas of our Nation where the local newspaper is published just once a week, public radio is one of the few sources of daily local news and live events, functioning as a lifeline for many. In addition, CPB radio service provides radio reading service for the blind.

For a mere one dollar and nine cents per American, we can offer Americans a chance to learn, explore and expose themselves to ideas they would not otherwise have free access to. Federal funding of CPB must be kept at the highest level possible.

At a time when many in Congress are concerned about the violent and offensive content on commercial television, it is especially surprising to find so much hostility directed at the CPB which produces some of the best educational and family entertainment available.

All of the programs and services I have just mentioned would be put at risk by the Hefley amendment. This amendment seeks to stop Federal funding for Pacifica-Radio because of what Mr. HEFLEY claims to be antisemitic and racist programming. I have been informed by the Corporation for Public Broadcasting that the comments Mr. HEFLEY is concerned with were made by callers to shows, not by the hosts of the program. In fact, it is included in Pacifica-Radio's own charter that antisemitic or bigoted remarks about any group are grounds for a programs removal from the air.

In addition, this amendment would not accomplish its purported goal. Congress set up specific guidelines as to how CPB awards its radio grants. CPB does not have the discretion to deny a grant because they do not like a program and/or its content. If a grant applicant meets the criteria set forth by Congress, CPB is obligated to award the grant. Cutting an arbitrary $1 million will not end broadcasts by Pacifica, but it will hinder all the worthwhile work done by the CPB.

We may well strongly disagree with or dislike comments made in many broadcast arenas. When such comments are made, it is our responsibility to condemn those comments, not to make an across-the-board cut from the budget which funds the very worthwhile programming provided by the CPB. I urge my colleagues to vote no on the Hefley amendment.

The CHAIRMAN. Is there a Member opposed to the amendment?

If not, the question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the the ayes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] will be postponed.

AMENDMENT OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROEMER: Page 87, after line 14, insert the following new section:

SEC. 515. The amount provided in this Act for "DEPARTMENT OF EDUCATION—Student financial assistance" is increased; and each of the amounts provided in this Act for "DEPARTMENT OF LABOR—Pension and Welfare Benefits Administration—Salaries and expenses", "DEPARTMENT OF LABOR—Employment Standards Administration—Salaries and expenses", "DEPARTMENT OF LABOR—Occupational Safety and Health Administration—Salaries and expenses", "DEPARTMENT OF LABOR—Mine Safety and Health Administration—Salaries and expenses", "DEPARTMENT OF LABOR—Bureau of Labor Statistics—Salaries and expenses", "DEPARTMENT OF LABOR—Departmental Management—Salaries and expenses", "DEPARTMENT OF HEALTH AND HUMAN SERVICES—National Institutes of Health—Office of the director", "DEPARTMENT OF HEALTH AND HUMAN SERVICES—National Institutes of Health—Buildings and facilities", "DEPARTMENT OF EDUCATION—Departmental Management—Program administration", "Federal Mediation and Conciliation Service—Salaries and expenses", "Federal Mine Safety and Health Review Commission—Salaries and expenses", "National Council on Disability—Salaries and expenses", "National Labor Relations Board—Salaries and expenses", "National Mediation Board—Salaries and expenses", "Occupational Safety and Health Review Commission—Salaries and expenses", "Prospective Payment Assessment Commission—Salaries and expenses", and "United States Institute of Peace—Operating expenses", are reduced; by $340,000,000 and 15 percent, respectively.

Mr. ROEMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. ROEMER] is recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Indiana [Mr. ROEMER].

□ 1930

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

Mr. Chairman, on the front page of the USA Today, the article right here says, "College Dropout Rate Hits All-time High." College dropout rate hits all-time high.

One of the reasons that the college dropout rate is hitting an all-time high, according to this article and according to a score of students that I have talked to in the third district of Indiana, is because the cost of college continues to escalate higher and higher and we are unable to provide enough sufficient aid through Pell grants and Stafford loans and student assistance programs to adequately keep many of these students, especially moderate and low-income students, in the school.

Let me give further evidence, Mr. Chairman. The AP story again, leading off the wire today, quote, "A combination of rising tuitions, increased job opportunity, a growing economy and concerns about student aid can lead to more students not returning to school," unquote.

I give a certain amount of credit to the Republican Party for increasing the Pell grant this year by $25. $25, Mr. Chairman, maybe will buy a textbook for the student to go to Indiana University.

If we were keeping up with inflation-adjusted Pell grants to make sure that we make the best investment possible for our students, Pell grant maximums would be at $4,300 today. In this bill today they are at $2,500. My amendment would simply take the $2,500 level up to $2,600 and have an offset to pay for it by taking it out of salaries and expenses in the Department of Labor and the Department of Education. So there are offsets for this. It is revenue neutral.

Let me further say, Mr. Chairman, that when the Pell grant was in effect several years ago, it covered about 50 percent of the costs of college. So if your tuition at Indiana University was $3,000, it would roughly cover about $1,500 of that. Today the Pell grant barely covers 20 percent of the cost of students going to college.

Mr. Chairman, there are many reasons that we need to do something about bringing this Pell grant up.

I intended to offer this amendment today before having discussions with the Secretary of Education today and members of the Republican party, both on the House side and the Senate side, and I understand that Senator HATFIELD and others are going to try to increase the 602(b) allocations and put about $1.3 billion more into the education account.

In a conversation today with Secretary Riley, he said that he would be willing to work with Members of Congress to see that a great deal of this $1.3 billion be put into the Pell grant program so that we can make this the best investment possible, and, that is, making sure that our students are able to go to college.

We have a larger and larger gap, Mr. Chairman, between the haves and the have-nots in our society. The haves generally have a college education or generally have the ability to get to a two-year college. The have-nots are increasingly cut out of education opportunities and their future. My amendment puts a great deal of emphasis on what has been the foundation, the cornerstone of helping our young people get to college and that is the Pell grant.

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

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Indiana [Mr. ROEMER] has 1 minute remaining, and a Member opposed would have 5 minutes. Is there a Member opposed to the amendment?

Mr. MILLER of Florida. Mr. Chairman, my understanding is that the gentleman is going to withdraw the amendment.

Mr. ROEMER. That was my intention. I was hopeful that the gentleman from Illinois [Mr. PORTER] would be on the floor, and I had hoped that he might say a couple of things about how important the Pell grant is in terms of helping us get our young people in college. But he obviously is not on the floor at this time.

Mr. MILLER of Florida. Mr. Chairman, I claim the time.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. MILLER] is recognized in opposition for 5 minutes.

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me simply suggest, I know the gentleman from Illinois [Mr. PORTER] is probably trying to get a bite to eat just like I am going to be trying to get a bite to eat. I am sure that both of us would like to see additional funding for Pell grants. I think we have considerable concern about making the kind of reductions we would have to make in some of the worker protection agencies, for instance, in order to fund this.

Let me simply say it is my hope that the Senate is going to be adding some money to Pell grants, and if they do, I certainly will want to see funding added in conference. I thank the gentleman for raising the issue and thank him for being willing to withdraw the amendment and work with us to try to produce a better number in conference.

Mr. PORTER. Mr. Chairman, I would inquire who has the time.

The CHAIRMAN pro tempore. The gentleman from Illinois [Mr. PORTER] has the time at the moment in opposition to the amendment, and the gentleman from Indiana has 1 minute remaining.

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

Mr. Chairman, I simply want to respond to the gentleman and say that we have put Pell grants at a very high priority. We raised them to the highest level in history with the largest increase in history last year and are raising them again this year. I very much share the gentleman's concern about

Pell grants, and we will work with him to see what we can work out in the final conference report and negotiations with the White House.

Mr. ROEMER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I thank the gentleman from Illinois. I certainly applaud President Clinton and Secretary Riley for what they are tying to do for higher education and higher education costs. I thank the gentleman from Illinois for his comments and certainly the gentleman from Wisconsin [Mr. OBEY] for his work on this amendment.

College tuition costs, Mr. Chairman, have doubled in the last 10 years. So we need to do more than increase this to $2,500, even though it is the highest level ever. It should be at $4,300, not $2,500. So I would encourage the members of this Committee on Appropriations in the conference committee to put as much of that $1.3 billion as possible back into the Pell grant program so that we do not see the dropout rate that we are seeing noted in the AP stories and on the front page of the USA Today.

Mr. Chairman, I think there is bipartisan agreement that Pell grants do need help, and I would hope that we would work together with the Secretary of Education, Mr. Riley, and Republicans and Democrats together to see this increased in the conference committee.

With that, Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. SOLOMON: Page 87, after line 14, insert the following new section:

SEC. 515. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES. None of the funds made available in this Act may be used for any activity when it is made known to the Federal official having authority to obligate or expend such funds that the activity promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTION.—The limitation in subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance.

AMENDMENT AS MODIFIED OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent to substitute a modified amendment which has been approved by the manager of the bill.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Amendment as modified, offered by Mr. SOLOMON:

Page 87, after line 14, insert the following new section:

SEC. 515. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES.—None of the funds made available in this Act may be used for any activity when it is made known to the Federal official having authority to obligate or expend such funds that the activity promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTION.—The limitation in subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that Federally-sponsored clinical trials are being conducted to determine therapeutic advantage.

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN pro tempore. The amendment is modified.

Pursuant to the order of the House of today, the gentleman from New York [Mr. SOLOMON] and a Member opposed, each will control 2½ minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

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

Mr. Chairman, what my amendment would do would be to say that none of the funds available under this bill could be used to promote the legalization of currently listed illegal drugs in this country.

Mr. Chairman, the Department of Health and Human Services recently reported that since 1992, marijuana use among young people has increased an average of 50 percent per year. Even more disturbing, since 1992, marijuana use jumped 137 percent among 12- and 13-year-olds, and even worse, 200 percent among 14- and 15-year-olds. Nearly 1.3 million more young people are smoking marijuana today than in 1992.

Without laws that make drug use illegal, experts estimate that three times as many Americans will use illegal drugs, and we know that an increase in drug abuse leads to an increase in violence and domestic abuse.

Mr. Chairman, I would hope that my amendment would be accepted. It is terribly important for the young people of this Nation.

Mr. Chairman, President Clinton recently asserted that drug use has dropped over the past 3 years. This is simply not true.

The truth is that during the Reagan-Bush years, drug use dropped from 24 million in 1979 to 11 million in 1992. Unfortunately, those hard fought gains have been wasted. Under president Clinton's watch this trend has been reversed and drug use is again on the rise.

I think Americans need to ask themselves during this Presidential election year, "Is my child better off today than he was 4 years ago?"

In fact, Mr. Chairman, the Department of Health and Human Services recently reported that since 1992, marijuana use among young people has increased an average of 50 percent per year. Even more disturbing, since 1992 marijuana use jumped 137 percent among 12–13 year olds and 200 percent among 14–15 year olds. Nearly 1.3 million more young people are smoking marijuana today than in 1992.

Without laws that make drug use illegal, experts estimate that three times as many Americans will use illicit drugs. And we know that an increase in drug abuse leads to an increase in violence and domestic abuse.

It is for these troubling reasons that I am offering this amendment today. My amendment is simple—none of the funds available under this bill can be used to promote the legalization of drugs.

However, my amendment would still allow the study and research of substances in Schedule I for medical purposes. If it was discovered that there was significant medical evidence that the drug is an effective and safe medical treatment then nothing in this amendment would preclude anyone from bringing the drug to market.

In a speech last year entitled "Why the U.S. Will Never Legalize Drugs," our Nation's drug czar, Lee Brown called drug legalization the moral equivalent of genocide.

Legalizing addictive, mind altering drugs is an invitation to disaster for communities that are already under siege. Making drugs more readily available would only propel more individuals into a life of crime and violence.

In fact, current statistics show that nearly half of all men arrested for homicide and assault test positive for illegal drugs at the time of arrest.

According to the Partnership for a Drug Free America, 1 out of every 10 babies in the United States is born addicted to drugs. Infants and children living with drug-addicted parents are at the highest risk of abandonment or abuse. A study in Boston found that substance abuse was a factor in 89 percent of all abuse cases involving infants.

Listen to the words of Joseph Califano, former Secretary of Health, Education and Welfare and the current president of the National Center on Addiction and Substance Abuse at Columbia University. "Drugs are not dangerous because they are illegal; they are illegal because they are dangerous. Not all children who use illegal drugs will become addicts, but all children, particularly the poorest, are vulnerable to abuse and addiction. Russian roulette is not a game anyone should play. Legalizing drugs is not only playing Russian roulette with our children. It's slipping a couple of extra bullets in the chamber."

This amendment simply reaffirms our government's policy that Schedule I drugs should not be legalized.

Those members who support the legalization of drugs should not support this amendment. But those members that want to show the people of this country that we are committed to providing a better future for our children and grandchildren—please vote "yes."

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, we think it is a good amendment and accept it.

Mr. SOLOMON. I thank the gentleman.

Mr. OBEY. Mr. Chairman, I claim the 2½ minutes in opposition.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. OBEY] is recognized for 2½ minutes.

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

Mr. Chairman, I take the time to simply make the statement that I do not intend to oppose the gentleman's amendment, but I am still concerned. I do not want to put any impediment in the way of persons who are dying of painful diseases and who can find some relief from pain from the use of marijuana in a medically prescribed way.

I reserve the right in conference to make certain that we are not, from the floor of the House where everybody is healthy and comfortable, causing problems for people who are sick or are in pain.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I would tell the gentleman that I have done extensive research on this matter. The American Medical Association supports this amendment because they feel it in no way would hinder the treatment of patients with cancer, which I have had a lot of that in my own personal life and family. So I assure the gentleman we do not intend to do that.

Mr. OBEY. Mr. Chairman, with that understanding, I withdraw my objection and would accept the amendment.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from New York [Mr. SOLOMON].

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. SOLOMON: Page 87, after line 14, insert the following new sections:

SEC. 515. (a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—None of the funds made available in this Act may be provided by contract or by grant (including a grant of funds to be available for student aid) to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the institution (or any subelement thereof) has a policy or practice. (regardless of when implemented) that prohibits, or in effect prevents—

(1) the maintaining, establishing, or operation of a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of title 10, United States Code, and other applicable Federal laws) at the institution or subelement); or

(2) a student at the institution (or subelement) from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

(b) EXCEPTION.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 516. (a) DENIAL OF FUNDS FOR PREVENTING FEDERAL MILITARY RECRUITING ON CAMPUS.—None of the funds made available in this Act may be provided by contract or grant (including a grant of funds to be available for student aid) to any institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the institution (or any subelement thereof) has a policy or practice (regardless of when implemented) that prohibits, or in effect prevents—

(1) entry to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of Federal military recruiting; or

(2) access to the following information pertaining to students (who are 17 years of age or older) for purposes of Federal military recruiting: student names, addresses, telephone listings, dates and places of birth, levels of education, degrees received, prior military experience; and the most recent previous educational institutions enrolled in by the students

(b) EXCEPTION.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 517. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from New York [Mr. SOLOMON] and a Member opposed each will control 2½ minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

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

Mr. Chairman, the amendment I am offering with the gentleman from California [Mr. POMBO] has passed the House several times, most recently on the VA–HUD appropriation bill.

Mr. Chairman, in many places across the country, military recruiters are being denied access to educational facilities, preventing recruiters from explaining the benefits of an honorable career in our Armed Forces to our young people. Likewise, ROTC units have been kicked off several campuses around the country.

What my amendment would intend to do would be to prohibit any of these funds from going to contractors or colleges or universities that do not allow military recruiters on campus to offer these honorable careers in our military or where they have a policy of banning Reserve Officer Training Corps organizations on their campus I would hope that the Members would once again unanimously approve this amendment.

Mr. Chairman, this amendment today would simply prevent any funds appropriated in this act from going to institutions of higher learning which prevent military recruiting on their campus or have an anti-ROTC policy.

Mr. Chairman, institutions that are receiving Federal taxpayer money just cannot be able to then turn their back on the young people who defend this country.

It is really a matter of simple fairness, and that is why this amendment has always received such strong bipartisan support and become law for Defense Department funds.

Mr. Chairman, recruiting is the key to our all-volunteer military forces, which have been such a spectacular success.

Recruiters have been able to enlist such promising volunteers for our Armed Forces by going into high schools and colleges and informing young people of the increased opportunities that a military tour or career can provide.

That is why we need this amendment.

A third part of the amendment would also deny contracts or grants to institutions that are not in compliance with the law that they submit an annual report on veterans hiring practices to the Department of Labor.

In the same vein, this is simple common sense and fairness to the people who defend our country, Mr. Chairman.

All we are doing here is asking for compliance with existing law.

I urge a "yes" vote on the amendment.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, we believe this is also a good amendment and would accept it.

Mr. SOLOMON. I thank the gentleman.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

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AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) Limitation on Use of Funds for Agreements for Department of Drugs.—None of the funds made available in this Act may be used by the Secretary of Health and Human Services to enter into—

(1) an agreement on the conveyance or licensing of a patent for a drug, or another exclusive right to a drug;

(2) an agreement on the use of information derived from animal tests or human clinical trials conducted by the Department of Health and Human Services on a drug, including an agreement under which such information is provided by the Department of Health and Human Services to another on an exclusive basis; or

(3) a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) pertaining to a drug.

(b) EXCEPTIONS.—Subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend the funds involved that—

(1) the sale of the drug involved is subject to a reasonable price agreement; or

(2) a reasonable price agreement regarding the sale of such drug is not required by the public interest.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Vermont [Mr. SANDERS] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

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

Mr. Chairman, as many Members know, the U.S. taxpayer is the single largest supporter of biomedical research in the world, spending $33 billion in 1994 alone for biomedical and related health research. Unfortunately, our taxpayers are unwittingly being forced to pay twice for drugs because this Congress is deeply beholden to the very profitable giant drug companies.

Members heard it right, our constituents are not getting a fair return on the investment of their hard-earned money, paying twice for pharmaceutical breakthroughs, first as taxpayers and second as consumers. This harms consumers, and it is a form of corporate welfare to many of the world's largest corporations.

The bottom line of this amendment is that when taxpayers spend billions and billions of dollars in developing a new drug, the taxpayer as a consumer should get a break and we should not be giving all of this research over to the private industry who then sells the product to our consumers at outrageous profits.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say on this side of the aisle I will be willing to accept the gentleman's amendment. I think it is a good public interest amendment.

Mr. PORTER. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

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

Mr. Chairman, the gentleman is repeating his amendment that was defeated last year on a 141–284 vote. It relates to the reasonable pricing clause that was in effect for NIH cooperative research and development agreements, CRADA's, and license agreements until April 1995.

This provision was originally put in place in response to public concern about the pricing of the AIDS drug AZT, even though AZT had not been developed through a CRADA or exclusive license. It was controversial from the start, and NIH decided to conduct an extensive review of the policy. They held public hearings, consulted with scientists, patient and consumer advocates, and representatives of academia and industry.

The director of NIH, Dr. Varmus, concluded after this review that, and I quote. "The pricing clause has driven industry away from potentially beneficial scientific collaborations with Public Health Service scientists without providing an offsetting benefit to the public."

The review also indicated that NIH research was adversely affected by an inability of NIH scientists to obtain compounds from industry for basic research purposes. No other Federal agency has a reasonable pricing clause. No law or regulation expressly requires or permits NIH to enforce such a provision. No comparable provision exists for NIH extramural grantees like universities to impose price controls on the licensees of products they develop with NIH funds.

Contrary to the impression some may have, the principal function of NIH research is not to develop drugs. NIH supports the basic research that is the foundation for the applied research that the drug companies do. NIH focuses on research that is critical for eventual application, but which is not specific enough to meet the profitability test that private industry requires.

The drug companies focus their research on bringing products to market and their investment is considerable. In 1994, the industry supported almost $14 billion in health research and development, which is more than half the entire U.S. public and private investment.

While it is appealing to think that reimposing the reasonable pricing clause may lower health care costs and benefits to consumers, we must face the possibility that it will drive drug companies out of their collaborative ventures with NIH and ultimately deny patients access to important lifesaving drugs.

I doubt that anyone in this Chamber has a detailed understanding of the impact of this complex issue. I would like to rely on Dr. Varmus' judgment in this matter and the decision of the Clinton administration. I might add, I would hope that Congress does not try to intervene, and for these reasons I must strongly oppose the amendment.

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

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, I rise in support of the Sanders amendment. Consider the case of levamisole. Eleven million dollars in N.I.H. research lead to the discovery that this drug to prevent worms in sheep could also prevent some 7,000 cancer deaths each year. No pharmaceutical company paid for this research, the American taxpayer did. But, what happened when a pharmaceutical company entered the picture? A drug that costs 6 cents a dose for sheep skyrocketed to $6 a dose for colon cancer patients.

A few years ago, the television program "Primetime Live" highlighted the problem of levamisole costs in the State of Florida. In Florida, some people were so desperate for levamisole they turned to the black market, where sheep pills are ground up into human-sized doses.

Asked about that price differential between the sheep and human products, the pharmaceutical executives simply said, "A sheep farmer probably would not pay $6 a pill," but, "someone dying of cancer that pays $1,200 for a treatment regimen, whose life is saved, is getting one of the most cost-effective treatments they can ever get."

Well, I resent paying for the development of a drug and then paying 100 times what a sheep farmer pays for it.

This is an outrageous abuse of public funds. Let's make sure we get our money's worth on our investment. Support the Sanders amendment.

Mr. PORTER. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 2 minutes remaining, and the gentleman from Vermont [Mr. SANDERS] has 2½ minutes remaining.

Mr. PORTER. I have the right to close, am I correct?

The CHAIRMAN. The gentleman is correct.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Sanders amendment to restore a reasonable pricing clause for drugs that are developed at taxpayer expense. Let me make it clear, this affects, this amendment only affects those drugs that are developed at taxpayers' expense. It does not affect any drugs that are developed solely by the private sector and by the pharmaceutical companies themselves.

Mr. Chairman, I am a strong supporter of taxpayer accountability. Taxpayers who fund this biomedical research to the tune of billions of dollars should not be forced to pay excessive prices for the drugs that they themselves have helped develop, but that is exactly what is happening.

Mr. Chairman, the drug companies are now free, after getting taxpayers' money to develop their product, to gouge those very same people 10, 20 times the cost of their own product. They charge that to the American people who are paying for their research. The American people end up paying twice.

Now, is that not nice? This is a corporate form of welfare, and it has got to stop. Drug companies are making fortunes off the backs of working people. If they developed the product themselves at their own expense, the Government should not step in. But we have continually said in this Congress that we want to cut down the expenses of Government, cut down welfare. This is welfare for the rich, for the corporations. The American people should not be insulted by being forced to pay for the research of a company who then turns around and gouges them for the price of the product that has been developed.

Mr. Chairman, I support the Sanders amendment.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman from Vermont for yielding me the time.

Mr. Chairman, this amendment is about simply fairness. It says that when taxpayers foot the bill for research, they should not have to pay again for it at the drug counter. We invest millions of dollars in pharmaceutical research. More than 40 percent of all U.S. health care research and development comes from the U.S. taxpayer.

This amendment, the Sanders amendment, says that drugs developed with taxpayer dollars cannot be sold back to the taxpayers at excessive prices. Without a reasonable pricing clause, the taxpayers pay to develop the drug, only to get their pockets picked when they go to the pharmacy.

In the 1990's, the drug industry was the Nation's most profitable, with an annual profit of 13.6 percent, more than triple the average of the Fortune 500 companies. So while the argument goes that they invest a great deal in R&D, there is plenty left over for them to give back to the taxpayer, and that is what this amendment calls for.

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

Mr. Chairman, in closing, I just want to repeat that we have already voted on this. It lost by a margin of better than two-to-one the last time it was voted on.

There are times when we simply have to trust the officials that we have chosen. The Clinton administration has chosen Dr. Varmus to head the NIH. He has looked into this extensively. He believes very strongly that this amendment is ill-advised. He believes that it is counterproductive to achieving the purpose for which it is intended, and I would simply urge Members to listen to his professional and scientific judgment and to reject the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. PORTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Vermont [Mr. SANDERS] will be postponed.

AMENDMENT OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CAMPBELL: Page 87, line 12, strike "or" and insert a semicolon.

Page 87, line 14, insert before the period the following:

; or public health assistance for immunizations with respect to immunizable diseases, testing and treatment for communicable diseases whether or not such symptoms are actually caused by a communicable disease

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California [Mr. CAMPBELL] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from California [Mr. CAMPBELL].

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

Mr. Chairman, it is my hope that this will not be a controversial amendment at all.

A bit of background. An amendment was added to the original bill by my colleague and friend from California [Mr. RIGGS] putting a restriction on the funding of any benefits where the Federal official in charge of distributing those benefits was aware that the recipient was an illegal alien, not legally present in the United States. To his own amendment, the gentleman from California [Mr. RIGGS] added an exception, the exception being where the kind of service was appropriate to a medical emergency.

But this language was not parallel with the language that is presently in conference in the immigration bill. That language covers not only medical emergencies but communicable diseases. I, therefore, went to the gentleman from California [Mr. RIGGS] and asked whether he would have any objection to making his language conform to the language in the immigration bill by the addition of the language in my amendment. He informed me it was agreeable, and it is my hope that the minority will also find it agreeable, and at the appropriate time I will yield to my colleague from Colorado who might have another request on this point.

This amendment would add an additional exception, to guarantee that medical service is provided for communicable diseases and those symptoms of conditions that may reflect communicable diseases, even if they do not actually reflect communicable diseases, because obviously the sick person, the individual who is ill would not know if the symptoms of which he or she complains were caused by a communicable condition or not.

So the entirety of the amendment adds to the exceptions such public health assistance for immunications with respect to immunizable diseases, and treatment for symptoms of communicable disease, whether or not such symptoms are actually caused by a communicable disease.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield.

Mr. CAMPBELL. I yield to the gentleman from Colorado.

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MODIFICATION TO AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, I ask unanimous consent that the gentleman's amendment be modified by language that has been filed at the desk.

The CHAIRMAN. Does the gentleman from California [Mr. CAMPBELL] yield for the purpose of that request?

Mr. CAMPBELL. Mr. Chairman, I was attempting to accommodate the gentleman. If the Chair would instruct me as to the proper way to proceed, I would do so.

The CHAIRMAN. The Chair is trying to ascertain whether or not the gentleman has yielded to the gentleman from Colorado for the purpose of allowing a modification.

Mr. CAMPBELL. I did indeed. That is a correct statement, Mr. Chairman.

The CHAIRMAN. The clerk will report the modification.

Mr. SKAGGS. Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. RIGGS. Mr. Chairman, reserving the right to object, I do so for the simple reason that I have not had a chance to confer with the gentleman from Colorado or see his language.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. Further reserving the right to object, I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I would be pleased to explain it to the gentleman. Through understandable and good faith inadvertence, this particular item was not dealt with in the catalog of pending items. It has, I think, agreement on the part of both sides, having to do with really requiring a report on an MSHA matter. I do not believe there is any controversy. I appreciate the gentleman's forbearance.

Mr. RIGGS. Mr. Chairman, further reserving the right to object, I am reliably informed that the gentleman's unanimous-consent request is not really germane to the issue which concerns me, which is the language that I inserted in the bill.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of gentleman from Colorado [Mr. SKAGGS] to dispense with the reading of the modification?

There was no objection.

The CHAIRMAN. Is there objection to the modification of the amendment offered by the gentleman from Colorado [Mr. SKAGGS]?

There was no objection.

The CHAIRMAN. The modification is agreed to.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. SKAGGS; At the end of the amendment, add the following:

SEC. . The Mine Safety and Health Administration shall not close or relocate any safety and health technology center until after submitting to the Committee on Appropriations of the House of Representatives a detailed analysis of the cost savings anticipated from such action and the effects of such action on the provision of services, including timely on-site assistance during mine emergencies.

Mr. CAMPBELL. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I believe that the amendment offered by my good friend, the gentleman from California [Mr. CAMPBELL], is an important amendment. It does have the effect of perfecting or refining the language that I incorporated into the committee bill during the full committee markup.

My amendment in the full committee was intended, as the gentleman knows, to codify and strengthen current law by prohibiting the use of any funds provided under this legislation to provide any illegal alien with any direct benefit under the jurisdiction of the Departments of Labor, Health and Human Services, and Education, with the exception of emergency medical services or those services and benefits mandated by the Federal courts that the States provide to illegal aliens.

Mr. Chairman, I want to mention that my amendment was intended to mirror language in California's Proposition 187, which was a statewide ballot initiative, and it ultimately became a referendum in our State.

Mr. CAMPBELL. Mr. Chairman, I have no time left to reserve; is that correct?

The CHAIRMAN. The time of the gentleman from California [Mr. CAMPBELL] has expired.

Does any Member claim the time in opposition to the amendment?

Mr. TORRES. Mr. Chairman, I am opposed to the Campbell amendment.

The CHAIRMAN. The gentleman from California [Mr. TORRES] is recognized for 5 minutes.

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

Mr. Chairman, I rise in reluctant support of the amendment offered by my esteemed colleague from California.

While he is trying to temper the language Mr. RIGGS included in the bill to restrict Federal benefits to undocumented individuals, we need more than tempering, we need to defer to the committees with jurisdiction.

Let me reiterate what I said in committee—

We ought to let these difficult and complex issues be sorted out by the committees in charge of immigration law, rather than as part of the appropriations process.

The amendment offered by Mr. CAMPBELL provides an exception for only one of many programs that are provided under this bill. It does not provide for an exception for compensatory education for the disadvantaged, special education, worker safety programs, substance abuse and mental health services, child welfare services, family support and preservation programs and many others.

In committee, I tried to strike the restrictive language that Mr. RIGGS offered in subcommittee—in this effort I was seeking to permit the authorizers to do their work. To my dismay, my amendment lost by a close vote, 23 to 24.

Mr. Chairman, we have an immigration bill awaiting conference that addresses these very concerns. Both the House and Senate bills would eliminate the eligibility of unlawful immigrants to all Federal programs funded in whole or in part by Federal, State, or local government funds, with certain exceptions.

I am extremely wary of the application of the language in section 514. It is not known how it would affect the expenditure of funds by State and local entities nor how it would affect the ability of non-profits and churches to use their own funds to assist ineligible immigrants in affected programs.

I am also wary of the likely increase in discrimination against Hispanics and Asians. The unfortunate result may be that some eligibility workers act out their prejudices by denying services to those they think are here unlawfully, because of appearance, accent or other characteristics.

By applying willy-nilly the restriction of Federal funds to children, to the elderly and to the poor, the results are much more complex than saving a few dollars.

Let me tell you why:

No. 1, in most cases it is already illegal to provide Federal benefits to undocumented individuals.

No. 2, in the case where the courts mandate the provision of Federal benefits, will we restrict benefits that may be associated with that program? Take the case of education, will this bill restrict the provision of Head Start or assistance in raising math and science education levels or vocational education?

The bill, in effect, would permit these children to go to school, but not enjoy any of the tools to get an education.

Let me conclude my remarks regarding this provision by reading from a letter sent to members of the Appropriations Committee from Education Secretary Riley:

I am writing you concerning Section 514 of the 1997 Labor-HHS-Education Appropriations bill. This provision, which was added during subcommittee consideration, is extremely vague and its intent and likely impact are both highly unclear. As you know, the Administration is strongly opposed to any provision that might be read to jeopardize any child's right to full participation in public elementary and secondary education, including preschool programs.

I ask my colleagues to remember that we have a bill that addresses this very issue. Ultimately, the Riggs language is pure political folly—for the purpose of playing to the chorus of immigrant bashers.

Mr. Chairman, I urge my colleagues take into consideration the underlying intent of this Riggs language which Mr. CAMPBELL has tried to modify, when they vote on the Campbell amendment.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

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

Mr. CAMPBELL. Mr. Chairman, I appreciate the gentleman yielding.

I believe that the amendment that I offered to the language of the gentleman from California [Mr. RIGGS] improves the bill language and that I am expanding the exceptions.

The CHAIRMAN. All time has expired.

The question is on the amendment, as modified, offered by the gentleman from California [Mr. CAMPBELL].

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment, number 14.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used to make any payment to any health plan when it is made known to the Federal official having authority to obligate or expend such funds that such health plan prevents or limits a health care provider's communications (other than trade secrets or knowing misrepresentations) to—

(1) a current, former, or prospective patient, or a guardian or legal representative of such patient;

(2) any employee or representative of any Federal or State authority with responsibility for regulating the health plan; or

(3) any employee or representative of the insurer offering the health plan.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Vermont [Mr. SANDERS] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

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

Mr. Chairman, I intend to withdraw this amendment, and I believe I will be entering into a colloquy with the majority leader in a moment, but before I do that I want to talk about what this amendment is about and why we offered it.

This amendment touches on an issue that is of growing consequence to tens of millions of Americans as this country moves from traditional health care to HMO's and to managed care. What this amendment deals with is the need to break the gag rules that are being imposed by insurance companies and HMO's on our physicians and how they relate to their patients.

It seems to me pretty clear that if a doctor-patient relationship means anything, that when we walk into the doctor's office we want to know that our physician is being honest with us, is telling us all of the options that are available to us. We do not want to see that our physicians cannot tell us an option because an HMO or an insurance company might think that that option is too expensive and that that insurance company has told the doctor not to convey that option to us. That is not what the doctor-patient relationship is supposed to be about.

That is what my amendment deals with, specifically with Medicare and Medicaid. The fact of the matter is there is a bill moving past the House, gaining widespread support, offered by the gentleman from Iowa [Mr. GANSKE] and the gentleman from Massachusetts [Mr. MARKEY], which addresses this issue and makes it broader. It goes beyond Medicare and Medicaid, dealing with all health care providers, and I strongly support that bill.

Mr. Chairman, I yield 1 minute and 15 seconds to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise in support of this amendment that would free Medicaid and Medicare patients from the gag rules imposed on many health care professionals and their patients.

As a cosponsor of the Ganske-Markey-Nadler legislation and the author of the Health Care Consumer Protection Act that would place many more restrictions on HMO's, I am keenly aware of the dangerous effect that can result from efforts to cut costs by HMO's at the expense of patient care.

In many cases health care professionals are told they may not give patients a full assessment of their health care needs; they may not tell the patient the full truth about available treatment options because it could cut the profit margin for the HMO if the patient actually gets the treatment he or she needs. Under these gag rules doctors are often compelled to lie to their patients. Patients are prevented from receiving a true assessment of their medical needs. This is nothing short of immoral.

Health care providers should not be barred from providing health care. Patients seeking medical treatment have a right to an honest assessment of their needs and of available treatment options. Patients seeking medical treatment have a right to an honest assessment of their needs.

Mr. Chairman, I urge my colleagues to join me in supporting this amendment that would lift the gag rule at least for Medicare and Medicaid recipients.

Mr. PORTER. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

Mr. PORTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. ARMEY], the majority leader.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I understand the gentleman from Vermont [Mr. SANDERS] intends to withdraw the amendment after he and I discuss a few points.

I wonder if I might, Mr. Chairman, address the gentleman by pointing out that a majority leader will seek to bring a similar bill, H.R. 2976, before the House under suspension of the rules pending minority approval.

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I understand the gentleman's concern that the bill be moved quickly enough to allow action by both Houses before the end of the session, and the majority leader will seek to accomplish that.

Let me just add, I know we have talked about this statement before, but if the gentleman would bear with me, let me just add, as we have discussed, of course, the majority leader will act in all good faith and intention to accomplish precisely what I have said. But as the gentleman understands, that will be done in full consideration of the rights of any committee of jurisdiction to which jurisdiction has been assigned. And I pledge to the gentleman my cooperation and my support and my encouragement in this effort at each juncture along the line.

Mr. SANDERS. Mr. Chairman, I thank the majority leader very much for his comments, and I ask unanimous consent to withdraw my amendment.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

AMENDMENT NO. 5 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mrs. LOWEY: Page 85, line 14, strike "(a)".

Page 85, line 15, strike the dash and all that follows through "(1)" on line 16.

Page 85, line 17, strike "; or" and all that follows through page 86, line 4, and insert a period.

Mr. CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from New York [Mrs. LOWEY] and a Member opposed will each be recognized for 15 minutes.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY].

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

Mr. Chairman, I rise today to offer an amendment with the gentlewoman from Connecticut [Mrs. JOHNSON] to strike the ban on early-stage embryo research contained in this bill. The ban will bar the Federal Government from pursuing lifesaving research.

Mr. Chairman, I yield 2½ minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise today in strong support of the Lowey amendment to lift the current ban on Federal funding for human embryo research. Lifting this ban would not allow the creation of

human embryos solely for research purposes. Embryos would be donated by patients undergoing in vitro fertilization treatment, who would offer them after their treatment was successful.

These are pre-implantation embryos. We must keep in mind that this kind of research does not involve human embryos or fetuses developed in utero or aborted human fetal tissue.

Much like our current organ donor efforts, the donation of embryos can improve the health and well-being of millions of Americans—and even save lives. Human embryo research can enable hospitals to create tissue banks which would store tissue that could be used for bone marrow transplants, spinal cord injuries, and skin replacement for burn victims.

Medical research on human embryos also shows promise for the treatment and prevention of some forms of infertility, cancers, and genetic disorders. This research may also lead to a reduction in miscarriages and better contraceptive methods.

The National Institutes of Health and their human embryo research panel has recommended how to address the important moral and ethical issues raised by the use of human embryos in research. The panel developed guidelines to govern this kind of federally funded research. Their strict standards ensure that the promise of human benefit from embryo research in compelling enough to justify the research project.

Most importantly, whether or not we allow Federal funding and regulation of pre-implantation embryo research, this research will continue to be done in the private sector, but without the consistent ethical and scientific scrutiny that the Federal Government and NIH can provide.

I know that our differences on this issue come from deeply held religious and philosophical views. And those views, everyone's views, need to be respected. But the potential therapeutic and scientific benefit this research holds must be taken into account and the value of Federal protocols governing this research is also important as we move forward. Please support the Lowey amendment to allow this vital research to continue.

The CHAIRMAN. Is there a Member who claims the time in opposition?

Mr. DICKEY. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. DICKEY] for 15 minutes.

Mr. DICKEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is not a bill about research or science; it is an attack on the sanctity of life. It is an attack on the moral conscience of our Nation. The current law, as signed by the President, passed in this House and the Senate, provides that there shall be no Federal money given for the creation or the experimentation of a human embryo. That law has been the law since President Carter signed an executive order when he was President, and every President has done that since then.

This is distinguished from fetal tissues, which is a legitimate, though I have objections to it, a legitimate scientific effort. In that particular matter, fetal tissue research comes after an abortion, and we were told at that time that Parkinson's disease and diabetes was in the scope of what we were trying to do. Here we have no direct promise, no testimony, no science at all telling us that we might have anything to come from this.

Mr. Chairman, this is what Nazi Germany did during that time. No results. After 17 years of private research, there have been no results. There is still no prohibition against the private research, and it can still go on.

We might hear in this discussion that there is a spare-embryo circumstance. There are no spare embryos when these are lives. We cannot allow Federal funds to be used to terminate lives, for the creation or the experimentation which is a lethal experimentation because it is eliminating lives is not acceptable.

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

Mrs. LOWEY. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, just to respond to my dear friend, the gentleman from Arkansas [Mr. DICKEY], I find it very offensive to compare this debate to the activity in Nazi Germany. In fact, perhaps the gentleman compares all the research that is being done at the National Institutes of Health to Nazi Germany.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. PORTER], chairman of the subcommittee.

Mr. PORTER. Mr. Chairman, this is a very, very sensitive subject obviously; one that NIH has looked into very, very extensively.

Mr. Chairman, I listened to the testimony of Dr. Eric Wieschaus, who won the Nobel Prize last fall for his work with embryo development, and he testified in response to my question that he felt NIH should support human embryo research.

Dr. Varmus, the head of NIH, has made compelling arguments to support this research because of the potential advances it could generate in knowledge about fertility, miscarriage, and contraception. It could also lead to breakthroughs in the use of embryonic stem cells, which have great promise in transplantation for treatment of diseases such as leukemia, spinal cord injury, immune deficiencies, and blood disorders.

Mr. Chairman, the creation of spare embryos is a necessary and inevitable part of in vitro fertilization and it seems to me, at the very bottom line, that given the potentials for addressing and overcoming and preventing human disease, their use in research gives meaning to their existence which would otherwise simply not exist. They would be discarded in the normal course of events.

Mr. Chairman, this would give meaning to their existence; would help in biomedical breakthroughs; and I think the amendment of the gentlewoman from New York for that reason deserves support, and I urge Members to support it.

Mr. DICKEY. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. WICKER], cosponsor of this bill.

Mr. WICKER. Mr. Chairman, I thank the gentleman from Arkansas for yielding time, and I rise in opposition to the Lowey amendment and in support of the language adopted by the Committee on Appropriations and reported to this floor by a bipartisan vote.

The language that is in the legislation right now, Mr. Chairman, is current law. It was adopted last year by the House of Representatives. It was passed by the Senate. It was signed by President Clinton. We have no threat of a veto if we keep this current language in the bill.

Let me try to frame this issue further by saying what this issue is not about. This issue has nothing to do with the so-called woman's right to choose. It has nothing to do with that aspect of the abortion debate. It has nothing to do with fetal tissue research. That is a separate issue entirely.

This issue also has nothing to do with making anything illegal. The language that is in the committee bill would not make anything illegal. It would permit private research which is ongoing to continue. Private embryo research is legal now, and it would continue to be legal.

Further, the language that is in the bill now would not do anything to the present status of in vitro fertilization or the private research that is going on in that regard.

What the Lowey amendment would do, however, is cause our Government to embark into an area of research which we have never, never before been willing to do as a government. As the chairman of the subcommittee stated, this is a very sensitive issue. It is also a very important issue for millions of Americans. As a matter of fact, 76 percent of Americans oppose funding for the type of research that the Lowey amendment would sanction. This goes to the very profound questions of human life and to very sensitive questions of bioethics.

Proponents of the Lowey amendment say there is a distinction between spare

embryos and embryos created for research purposes. But the leading experts say there is no distinction. Let me quote Dr. Robert Jansen of the National Health and Medical Research Council. He says,

It is a fallacy to distinguish between surplus embryos and specially created embryos in terms of embryo research. The reason I say this is that any intelligent administrator of an in vitro program can, by minor changes in his ordinary clinical way of doing things, change the number of embryos that are fertilized.

Mr. Chairman, this amendment would begin this Government down a very slippery slope. The Federal Government has never funded this research. Let us leave it to the private sector, and let us respond to the 76 percent of Americans who say do not use tax dollars to fund embryo research.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. WAXMAN].

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

Mr. WAXMAN. Mr. Chairman, I rise in support of the Lowey amendment which would strike the bans on this research that could lead to lifesaving results. Early-stage embryo research is vital as it has the potential to address treatment and prevention of infertility, people who want children, want to bring in life into this world.

It could lead to cures for childhood cancer and genetic disorders such as cystic fibrosis, muscular dystrophy, mental retardation and Tay-Sachs. It could lead to the reduction, if not the elimination, of miscarriages.

Why should the Government not conduct this research? The reason the Government should conduct the research is that they have these embryos that are otherwise going to be discarded.

Mr. Chairman, I think it is important to understand this is very important research. The National Institutes of Health, through the universities and other research centers throughout the country, is the leading premier research activity in this Nation. We should not stop the research that could lead to these important breakthroughs.

What this amendment does not involve: It does not involve genetic engineering. It does not involve the sale or creation of embryos.

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It does not involve the examination or use of human embryos developing inside the woman. Rather, the embryos to be used in this research are to be donated by couples who have undergone various medical treatments, including in vitro fertilization that helped them conceive.

After the medical procedures are complete, these embryos are otherwise just going to be discarded. In other words, the embryos used in this type of research would be less than 14 days old. The amendment would not permit the creation of embryos solely for research purposes.

I support the amendment.

I rise today in support of Congresswoman LOWEY's amendment, which would strike the ban on early-stage-embryo research. Essentially, this amendment would permit life saving research on embryos, which would otherwise be discarded.

Early-stage-embryo research is vital, as it has the potential to address the treatment and prevention of infertility, childhood cancer, and genetic disorders, such as cystic fibrosis, muscular dystrophy, mental retardation, and Tay-Sachs disease. It may help lead to the reduction and prevention of miscarriages. Furthermore, early-stage-embryo research could help us learn more about what causes birth defects and ultimately teach us how to prevent them. And, it could also improve the success of bone marrow transplants, repair spinal cord injuries, and help develop improved methods of contraception.

However, also important, is what this amendment does not involve. It does not involve genetic engineering; it does not involve the sale or creation of embryos; and it does not involve the examination or use of human embryos developing inside the woman.

Rather, the embryos to be used in this research would be donated by couples, who have undergone various medical treatments, including in vitro fertilization, that help them conceive. After the medical procedures are complete, these embryos are usually discarded.

In other words, the embryos used in this type of research would be less than fourteen days old. They would consist only of a few cells with no developed organs and no sense of feeling. This amendment would not permit the creation of embryos solely for the purposes of medical research. Instead, it would allow this crucial research to be performed on already existing embryos that would ultimately be discarded.

For all of these reasons, prohibiting early-stage embryo research will hold the health of millions of Americans hostage to anti-choice politics, and as a result would severely restrict the quality of our scientific and medical research. This amendment would greatly benefit people with cancer and leukemia, people who are unable to have children, children with birth defects, people who suffer from or carry genetic diseases, and people with spinal cord injuries and nervous system disorders, and I urge my colleagues to vote in support of it.

Mr. DICKEY. Mr. Chairman, I yield 2 minutes and 30 second to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong opposition to the Lowey amendment which would appropriate taxpayer funds for harmful experimentation on and then the destruction of so-called test tube babies. The Lowey amendment reverses current law and guts the pro-life Dickey-Wicker amendment which the Committee on Appropriations wisely adopted and seeks to extend into fiscal year 1997.

I believe the gentleman from Arkansas [Mr. DICKEY] and the gentleman from Mississippi [Mr. WICKER] deserve high praise for their deep reverence for and sensitivity to human life. Their amendment to the Labor-HHS bill last year has prevented Federal funds from being used to turn test tube babies into human guinea pigs who are wanted and desired only for their research utility.

The Lowey amendment is yet another manifestation of an extremist pro-abortion mindset that regards human life at its most vulnerable stages as innately worthless, expendable and cheap. The Lowey amendment dehumanizes and trivializes the miracle of human life.

Mr. Chairman, like so many other ethical problems that Congress has been called upon to unravel in the last few years, this issue gained currency with the Clinton administration. The problem was this: There is no question that interesting information could be obtained by cutting up living human embryos to see what makes them tick. This is also true of unborn children at all stages of gestation, newborn babies, 3-year-olds and adults. Many things can also be learned from experiments on cadavers or on animals, but for some purposes there is just no substitute for cutting up living human beings.

If researchers could only be allowed to set aside certain individuals for these purposes, the rest of us might deserve some benefit, or so the argument goes. Yet somehow deep down all of us know that this is wrong. Even some supporters of abortion on demand generally recognize that an unborn child still has some value, some real value and this dehumanizes those children.

The illogic of the Lowey amendment is its tacit admission on the one hand that it is unethical and immoral to federally fund the creation of human embryos in a petri dish for the purposes of scientific experiments while at the same time declaring it ethical and worthy of Federal outlays to perform harmful experiments on and again then to destroy what is euphemistically called spare embryos.

If the private sector makes them, the Feds will take them, keep them alive. Let them develop, perform all kinds of harmful experiments on them and then destroy them. If federally funded researchers need more embryos on whom to perform ghastly experiments, no problem. The network of IVF clinics will produce them, and this commodity of human life will then be poured down the drain.

Mr. Chairman, I ask Members to vote against the Lowey amendment.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, in a few hours, we will be asked to vote on a bill which increases funding for the National Institutes of Health by 6.9 percent. That funding increase is certainly a step in the right direction.

But at the same time that this Congress is increasing funding of medical research, we are trying the hands of medical researchers.

Early stage human embryo research, Mr. Chairman, is one of the most promising methods of medical research currently at our disposal. It is ridiculous that Members of Congress, most of whom are not scientists, I might add, want to tie the hands of researchers at the National Institutes of Health. Who knows how best to do this job? They do. This is like telling the people at NASA, Mr. Chairman, to build the space station but forget about using computer technology in doing so.

The Lowey amendment simply will reverse the ban on human embryo research.

Mr. DICKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I rise in strong opposition to the Lowey amendment. I speak up not so much as a scientist who had done basic science research or a physician who has actually studied embryology but mainly as a concerned citizen. This is clearly a very controversial issue.

I think it is inappropriate to use taxpayers funds for this kind of a purpose, and it is a very dubious scientific benefit, contrary to some of the claims that have been made by the gentleman from California as well as others. I can even quote from people who were involved in studying this issue. Dr. Brigid Hogan, a scientific expert on the NIH Human Embryo Research Advisory Panel, said: "We are not going to be curing anybody of these tumors by doing research. On the other hand, the basic biology is extremely interesting."

That is what we are talking about funding here, a very controversial, ghastly subject according to many Americans, including myself, and it is just going to be very, very interesting. Furthermore, we have a quote from Daniel Callahan, president of the Hastings Center, which is an IVF institute. He said: The NIH advisory panel "report notes that four countries already allow embryo research and that it has been going on for some years in private laboratories in this country. Yet not a single actual benefit derived so far from that research is cited to back the claims of great potential benefits from having even more of it."

We are not outlawing this research. We are saying we are not going to use Federal dollars for that purpose.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN], a member of the committee.

Mr. DURBIN. Mr. Chairman, one of the miracles of our generation is in vitro fertilization. A husband and wife unable to have a child through this discovery are able to join together the sperm and the egg in a glass dish and create an embryo that is implanted in the would-be mother that leads to a beautiful child. Can there be anything more wondrous than this in the time that we live in?

What the gentlewoman from New York [Mrs. LOWEY] is suggesting is that during this process in this same dish more than one embryo is created. There they are as small as a period, the little dot pinhead. What the gentleman from Arkansas wants to do is to prohibit the doctors from even looking at these embryos, these spare embryos created to see if there is some problem that might lead to a miscarriage. For them, that is an exploitation of life. For me, it is ridiculous to reach these extremes. These are wanted children, husbands and wives trying their best to bring loving children into this world. To prohibit all research on this embryo is going way beyond what is necessary. I support the Lowey amendment.

Mr. DICKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I rise in strong opposition to the Lowey amendment, which would require taxpayers' money to be used for research on live human embryos. I ask all Members to vote against it. This language does not, the language in the bill does not stop research on human life embryos. It does stop taxpayers' money from using it.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FAZIO], a member of the committee.

Mr. FAZIO of California. Mr. Chairman, I rise in support of this amendment to strike the Dickey-Wicker amendment from this bill.

It is clear that the Members who have offered it and have placed it in the bill are not opposed to in vitro fertilization or at least that has been their statement. They seem to be not opposed to research when it is done at Sloan Kettering or private research facilities, only when the National Institutes of Health, the primary research institution in this country is involved. I find this very hard to understand.

These embryos come from those who would want to have a child. It for them is a pro-life effort. They want, through in vitro fertilization, to create life. And as part of that process, they willingly volunteer to allow embryos that would otherwise be discarded or deteriorate to be used in research to help solve some of the most fundamental health care crises that impact American lives, families, individuals, people we all know and love.

These are people who simply want to be part of a solution to these health care crises. We ought to allow them to be part of it. We ought not to ban the NIH from involvement.

Mr. Chairman, I rise in strong support for the amendment offered by the gentlewoman from New York [Mrs. LOWEY]. The Lowey amendment would strike the ban on early-stage embryo research that is currently in the underlying bill.

If this ban remains in place, the Labor-HHS appropriations bill will bar the Federal Government from pursuing life saving research.

The research currently banned by this bill could lead to important medical advancements in the fight against miscarriages, birth defects, infertility, cancer and genetic disease, leukemia, spinal cord injuries, immune deficiencies, and blood disorders.

Such life-giving research is supported by the American Medical Association, the American Academy of Pediatrics, the American Association of Cancer Research, and the Association of American Medical Colleges, to name but a few.

The Lowey amendment simply allows research on embryos that would otherwise be discarded or allowed to naturally deteriorate. The embryos used for research are originally created by couples attempting to have a child through in vitro fertilization and other medical procedures.

These embryos are generally discarded once the procedures are completed, however, the couple can give its permission for the embryos to be used in research.

These embryos are less than 14 days old. They consist of just a few cells, and have not yet developed internal organs or a spinal cord.

It should be also noted that early-stage embryo research does not include cloning, genetic engineering, or the use of aborted fetal tissue.

Earlier this year, the President announced that use of Federal funds to create embryos solely for research purposes would be prohibited. In light of this Executive order and stringent NIH guidelines, we can be assured that this research will be conducted with appropriate safeguards and the highest levels of integrity.

This ban shuts the door on important biomedical research which has benefited millions of Americans who suffer from painful and costly diseases.

I urge my colleagues to support the Lowey amendment.

Mr. DICKEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise today in strong opposition to the Lowey amendment. This amendment was rejected when it was offered in the full Appropriations Committee and I want to urge my colleagues to reject it today.

The supporters of this amendment claim that this funding will be used only to do experiments on "spare" embryos that would be discarded anyway.

We, as a Congress, have already addressed this question. In 1985, Congress was made aware of abuses in some NIH research programs. These programs were conducting risky experiments on unborn children who were scheduled for abortions. At that time we wisely enacted a law insisting that federally funded research should treat these children the same as children intended for

live birth. This law protects human embryos in the womb at every stage and is still in effect today. There is no reason that it should not be extended to protect human embryonic children outside the womb.

Where will these spare embryos come from? The majority will come from women involved in infertility programs.

What about the personal health risk for women who are involved in fertility programs? Women are given drugs to help them superovulate. This allows the doctors to harvest multiple eggs for fertilizing, freezing, and then implantation in the woman.

The drugs used for this process have many serious side effects for a woman, including a heightened risk of malignant ovarian cancer. How would the government be able to know whether or not a clinic was deliberately risking a womans health in order to produce additional embryos for research?

Supporters of this amendment will also argue that we need this research in order to find cures for cancer and other deadly diseases. It is interesting to note that over 17 years of privately funded research of this type have produced no significant results, only the suggestion that if there were Government funds available could there possibly be a breakthrough.

Even a member of NIH's Human Embryo Research Panel admitted that "we're not going to be curing anybody of these tumors by doing research. But on the other hand, the basic biology is extremely interesting." I hardly think that Federal funds should be used for highly controversial research just so that some scientist without a conscience can be kept interested.

I was recently made aware of a letter from Dr. Robert White, who is a professor and director of neurological surgery at Case Western Reserve University which happens to be one of the premier medical schools in this country. He was given the opportunity to appear before the Human Embryo Research Panel that is responsible for making recommendations about research in this area. Dr. White noted that all of the research recommended by this panel could be just as easily conducted on embryos of lower animal species such as monkeys and chimpanzees. Dr. White also expressed his deep concern that there were only one or two individuals with any real scientific training or experience in the area of human embryo research on this panel. Only two people on a panel that is going to decide the moral appropriateness of this research?

Research that will affect the lives of millions of Americans.

How do Americans feel about this type of research? A poll taken by the Tarrance Group revealed that 74 percent of Americans were opposed and that men and women were equally opposed to this type of research.

If we pass this amendment we will be saying as a Congress that we are not interested in funding programs that help create, protect, or enhance human life but we'll give you money to experiment on young life and then destroy it. I urge my colleagues to vote "no" on this amendment. It is the right and morally responsible vote.

Mrs. LOWEY. Mr. Chairman, I yield myself 20 seconds to read the list of groups that support this amendment: The American Medical Association, the American Medical Women's Association, the American Pediatric Society, the American Psychological Society, the American Society of Human Genetics, the American Society for Reproductive Medicine, the Association of Academic Level Centers, the Association of American Medical Colleges, the Association of American Universities, and on and on and on.

Mr. Chairman, I am very honored to yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentlewoman from New York for yielding me time, and I proudly rise in support of her amendment.

Let us talk a little bit about this. When you do in vitro fertilization, let us face it, you are not going to have any embryos unless the people are willing to consent to give up the egg and the sperm. There is no way a doctor can capture those from someone and steal them from them and they walk down the street. So you have two willing people involved here.

Second, you have a dish of embryos and you cannot implant all of them in the uterus because the threat of multiple birth would crowd out each other. So then what you have is some embryos that are going to be discarded or might be used for research, if and only if the consenting adults agree.

I cannot imagine what is controversial about that. I think that is the most pro-life position of all, pro-quality of life. I think it is very, very important we stand firm and not yield to the flat Earth caucus on this issue.

□ 2045

Mr. DICKEY. Mr. Chairman, I yield a minute and a half to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I rise in opposition to this amendment. I understand this is a complex issue, but after 17 years of research not one person in this body can stand up and tell me one positive medical outcome that has come from this research. There is none in the scientific literature, there is none projected. We hear: could, might, may. The fact is there is no proof, there is no scientific study at this time of any quantifiable benefit.

It was mentioned earlier that some people just oppose the Government. I oppose all people researching this effort. And I would take just a moment for us to look at what happened on AIDS testing of newborn babies and the very group of ethicists that our Government used to say it is fine to test a newborn baby, identify that it has HIV, and then never tell the mother or the child that it is infected. Those are the kind of ethicists that are telling us that it is OK.

Mr. Chairman, this is not OK. This is destroying and disrupting various great precious quality of life. I am opposed to it, the Government being involved in it; I am opposed to it, private sector being involved in it. We dare not tread. We have had 17 years to prove that we have no benefit.

It is extremely interesting, I agree, Mr. Chairman, but it is also extremely wrong.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to my distinguished colleague the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank my colleague for yielding me the time and again for her leadership in bringing this amendment to the floor.

Please let us not have this body turn into the Flat Earth Society. Just when science sees a new horizon in research, a new era of discovery, this amendment wants us to stop and turn back.

Let me say that I agree with our colleagues who say that we should not be involved in the creation of embryos for research. I completely agree with my colleagues on that score. But when embryos are created for in vitro fertilization and there is an opportunity to do research on the excess created there for that purpose, to produce a child, then we must, I think, take advantage of the opportunity presented to us.

Early-stage embryos research can lead to important medical advances and prevention of loss of pregnancy, of infertility and diagnosis and treatment of genetic disease and prevention of birth defects and in treatment of childhood and other cancers as we study how cells multiply.

I urge our colleagues to support the Lowey amendment and to support the advances in science as we approach a new century.

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

The CHAIRMAN. The gentleman from Arkansas has 3 minutes remaining.

Mr. DICKEY. Mr. Chairman, I think this is going to be for 30 seconds.

The names of the people who are in opposition to this amendment or the names of the organizations:

The Family Research Council, the Christian Coalition, the National Right to Life, the Eagle Forum, the American Life League, the National Conference of Catholic Bishops. Mrs. LOWEY's amendment, if adopted, would have taxpayers funding for legal experimentation, abortions and bizarre experiments.

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

Mrs. LOWEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from New York is recognized for 2 minutes and 55 seconds.

Mrs. LOWEY. Mr. Chairman, many of us have lost friends and family members to breast cancer, muscular dystrophy, leukemia, and so many other diseases. We have shared their pain, we have shared their heartache.

I want to make it very clear: We are not talking about creating embryos.

Many of us have friends and families who have been through a procedure of in vitro fertilization with the hopes of having a beautiful child. We are talking about embryos, cells, four live cells no larger than a pin. These cells have been created as part of the process of couples wanting to have a child. These couples then have to make a decision as to whether they discard these embryos or whether they want to give some other family the hope of life.

That is what this is all about, allowing these embryos, these cells to be used to save another life.

I just received a call today from a family hoping that perhaps this will be the answer. I heard from my colleagues, my distinguished colleagues, that there has been no research that has been successful. I have lost many family members to breast cancer. Mr. Chairman, we have spent millions and billions on trying to solve that problem.

Do we say, well, we have not solved the problem, so we just give up?

Yes, we have made important advances, and I am hoping that perhaps there will be a great breakthrough in other illness because of this research.

When we look at the list, almost every medical association; I just received a letter today from 15 medical and educational organizations that support this amendment. I am not a physician. But when 15 medical and educational organizations support this amendment, this Congress is going to tell these physicians, the National Institutes of Health, that they cannot use this procedure to perhaps bring life to people who have no hope?

What this Lowey-Johnson amendment does is simply allow research on embryos that would otherwise be discarded or allowed to naturally deteriorate. And remember, the embryos used in this research are less than 14 days old. Embryos at this stage consist of a few cells, have not developed organs or a spinal cord. The cells are the size of a dot, as I mentioned.

President Clinton again has made it very clear that early-stage embryo research may be permitted but that the use of Federal funds to create embryos solely for research purposes would be prohibited.

We can all be assured that the research at the National Institutes of Health will be conducted with the highest level of integrity. No embryos will be created for research purposes, and I ask my colleagues to support this amendment to support life.

Mr. DICKEY. Mr. Chairman, I would like to inquire as to how much time we have to close.

The CHAIRMAN. The gentleman from Arkansas has 2½ minutes remaining.

Mr. DICKEY. Mr. Chairman, I yield that time to the most distinguished gentleman from Illinois [Mr. HYDE], the most credible voice on this subject that we have in the House of Representatives.

Mr. HYDE. Mr. Chairman, I thank my dear friend from Arkansas, Mr. DICKEY, for those extravagant words.

The gentlewoman, my good friend from California, Ms. PELOSI, talks about the Flat Earth Society. That is interesting because the science is on our side. As I recall, there are two medical doctors, M.D.'s, on our side. I have not seen any M.D.'s or even Ph.D.'s, although there may be a hidden Ph.D. over there in English literature or something, but the science is from our side.

Now, we are not talking about creating the embryos. We understand that. It is the using of the embryos. It is treating living human entities as things. That is the big distinction. The abortion culture, the in vitro experimentation culture, the embryo research, all of these things have one thing in common, and, colleagues, strangely, and this may sound wierd, in common with Marxism, and do my colleagues know what it is? Denying instrinsic worth or value to a human being. That is the common thread between the abortion culture which denies intrinsic value to somebody, and they, because of the size, because it is tiny, it is microscopic, it is created in a petri dish, it is therefore something to be used for experimentation.

I mean I am not denying the good motives and the need to push back the borders of research, although strangely enough in 20 years very little has been accomplished in this sort of research. But the problem is our colleagues are talking about living human beings, albeit tiny and microscopic, but size surely does not make a difference, and whether my colleagues respect the dignity in the innate, inherent, intrinsic dignity or whether it is a thing to be used, that is what we are talking about, and that is the common thread through all of this.

Mr. Chairman, we assert there is value, intrinsic value, in that tiny little premicroscopic embryo that has been fertilized, and our colleagues are saying, yes, but let us use it and experiment for a greater cause.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I would be anxious to know if the distinguished gentleman does support in vitro fertilization.

Mr. HYDE. Not really, not really. No, I do not.

The CHAIRMAN. All time for debate on this amendment has expired.

Mrs. LOWEY. Mr. Chairman, may I ask unanimous consent for an additional 2 minutes?

The CHAIRMAN. The request would have to be even-handed on both sides of the question.

Ms. PELOSI. It is so we could yield to the gentleman from Illinois [Mr. HYDE].

The CHAIRMAN. The time has been established and equally divided by the full House for these amendments, and while time can be extended by unanimous consent, it has to be allocated to both sides of the argument.

All time has expired, and the Chair is prepared to put the question.

The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentlewoman from New York [Mrs. LOWEY] will be postponed.

AMENDMENT OFFERED BY MR. BUNNING

Mr. BUNNING of Kentucky. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BUNNING of Kentucky: Page 87, after line 14, insert the following new section:

SEC. 515. (a) LIMITATION ON TRANSFERS FROM MEDICARE TRUST FUNDS.—None of the funds made available in this Act under the heading "Title II—Department of Health and Human Services—Health Care Financing Administration—Program Management" for transfer from the Federal Hospital Insurance Trust Fund or the Federal Supplementary Medical Insurance Trust Fund may be used for expenditures for official time for employees of the Department of Health and Human Services pursuant to section 7131 of title 5, United States Code, or for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title.

(b) LIMITATION ON TRANSFERS FROM OASDI TRUST FUNDS.—None of the funds made available in this Act under the heading "Title IV—Related Agencies—Social Security Administration—Limitation on Administrative Expenses" for transfer from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund may be used for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, or for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kentucky [Mr. BUNNING] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. BUNNING].

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

My amendment is a very simple and straightforward amendment. It restricts the use of Social Security and Medicare trust fund money to pay for union activity at the Social Security Administration. I am offering this amendment because I chair the Social Security Subcommittee and I take my oversight duties of the Social Security Administration and the trust funds very seriously.

Social Security affects almost every man, woman and child in this country, and its integrity cannot be compromised. A year ago I requested a GAO audit of the use of trust fund moneys for union activity, and while we knew that the trust funds were helping pay for these activities, the GAO audit revealed the extent to which the costs were dramatically increasing. Currently about $8.1 million of trust fund moneys are used to pay people who work at SSA, not serving the taxpayer and beneficiaries, but doing full-time union work.

□ 2100

That might not sound like a great deal of money to some, but taxpayer-financed spending for union activity at SSA has doubled in the last 3 years. Let me say that again. Trust fund spending on union activity at SSA has jumped from $4 million in 1993 to $8 million in 1995, a 100 percent increase.

In addition to this huge jump in spending, the number of SSA employees who work full time on union activities increased 83 percent in 3 short years. In 1993, 80 SSA employees worked full time on union activities. By 1995, this number had escalated to 146 SSA employees working full time on union activities.

These employee salaries, health benefits, and pensions come from money set aside for the Social Security benefits of our elderly and disabled citizens. These 146 SSA employees devote 100 percent of their time to union work. This means that Americans are paying their Social Security taxes for meetings on such issues as office furniture, office space allocation, and who gets a bonus at the end of the year. This is not how Social Security trust funds should be used. I am certain seniors and taxpayers around this country would agree.

I ask my colleagues to join me in supporting this amendment, and assuring our citizens that the Social Security trust funds are used for their intended purposes: the retirement and the well-being of our disabled and senior citizens in this country.

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

The CHAIRMAN. Is there a Member who wishes to be recognized in opposition to the amendment?

AMENDMENT OFFERED BY MR. HOYER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BUNNING OF KENTUCKY

The CHAIRMAN. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment Offered by Mr. HOYER as a substitute for the Amendment Offered by Mr. BUNNING of Kentucky: Page 87, after line 14, insert the following new section:

SEC. 515. (a) LIMITATION ON TRANSFERS FROM MEDICARE TRUST FUNDS.—None of the funds made available in this Act under the heading "Title II—Department of Health and Human Services—Health Care Financing Administration—Program Management" for transfer from the Federal Hospital Insurance Trust Fund or the Federal Supplementary Medical Insurance Trust Fund may be used for expenditures for official time for employees of the Department of Health and Human Services pursuant to section 7131 of title 5, United States Code, or for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title.

(b) LIMITATION ON TRANSFERS FROM OASDI TRUST FUNDS.—None of the funds made available in this Act under the heading "Title IV—Related Agencies—Social Security Administration—Limitation on Administrative Expenses" for transfer from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund may be used for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, or for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title.

(c) PROTECTION OF EMPLOYEE REPRESENTATIVE.—Nothing in this section shall be construed to—

(1) deny the right of Federal employees to organize or be fully represented by their unions, or

(2) prohibit the Commissioner of Social Security or the Secretary of Health and Human Services from requesting employees of the Social Security Administration or the Department of Health and Human Services to represent other employees on task forces to improve customer service, promote health and safety of agency employees and customers, or streamline or otherwise provide for the smooth functioning of such Administration or Department.

The CHAIRMAN. The amendment offered as a substitute for the amendment is not separately debatable. The time to debate the substitute will come out of the allocation of time on either side, so the gentleman may discuss the substitute under his time in opposition to the amendment offered by the gentleman from Kentucky [Mr. BUNNING].

Mr. HOYER. Mr. Chairman, I would ask, that means that we have 10 minutes on both the substitute and on the amendment?

The CHAIRMAN. The gentleman is correct. The gentleman from Maryland [Mr. HOYER] has 10 minutes on both the Bunning amendment and the amendment offered as a substitute, and the gentleman from Kentucky [Mr. BUNNING] has 10 minutes remaining on both.

Mr. HOYER. He has such time remaining as he did not consume?

The CHAIRMAN. The gentleman is correct.

Mr. HOYER. I thank the chairman for the clarification.

Mr. Chairman, I yield myself 2¼ minutes.

Mr. Chairman, I rise to offer this substitute. I want to say that this substitute does not derogate the comments in any way that the gentleman from Kentucky made. His point was that we ought not to be spending trust fund money on organizing activities or representational activities. In this substitute, we adopt the very same language offered by the gentleman from Kentucky in our sections A and B.

When I say "we," I offer this amendment on behalf of the gentleman from Indiana, Mr. JACOBS, ranking member of the Subcommittee on Social Security of the Committee on Ways and Means, the gentlewoman from Maryland, Mrs. MORELLA, and the gentlemen from Virginia, Mr. MORAN, and Mr. DAVIS.

In the third paragraph of our substitute, Mr. Chairman, all we do is clarify that the preclusion of expending money for representational purposes out of the trust fund does not mean that we are precluding representation. That is the key of our substitute. I would hope there would be no Member opposed, frankly, to our substitute, because the purpose of the amendment is simply to say that Social Security trust funds or Medicare trust funds will not be used.

We are adopting that premise, and we include the gentleman's language.

Under the Civil Service Reform Act of 1978, Federal employees can be granted official time to perform activities that are in the joint interest of the union and the agency.

I ask my colleagues, particularly on the Republican side of the aisle, to understand what I just said. The Federal law in 1978 provides, because, I would suggest, it is consistent with the gentleman's premise under the TEAM Act passed by this House, passed by the Senate, ready to go to the President, and therefore I think our substitute does not undermine it, not only undermine it, does not touch the intention of the gentleman from Kentucky to say no trust funds, but also does not undermine the ability of employees to be represented and to negotiate with their agencies.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, most Americans are familiar with May 7, tax liberation day. We labor all the year up until May 7 to pay our income taxes. A date they

may not be familiar with is July 3, government freedom day. We labor the rest of May and all of June to pay for Government regulations and interest on the national debt, so it was just July 3 that Americans began working for themselves, instead of Government.

Last night on NBC News, most Americans, I am sure, were startled to find out that those taxpayers' dollars were going to pay for people who do no Government work whatsoever; that in fact, full-time, paid for by taxpayers' dollars, they do union work and union organizing.

To add injury to insult, we found out on the program that they are paid out of trust fund moneys, not just Social Security trust fund money, but Medicare trust fund money, that same trust fund President Clinton's trustees said is now going bankrupt in the year 2000 instead of 2001. While Clinton's trustees were painting more red ink, out of that trust fund were people being paid who did no work for the taxpayers, full-time for the unions.

I would tell the gentleman that his amendment is still unacceptable because, as I read his amendment, after it says that none of the funds can be used, he says nothing in this section shall be construed to deny the right or prohibit the commissioner from carrying out those self-same activities. He believes he has found a safe harbor by saying the trust fund money perhaps will not be touched. But it is the taxpayers' money not being spent for its intended purposes that I think is the fundamental problem.

Last night, Lisa Myers held up a fax that had been sent to one of these union workers from the gentleman from Missouri, DICK GEPHARDT, and the House Democratic leadership, and said, "I thought you said politics was supposed to stay out of this. Is this right?" Ruth Pierce, the Social Security Administrator, looked Lisa Myers in the eye and said, "I will yield to Congress what is a right law and what is a wrong law, but it's the law."

I will tell the Members, it is the wrong law. This is the chance to change it. Reject the substitute, go with the amendment offered by the gentleman from Kentucky [Mr. BUNNING]. No trust fund moneys, indeed no taxpayer moneys, ought to go for this kind of private sector inurement at the expense of that hard-working taxpayer who spends half the year paying for a program and for a government, and he does not even get to have any employees work for him at all.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. JACOBS], ranking member of the subcommittee on Social Security.

Mr. JACOBS. Mr. Chairman, I listened with interest to the comments of the gentleman from California [Mr. THOMAS]. I direct his attention to the exact language of the substitute. In my opinion, it does not say anyplace that any taxpayers' money can be used, whether it is trust fund money or whether it is general revenues, either. All it says is that the Commissioner shall not be prohibited "from requesting employees of the Social Security Administration or the Department of Health and Human Services to represent other employees on task forces to improve customer service, promote health and safety of agency employees and customers, or streamline or otherwise provide smooth functioning of such Administration or Department."

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

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

Mr. THOMAS. Mr. Chairman, if we look at No. 1, it says "deny the right of Federal employees to organize or be fully represented * * *." Can the gentleman assure me that fully represented does not mean a full-time person paid for by taxpayers?

Mr. JACOBS. I give the gentleman my solemn assurance it does not mean that.

Mr. THOMAS. But in fact, it can be interpreted that way. I know and understand and love the gentleman from Indiana, but his assurance does not guarantee that it is not taxpayers' dollars.

Mr. JACOBS. Mr. Chairman, I think it does if we all agree in legislative history. It does not say they can use any taxpayers' money. It simply says that the gentleman from Kentucky is not proposing that the unions be outlawed if they collect their own dues and pay for their own representation. That is the only intent of it. That is what it says.

Mr. THOMAS. If the gentleman will continue to yield, very briefly, it is not the intent of this gentleman from California to deny legitimate union activities. Our concern is, paid for by taxpayers's dollars. These phrases do not preclude it. That is the problem.

Mr. JACOBS. That is my concern, too. If we want to do a little comity here, if we want to do what all of us say we want to do, namely, prohibit the use of public funds to pay the union people to do union work, if that is our purpose, and that is my purpose, to prohibit the use of any taxpayers' money, trust fund or otherwise, to pay union representatives or union officials to do work on the taxpayers' money, then that is what the substitute intends to do, accepts that fully. It simply wants to clarify that nothing in this should be interpreted to mean that the union itself must disband and not represent the people with their own money.

Mr. THOMAS. If the gentleman will continue to yield, would the author of the substitute agree with the gentleman that no taxpayer funds are intended to be used for union activity on the job site?

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I would say in answer that I do not believe that any money that is inconsistent with the law will be spent. I do not know the answer that the gentleman from Indiana [Mr. JACOBS] gave. But he knows more about it than I do.

Mr. THOMAS. If the gentleman will yield further. The gentleman does his profession well with that response, because I do not know what that means. It means it may or may not.

Mr. JACOBS. Nothing shall deny the right of Federal employees to organize or be fully represented by their unions, I repeat. That is all. That is all it deals with here. It does not say they can get a nickel from the taxpayers to do that. That is not the intent of it.

But on these task force things like the Japanese method, which Mr. Demming gave to our people and our people turned down and he went over and gave to them, where the workers come in and say they could probably save a little money if you tilt those Venetian blinds and not blind the people all afternoon, that kind of thing, that is the whole purpose of this. We accept the proposal of the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING of Kentucky. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I rise in support of the budget amendment and in opposition to the substitute.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield 1 minute to the gentleman from Texas, Mr. SAM JOHNSON, a member of the subcommittee.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I am glad the gentleman approves of the budget amendment, because that is what is good. When the GAO discovered this breach of faith, I was outraged. It was my understanding all trust fund monies were dedicated for seniors and future recipients who worked their entire lives paying for the system.

It was President Clinton who, as a payoff to the unions for political support, made union employees equal partners with association managers, and stated that Social Security Administration managers could not correct or question the actions of union employees.

What is worse is that while unions take money from the trust fund, they also continue to collect $4.3 million for themselves in union dues, and we have no idea where that money is spent. One more time. The unions collect millions in dues, and still continue to take money away from the trust fund to do work that has nothing to do with providing benefits to our seniors.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Chairman, this amendment offered by Chairman BUNNING is nothing more than a classic example of traditional Republican union bashing, and a backdoor assault on President Clinton's executive order to improve labor/management relations through the use of Partnerships.

Every Member of this Congress is concerned about preserving and strengthening the Social Security Trust Fund. We all want to ensure that monies in the Trust Fund are being used to provide benefits and services to seniors in the most efficient and cost effective means possible.

And efficiency and cost effectiveness is exactly what the "union activities" at Social Security are set out to achieve.

Efficiency at the Social Security Administration goes to the heart of the way in which individual cases are handled. As the Social Security Administration is being downsized, and as systems are being redesigned, the input of the Social Security employees—the caseworkers—is, and should be, an invaluable contribution to management decision making.

Management alone can not be expected to know everything about how work is done, or how it can best be done. Consultations with Social Security workers are key to creating the best systems possible. And these consultations are what we are talking about today when we discuss union activities.

The union activities at the Social Security Administration are far less mysterious than the Republicans want to make them appear. In fact, union activities at Social Security are very similar to those at many private companies, including General Motors, Ford, and Chrysler—companies where it is common practice for workers to be paid for official union time.

As a former mayor, I've been involved in many negotiations with unions over the years. I've learned that unions are rarely 100 percent accurate in their positions, and management alone seldom has all of the right answers.

The best solutions to common workplace problems are those that are crafted with input from both labor and management.

Union activities at Social Security, which make up—mind you—only three one-hundredths of 1 percent of the total administrative costs for the Social Security Administration, are geared at improving the way in which benefits are delivered to senior citizens and the disabled.

In full compliance with the law, union activities at Social Security are paid for by a combination of funds derived both by general revenue funds and the trust funds.

Mr. Chairman, in a time when we are all trying to make government smaller and more efficient—less bureaucratic and more like the private sector—it seems to me that we should encourage government agencies to use the same innovative management techniques and partnerships that have been embraced by successful companies like Saturn, Corning Glass, and Harley Davidson. It seems as if everyone except the Republicans in this House knows that old fashioned top-down management is a thing of the past.

We owe America's senior citizens the most efficient Social Security Administration possible. This amendment is nothing more than a politically motivated attempt to scare America's senior citizens, and I urge my colleagues to oppose it.

□ 2115

In full compliance with the law, union activities at Social Security are paid for by a combination of funds derived both by general revenue and trust funds, and we are correcting that in our substitute.

I have been involved in union negotiations time and again, and unions are never 100 percent correct. And, something else, management is never 100 percent correct.

Social Security is in the midst of downsizing. Their systems are being redesigned. There is anxiety in the workplace. That is not unlike what is happening across the rest of America tonight.

The result of a healthy workplace where people have high morale is consultation. What we have here is a frontal assault on union activities, which we attempt to address in a reasonable substitute.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Chairman, with all due respect to the gentleman from Massachusetts, my good friend and classmate, he misses the point. This is not about union activity. This is about Social Security trust fund money paid by hardworking men and women who have paid tax money on their hardworking wages into the trust fund for their senior years.

As a member of the subcommittee, I sat through all the hearings, and not one time did I hear justification for using Social Security trust fund money for any of the activities that are being addressed here.

I sent out a letter last week informing my constituents that trust fund money was being used for union activity. In 3 days, I have gotten over 400 responses and not one response said, GREGG. I want you to keep allowing the money to be used for union activity.

Every contact was angry. They said, "I'm appalled, I'm shocked that the money I paid into the trust fund is not going for my retirement or for disability. I'm appalled that it is going to union activity."

Mr. Chairman, I urge support of the chairman's amendment.

Mr. HOYER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Maryland is recognized for 2¼ minutes.

Mr. HOYER. Mr. Chairman, my good friend the gentleman from Texas has just spoken very actively, strongly. Our substitute does exactly what he wants done. It precludes, as does the gentleman's amendment from Kentucky, the expenditure of any funds from either the Social Security trust fund or the Medicare fund. What it does not do is say Employees, tough luck, get out of town. We're not going to let you organize, we're not going to let you follow the Federal law, which precludes, by the way, any official time being used to conduct internal union matters, organizing workers, soliciting members for conducting union elections or for any partisan political activities. That is precluded by Federal law right now.

What is not precluded is activity that is funded in the private sector, as the gentleman from Massachusetts indicated, but allows employees to represent their fellow employees and to work with management on official time to make their jobs better, more efficient and more productive.

The concern that has been raised, that is, of spending money out of the trust fund, is agreed to on this side by our substitute. What is not agreed to is the obvious underlying intent, and that is to undermine the workers' ability to have effective representation, period.

For that reason, I would ask Members on both sides of the aisle, particularly those who voted for the TEAM Act on the theory that management could include employees for the purpose of sitting down, discussing and negotiating working conditions and objectives and ways and means. That was the issue in the TEAM Act.

If you believed that, if it was not just a subterfuge to undermine the ability of workers to organize, then you ought to support this substitute, and I urge all the Members of the House to do so.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. COLLINS].

(Mr. COLLINS of Georgia asked and was given permission to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Kentucky.

Mr. Chairman, American workers are mandated to pay into the Social Security trust fund throughout their working lives. They do so with the understanding the Federal Government will responsibly manage those assets on providing Social Security benefits to retired and disabled Americans.

Mr. Chairman, under the new authority given to government unions by the current administration, the Social Security Administration spent 12.6 million taxpayer-dollars on union-related activities in 1995.

That's right Mr. Chairman, the Clinton administration spent $12.6 million, on expenses that had absolutely nothing to do with ensuring our Nation's retirees and disabled receive the benefits they have earned.

In addition, $12.6 million in 1995 represents a 100 percent increase over the $6 million the Social Security Administration spent on union activities in 1993.

Recently, the Commissioner of the Social Security Administration testified about the increases in trust fund assets that are spent on union activities.

Commissioner Chater could not provide the members of the subcommittee with any specifics about how the $12.6 million spent on union activities improved the processing or administration of Social Security benefit claims. Most alarmingly, she was unable to provide the committee with any detailed assurances that union-related expenditures will not continue to double in the next 2 years.

This amendment will bring a halt to the wasteful expenditure of Social Security funds and ensure that we are managing these vital assets responsibly.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I rise in strong opposition to the Hoyer substitute and in strong support of the Bunning limitation amendment to prohibit the Social Security Administration from using payroll taxes to pay the salaries of full-time union representatives.

Mr. Chairman, I seek this time to bring to the attention of the chairman I perceive to be a very serious problem in the Social Security Administration. Reading the Washington Post the other day I happened across an article by James Glassman.

I was shocked and dismayed to discover that the Social Security Administration, responding to a 1993 Presidential Executive Order, which has increased the number of union representatives that work in Social Security offices around the country to 146. That is an increase of 66 employees. Calculate the 66 full time salaries, benefits and pensions, and you have a total extra cost of $12.6 million that American taxpayers are going to have to shoulder.

This blatant waste of Social Security Funds in inexcusable, given that the Social Security Trust Fund is approaching insolvency. It flies in the face of all of our efforts to downsize and reinvent government. Within the Social Security Administration, for example we have been successful eliminating direct cash benefits for drug addicts and alcoholics.

There is simply no excuse to significantly increase administrative costs in this manner. In fact, I question the motives of an Executive Order directing the additional employment of union representatives. It has always been my understanding that it is the responsibility of the unions themselves to ensure fair representation in the workplace. It is not the responsibility of the federal government. In fact, given the recent actions on the part of the unions, this smacks of campaign politics.

We as Appropriators and Members of Congress have a obligation to spend taxpayer dollars wisely and responsibly. I am very concerned that this action by the Social Security Administration is not altogether altruistic and completely contrary to our efforts to make our federal government less wasteful and more responsive to average Americans.

Mr. Chairman, I include for the RECORD the news item, I mentioned.

[From the Washington Post, June 25, 1996]

WHAT CAN GOVERNMENT DO?

(By James K. Glassman)

In a modern republic such as ours, politics frequently produces good policy—that is, it's a system that finds out people's desires and acts on them. But politics rarely produces good government—that is, it's a system that puts policies into place in a messy, inefficient, often counterproductive way.

"Look," says Peter Drucker, the great management guru, in a recent interview with the editor of Inc. magazine, "no government in any major developed country really works anymore. The United States, the United Kingdom, Germany, France, Japan—none has a government the citizens respect or trust."

The big problem, Drucker says, is that "no one, as far as I can see, is yet asking the right question: What can government do?" Not what should it do, but what can it do.

I've always been a "should" kind of guy—questioning whether government has the right to involve itself in the arts, agriculture, railroading, etc. But Drucker's "can" perspective is a brilliant way to look at the problem.

Consider Social Security. Yes, government should help poor people retire with dignity. But can it run an efficient retirement system for the entire nation? It's doubtful, given political pressures—for example, the need to please labor unions, which spend millions to help elect Democrats.

Here's a typical horror story: Using the payroll taxes of Americans, the Social Security Administration is paying the salaries of 146 full-time union representatives who work in Social Security offices around the country. The average annual salary of these taxpayer-paid union officials is $41,970. Ninety-four of them make at least $40,000, and one makes $81,000.

The General Accounting Office reported on this union activity recently, at the request of Rep. Jim Bunning (R-Ky.), a Ways and Means subcommittee chairman. Jane Ross of GAO said her office "found that over 1,800 designated union representatives in SSA are authorized to spend time on union activities." Total time: more than 400,000 hours. Total costs to the taxpayers: $12.6 million.

What makes this episode so outrageous is that it's perfectly legal. After an executive order by President Clinton in 1993, full-time union reps at SSA jumped from 80 to 146, according to GAO. Total costs to the taxpayer doubled. Meanwhile, the Social Security trust fund is approaching insolvency.

The truth is that effectively running a retirement scheme for a nation of 260 million may not be something that a government is able to do.

By contrast, the private sector has learned, through trial and error and the pressures of the marketplace, to handle complex financial transactions—and give good service. For example, Fidelity Investments, with 20,000 employees, handles 20 million mutual-fund customers—marketing, buying and selling stocks, sending out regular statements. Fidelity's managers don't stand for election, so they don't have to pander to labor, or any other interest group, for votes. They're free, subject to market forces, to run their business.

It's no accident, either, that costs of government-run health care systems—Medicare and Medicaid—are rising so fast. The federal government—under political pressure from doctors, hospitals, seniors, governors and insurers—simply can't cut expenses and deliver good service the way that companies subject mainly to the pressures of the marketplace can. (For an even more horrifying example, look at the Veterans' Administration, with its own 58-health-care institutions, providing jobs for constituents of nearly every member of Congress.)

The point is that politics can, with validity, produce a national health policy. But it should not be the force that shapes the management of that policy.

One solution to the problems of both Social Security and public health care is to get the government out of management entirely. Let it issue vouchers with which Americans themselves can purchase retirement plans or medical services from private firms. There should be oversight, but not a 65,000-employee bureaucracy.

On management issues, the Clinton administration gets credit for interest, but not for action. The president brags about eliminating government jobs. Yes, but of the 192,000 cut, 145,000 were in the Defense Department—a "peace dividend" brought about by the end of the Cold War. We can't really cut government jobs unless we cut government functions.

Drucker says that the United States doesn't have a government that "citizens respect or trust," But as we've seen over the past year, citizens not only distrust government, they distrust politicians who say they will dismantle it. That's the paradox for Republicans.

But what citizens do know is that government today is out of control. So here's my suggestion to Bob Dole (or Bill Clinton): Announce right now that, if elected, you will freeze government in place. No more new programs, no additional spending on current programs, no increases in tax revenues.

A hard freeze of this sort would leave the deficit at about $140 billion, a safe number. Then, over the next four to eight years, we can debate what government should—and, more important, can—do.

For doubters, Dole can issue an "Outrage of the Week" report on excesses like the 146 union officials at Social Security or the $5 billion in fraud, which, according to a new study by Citizens Against Government Waste, afflicts the Food Stamp program.

But we can't bring government back under control with a single contract or a single election. As Drucker says, "Government, rather than business . . . is going to be the most important area of entrepreneurship and innovation for the next 20 to 25 years." So let's freeze now, and get those entrepreneurs to work on solutions.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Chairman, I rise in strong support of the Bunning amendment and ask Members to reject the Hoyer amendment.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I want to thank the people in my district who work for the Social Security Administration who brought this to light, some very brave people who bucked the system, who bucked the union to say that seniors' money, Social Security trust fund money, should not pay for union representation on the job.

The fact is, union Members pay $4.3 million a year. Let us let the union use that to pay for people to represent them in the workplace. It is about balancing the budget, it is about being good stewards with our seniors' money. It is about doing the right thing. Please support the amendment. Please do not support the substitute.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Kentucky is recognized for 1¼ minutes.

Mr. BUNNING of Kentucky. Mr. Chairman, first of all, let me assure my good friend from Massachusetts and my good friend from Maryland that I was a union negotiator for 12 years, so I know something about unions. But they were in the private sector, and they were not supported with Social Security and Medicare trust fund money.

We know what our amendment does. We know that it requires the Social Security Administration to use Medicare and trust fund money only for the purpose for which it was collected from hard-working, tax-paying Americans. They pay FICA tax to the Treasury so it can be used for retirement and disability payments under Social Security.

About the Hoyer amendment, we are not sure. But I will tell the gentleman from Maryland, if he would like to sponsor appropriation bill to use taxpayer funding from general revenues for union activities at the Social Security Administration, an any other agency of the Federal Government, because I believe employees are entitled to be represented, I suggest that he do that as part of the appropriations process.

I urge support of the Bunning amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER] as a substitute for the amendment offered by the gentleman from Kentucky [Mr. BUNNING]

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOYER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Maryland [Mr. HOYER] as a substitute for the amendment offered by the gentleman from Kentucky [Mr. BUNNING] will be postponed.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ISTOOK: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act, when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) any portion of such funds is knowingly being used by such entity to provide services after March 31, 1997, to a minor, other than a minor who—

(A) is emancipated under applicable State law;

(B) has the written consent of a custodial parent or legal guardian to receive such services; or

(C) has an order of a court of competent jurisdiction to receive such services, based on—

(i) the court's assumption of custody over the minor; or

(ii) actions of a custodial parent or legal guardian that present a continuing threat to the health and safety of the minor and precludes the obtaining of consent under subparagraph (B); and

(2) The State in which such services are provided has not, after the date of the enactment of this section, enacted a statute that excludes the minor seeking a title X service from the parental consent requirements as to that particular service.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oklahoma [Mr. ISTOOK] and a Member opposed will each control 15 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, this amendment concerns how we are spending $200 million a year of our Federal tax money, one-third of which goes to provide contraceptives, condoms, birth control pills, and related services to teenagers, to minors, with neither the knowledge nor the consent of their parents.

As a parent of 5 children, 3 of them teenage girls, Mr. Chairman, and public school students, I am well aware of the different times that parental consent is necessary for so many things. For example, this is a form from the Fairfax County, VA, public schools.

To go on a field trip, they have to have written consent from their parents. To get authorization for medication, even aspirin, to be administered to a minor in public school, in most cases you have to have a signed permission slip from the parent or the guardian. This is from the school that my children attend, again echoing that to have medication, even something as simple as aspirin given to a student, you cannot do it without the consent of their parents.

But, Mr. Chairman, under Federal law, it is something different. Under Federal law, Mr. Chairman, and this is from the Federal regulations, if they want to obtain services under the so-called title X, Family Planning Services, then if they want to, and they do, all the information is kept confidential only to that minor child. Their child is sexually active, may have a sexually transmitted disease, is at risk of pregnancy and all the complications that come from it with a child involved in that activity, and 1.3 million of them a year in this country are receiving federally funded assistance in bypassing their parents, isolating them from the love, the counsel, the nurture, and the moral guidance of their parents under Federal law.

Mr. Chairman, I submit that is wrong. I submit that this country in caring about its children says we want them to have the guidance of their parents, and yet this is another part of the Federal law that specifies that regardless of their family income, this is supposed to be a low-income family program, if they want this confidentiality, then you disregard what mom and dad and anyone else in the household is making and so this child, by themselves, qualifies for this Federal program.

One-third of its services, one-third of the $200 million a year, is going to minors with neither the knowledge nor the consent of the parents.

Mr. Chairman, since this program has been underway, since 1970 when it began, we were told this is going to reduce teenage pregnancy, this is going to reduce out-of-wedlock births with teenagers, and they still try to manufacture some statistics trying to claim it. But, Mr. Chairman, their projections do not hold up.

There is only one set of statistics that is really kept on this. It is kept through the Centers for Disease Control, the U.S. Health and Human Services Department, and is shown on this graph from it, since this program went into effect. The number of out-of-wedlock births with teenage mothers in the United States has doubled, the rate of teenage out-of-wedlock births has doubled because the Federal Government is inviting them to go around the moral guidance of their parents on these most intimate and personal issues.

This amendment simply states we are not going to do it. We are going to require parental consent if this is to go on. Normally it is a matter of the States to decide. Fine. If the States decide otherwise, they can do it in their State, but they would have the say-so. I ask Members' support of the amendment.

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

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] claim the time in opposition to the amendment?

Mr. OBEY. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 15 minutes.

AMENDMENT OFFERED BY MR. OBEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ISTOOK

Mr. OBEY. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY as a substitute for the amendment offered by Mr. ISTOOK: In lieu of the matter proposed to be inserted, insert the following:

SEC. . None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless it is made know to the Federal official having authority to obligate or expend such funds that the applicant for the award certifies to the Secretary that it encourages family participation in the decision of the minor to seek family planning services."

□ 2130

Mr. OBEY. Mr. Chairman, I ask unanimous consent that 8 minutes of my 15 minutes be given to the gentleman from Pennsylvania [Mr. GREENWOOD].

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GREENWOOD] will control 8 minutes, and the gentleman from Wisconsin [Mr. OBEY] will control 7 minutes.

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

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment is very simple. The Istook amendment would prohibit title X services to minors unless they have written parental consent or a court order acting as parental consent. The Obey-Greenwood-Lowey substitute would prohibit funds unless the entity encourages consultation with family members.

Mr. Chairman, I want to be very clear. I do not believe teenagers should engage in sex until they are married. That may make me old-fashioned but that is what I happen to believe. But I also recognize the world in which we all live. The United States has the highest rate of teen pregnancy of any industrialized country in the world.

This committee had an opportunity to fund the President's teen pregnancy prevention plan in this bill. It chose not to do so. Now, unless we are careful, we will make what services there are remaining to prevent teenage pregnancies even more difficult to obtain. When minors delay diagnosis and treatment, especially in cases of sexually transmitted diseases or HIV, their health, their future fertility and life can be put at risk. Kids ought to be encouraged to talk with their parents, but we also ought to be careful that, in the process of trying to encourage that, we do not increase health risk to the general public and that we do not in the process invite more abortions that are performed because of careless pregnancies.

That is what this amendment tries to do. It tries to establish a careful bipartisan balance between two justifiably strong moral concerns in this society.

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

Mr. ISTOOK. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would simply note that the amendment offered by the gentleman from Wisconsin [Mr. OBEY] only echoes existing law. It is already in section 1001 of the Public Health Service Act that there is supposed to be this very encouragement for family participation, which is totally undercut by the existing Federal law saying it is not required.

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

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the substitute amendment. This amendment, title X, already requires that providers encourage family participation in reproductive health decisions, and this amendment strengthens that mandate.

I agree that parental involvement should be encouraged, encouraged, not mandated. In fact, in order to encourage teens to seek necessary reproductive health services, virtually every State in the country has enacted legislation to permit minors to receive care for sexually transmitted diseases without parental consent. Many States have already put statutes on their books that allow minors to obtain birth control information governed carefully by State law. We should not override those statutes. States are closer to this problem than we are. Teenagers denied contraceptive services do indulge less responsibly.

Mr. ISTOOK. Mr. Chairman I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I only asked for 1 minute because I am pleased there are so many Members on our side that want to speak out on this.

I would like to begin the way the gentleman from Oklahoma [Mr. ISTOOK] did, talking proudly about his daughters. As a father and a grandfather of eight young ladies, I take this parental rights thing very seriously. But here is what we are neglecting on those who oppose the Istook amendment. With parents' rights, as with most rights, there are also responsibilities, and young people will sometimes follow peer pressure and the lines of least resistance.

What they are doing by going against the Istook amendment is taking away parental responsibilities, the responsibility of playing a role in the counseling and guidance of young people. We are talking about one-third of the people that have access to title X funds. That is about 1,300,000 teenagers that are covered here

States can opt out and keep in mind that the Istook amendment is reinforcing standing Federal Law. Parents' rights and parents' responsibilities, it is a winner with Americans across this country. Do not take away those responsibilities.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, last year an attempt was made to zero out the title X family planning program. That attempt failed here on the floor of the House. This year the gentleman from Oklahoma [Mr. ISTOOK] is offering an amendment to limit access to these important services. This is not an issue of abortion. Let me emphasize that once again. And we are talking here about services for poor, young women. We are talking about a successful program that prevents 500,000 abortions from occurring in our country every year.

A study published by the Journal of Pediatrics found that 85 percent of teens would not seek care for sexually transmitted infections if parental consent or notice were required. I have a letter from the American Academy of Pediatrics, the American Academy of Family Physicians, and the American College of Obstetricians and Gynecologists opposing parental consent. They confirm that mandating parental consent will prevent teens from seeking contraceptive services, placing them at increased risk for sexually transmitted diseases and unintended pregnancies. It is a very, very poorly advised amendment.

AMERICAN ACADEMY OF FAMILY PHYSICIANS; AMERICAN ACADEMY OF PEDIATRICS; AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS,

JUNE 11, 1996.

Hon. JOHN EDWARD PORTER,
Chairman, House Appropriations Subcommittee, Labor, Health and Human Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN PORTER: As national organizations representing over 170,000 physicians dedicated to improving the health care of adolescents, we write to urge you to oppose any amendment offered to the FY97 Labor, Health and Human Services and Education Appropriations Act that would require parental notification or parental consent for services received by adolescents in

clinics funded by Title X, the national family planning program. As physicians who care for adolescents, we always encourage family involvement in their health care. Our organizations have adopted principles stating that health professionals have an ethical obligation to provide the best possible care and counseling to respond to the needs of their adolescent patients. This obligation includes every reasonable effort to encourage the adolescent to involve parents, whose support can increase the potential for dealing with the adolescent's problem on a continual basis.

Most teens seeking services at Title X clinics are already sexually active. Mandating parental consent may prevent these teens from seeking contraceptive services, placing them at an increased risk for sexually transmitted diseases and unintended pregnancies. Studies indicate that one of the major causes of delay by adolescents in seeking contraception is fear of parental discovery. Parental consent or notification provisions would be counterproductive to the ongoing efforts of physicians and the Congress to prevent such cases among the nation's young people.

Under our federal system, the states determine whether or not parental consent is needed for the treatment of minors. While states require consent before a minor receives medical treatment, 23 states have recognized the special issues surrounding family planning services and have instituted exceptions explicitly allowing young women to obtain contraceptive services without parental consent. Congress should not override these states' authority in this area by adopting an amendment to require parental notification or consent in order for family planning clinics to receive Title X funding.

While we applaud the efforts of the Committee to ensure that parents are involved in minor's health care decisions, we believe that such involvement is best achieved by the efforts of physicians and their patients in a manner which respects the adolescent's right to confidential health care. Forced parental involvement, in our view, will have a negative impact on the physician-patient relationship, as well as have the unintended consequence of deterring adolescents from seeking important health care services. Accordingly, we urge you to oppose any amendments mandating parental notification or consent for Title X services in the FY97 Labor, Health and Human Services, and Education Appropriations Act.

Sincerely,

KENNETH L. EVANS, MD,
Chairman, Board of Directors, American Academy of Family Physicians.

MAURICE E. KEENAN, MD,
President, American Academy of Pediatrics.

RALPH W. HALE, MD,
Executive Director, American College of Obstetricians and Gynecologists.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I rise in support of the Istook amendment. As a grandmother of six young children, it amazes me that, while parents are called to give permission for everything, they could have their children go to school and come back with an intrauterine device implanted that could cause sterilization, infection and even in some cases loss of life.

The parent has been told when the child goes into emergency. The basic question is whether or not parents should be informed about very basic and fundamental questions concerning their son or daughter's well-being. In an age when kids are bombarded with sex and stimuli from the media and in the world that we would remove the parents from the equation until the issue is a crisis is not acceptable. We need parents to be parents, not government to be parents and until there is a crisis.

I think my colleagues need to start thinking about the statistics that we have faced. When we that were pro-abortion and pro-contraceptive started in the early 1970's with the title X's to decrease parental involvement and increase government involvement by giving kids help outside of the family, we started a trend that now has doubled out-of-wedlock births. It has not been successful. We know when you remove parents, it does not work. So what do we risk on allowing the States to put parents back into the equation? That is what we are asking here today, States rights. Put the parents back into the equation with the guidance of the States.

Mr. OBEY. Mr. Chairman, I yield 1 minute to one of the coauthors of the amendment, the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the Istook amendment that will require consent for minors receiving title X services and in strong support to the Obey-Greenwood-Lowey amendment to the amendment.

Let us make it very clear, when a teenager comes to a family planning clinic, the family planning clinic is not making them sexually active. I am the mother of three beautiful grown children, and I want to make it very, very clear that the medical and public health community overwhelmingly supports confidentiality for adolescents seeking family planning services

Let us debunk the myth, these kids are not coming to that clinic and suddenly becoming sexually active. In fact, what we are trying to do is provide these services for these youngsters who come to the clinic so that they can avoid spreading sexually transmitted diseases. I think it is important to note that the bill as it is now encourages family participation. That is exactly what we want to do, encourage family participation, not mandate it.

Mr. Chairman, I rise in opposition to the Istook amendment that will require parental consent for minors receiving title X services. In addition, I am proud to join Mr. OBEY and Mr. GREENWOOD as a sponsor of the amendment to the amendment. The Istook amendment will just lead to an increase in teen pregnancies and abortion, and in teens with STD's and HIV.

Last year, as you all remember, opponents of family planning attempted to eliminate the title X family planning program. Their efforts, thankfully, were rejected by this House and by the American public. However, they clearly did not learn anything from their defeat. This amendment is just one of several assaults against the title X program this year. Two earlier attempts to limit the program were defeated in committee 2 weeks ago.

Why would anyone try to limit a program that successfully prevents teen pregnancies and abortions? They do it because the Christian Coalition tells them to. A recent Christian Coalition legislative alert called this amendment one of "the first steps to end the infamous Title X program!"

The Istook amendment will place the health of young American women at great risk. Approximately 1 million teens currently receive some medical services from title X clinics. This requirement will create a real barrier to these services for hundreds of thousands of teens.

Studies show that many teens—especially those who are abused or who fear an extreme reaction from their parents—will stop seeking medical services for STD's if forced to get their parent's consent. In addition, most teens will continue to have sex but just forgo contraceptives rather than seek parental consent. I do not believe that any of us think that those are acceptable results.

The title X statute already requires providers to encourage family participation in reproductive health services. The Obey amendment reflects the spirit of the current statute. In fact, the majority of young people already involve a parent or other responsible adult when they seek family planning services. The Istook amendment will ultimately only cause those teens who do not want to tell their parents to forgo needed services.

I think that we need to debunk one myth right now. Parental consent laws do not keep teens from having sex. I support abstinence-based programs for teenagers, but the fact is that most teens are already sexually active when they first come to a title X clinic seeking family planning services. The Istook amendment will just keep those young people from getting the family planning services they need.

In addition, I would like to note that the medical and public health community overwhelmingly supports confidentiality for adolescents seeking family planning services. The American Academy of Family Physicians, the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists all oppose this amendment.

In conclusion, my colleagues, I urge you to defeat the Istook amendment. Barring teens from family planning services will only lead to horrible results—more teen pregnancy, more kids having kids, and more abortions. This amendment will just create thousands of unnecessary tragedies.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank my good friend and colleague for yielding me the time.

States rights have been mentioned during this debate. I want to point out

back in 1982, early in the Reagan administration, the Department of Health and Human Services proposed a regulation to require parental notification, not consent, notification for contraception and 39 States opposed that proposed regulation.

I have a lot of respect for the gentleman from Oklahoma and my other colleagues who have spoken on this, but my concern is that the Istook amendment would have a chilling effect, in fact, could be counterproductive to our main goal here, which is to reduce the number of unwanted abortions in American society by reducing the number of unwanted pregnancies.

So I have to urge support of the Obey-Greenwood amendment and urge the defeat of the Istook amendment.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, I rise tonight in strong support of the Istook amendment to require that minors obtain parental consent from a parent or legal guardian before they can receive services available under title X of the Public Service Health Act.

The fact is, Mr. Chairman, that this is a Federal program. We have heard a lot about States' rights tonight from some pretty unique sources with regard to States' rights. But the fact is, this is a Federal program. There are Federal taxpayer dollars used in order that teenagers can go around their parents and, under the cloak of secrecy, not allow information to be passed to their parents. The fact is that government should not be standing in the way of the parent-child relationship. The parent is the one that the child should be going to with regard to advice when it comes to these troubling times in their life, and I ask for strong support of the Istook amendment so that we can rebond the parent-child relationship.

Mr. Chairman, I rise in strong support of the Istook amendment to require that minors obtain parental consent from a parent or legal guardian before they can receive services available under title X of the Public Health Service Act. I am appalled that a teenager girl can walk into any clinic that receives funding under title X and receive contraceptives, treatment for a sexually transmitted disease, or counseling on how to avoid pregnancy without her parent's permission. Teenagers are children themselves—and as a father of three young children, with the fourth one on the way, I cannot begin to comprehend how I would feel if one of my children were receiving such services without my knowledge or consent.

By failing to require that parents give our consent to our children when they receive sexual advice, we are doing a huge disservice to parents and our children. Many people have voiced concern that if we require parental consent, teenagers may not get the necessary services to protect their health. Let me make this perfectly clear: this is not about health care. If this were really a health care issue, parental consent would be required before any of these services would be rendered to a minor. A teenager cannot receive a aspirin at school, have a physical exam, or even get their ears pierced without the consent of a parent or legal guardian. Yet we are willing to ignore these very appropriate requirements at the Federal level and write a muiltimillion dollar check for birth control and sexual advice for teenage boys and girls. This is simply and patently absurd. If we believe that teenagers are more and more estranged from their parents, this is clearly not the solution to bridging the generation gap. It is inappropriate for the Federal Government to do anything to infringe upon a parent's tie to their children. I urge you to support this amendment. The relationship between a child and the Federal Government should never take the place of a relationship between a parent and a child.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, if teenagers are denied confidential and affordable access to family planning services, they will be at a greater risk for sexually transmitted diseases, for unintended pregnancies and more likely to get an abortion. Many teenagers are not able to speak to their parents about these issues, and many parents do not act responsibly and will not give their consent. These factors should not be a barrier to an adolescent coming in and getting needed counseling and contraceptive information and contraceptive services and other health care services that are provided in these title X clinic.

I urge opposition to the Istook amendment.

□ 2145

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in strong opposition to the Istook amendment and in favor of the Obey substitute. This amendment would do great harm to our efforts to reduce the incidence of sexually transmitted diseases, including HIV/AIDS, in our young people, and to our efforts to lower the number of unintended pregnancies and abortions.

On the face of it, it may seem reasonable to require parental consent for family planning services. But, this amendment ignores the realities of the young people who seek care at these clinics. The vast majority of these teens are already sexually active and have been for almost a year, on average. Most end up seeking services because they are afraid that they may be pregnant or that they have a sexually transmitted disease. Minors who go to clinics are strongly encouraged to involve their parents, and many do bring a parent with them on subsequent visits.

A recent study in the Journal of Pediatrics determined that 85 percent of adolescents would not seek treatment for sexually transmitted diseases, including HIV/AIDS, if parental consent and notification requirements were imposed.

Mr. Chairman, we are talking about consent and not notification.

Let us vote for the Obey substitute and protect teen health.

Delay will only endanger the health of these teens, not help them. And, delay will only lead to unintended pregnancies and more abortions.

This amendment is also troubling because it undermines State laws. Don't be misled by the State opt-out provision. Only State laws passed after the date of enactment would be valid. Thus, the laws of 49 States that already allow minors to receive STD services without parental consent would be nullified. Each of the 49 States would then have to pass new laws reinstituting their current laws. This is an affront to States' rights, and should be rejected.

The medical community is also overwhelmingly opposed to parental consent requirements for minors. The American Medical Association, the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, and the American Public Health Association, all agree that contraceptive services, prenatal care, and STD/HIV diagnosis and treatment should be available to adolescents without their parents' consent or knowledge.

Mr. Chairman, I urge my colleagues to vote to uphold States' rights and to protect teen health. Vote "no" on the Istook amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I believe many people are missing the point of this. In the last 26 years we have found this program, using $200 million a year of Federal taxpayers' money to help teenagers sneak around behind the backs of their parents, does not work. It has doubled the out-of-wedlock birthrate among teenagers. We need to get parental responsibility back involved if we expect to improve the standards and return accountability in this country.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this is not a debate about whether to fund family planning or title X. The only question is whether we believe that parents should raise our children or whether we think that government officials should raise our sons and daughters.

Parents must consent before their children attend field trips, if their children are absent from school, for their children to receive treatment for a twisted ankle, and parents must consent for their children to participate in sports after school. Should this same parent not also have to consent before their children receives contraceptives

or treatment for a sexually transmitted illness? That is the only issue raised by the Istook amendment.

Without this amendment, when it comes to sexually transmitted diseases, contraceptives and planning families, parents need not apply. The Istook amendment puts parents first again. It says that what is common sense for movies, fields trips and football should also apply to serious medical treatment.

Mr. OBEY. Mr. Chairman, may I inquire how much time each party has remaining?

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has 3 minutes remaining; the gentleman from Pennsylvania [Mr. GREENWOOD] has 4 minutes remaining; and the gentleman from Oklahoma [Mr. ISTOOK] has 6 minutes remaining.

Mr. OBEY. Mr. Chairman, I reserve the balance of my time.

Mr. GREENWOOD. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise in support of the Obey substitute. My friend, the gentleman from Oklahoma [Mr. ISTOOK], and I share parenthood. I have four children. I understand the impulse to want to make sure that parents are involved. Ideally we want our young people to abstain from sexual behavior. We all want that, we all hope that, and we do our best for that. And if they do become involved, if they make mistakes, ideally they can come and talk to mom and dad. That is the ideal. That is what we spend our whole lives as parents trying to achieve. But we do not all succeed.

Some parents cannot talk about sex to their children, and some children cannot talk sex to their parents. That is the real world. So what happens? How do we strike a balance when we have a young lady who is afraid that she is pregnant? Kids do not go to family planning clinics because they are thinking about having sex; they go because they have been having sex; they go because they are afraid that they are pregnant; they go because they fear that they have a sexually transmitted disease.

What happens to those kids who cannot get parental consent? They do not get treated for disease. They do not get treated for sexually transmitted diseases. We have more teenage pregnancies. We have more teenage abortions.

The Obey amendment strikes the right balance. It requires these agencies to encourage the involvement of their families, and that is what we all should be about. A child untreated for HIV becomes a child, a teenager, with AIDS. When kids cannot get the diagnosis or treatment for that disease, they die. That is how important this is.

Mr. ISTOOK. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I stand here very strongly supporting the Istook amendment for parental consent. I have to say there is life after teenagehood. My two children are now in their 20's, but as a mom and as a former teacher, I wholeheartedly support the idea and the main issue of this amendment, which is to give back parental consent, that moms and dads can have the right to talk with their children about this and not feel that it has been handed over to the Federal Government.

I might say that I have spent a couple of times in my office as a State legislator with moms crying in the office because they found out that their children were able to go to a clinic and get much information and the parents who really wanted to speak to their children about this were left out of the loop.

Now, I want to remind people, yes, the State legislatures across America, if they so choose, can waive the parental consent requirement, and that is very important with me. But I wanted to point out that since title X has been in existence, since 1970, we are talking about a program that wanted very sincerely, when it started, to decrease out-of-wedlock and teenage pregnancies, and there has been a lot of times that it has been successful.

But, Mr. Chairman, we just have to look at our own local programs and talk to families and know the statistics are saying that it is skyrocketing. The teenage out-of-wedlock births are skyrocketing and children need to have moms and dads involved in their life.

What we have done at the Federal level is just say sex is OK because we help to avoid the consequences.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, in the ideal world, if there were an ideal world, perhaps the amendment offered by the gentleman from Oklahoma would make sense. I am the father of a teenager. I wish we had that ideal world where communication was as we wish it would be. In the real world this proposal, sadly, is a dangerous one. It will inevitably mean more unintended pregnancies, more abortions, more sexually transmitted diseases.

That is why the Obey substitute is the sound way to go here. It has nothing to do, as allegations have been raised, about Government bureaucrats getting involved in sexual activities of our children. That is a total red herring. What it does have to do with is recognizing the realities of teenage sexual behavior in the last part of the 20th century in this country, and how we are going to deal with that reality not in a wishful way, not in a mythical Ozzie and Harriet way, but in a way that works, making sure that our kids get the health services that they need.

Mr. Chairman, I oppose this amendment which would make it more difficult for young people to obtain family planning assistance.

This amendment would require, unemancipated, minors to get written consent from a parent or to get a court order to be eligible for any services through title X family planning programs unless the State passes a new law excluding minors from the requirement. For the record, Mr. Chairman, title X programs do not provide abortion services.

Mr. Chairman, I understand the desire of the gentleman from Oklahoma to promote communication between teenagers and their parents—and in an ideal world all young people would get their parents consent in all important decisions. But, in the real world, many teenagers don't always seek their parents' consent for the actions, including engaging in sexual activity.

Many teenagers simply will not use contraceptives or get screening or treatment for sexually transmitted diseases if they must first get a parent's written consent—and surely not if they must get a court order.

If this amendment becomes law, fewer teenagers will have access to contraceptives and the other services offered by title X family planning programs, including breast and cervical cancer screening, routine gynecological exams, HIV screening and treatment for sexually transmitted diseases. Again, for the record, title X programs do not provide abortion services.

If this amendment becomes law there will be more teenage pregnancies. If this amendment becomes law, more teenagers will fall victim to sexually transmitted diseases. If this amendment becomes law, the resulting increase in teenage pregnancies will lead to more abortions. That's why the American Medical Association, the American Academy of Family Physicians, and the American Academy of Pediatrics oppose this amendment.

Teenage pregnancy is a national problem that exacts a high societal and fiscal price. There are about 1 million teenage pregnancies each year in this country. However, there has been progress in the fight to reduce teenage pregnancies over the past 2 or 3 years and title X programs play an important part in that fight. According to Planned Parenthood, publicly funded family planning services prevent 256,000 unintended teenage pregnancies each year, an estimated 100,000 of which would have ended in abortion. In addition, each dollar spent on family planning services saves over $4.00 in medical, welfare, and other social services costs.

Mr. Chairman, title X programs serve lower income Americans. While lower income teenagers and their families will suffer the most in the form of unwanted pregnancies and health problems if this amendment becomes law, the Nation as a whole will be the worse for the additional unplanned pregnancies, abortions, and disrupted young lives.

I urge a "no" vote.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me this time. This is about Washington bureaucrats, it is about a faceless

Washington bureaucrat making decisions for the relationships between parents and kids. Washington bureaucrats in their infinite wisdom have decided that school officials cannot give their child as aspirin, but can provide condoms without parental consent.

It assumes that a Washington bureaucrat is better able to teach your child sex education than the child's parents. The myth is that Washington cares more about the well-being of a child than his or his parents. President Clinton actually said it best: Governments do not raise children, but parents do.

Let us remove this faceless bureaucrat from being involved in these types of decisions, let us not encourage bureaucrats to counsel children to have a dialog with your parents, let us get the bureaucrat out and recognize we need to be working on establishing relationships between parents and children and it is best done there without a Washington bureaucrat in the middle.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, what I want to do, very quickly, is to draw attention to this painting again, this faceless bureaucrat, and put a name and a face to it, and it would be me as a schoolteacher, Mr. GILCHREST, who realizes that parents should be involved in every stage of their children's lives, no matter what it is.

I encourage Members to vote for the Obey substitute because he reemphasizes the fact that we should involve parents in the situation. As a schoolteacher, I often talked to parents that were very concerned about their children. I also talked to parents where the mother had a live-in boyfriend and she did not care about anything that her child did. I also talked to parents where the father was a drug addict and the mother was an alcoholic and they did not care about their children. I also talked to parents where the father sexually molested his children and abused and beat their mother.

There are times, Mr. Chairman, when the school official, which was me in many instances, for years came to the child's aid and counseled them as a substitute parent. So we need all of this. We need parental guidance, love, compassion, discipline, all of that. I encourage the Obey amendment.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, every year Planned Parenthood counsels, refers or performs over 230,000 abortions, an absolutely staggering number of children who die. Taxpayers subsidize the counseling and the referring as part of title X.

Every year tens of thousands of teenage moms, many of them frightened and extremely impressionable, walk into Planned Parenthood and other title X clinics carrying perfectly healthy babies only to leave that clinic having had their babies shredded and ripped apart by powerful suction machines or killed by chemical poison. In many of these cases the parents have no idea this is happening.

The bottom line in this legislation and the amendment, which is really a sense of the Congress offered by the gentleman from Wisconsin [Mr. OBEY], is that our current policy trusts strangers more than they do the parents. There is a bypass in the legislation offered by the gentleman from Oklahoma [Mr. ISTOOK], that if there is a dysfunctional family, there is a way of getting around it. But I think we need to put our trust, invest our hopes more into the parents and stop looking for the government bureaucrats and so-called counselors, strangers, to take care of our daughters.

Mr. OBEY. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I do not think any Member of the Congress needs to sit here and take lectures from any Member of Congress about how we deal with our own children. I think every Member of this House trusts their children before they trust another Member of Congress.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. HOBSON].

Mr. HOBSON. Mr. Chairman, I rise in opposition to the Istook amendment, and I oppose the amendment because it will limit access to family planning services. This changes the law in 23 States and the District of Columbia. And I believe limited access to these services will lead to more abortions.

Let's be clear on this amendment. This is not parental notification. This is parental consent, and there's a big difference.

For the past 25 years, family planning services have been made available to low-income women and men through the Title X Program. In many cases, this program is their only source of health care. We're talking about basic primary health services, not abortion services. By law, title X funds cannot be used to pay for abortions. Through family planning services, unintended pregnancies have been reduce. Low-cost contraception can prevent the tragic personal and social impact of unwanted pregnancies and can save our health care system up to $14,000 per woman, over 5 years of use, compared to the cost of childbirth or pregnancy termination.

The bottom line is that this amendment will limit access to family planning services. And I believe limiting access to these services will lead to more abortions. This is a health care issue, not an abortion issue.

I urge my colleagues to oppose the amendment.

□ 2200

I believe these services will actually lead to more abortions. Let us be clear on this amendment. It is not parental notification. This is parental consent, and there is a big difference. For the past 25 years, family planning services has been made available to low-income women throughout the title X program. In many cases this is the only health care source that these people have. This is a basic health care issue; it is not one of abortion because, by law, title X funds cannot be used for that.

Mr. Chairman, I believe that we should oppose the Istook amendment and pass the Obey substitute.

Mr. ISTOOK. Mr. Chairman, how much time remains on either side?

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] has 2½ minutes remaining; the gentleman from Pennsylvania [Mr. GREENWOOD] has 30 seconds remaining and the gentleman from Wisconsin [Mr. OBEY] has 1 minute and 50 seconds remaining. The gentleman from Wisconsin has the right to close.

Mr. ISTOOK. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, this vote is going to show whether we believe in families and family responsibility or in Government taking over the major aspects of what we teach our children.

President Clinton says: Government does not raise children; families do. I say to my colleagues, Then show you mean it. I know a friend who came to me. He has a 16-year-old daughter. He found out that she had been going to a title X clinic for a couple of years. He did not know anything about it until she ended up pregnant and had had an abortion. He said, "Can the Government do this to our family? I could have helped, but I could not because I did not know."

As parents, my wife and I know our approval was necessary if our girls wanted to get their ears pierced, when one of our five children went on school field trips, if they simply needed aspirin at school, or even to handle many medical emergencies. Yet Federal law say kid don't need anyone's okay to get birth control, family planning counseling, or even medical treatment, so long as it relates to sex.

Title X—Title Ten—of the Federal Public Health Service Act provides birth control, treatment of sexually transmitted diseases, and family-planning counseling to adults and minors alike. Created in 1970, the intent was to serve poor families, but that has changed. Federal regulations now let a minor child, or a woman, be considered as a family of their own, so they're eligible regardless of how high their household's income may be. It all costs taxpayers almost $200 million a year.

Today one-third of title X's clients are teenagers. This means 1.3 million youngsters each year get special support directly and fully from

Federal tax dollars, just for their sexual activity. Current law not only lets teens escape parental consent; it also lets them prevent even a simple notice to their parents of what is going on. Even for those with no stable home life, the law likewise evades their guardians and other family members. Supporters of title X claim it reduces out-of-wedlock and teen pregnancies. But Federal statistics prove that the out-of-wedlock birthrate for American teenagers has doubled since title X began in 1970. Our Federal safety net has induced teens to believe that premarital sex is safe and that its consequences are avoidable, until they later learn otherwise.

But forget statistics. Is it right for Government to help teens evade their parents regarding teenage sex and its consequences? This hits the heart of America's values. This most intimate moral issue is the crucial link leading to welfare dependency, single-parent homes, school drop-outs, juvenile crime, and a vast array of social problems. Why has our Government spent 26 years helping teens to avoid their most loving and helpful counselors—their parents?

It's been far too many years since Congress has addressed this issue. But I'm offering a crucial amendment to the Labor, Health and Human Services, and Education and spending bill—under which title X is funded—to reinstate the principle of parents' role and responsibility regarding their children. The amendment simply requires minors to obtain consent from a parent or legal guardian, as governed by each State's own law on such issues, before they can receive federally financed contraceptives, treatment of sexually transmitted diseases, or related counseling. Each State legislature can then define the scope of when parental consent is needed or not—just as States do on other parent-child issues.

President Clinton has said "governments don't raise children, but parents do." Yet he and too many others have not supported parental consent regarding title X. If he and others really believe in and trust families, it's time for Government to quite separating our children from their parent's love and guidance, especially on key moral issues such as teenage sex.

Mr. OBEY. Mr. Chairman, I yield 25 seconds to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, this vote will show whether this House lives in a dream world or in the real world. In the real world, not every child can talk to his parents or her parents. In the real world, there are child abusers as parents; there are absentee parents; there are ignorant parents; there are children who as teenagers who are sexually active.

Mr. Chairman, the vote on this amendment will determine whether they get contraception or AIDS; whether they get contraception or have an abortion; whether they get contraception or the back of our hands.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Oklahoma that would require teens to obtain written parental consent before receiving any services at family planning clinics that receive title X funding. These clinics serve as critical entry points into the health care system for young people where they can obtain the full range of services including general checkups, routine gynecological exams, breast and cervical cancer screening, screening and treatment for sexually transmitted diseases, screening for HIV, and family planning services. Adolescents already tend to underutilize existing health care services. Setting up more barriers to their access to services will only exacerbate this problem.

These clinics strongly encourage their patients to discuss their concerns and cases with their parents. Most minors do bring a parent or responsible elder with them when they seek these vital health care services. Many adolescents feel comfortable and safe speaking with their parents normally and will communicate with them in times of crisis. However, due to a myriad of circumstances, there are many teenagers who feel they cannot discuss such issues with their parents. Eighty-six percent of the teenagers who used title X-funded services for the first time were sexually active long before they entered the clinic. I know there are some who believe that teenagers, faced with reduced access to birth control, would reduce sexual activity. Unfortunately, that's not how the world works. Preventing them from gaining access to vital resources for preventing unwanted pregnancies and the spread of AIDS and other STDs will not change that. There will be more cases of AIDS and more teen pregnancies.

One in every five American youngsters is infected with some form of sexually transmitted disease before the age of 21. The fastest growing population of Americans who have AIDS is among 18–24 years olds. This amendment will increase the number of teenage pregnancies, abortions, and of youth who contract diseases.

This amendment also seriously encroaches on States' rights. It will nullify current laws that exist in 50 of the States that do not require teens to have parental consent for screening and treatment of STD's. It would also nullify laws in 28 States that permit minors to receive pregnancy testing services without consent, and in 24 States that explicitly allow teens to receive family planning services including the distribution of contraceptives. The amendment includes a provision that would allow States to enact new laws after passage of this bill, which would override the Federal requirement. This process is a costly waste of taxpayers' money and States' time when most of these services are time sensitive. These States have already decided this issue yet this amendment would nullify those laws. The majority has consistently fought to minimize large government and return power to the States, yet here it is attempting to overrule long standing State laws.

Enforced parental consent will also disproportionately impact low-income teens who can not afford needed services in private medical offices. The Labor, Health and Human Services, Education bill mandates that priority for family planning services be given to individuals from low-income families, as it should be. This amendment creates a double standard in availability of these services to adolescents. Confidentiality and access to vital services are already protected for those who can afford private health care. However, this amendment would restrict access to these services for those who can not afford private health care.

I encourage my colleagues to vote "no" on this amendment.

Mr. OBEY. Mr. Chairman, I yield 25 seconds to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding to me.

Under the Istook amendment, teenagers who are too afraid to consult their parents for advice will not get any advice at all. That could cost them their health, their future fertility, even their lives. We need a policy for the real world, not an ideal world.

Oppose the Istook amendment.

Mr. GREENWOOD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, imagine three children. The first child is the child we would all like to raise. The child abstains from sexual behavior long beyond their minority status. The second child makes a mistake and becomes involved sexually and that child has a great relationship with mom and dad, and the world works again as the gentleman from Oklahoma would like it to.

But, Mr. Chairman, there is a third child in the world and that is a lonely child with very poor parents, no communication skills, and the terror of being pregnant or suffering from AIDS. That is the child we need to think of in this vote.

Support the Obey amendment.

Mr. ISTOOK. Mr. Chairman, I yield the remaining 2 minutes to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I think everybody here wants the same thing for our children. The fact is that we do not know how well this system that we have works. And for the young third child that the gentleman from Pennsylvania [Mr. GREENWOOD] described, we have a problem, there is no question. We have a problem today with the system that we have.

Mr. Chairman, there are some things that we do know about title X. That where less money is spent, there is less pregnancy, there is less sexual activity, there is less sexually transmitted disease, there is less abortion. Where there is more money spent, there is more of each of those.

Mr. Chairman, I do not know what causes that. I do not know whether the cart is before the horse or after the horse. I honestly do not know. We do not know. We are all going based on what we think.

The one thing I do know as a practicing physician is that if a child comes into my clinic, a parent has to sign this permission slip to get a shot, to get a wound closed if the parent is not there, to get any service from me as a

physician. I have to have had the parent's permission to do that, with the exception of giving that child sexual activity protection.

Mr. Chairman, the point being we have to work through what the gentleman from Maryland [Mr. GILCHREST] says. If we fail in our responsibility as a parent, should the Government bypass that failure or should we work to reemphasize and replace the responsibility, hard as it may be, on that dysfunctional parent, on that failing family, on that failing parent?

What I say, and what I believe, is that we should work hard to move the responsibility back. Where we fail, let us correct where we are failing. Let us work to solve those problems, but let us not disinvolve the parent in this process.

Mr. Chairman, we cannot do both. Nobody questions the motivations of my colleagues when they think we should do it the other way. I think that they are just as well-intentioned as I am. I do not want the first child to get pregnant out of wedlock.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California, [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, as a mother of four, including a young adult daughter and a preteen daughter, I want my children to seek my advice if not my approval on health-related matters, particularly those related to reproductive issues. But their willingness to talk to me and their father is based on trust and respect and cannot be mandated by requiring parental consent.

The Istook amendment nullifies the statutes in the 49 States that allow teens to consent for screening and treatment for sexually transmitted diseases. It also nullifies the law in 23 States which explicitly allows teens to consent for family planning services.

This amendment undercuts any pretense of this body in assuring the primacy of States' rights. Mr. Chairman, the Istook amendment jeopardizes health, does nothing to bring parent and child together, and imposes Washington one-size-fits-all views on policies and procedures already decided by a majority of the States.

This is a tough vote, but it is clear to this mother that the right vote is in opposition to the Istook amendment and in support of the Obey substitute, which goes farther in encouraging parental involvement in important health and reproductive questions of our children.

Ms. WOOLSEY. Mr. Chairman, I rise in strong opposition to the Istook amendment to the 1997 Labor-HHS Appropriations Act.

Ladies and gentlemen, the proposal which we are discussing right now is one of the most cruel and irresponsible measures taken up by this Congress.

That is saying a lot, since this Congress should get the Olympic gold medal for cruel and irresponsible measures.

The Istook amendment will require teenagers to obtain parental consent for any title 10 services, including treatment for sexually transmitted diseases, pregnancy testing, or basic gynecological health care.

At first glance, that may seem benign. I'm a parent, most of our fellow colleagues are parents. Of course we want to be involved in our adolescent children's lives. Let's just say we're all for family unity, and get that argument over with now.

But the Istook amendment isn't benign, it is not about family unity. Indeed, the Istook amendment is a killer.

If passed, this proposal would prevent many young adults from receiving reproductive health care—care that could save their lives, care that could prevent abortions, care that could stop the spread of sexually transmitted diseases.

If passed, the Istook amendment would result in an enormous amount of misery for young women and young men. Young people who are just starting out and who may not have a sympathetic adult to turn to.

To me, that is unconscionable. But, I'm pleased to let you know that I'm not alone in my sentiment. I'm in good company. Listen to what the American Medical Association has to say about this proposal:

> The A.M.A. opposes regulations that require parental notification . . . since it would create a breach of confidentiality in the physician-patient relationship.

And this is what the American Academy of Family Physicians, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists have to say about the Istook amendment:

> Parental consent or notification provisions would be counter productive to the ongoing efforts of physicians and the Congress to prevent [unintended pregnancies and sexually transmitted diseases] among the Nation's young people.

These are the experts, folks. These are doctors, and they know what they are talking about.

I would also like to say, if one of your goals is to reduce the number of abortions, and if one of your goals is to cut the welfare rolls, you must vote against the Istook amendment.

Please remember, you will be asked to vote for a welfare bill in a few weeks which would drastically cut benefits to welfare recipients and their children.

Title 10 family planning programs prevent women from dropping out of the work force due to unwanted pregnancies. Title 10 family planning programs prevent welfare dependency.

I urge everyone in this Chamber to defeat the amendment. Prevent unwanted pregnancies which cause welfare dependency.

Do the right thing. Vote "no" on the Istook amendment. I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ISTOOK. Mr. Chairman, I demand a recorded vote.

Mr. CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] will be postponed.

PARLIAMENTARY INQUIRY

Mr. ISTOOK. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ISTOOK. Mr. Chairman, is it correct that no vote is taken at this time on the underlying amendment because first the substitute must be disposed of then, after a recorded vote and after the disposition of the substitute, there will be the disposition of the underlying amendment on which we have been debating?

The CHAIRMAN. The gentleman states the situation correctly.

Mr. ISTOOK. I thank the Chairman.

AMENDMENT NO. 28 OFFERED BY MR. MCINTOSH

Mr. McINTOSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Mr. Clark will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 28 offered by Mr. McINTOSH: Page 87, after line 14, insert the following new section:
>
> SEC. 515. None of the funds made available in this Act to the Department of Labor may be used to enforce section 1926.28(a) of title 29, Code of Federal Regulations, with respect to any operation, when it is made known to the Federal official having authority to obligate or expand such funds that such enforcement pertains to a requirement that workers wear long pants and such requirement would cause the workers to experience extreme discomfort due to excessively high air temperatures.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana [Mr. McINTOSH] and a Member opposed will each control 5 minutes.

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] reserves a point of order.

The Chair recognizes the gentleman from Indiana [Mr. McINTOSH].

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

Mr. Chairman, next to me here I have got a blowup of the weather map for today. The yellow spots indicate the 70 degrees, the orange is the 80 degrees, and the red is the 90-degree temperatures. This is a relatively mild day this summer, but as we can see, much of our country is covered in 80- and 90-degree heat.

But I am not here to give a weather report, Mr. Chairman. I am here to talk about an important issue that I would like to raise in this bill which we

have tried to resolve with OSHA, the Occupational Safety and Health Agency, and it has to do with their requirement that inadvertently, I believe, but nonetheless has the effect of requiring our paving crews, men and women who are working to build roads throughout America in this mid-summer heat, to wear long pants and long shirts.

Mr. Chairman, I want to read a quote from one of those men who works in a road project in my district, Roger Overby, who said, "Personally, I don't like the government telling me how to dress."

Every day this summer he and the other members of his road crew have been working hard on various projects in my district, and as it gets hot they have been asking whether they could wear shorts to work when they show up on these very hot days in the road crew. Unfortunately, this OSHA regulation has been interpreted in an inflexible manner rather than a commonsense manner to say that they must wear long pants and long sleeve shirts. The bureaucrats back in Washington, where it is air conditioned, may not worry about the effects of having to work outside in 100-degree heat, but I think it is time we listened to the workers who tell us they think they can handle this job safely in shorts and short sleeved shirts.

It is the intent of my amendment to allow the workers to notify their employers and OSHA of conditions where they feel the risk of heat exhaustion is greater than any risk they may have from handling the asphalt, and in that case the rules and regulations under OSHA's current standards, section 1926.28, would not require them to wear those long pants and those long-sleeved shirts.

Let me give a little background. Mr. Chairman. Last summer a company in my district, E&B Paving, was fined for allowing their workers to wear shorts on the job when temperatures exceeded 100 degrees. As a result the company now has a rule that they must always wear long pants and long-sleeved shirts.

Mr. Chairman, I want to read a couple of quotes from the workers. "I've laid asphalt for 20 years and I can tell you this is common sense. The temperatures are so hot, we would be able to decide for ourselves what we want to wear. Personally, I don't like the government telling me how to dress." Roger Overby.

"It is just overbearing. We need ventilation or we might have heat stroke. All we're asking for is a choice." Dennis Benefiel, E&B Paving Crew foreman.

"Sometimes the heat is well over 100 degrees and we actually had guys so hot because they are wearing long pants, they had to stop working and sit down in the shade in recover." That is from Ron Richmond who is a grade foreman.

My amendment, Mr. Chairman, is one that is very simple. It simply says that we are going to give the workers a choice that they can wear shorts this summer and in the future when they are working in the 90- and 100-degree heat to make our roads the best roads in the world.

The long and the short of it, Mr. Chairman, is let us give the road workers a break.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. McINTOSH. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, we accept the amendment.

Mr. McINTOSH. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] insist on his point of order?

Mr. OBEY. Mr. Chairman, I withdraw my reservation of a point of order and seek the time in opposition.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume. Let me simply say I am of a mixed mind on this amendment. The gentleman and I had a conversation earlier today, as he knows, and I indicated at that time that because he had described his amendment to me as being one which made clear that this was a matter of choice for workers, I told him I thought I would have no objection. The language is somewhat different than I had expected. I would have no problem accepting the amendment, provided that we understand that in conference I want to make sure of two things.

No. 1, that the language is sufficiently clear so that we know that it is a worker choice being exercised here. And second, I would simply note that when asphalt is being used on road surfaces, I am told that its temperature can exceed 300 degrees, and it can cause severe burns when it sticks to skin. So I reserve the right in conference to make certain that if workers are making a choice, it will be an informed one.

But having said that, I would withdraw my objection and accept the amendment.

□ 2215

Mr. McINTOSH. Mr. Chairman, I welcome the opportunity to work with the ranking member to address those concerns and conform the language to reflect exactly those concerns, because I think they are exactly what we are intending to do with this amendment.

Mr. DELAY. Mr. Chairman, I rise in support of the McIntosh amendment. This is a classic case of regulations gone haywire. Since when does the Federal Government get into the business of prescribing a dress code for a private company? How can an agency enforce such a regulation with a straight face.

We should give workers enough credit to let them decide what is appropriate dress to conduct their jobs. Contrary to what some bureaucrats may believe, the Federal Government does not always know best. As Roger Overbey, an equipment operator for a paving company in Indiana stated, "They don't think we have common sense. Personally, I don't like the government telling me how to dress."

I don't like it either. Federal bureaucrats in Washington, sitting in air conditioned rooms, should not be allowed to fine companies that try to keep their employees from getting heat stroke by giving them discretion to decide what they feel most safe and comfortable wearing to do their jobs.

The Federal Government may be Uncle Sam, but in this case it is the Wicked Stepmother. I urge a yes vote on the McIntosh amendment.

Mr. CLAY. Mr. Chairman, I must oppose the McIntosh amendment.

This amendment is a ridiculous exercise in micromanagement. The amendment supposedly attempts to prevent a Federal agency, the Occupational Safety and Health Administration, from enforcing a requirement that doesn't really exist, all because a State agency, in the sponsor's home State, levied a fine against a construction firm.

The paving contractor involved had allowed an employee to be exposed to hot paving material with no protective equipment for the employee's legs and feet. As a result, the contractor was fined by the State of Indiana OSHA.

In response, this silly amendment tries to prevent Federal OSHA from enforcing a regulation that supposedly requires workers to wear long pants in very hot weather.

But let's look at the relevant OSHA regulation. It doesn't require workers to wear long pants. Rather, all the regulation says is that the "employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where * * * [there is] the need for using such equipment to reduce the hazards to the employees."

Obviously, there are times when long pants are appropriate for safety purposes. For example, the National Institute for Occupational Safety and Health says that, because of the large risk of severe burns, workers who pour hot asphalt should wear long pants.

This amendment is a waste of the House's time. Since the State of Indiana OSHA fined the paving contractor, the gentleman should propose this amendment in the Indiana legislature, not here in the Congress.

This amendment should be defeated.

Mr. McINTOSH. Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. McINTOSH].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAMPBELL: At the end of the bill, after the last section (preceding the short title), insert the following new section:

SEC. . None of the funds made available in this Act may be used to order, direct, enforce, or compel any employer to pay backpay to any employee for any period when it is made known to the Federal official to whom the funds are made available that during such period the employee was not lawfully entitled to be present and employed in the United States.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California [Mr. CAMPBELL] and a Member opposed, will each control 10 minutes.

The Chair recognizes the gentleman from California [Mr. CAMPBELL].

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

The amendment that I propose at this point should not be necessary. It deals with something that is so obviously commonsensical that it is surprising that we need to address it but we do.

Here is the example. There are many others, but this is the illustration I would like to use. Illegal aliens come to the United States, violating our immigration laws, are hired by an employer. After several months, some of those illegal alien employees who are here in violation of our law engage in union activity. The employer fires them because they were engaging in union activity. That employer violates the National Labor Relations Act.

A few months pass, and the National Labor Relations Board holds that it was indeed a violation of the National Labor Relations Act to fire those employees whether they were legal or illegally in the United States because they were engaged in union activity.

So far, the story is common and not particularly surprising. But now it turns so. The National Labor Relations Board, as an example of what is done in other agencies as well but in this particular example, orders the employer to pay the salaries for these people who should not have been here in the first place from the time that they were fired to the time that they are ordered reinstated.

The Board has got a problem. It cannot order illegal aliens to be reinstated because they are not legally here. Nevertheless, it orders that a paycheck go from the employer to these employees who should not have been here for the period of time they were not working from the time they were fired to the time of the finding by the National Labor Relations Board.

Can we imagine anything sending a more mixed signal about America's immigration policy than a letter coming from a Federal Government agency, enclosing a check from an employer to a citizen of another country addressed to that citizen of that other country in that other country with a paycheck for the time that they were not actually even working in the United States when they should not even have been in the United States?

That is the situation I am dealing with in this amendment. Let me be clear what I am not dealing with. I am not dealing with an unscrupulous employer although in this instance there are two kinds of being unscrupulous, unscrupulous employer who did not pay at all for the hours worked. That would be subject to State law, not subject to Federal law.

What we are dealing with here is only when the employee is fired by the employer for a reason that violates Federal law and the remedy normally is reinstatement plus backpay during the period of time you are out of work, but it simply should not include backpay when the person had no right to be here in the first place. That is the situation before us.

This issue came to the U.S. Supreme Court in 1984. Justice O'Connor writing for the majority in the Sure-Tan opinion said as follows:

In computing backpay, the employees must be deemed "unavailable" for work, and the accrual of backpay therefore tolled, during any period when they were not lawfully entitled to be present and employed in the United States.

That is very clear statement of the law by the Supreme Court of the United States. We would think that would have settled it. It did not. Circuit courts have split in interpreting exactly that phrase, even though to me it is really quite clear.

So today we must clarify what is the intent of Congress. Should an employer who violates the labor law be cited by the National Labor Relations Board? Yes, of course. Should that employer be subject to a finding of illegality? The entry of an order and contempt citations for violating that order? Yes, of course.

But should that employer be forced to give backpay, to give pay to persons who did not work during the time calculated for this backpay when they should not even have been in the United States? Well, some say yes. What is their point of view. Why do they reach that conclusion?

The answer is in order to vindicate the purposes of the Federal statute, to punish the employer. I understand. But it seems to me that you must balance the other interests, namely in the immigration laws of the United States. Because to order an employer to pay somebody who is not working but had been discharged from work at a time when that person was not even legally in the country is to ask the employer to violate the immigration laws of the United States, to pay them when they should not have been here, when it would have been an illegal act for that employer to have hired them.

It is an absurdity which should be corrected. So how do we punish the employer? Well, other Federal statutes carry with them their own fines and penalties. The reason why this became an issue is that the National Labor Relations Act does not carry with it a fine unless an employer is ordered not to engage in particular conduct and then violates that order and then contempt citation is available. That still is a remedy available under the act.

In giving weight only to the vindication of the Labor Act, the decision in this particular case and others like it ignore the equally important, and in this area obviously ignored position is of immigration, that we are giving people an incentive, a welcome, a point of view that is inconsistent with their being here illegally.

The other argument raised in favor of this policy is, well, employers will be tempted to exploit illegal aliens. But let me go through exactly how fallacious that argument is. Nothing in this amendment takes away the obligation under State law for an employer to pay an employee for the time that that employee works. That is settled. That is not an issue in Federal law.

It is hard to believe that an illegal employee coming to the United States is drawn to do so by the prospect of receiving backpay for a period of time when they had been fired from their job in violation of the Federal Labor Relations Act. Surely, no illegal immigrant to this country is coming anticipating such backpay.

Is it a possibility that an employer will exploit an employee who is here illegally? Yes, of course that is. So we need to sanction the illegal employment of persons who have no right to be in this country. We do that directly under IRCA and under Simpson-Mazzoli, and we do that under other Federal statutes as well. That is the way to deter the hiring of the illegal.

Think of the attraction given to an illegal immigrant to our country. Think of the undermining of the policy of protecting our border by a message from the Federal government including in it a paycheck received during a time that employee had no right to be here.

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

Mr. OBEY. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 10 minutes.

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

I do not want to see illegal aliens in this country. I want our laws enforced. I do not want illegals to undercut the pay of U.S. workers. There is enough of that going on already. But I frankly am not at all sure that I like the idea of their getting backpay or any other pay. But it would seem to me that unless a provision is created by this

amendment that would require such pay instead of going to illegal aliens to go into the Treasury of the United States, then the amendment is deficient and would create an incentive for employers to fire or threaten to fire immigrants and to encourage immigrants to illegally work lest they be exposed by their employers.

It is bad enough for employers to hire workers who they know are illegals. But for them to take advantage of illegal aliens, pay them wages which are either substandard or denied at all in the end is to turn substandard wage workers into slaves. That would be even worse.

So I would simply suggest that, while the amendment may have a good intention, I do believe that it would have the effect of enabling some unscrupulous importers of illegal aliens to be able to avoid their legal responsibilities and to undercut American wages of American workers in the process.

I suspect this amendment is going to be accepted by the committee on the majority side, and there is not much I can do about that. But I will certainly, I want the gentleman to know, work in conference to try to correct the deficiencies that I see in this amendment because right now I honestly do believe that, despite the gentleman's best intentions, it does create loopholes for unscrupulous employers.

I do not believe by any means that scrupulous employers would take advantage of that loophole. But laws are not made for people for whom we have great expectation of compliance. Laws are made because we recognize that there are persons who are always looking to avoid compliance. So I express great caution to the House and reserve the balance of my time.

Mr. CAMPBELL. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I want to thank my friend and colleague from California for his very thoughtful approach to this. I must say that I disagree with his interpretation of that Supreme Court decision in the Sure-Tan case, which he cites, and say that the NLRB, the National Labor Relations Board, in its decision, I believe, was eminently correct in saying that backpay for anyone who is employed is appropriate because in this particular instance what the NLRB was trying to say is we must protect the provisions of the NLRA, National Labor Relations Act, which are trying to preserve rights for employees.

I would say to my friend that what we are really talking about is the fact that in this particular case at issue which caused the gentleman some concern and the case of Sure-Tan, what we have is a case where employees would have been paid for work which would have been performed but for the illegal, the unlawful firing by the employers of these particular individuals. That is why the NLRB decided that it was absolutely appropriate for backpay to be issued because, but for the unlawful activity of the employers, there would have been pay provided to these employees.

Now, we get to the next issue of, well, these individuals as employees were here without documentation and may not have been authorized to work. What the court has said, and I believe if we look to the case in the 9th circuit, I think it was the Filbro case, and I will try to get the specific citation in a second. What the 9th circuit said was that in fact the Supreme Court in the Sure-Tan case cited by the gentleman from California, the Supreme Court did not say that you should not award any type of backpay to someone who is undocumented.

□ 2230

But what you should do is make sure it is based on the status of the employee had it not been for the unlawful conduct of the employer. So had that employee been working but for the unlawful firing by the employer, then in that case if would be under the NLRA entitled to back pay as that particular employee.

What my colleagues would have, if they allow the gentleman's amendment to pass, is a case where they punish the employee for the employer's unlawful firing, and they do nothing to the employer. They let the employer escape all punishment for having committed an illegal act.

Sure-Tan, I would submit, is prospective; it is not retrospective as the gentleman from California, I would allege, is trying to make it. And for those reasons I would urge people to vote against this particular amendment.

Mr. OBEY. How much time do I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Wisconsin has 4 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding this time to me.

I agree that we should not allow people who are here illegally, want to be here illegally, and I voted for even tougher enforcement, but I am concerned about unjust enrichment of unscrupulous employers, and it does seem to have disincentive to have the incentive—many of these people employing people are here illegally know that they were here illegally, and they will have the incentive, it seems to me, to disregard, when they knew they had some illegal employees, the Labor Relations Act. And the problem is, the gentleman has made clear, the gentleman from California, the Labor Relations Act was decided to be one where the sanction included back pay. There is no fine in cases in part because it is back pay.

Therefore, I would be opposed to removing the current sanction without imposing another one. And I understand we have got some legislative difficulties, but the gentleman's party controls the agenda; why not bring a bill out that addresses this? Because what we are doing here is, by penalizing the illegal alien, which ought to be done, they are unjustly enriching an unscrupulous employer, indeed in some cases a twice unscrupulous employer, because they are talking now by definition about providing some monetary benefit to an employer who has, one, employed people who are here illegally, maybe knowingly, and, two, violated the labor laws.

So I would ask the gentleman, why not at the same time try to substitute some alternative sanction?

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I think the gentleman's analysis and that of our colleague from Wisconsin is correct. I think that the optimal way to solve this problem is to have a fine upon the employer equal to the amount of the back pay that would otherwise be due to the employees but as to which the employees are not eligible because they have no right to be in the country. That way we would achieve both the deterrent effect regarding the employers' violation of law and yet not give enrichment to the employee.

Mr. FRANK of Massachusetts. I agree. Why do we not do that?

Mr. CAMPBELL. If the gentleman continues to yield, I cannot do that under this appropriation bill. What I can do, what I am doing and what I have offered publicly and repeat in a conversation I have had earlier tonight——

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. FRANK of Massachusetts. Will the gentleman give us 30 more seconds of his time to continue this?

Mr. CAMPBELL. Might I inquire how much time I have?

The CHAIRMAN. The gentleman from California has 2 minutes remaining and the gentleman from Wisconsin has 2 minutes remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield 15 seconds to me?

Mr. CAMPBELL. I yield 15 seconds to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, as the gentleman knows, we can do a lot. I mean we could have gone to the Committee on Rules. I have seen broader gaps created by the Committee

on Rules to allow legislation than this one.

So I know the gentleman is sincere, but I would hope, and my colleague knows that the conference committees can do a lot, so I would hope out of a sense of decency the gentleman would follow through and that we would, in fact, substitute a sanction before this bill is through.

Mr. CAMPBELL. Mr. Chairman, is it correct that I do not close; the other side closes?

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has the right to close.

Mr. CAMPBELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, we would accept the amendment with the understanding that we would work this out in conference.

Mr. CAMPBELL. Mr. Chairman, I yield myself the balance of my time to close.

I think the correct answer is the one we have discussed tonight. I would like to move toward that.

My guess is it ought to be done through authorizing legislation, but by passing this appropriation provision I have the opportunity to bargain for that correct outcome.

I conclude simply by reading first of all a word of compliment.

Mr. FRANK of Massachusetts. Bargain collectively?

Mr. CAMPBELL. I believe in everyone's right to bargain collectively and their right to choose not to be represented by a union as well. And I would conclude with a word of compliment to my colleague from California who has graduated from a superb law school and whose excellence in legal training is demonstrated by his debating me tonight. My colleague from Massachusetts regrettably did not attend as well the law school. He attended the same law school I did, indeed 2 years behind me. But enough on that.

Let me close with a quotation with which I began. The Supreme Court Justice O'Connor, I believe, stated it correctly when she said in computing back pay the employees must be deemed unavailable for work and the accrual of back pay therefore told during any period when they were not lawfully entitled to be present and employed in the United States, end quote.

It seems to me so simple, so obvious, that to rule otherwise is to send a very confused message and to undermine the Immigration and Naturalization Act.

Mr. OBEY. How much time do I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Wisconsin has 2 minutes remaining. The Chair would hope that the gentleman uses his full 2 minutes because the Chair has enjoyed this introduction to law school.

Mr. OBEY. Mr. Chairman, I must confess that I am not a lawyer, and that is the first time in the week I have had any applause from that side of the aisle. Keep it coming.

I yield myself the balance of the time.

Let me simply say, Mr. Chairman, that I do believe that the way to deal with this is in the authorization process. I think that if this amendment were adopted into law in its present form, it would in fact create perverse incentives which would have the effect of encouraging illegal immigration, and that is why I do not personally want to accept it at this moment.

However, I understand that the majority is going to accept it. I will not press the point. I will simply say that we must work this out so that we can avoid a situation in which employers will wind up benefiting from their ability to break the law, and with that I would yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Chairman, having listened to the debate, I wonder if the chairman would summarize the difference between the Sure-Tan case and the Felbro case.

The CHAIRMAN. The Chair believes the gentleman has not stated an appropriate parliamentary inquiry.

The Chair will put the question, however, on the amendment from the gentleman from California.

The question is on the amendment offered by the gentleman from California [Mr. CAMPBELL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MICA: Page 87, after line 15, insert the following:

TITLE IV—HEAD START CHOICE DEMONSTRATION PROGRAM

SEC. 601. SHORT TILE.

This title may be cited as the "Head Start Choice Demonstration Act of 1996".

SEC. 602. PURPOSE.

The purpose of this title is to determine the effects on children of providing financial assistance to low-income parents to enable such parents to select the preschool program their children will attend.

SEC. 603. PROGRAM AUTHORIZED.

(a) RESERVATION.—The Secretary shall reserve, and make available to the Comptroller General of the United States, 5 percent of the amount appropriated for each fiscal year to carry out this title, for evaluation in accordance with section 608 of Head Start demonstration projects assisted under this title.

(b) GRANTS.—

(1) IN GENERAL.—The amount remaining after compliance with subsection (a) shall be used by the Secretary to make grants to eligible entities to enable such entities to carry out at least 10, but not more than 20, Head Start demonstration projects under which low-income parents receive preschool certificates for the costs of enrolling their eligible children in a Head Start demonstration project.

(2) CONTINUING ELIGIBILITY.—The Secretary shall continue a Head Start demonstration project under this title by awarding a grant under paragraph (1) to an eligible entity that received such a grant for a fiscal year preceding the fiscal year for which the determination is made, if the Secretary determines that such eligible entity was in compliance with this title for such preceding fiscal year.

(c) USE OF GRANTS.—Grants awarded under subsection (b) shall be used to pay the costs of—

(1) providing preschool certificates to low-income parents to enable such parents to pay the tuition, the fees, and the allowable costs of transportation (if any) for their eligible children to attend a Head Start Choice Preschool as a participant in a Head Start demonstration project; and

(2) administration of the demonstration project, which shall not exceed 15 percent of the amount received in the first fiscal year for which the eligible entity provides preschool certificates under this title or 10 percent in any subsequent fiscal year, including—

(A) seeking the involvement of preschools in the demonstration project;

(B) providing information about the demonstration project and Head Start Choice Preschools to parents of eligible children;

(C) making determinations of eligibility for participation in the demonstration project for eligible children;

(A) such children receiving preschool certificates under this title: and

(B) such children not receiving preschool certificates under this title.

SEC. 609. REPORTS.

(a) REPORT BY GRANT RECIPIENT.—Each eligible entity receiving a grant under section 603 shall submit to the evaluating agency entering into the contract under section 608(a)(1) an annual report regarding the demonstration project under this title. Each such report shall be submitted at such time, in such manner, and accompanied by such information, as such evaluating agency may require.

(b) REPORTS BY COMPTROLLER GENERAL.—

(1) ANNUAL REPORTS.—The Comptroller General of the United States shall report annually to the Congress on the findings of the annual evaluation under section 608(a)(2) of each demonstration project under this title.

(A) the annual evaluation under section 608(a)(2) of each demonstration project under this title; and

(B) each report received under subsection (a) for the applicable year.

(2) FINAL REPORT.—The Comptroller General shall submit a final report to the Congress within 9 months after the conclusion of the demonstration program under this title that summarizes the findings of the annual evaluations conducted pursuant to section 608(a)(2).

SEC. 610. NONDISCRIMINATION.

Section 654 of the Head Start Act (42 U.S.C. 9849) shall apply with respect to Head Start demonstration projects under this title in the same manner as such section applies to Head Start programs under such Act.

SEC. 611. DEFINITIONS.

As used in this title—

(1) the term "eligible child" means a child who is eligible under the Head Start Act to participate in a Head Start program operating in the local geographical area involved;

(2) the term "eligible entity' means a State, a public agency, institution, or organization (including a State or local educational agency), a consortium of public agencies, or a consortium of public and nonprofit private organizations, that demonstrates, to the satisfaction of the Secretary, its ability to—

(A) receive, disburse, and account for Federal funds; and

(B) comply with the requirements of this title;

(3) the term "evaluating agency" means any academic institution, consortium of professionals, or private or nonprofit organization, with demonstrated experience in conducting evaluations, that is not an agency or instrumentality of the Federal Government;

(4) the term "Head Start Choice Preschool" means any public or private preschool, including a private sectarian preschool, that is eligible and willing to carry out a Head Start demonstration project;

(5) the term "Head Start demonstration project" means a project that carries out a program of the kind described in section 638 of the Head Start Act (42 U.S.C. 9833);

(6) the term "local educational agency" has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965;

(7) the term "parent" includes a legal guardian or other individual acting in loco parentis;

(8) the term "preschool" means an entity that—

(A) is designed for children who have not reached the age of compulsory school attendance; and

(B) provides comprehensive educational, nutritional, social, and other services to aid such children and their families; and

(9) the term "Secretary" means the Secretary of Health and Human Services.

SEC. 612. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for fiscal year 1997, and such sums as may be necessary for fiscal years 1998 and 1999, to carry out this title.

SEC. 613. OFFSET.

The amounts otherwise provided in this Act for the following account is hereby reduced by the following amount:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, $15,000,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida [Mr. MICA] and a Member opposed will each control 2½ minutes.

Mr. PORTER. Mr. Chairman, I would reserve a point of order on the gentleman's amendment.

Mr. OBEY. Mr. Chairman, likewise I would also reserve a point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. MICA].

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

Mr. Chairman, this is a simple amendment. It does, however, create some problems because it creates a new title in the bill and actually some new authorization and will be called out of order, but I think it is important that we offer this amendment.

I am a strong supporter of Head Start, and Head Start should give our least advantaged children a head start in their education. The way I got involved in this is in a simple manner. One of the Head Start programs in central Florida, one of the parents who was involved in it came to me and said the Head Start program is not running well, it is disorganized, and they are spending a lot of money.

So I started looking into it to answer some of the constituents' complaints and concerns about how a child was faring in this program, and I really was startled to find that in a Head Start program in central Florida that serves two counties, that in fact we spend a total of $7,325 per student; that is local cost, that when one thinks the children had a head start with a certified teacher, that in fact there are 25 teachers in the program and 25 aides, not one certified teacher, and yet the program has almost 25 administrators for the program.

Now, the administrators in this program earn from about $20,000 to $50,000. The uncertified teachers make from $12,000 to about $16,000. And I thought it was time that we brought some of this administrative overhead to a halt and started concentrating on the quality of education in these programs so indeed we give our children a head start.

So that is the purpose of my amendment. It would create a demonstration program that would allow us to in fact have a Head Start program without all of this overhead, without all of this administrative cost, without all of this bureaucracy.

So it is a simple amendment. It takes Head Start. It allows Head Start, on a demonstration project basis, to proceed without the high administrative costs and overhead, and hopefully it can meet the intent of Head Start, which is to give our children a quality education.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. PORTER. If the gentleman is going to withdraw his amendment, I would not insist on it, no.

Mr. MICA. Mr. Chairman, in fairness to the gentleman and thankful for his cooperation earlier on another amendment, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The amendment of the gentleman from Florida [Mr. MICA] is withdrawn.

AMENDMENT OFFERED BY MR. GUTKNECHT

Mr. GUTKNECHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MICA: Page 87, after line 14, insert the following new section:

SEC. 515. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Minnesota [Mr. GUTKNECHT] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, I ask unanimous consent that the gentleman from Oklahoma [Mr. COBURN] control the 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PORTER. Mr. Chairman, I ask for the opposition time.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] will control 5 minutes in opposition.

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding this time to me.

I would first of all like to thank the committee Chair and the subcommittee chairman for their hard work to reduce spending. I do appreciate the hard work that they have put into this. This is a difficult challenge.

Just to restate what this is all about, this once again is the amendment to take 1.9 percent across the board from all of the discretionary spending in the remaining bills, and the reason of course is when we passed our budget conference committee report a few weeks ago, people on the other side of the aisle and frankly some of the people on our side of the aisle criticized us because we were allowing spending to go up. And in fact the deficit is going to go up this year contrary to what we were told last year.

So some of us got together, some of us freshmen, and decided that we were going to offer a 1.9 percent reduction on every bill that was remaining in terms of the appropriation bills to recover the $4.1 billion.

This is about keeping the faith, this is about keeping our promises, this is about restoring the American dream for our children, and if we are not willing, Mr. Chairman, to reduce this small

amount of expenditure, this 1.9 percent, how is it that we can look at our constituents and particularly the children in our districts and say that we are going to be able to make $47 billion worth of cuts in just a couple of years?

□ 2245

I think a journey of a thousand leagues begins with a single step. This is a very small step. It is a very small price to pay, but I think if we are willing to make these small sacrifices along the way, then ultimately we can balance the budget, we can secure a good future for our children. This is one small step.

I might add, Mr. Chairman, this 1.9 percent across-the-board reduction will reduce only $1.2 billion of the $66 billion in discretionary spending. This is only one-half of the increase over last year.

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

Mr. Chairman, this amendment may sound reasonable. I have to say to the gentleman from Minnesota and the gentleman from Oklahoma that I was actively supporting such amendments when the now minority party was in the majority. The difference, of course, was that their budgets were always going up. Ours have been going down. This bill, last year, cut $9 billion and carried 40 percent of the discretionary spending cuts that were enacted in the House.

And yes, the Senate and the President of the United States insisted on putting about half of that back in, so the final cut was only about $4.5 billion, but that is a very substantial contribution to deficit reduction.

This year we cut the salary and expense account by 2% on virtually every program and department and agency in the bill. The gentleman is proposing to cut roughly the same amount. The Committee bill essentially provides level funding. The gentleman's amendment would cut some of the real priorities in this bill that our side very strongly supports.

Job Corps, an excellent program; it would cut it by $21 million. The total JTPA, it would be cut by $75 million; health centers, $15 million; health professions, about $7 million; Ryan White, $15 million; the maternal and child health block grant, $12 million; Centers for Disease Control and Prevention, a very high priority, $41 million.

NIH would be cut by over $240 million. This institution is one of the highest priorities for Federal spending. The gentleman's amendment would cut cancer research in the National Cancer Institute $45 million; refugee and entrance assistance, by about $8 million; the social services block grant, that we just raised by $100 million, would be cut by $47 million; education for the disadvantaged, (title I) $127 million; special education, that the chairman of our committee came and said was such a high priority, and I agree with him, by almost $62 million.

I cannot accept the amendment because we have already made the cuts. We have already done what the gentleman is attempting to achieve. Once again, we would emphasize as appropriators, we cannot balance the budget by cutting just discretionary spending. What we must aim at is cutting the rate of increase in the entitlement programs, if we are ever going to get this budget into balance.

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

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, I rise in strong support of this amendment to the Labor-HHS-Education appropriations bill.

Mr. Chairman, the message was clear when I ran for the House of Representatives, the message was clear when we considered last year's appropriations bills, the message was clear when we passed this year's budget resolution, and the message is still clear as we consider the amendment before us: Washington spends too much of someone else's money.

Many of those someone elses are the hardworking men and women in southwest Indiana who sent me here to stand up and say no. They sent me here to say no to overtaxing families. They sent me here to say no to burdensome regulations that extinguish any spark of entrepreneurial spirit. They sent me here to say no to runaway government spending, which is why I stand before this body today.

It is a simple fact of life that someone is going to have to pay for our failure to act responsibly. Do not be misled. This 1.9 percent solution is nowhere near the answer to our budget woes. This simply will get us back to where we were a few short weeks ago. I ask for support of the amendment.

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

Mr. Chairman, the issue here is not whether or not our appropriations committees have done a good job. We think they have. The issue is that the national debt is rising by $600 million every day. What this amendment is talking about is saving two pennies, two pennies for our children, two pennies for our grandchildren, three days' worth of the rise in the debt. That is all we are talking about saving.

If we were going to go into a crisis situation where we were forced economically to make the decisions that are necessary to put our budget in balance, we would all agree that there would be efficiencies that could be gleaned that we are not gleaning at this time. There would be things we could accomplish that we are not.

The chairman of the committee said we essentially had a flat budget for Labor-HHS. I would respectfully disagree. Mr. Chairman, the point I would make is that a $2.5 billion increase in this appropriation bill is not seen as a flat budget by most of the people in the United States. What we are asking is that 1.9 percent, two pennies in savings, be accomplished. We can accomplish it through efficiency. It can be accomplished through flexibility and efficiency. The fact that we do not attempt to do that speaks poorly of us as a body.

Mr. Chairman, I would say this bill appropriates $65.7 billion in discretionary spending. The spending for the bill, including all the entitlements, is $285 billion. That portion of entitlements this does not affect. It does not change. I agree with the chairman that they have done a good job and that we need to control entitlement spending.

The fact is this House, this body, this administration, has not controlled entitlement spending. So what else are we to do to protect our children, to preserve the opportunity for the future? Two percent, 2 pennies in efficiency, our children are worth that, our seniors are worth that, the entire country is worth that. I would ask the body to consider saving two pennies for our children and grandchildren.

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

Mr. PORTER. Mr. Chairman, I yield the remainder of my time to the gentleman from Wisconsin [Mr. OBEY.]

Mr. OBEY. Mr. Chairman, I would simply say that the subcommittee chairman has already indicated why we should oppose this amendment. I do not know many of my constituents who are asking that we cut this bill, this bill's Cancer Institute funding, by $45 million; or that we cut our efforts to combat heart disease by $27 million; or that we cut our child care efforts by $18 million, especially in the midst of efforts to provide welfare reform; or that we cut Head Start by $68 million; or that we cut vocational education by $20 million; or that we cut the Federal work-study program, where students work for the assistance they get to go to college, by $13 million.

The preventive health services block grant, there is not a politician in this House who does not go home and repeat the mantra, "We must engage in preventative health care." This amendment would cut the preventive health service block grant by $3 million. I think the chairman has already adequately summarized why this amendment is ill-advised. I do not think the country wants us to provide billions of dollars in the purchase of new fighter aircraft that we do not need to buy until 7 years from now at the same time that we are even further reducing the efforts to help our children get a good education and our workers get the best training in the world.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT].

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. GUTKNECHT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] will be postponed.

PRIVILEGED MOTION OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer a privileged motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. SMITH of New Jersey moves that the Committee do now rise with a recommendation that the enacting clause be stricken from the bill.

Mr. SMITH of New Jersey. Mr. Chairman, I take these 5 minutes to make an inquiry of the gentleman from Wisconsin, Mr. OBEY, the ranking member on the committee, to ask him a question, a very simple question.

In looking at the amendment that he offered, the substitute to the Istook amendment, the Obey substitute, which in essence guts the parental involvement and makes it essentially a sense of the Congress, in looking at the language that has been given to us, at the top of it it has, from Planned Parenthood, their ID number, and it is a faxed copy of the language, apparently, and this is what I hope the gentleman will clarify, right from Planned Parenthood.

In title V, section 503, the legislation reads: "No part of any appropriations contained in this act shall be used to pay the salary or expenses of any grant or contract recipient or agent acting for such recipient related to any activity designed to influence legislation or appropriations pending before Congress."

Mr. Chairman, this may be in error, but we have from the gentleman's staff a copy of the language of the bill, and it has, from Planned Parenthood, their ID number, which suggests to this Member, and I hope the gentleman will clarify this, that this language was written and then tendered and offered to this Congress, written by Planned Parenthood. Is that the case?

Mr. SMITH of New Jersey. Mr. Chairman, I take these 5 minutes to make an inquiry of the gentleman from Wisconsin [Mr. OBEY], the ranking member on the committee.

I am holding in my hand the amendment that Mr. OBEY offered, the substitute to the Istook amendment, the Obey substitute, which in essence guts the real and tangible parental involvement provisions of Istook and makes it essentially a sense of the Congress. In looking at the actual page of text that was given to staff the amendment offered at the top of the page one immediately notices that it is a fax from Planned Parenthood. The question arises as to what role Planned Parenthood had in drafting the language. I hope the gentleman will shed light on this. Again, the top of the page reads as follows: From Planned Parenthood ID 202–293-4349. The Obey language then follows. Title V, section 503 of the labor HHS bill: "No part of any appropriations contained in this act shall be used to pay the salary or expenses of any grant or contract recipient or agent acting for such recipient related to any activity designed to influence legislation or appropriations pending before Congress." Mr. Chairman Planned Parenthood gets tens of million of dollars from title X—so its a fair question as to whether or not they are drafting amendments for themselves.

Mr. Chairman, there may be a satisfactory explanation for this but we have from the gentleman's staff a copy of the language of the bill, and it has "From Planned Parenthood," and their ID number, which suggests to this Member, and I hope the gentleman will clarify whether or not this language was written and offered to this Congress, by and for Planned Parenthood. Is that the case?

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, that is absolute, total nonsense and baloney. I absolutely totally resent the implication. Anyone who knows me knows I have been around here long enough to write my own amendments. I wrote this amendment in the full committee. I discussed it then. If the gentleman has a copy of something from Planned Parenthood, it is because they got a copy of the amendment and faxed it to somebody else, and the gentleman ought to know better than to even ask that question.

Mr. SMITH of New Jersey. Mr. Chairman, I am asking the question, they had no influence in writing this legislation?

Mr. SMITH of New Jersey. Mr. Chairman let the RECORD show that this page of text with "From Planned Parenthood" came from your staff. It is clearly a fair question as to who wrote this amendment? Did Planned Parenthood influence the text?

Mr. OBEY. You are asking what?

Mr. SMITH of New Jersey. I ask the gentleman, did they write the amendment?

Mr. OBEY. I wrote the legislation, every word of that.

Mr. SMITH of New Jersey. I appreciate that clarification, Mr. Chairman. We know they lobby and they do write legislation that ends up on this floor.

Mr. SMITH of New Jersey. I appreciate that explanation, Mr. OBEY. It's still a mystery as to how the language disseminated by your staff to ours ended up as a fax from Planned Parenthood.

Mr. OBEY. I do not write legislation for any lobbyist.

The CHAIRMAN. Does any Member seek time in opposition to the motion?

Mr. OBEY. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes in opposition.

Mr. OBEY. Mr. Chairman, I find the comment ironic, because for the last 2 weeks Planned Parenthood has been lobbying against my amendment, and only after they reached the rational conclusion that they could not win by following their own whim did they finally reluctantly come in behind my amendment and support it.

I have spent many an hour trying to persuade people that my amendment should be offered in order to demonstrate respect for the idea that we ought to support consultation with parents any time you have teenagers involved. The gentleman very well knows that for the first 10 days, Planned Parenthood was opposing my amendment, and only in the last day and a half did they agree to support it.

I would say that is about 10 days late, but I would rather have their support late than not have it at all, because I deeply believe that there is an obligation on the part of all of us, no matter what side of the issue we stand on, to try to work together to find common ground, rather than to always try to find ways to exploit differences. That is why I offered the amendment in the first place. That is why we had bipartisan support for it, because we were trying to demonstrate strong and sincere respect for the idea that parents ought to be consulted whenever possible.

I have worked with the gentleman time and time again trying to work out language on these touchy amendments, and the gentleman knows better than to even raise that kind of a question.

The CHAIRMAN. The question is on the motion offered by the gentleman from New Jersey [Mr. SMITH].

The motion was rejected.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE.

The CHAIRMAN. Pursuant to House Resolution 472, proceedings will now resume on these amendments on which further proceedings were postponed in the following order: Amendment No. 3 offered by the gentleman from Colorado [Mr. HEFLEY]; amendment No. 12 offered by the gentleman from Vermont [Mr. SANDERS]; amendment No. 5 offered by the gentlewoman from New York [Mrs. LOWEY]; the amendment offered by the gentleman from Maryland [Mr. HOYER] as a substitute for the amendment offered by the gentleman from Kentucky [Mr. BUNNING]; the amendment offered by the gentleman from Kentucky [Mr. BUNNING]; the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK]; the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK]; and amendment No. 23 offered by the gentleman from Minnesota [Mr. GUTKNECHT].

□ 2300

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

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 219, not voting 9, as follows:

[Roll No. 305]

AYES—205

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehrlich
English
Everett
Ewing
Flanagan
Foley
Fowler
Franks (CT)
Franks (NJ)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goss
Graham
Greene (UT)
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Kolbe
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Martini
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Zeliff
Zimmer

NOES—219

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Bateman
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bishop
Blumenauer
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Campbell
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Goodling
Gordon
Green (TX)
Gunderson
Gutierrez
Harman
Hastings (FL)
Hefner
Heineman
Hilliard
Hinchey
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Knollenberg
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mileender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Wolf
Woolsey
Wynn

NOT VOTING—9

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Yates
Young (FL)

□ 2322

Messrs. MILLER of California, GEJDENSON, KENNEDY of Rhode Island, BERMAN, and KLECZKA changed their vote from "aye" to "no."

Messrs. EVERETT, THOMAS, HOEKSTRA, CALLAHAN, and HILLEARY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont [Mr. SANDERS] on which further proceedings were postponed on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 180, noes 242, not voting 11, as follows:

[Roll No. 306]

AYES—180

Abercrombie
Ackerman
Andrews
Bachus
Baesler
Baker (LA)
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bishop
Blumenauer
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Chabot
Chrysler
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
de la Garza
Deal
DeFazio
Dellums
Dicks
Dingell
Dixon
Doggett
Doyle
Duncan
Durbin
Edwards
Engel
Ensign
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Frost
Furse
Gephardt
Gordon
Green (TX)
Gutierrez
Gutknecht
Hamilton
Hastings (FL)
Hefner
Hilleary
Hilliard
Hinchey
Hoke
Holden
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Martinez
Mascara
Matsui
McCrery
McDermott
McHale
McKinney
Meek
Menendez
Metcalf
Mileender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Poshard
Rahall
Ramstad
Rangel
Reed
Rivers
Roemer
Rohrabacher
Rose
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Smith (WA)
Spratt
Stark
Stokes
Stupak
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn

NOES—242

Allard
Archer
Armey
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chambliss
Chapman
Chenoweth
Christensen
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Ehlers
Ehrlich
English
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
Markey
Martini
McCarthy
McCollum
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meyers
Mica
Miller (FL)
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Regula
Richardson
Riggs
Roberts
Rogers
Ros-Lehtinen
Roth
Roukema
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Studds
Stump
Talent
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—11

Collins (IL)
Dunn
Gibbons
Gilman
Hall (OH)
Hayes
Lincoln
McDade
Petri
Yates
Young (FL)

□ 2381

Mr. DE LA GARZA changed his vote from "no" to "aye."

Messrs. EHRLICH, MEEHAN, and PETE GEREN of Texas changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MRS. LOWEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offerd by the gentlewoman from New York [Mrs. LOWEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 256, not voting 10, as follows:

[Roll No. 307]

AYES—167

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bilbray
Blumenauer
Boehlert
Bonilla
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Coyne
Cramer
Cummings
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilman
Gordon
Green (TX)
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Moran
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Porter
Rangel
Reed
Richardson
Riggs
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Tanner
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Zimmer

NOES—256

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonior
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martinez
Martini
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Minge
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Zeliff

NOT VOTING—10

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Petri
Yates
Young (FL)

□ 2338

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, on rollcall vote 307 I was unavoidably detained. had I been present, I would have voted "aye." I would have voted "aye" on the Pelosi amendment.

AMENDMENT OFFERED BY MR. HOYER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BUNNING OF KENTUCKY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland [Mr. HOYER] as a substitute for the amendment offered by the gentleman from Kentucky [Mr. BUNNING] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment offered as a substitute for the amendment.

The Clerk designated the amendment offered as a substitute for the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 220, not voting 13, as follows:

[Roll No. 308]

AYES—201

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bellenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn

NOES—220

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—13

Bateman
Blute
Collins (IL)
Dunn
Gibbons
Greenwood
Hall (OH)
Hayes
Lincoln
McDade
Torkildsen
Yates
Young (FL)

□ 2346

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BATEMAN. Mr. Speaker, I inadvertantly missed rollcall vote 308 on July 11, 1996. I would like to note for the record that I would have voted "nay."

AMENDMENT OFFERED BY MR. BUNNING OF KENTUCKY

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. BUNNING].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HOYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 421, noes 3, not voting 9, as follows:

[Roll No. 309]

AYES—421

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)

Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Zeliff
Zimmer

NOES—3

Beilenson
Houghton
Johnston

NOT VOTING—9

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Yates
Young (FL)

□ 2353

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. OBEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ISTOOK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment offered as a substitute for the amendment.

The Clerk designated the amendment offered as a substitute for the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 193, not voting 9, as follows:

[Roll No. 310]

AYES—232

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blumenauer
Blute
Boehlert
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Coyne
Cramer
Cubin
Cummings
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gilman
Gingrich
Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klink
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moran
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Orton
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Tanner
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Zeliff
Zimmer

NOES—193

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Forbes
Fox
Franks (CT)
Frisa
Funderburk
Gallegly
Gillmor
Goodlatte
Goodling
Graham
Greene (UT)
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kildee
Kim
King
Kingston
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McIntosh
McKeon
Metcalf
Mica
Mollohan
Montgomery
Moorhead
Myers
Myrick
Neumann
Norwood
Nussle
Ortiz
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen
Skelton
Smith (MI)

Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)

NOT VOTING—9

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Yates
Young (FL)

□ 0000

Mr. BONO changed his vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FOX of Pennsylvania. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The majority paging system is inoperative. Members should not rely on them for announcing votes.

This is a 5-minute vote.

This vote was taken by electronic device, and there were—ayes 421, noes 0, answered "present" 2, not voting 10, as follows:

[Roll No. 311]

AYES—421

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Zeliff
Zimmer

ANSWERED "PRESENT"—2

Forbes
Souder

NOT VOTING—10

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Smith (NJ)
Yates
Young (FL)

□ 0007

Mr. MORAN changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MR. GUTKNECHT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 111, noes 313, not voting 9, as follows:

[Roll No. 312]

AYES—111

Allard
Archer
Bachus
Baker (CA)
Barr
Barton
Bilbray
Brownback
Bunning
Burton
Campbell
Chabot
Chenoweth
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Doolittle
Dornan
Dreier
Duncan
Ewing
Fields (TX)
Funderburk
Geren
Goodlatte
Graham
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayworth
Hefley
Herger
Hoekstra
Hoke
Hostettler
Hunter
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
LaHood
Largent
Laughlin
Lewis (KY)
Linder
Lucas
Manzullo
McInnis
McIntosh
Metcalf
Meyers
Mica
Minge
Montgomery
Moorhead
Myers
Myrick
Neumann
Norwood
Nussle
Parker
Peterson (MN)
Petri
Pombo
Portman
Pryce
Quillen
Ramstad
Roberts
Roemer
Rohrabacher
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shays
Smith (MI)
Solomon
Souder
Spence
Stockman
Stump
Talent
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Weldon (FL)

NOES—313

Abercrombie
Ackerman
Andrews
Armey
Baesler
Baker (LA)

Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Bunn
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chambliss
Chapman
Christensen
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Hobson
Holden
Horn
Houghton
Hoyer
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
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Radanovich
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Richardson
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Ros-Lehtinen
Rose
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Roybal-Allard
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Sanders
Sawyer
Saxton
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Walsh
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Watt (NC)
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Waxman
Weldon (PA)
Weller
White
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Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Zeliff
Zimmer

NOT VOTING—9

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Yates
Young (FL)

□ 0014

Mr. BARCIA changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. STOKES. Mr. Chairman, I rise in support of the amendment offered by Mr. KENNEDY of Massachusetts. The measure would strike the provision in the bill that prohibits the National Institutes of Health from awarding grants under the Small Business Innovation Research Program unless the median grant score of the pool of these grants is equal to or better than that of investigator-initiated research project grants.

The provision as contained in the bill is unfair to small businesses. The small business segment of the U.S. economy produces the largest number of jobs and carries the country through good times and bad.

The variance in scores among these two very different types of grants should be expected as they have a different type of focus and purpose. Research project grants are intended to perform basic research in order to expand, enhance, and gain new knowledge. Small business innovation grants are for the purpose of developing products and for the commercialization of these products.

These two types of grants are very different. We must realize that in its current form the bill is mixing of apples and oranges. I understand from the small business community who competes for these grants, that at present, SBIR grant reviewers who are more experienced in basic research than in product development. If this is the case, SBIR grantees are being treated unfairly. To quote one of the small businesses in my district, "by requiring that the SBIR's have an equivalent or better median score to RO1's is like failing all oranges as fruit because they are not red enough or crispy enough for the apple inspectors."

Mr. Chairman, while the bill has brought critical attention to this important situation, pointing to the need to fix the program, we do not need to break it, to fix it as the bill would do in its current form. I urge my colleagues to be fair to small businesses. Vote "yes" on the Kennedy amendment.

Mr. HORN. Mr. Chairman, I rise today in support of H.R. 3755, particularly the provision in title I, section 105 which requires that no funds of the Department of Labor shall be disbursed "without the approval of the Department's Chief Financial Officer or his delegatee." The purpose of the provision is to ensure that the Chief Financial Officer has the authority necessary to oversee the finances of the Department in order to ensure fiscal accountability.

The Chief Financial Officer Act of 1990 is one of the most important pieces of legislation we have to ensure that the Federal Government adheres to effective financial management practices. The CFO Act demands that agencies get their financial affairs in order, that they prepare financial statements that can be independently audited, and that these financial statements receive a clean bill of health, that is, an unqualified opinion, from the auditors.

The CFO Act has been instrumental in changing the ethos in agencies from one of complete indifference about accountability to sober realization that fiscal accountability matters. A success story that appeared in the Washington Post on June 6, 1996, entitled "Cleaner Paper Trail Leads Out of the Woods," highlighted the National Park Service, an entity within the Department of the Interior. Stung by criticism in the House of error filled data and math errors that resulted in a $150 vacuum cleaner to be listed as worth more than $800.000 and a $350 dishwasher as a $700,000 asset, the Park Service overhauled its accounting practices and changed from being an agency with poor financial management to one that obtained a clean opinion on its fiscal year 1995 financial statements. Without the CFO Act, the poor state of financial management would have remained unrecognized and, therefore, uncorrected.

Section 105 of H.R. 3755 will provide the Chief Financial Officer of the Department of Labor with the authority he needs to ensure that Labor sees similar improvement in financial management during the years to come. As chairman of the Subcommittee on Government Management, Information, and Technology of the Committee on Government Reform and Oversight, which oversees the Chief Financial Officer Act, I commend Chairman PORTER and strongly support that effort.

[From the Washington Post, June 6, 1996]

CLEANER PAPER TRAIL LEADS OUT OF WOODS

(By Stephen Barr)

The National Park Service has received, in the parlance of the government's accountants, a clean opinion. Now the Park Service can prove its numbers add up, that its annual financial statements are accurate.

That did not seem to be the case last year. Bad data and math errors had led the Park Service to list a $150 vacuum cleaner as worth more than $800,000 and a $350 dishwasher as a $700,000 asset, according to testimony at a House hearing.

The Park Service, stung by the portrayal and the criticism by House Republicans, began an intensive effort to meet new accounting standards and prove that it knew where and how every dollar was being spent.

"We needed to restore that confidence," said Park Service Comptroller C. Bruce Sheaffer. In less than a year, the agency has overhauled its accounting practices and recently produced financial statements for fiscal 1995 that met with approval from the Interior Department's inspector general.

"The Park Service took aggressive action," Interior Assistant Inspector General Judy R. Harrison wrote, noting that the agency "has made significant improvements in the internal control structure."

The Park Service turnabout is but one of several underway in the executive branch. Until Congress wrote the Chief Financial Officers (CFOs) Act of 1990, the government did not have a comprehensive set of accounting standards. Since then, agencies and Office of Management and Budget (OMB) have been

working to improve federal financial management so that essentially the same standards applied to corporate America are applied to the government.

It has been a tough climb. Twenty-four departments and agencies are covered by the CFO Act, but only four have achieved across-the-board clean opinions: the Nuclear Regulatory Commission, the General Services Administration, NASA and the Social Security Administration.

But parts of Cabinet departments, like the Park Service, are meeting the new standards. More than half of the "entities" audited were judged clean last year, up from 33 percent in 1990.

One of the biggest tests will come next March, when the law will require the 24 agencies to submit audited financial statements to OMB. The next major step comes in fiscal 1997, when the law calls for a governmentwide financial statement to be prepared and audited.

Members of Congress—Republicans and Democrats—have consistently pressured agencies to comply with the CFO Act. Senate Governmental Affairs Committee Chairman Ted Stevens (R-Alaska), for example, will look at the Internal Revenue Service's financial management practices at a hearing scheduled for today.

By most accounts, the move to clean financial statements should give agencies a new way to demonstrate their integrity and enhance their chances of preventing financial scandals. Still, it has been a shock to several agencies that they are being held to technical standards they never were subject to before.

The Park Service, for example, was faulted by the Interior Department inspector general's office because the agency could not vouch for the accuracy of its debts or the money it was owed. All those concerns can now be set aside, Sheaffer said.

"We argued from the outset that nothing the IG found in any way supported the notion that we were wasting money," he said. "We believed then and now that we can account for every dollar spent . . . and now we've proved it."

The Park Service financial statement for fiscal 1995 recounts that the agency received about $1.4 billion in congressional appropriations and another $200 million from other revenue sources, such as fees and trusts. The agency employed about 19,000 full-time workers, but also relied on more than 77,000 volunteers.

The financial statement also includes "customer satisfaction survey results" for 1993–94. At 15 parks, for instance, 68 percent of the 2,533 survey respondents rated the quality of park personnel as "very good," the top category.

The statement shows the Park Service is cutting down on delays in repaying travel advances and now pays its suppliers and vendors more promptly. It also shows where the agency is spending its money, such as $37.9 million last year for "fire and emergency operations."

There's also eight pages of tables summarizing acreage within park boundaries. The grand total: 369 park areas containing 83 million acres. The government can claim "absolute ownership" of about 77.6 million acres of that land.

The cascade of numbers in the financial statement provides only a one-time snapshot of Park Service operations. The annual reports will assume more significance five and 10 years from now, Sheaffer said. "The measure of change has some importance to us, and over time, these numbers will take new meaning as they show change," he said.

While trend analysis may prove useful in the next century, Sheaffer noted there are some things financial statement can never measure or answer, starting with the mountains, lakes or historic buildings held in trust for the American people by the park system.

"How do you set a value on these assets," he asked. "How could you put a value on the Washington Monument?"

Mr. NADLER. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from California [Ms. PELOSI] to strike a rider in the Labor, Health and Human Services and Education Appropriations bill for fiscal year 1997, that would prohibit the Occupational Safety and Health Administration from using funds in the bill to develop standards on ergonomic protection for workers, or to record or report ergonomic-related injuries or illnesses.

This language is another attempt by the majority to shred and halt the progress of crucial worker health and safety protections. By prohibiting key protections, this language will place thousands of Americans, unnecessarily, at a great health and safety risk.

Ergonomic related injuries result from poorly designed work stations and repetitious work. Workers develop such debilitating ailments as carpal-tunnel syndrome, tendinitis, and back strain. These injuries account for one-third of all lost-time work injuries in the United States and represent the most significant safety and health problem facing American workers today. These injuries can have such painful, serious effects, that they are disabling and disruptive to the lives of those who suffer from them. Furthermore, the continual growth of ergonomic-workplace hazards places strain on the American economy, in lost work days, and increased health care costs.

Ergonomic workplace injuries and illnesses in this nation have skyrocketed in recent years. The reports of symptoms of carpal tunnel syndrome have increased for many workers. For example, 81 percent of telephone operators responding to a 1995 survey conducted by the Communications Workers of America reported hand or wrist pain.

This country is in dire need of stronger health and safety regulations. It is unacceptable that millions of Americans suffer from disabling work-related injuries each year when these injuries could be prevented by requiring OSHA to develop studies and standards that would ensure healthier workplaces.

Worse still, the authors of this provision don't even want OSHA to gather information on ergonomic injuries in the workplace. Apparently, when it comes to protecting workers' health, the majority believes that ignorance is bliss.

It is the role of this Government to work fervently, and responsibly to ensure a safe and healthful workplace for American workers, and for a productive economy.

I urge the Congress to support this amendment to strike the rider, and to support workplace protections.

Ms. DELAURO. Mr. Chairman, I rise to strike the last word. I rise in strong support of the Lowey/Castle amendment to restore $2.4 billion in funding for the National Center for Injury Prevention and Control at the Centers for Disease Control.

The National Center for Injury Prevention is the only government entity that addresses the issue of injury in a comprehensive manner and encourages an interdisciplinary approach to decreasing the burden that injuries place on society.

In the United States, 140,000 people die of injuries each year, and many thousands more suffer permanently disabling injuries. These deaths and disabilities lead to loss of productive years of life, as injuries are primarily a disease of the young and the leading killer of persons under age 44. Many injuries can be prevented, at a much lower cost than treating them. In addition, the severity and long term effect of injuries that do occur can be minimized through effective treatment and early rehabilitation.

But don't take my word for it. Let me read a passage from a letter I received from Dr. Linda Degutis, assistant professor at Yale School of Medicine and the codirector of the New Haven Regional Injury Prevention Program.

Dr. Degutis states:

> I have seen the increasing level of gun violence in New Haven and the surrounding areas. I have seen children die and adolescents face permanent disability due to spinal cord injuries and head injuries. Not all of these victims are victims of interpersonal violence. Many have attempted suicide. In the case of children, several have been unintentionally shot by other children, or caught in the cross fire between adults with guns. It is disturbing to see this on a daily basis, but viewing the effects of violence has served to strengthen my resolve to do something about it on a personal and professional level.

Continued support for the Injury Prevention program would allow scientists in the field of injury control, like Dr. Degutis in New Haven, continue their work in preventing a disease that has its greatest impact on young people. Projects funded through the Injury Prevention Program have already had an impact in decreasing injury morbidity and mortality from recreational activities, fires, bicycle crashes, falls, domestic violence, and other injury events. Restoring the funds for the center in New Haven will provide the opportunity for areas of research that have been ignored and developing interventions to decrease the toll that injury takes on our citizens.

What is tragic about the debate—and the attack on the Injury Prevention Program this morning—is that it is not based on the merits or quality of work of the projects funded by the Injury Prevention Program. It is a sell out to the gun lobby because of research that the Injury Prevention Program has compiled on firearm injury. These studies have found that guns in the home are actually dangerous to their owners.

Stripping the funds for the Injury Prevention Program will not make the tragic facts about gun violence disappear. Nor will it squelch public outrage and concern for our children that face the threats and fears of guns in their homes, in their schools or their playgrounds.

The Gingrich Congress, by voting to repeal the assault weapons ban showed its flagrant disregard for the will of the American people on this issue—all for the campaign money and

political paybacks that come from the gun lobby.

I urge my colleagues to support dedicated doctors and scientists—like Dr. Linda Degutis in New Haven—and vote to restore the $2.4 billion for the Injury Prevention Program. The safety of children in this country should be the No. 1 priority of the people's House—not political paybacks to the gun lobby. Vote for the Lowey/Castle amendment.

Mr. LEVIN. Mr. Chairman, I rise today in strong opposition to the bill. At a time when studies are showing an increase in drug abuse among young people, we can ill afford to freeze funding for drug prevention programs on the local level at an already grossly inadequate level.

Unfortunately that is exactly what this bill does by maintaining funding for the Center for Substance Abuse Prevention at essentially the FY 96 level.

The Center for Substance Abuse Prevention provides grants to local community-based organizations to develop strategies to prevent drug and substance abuse problems on the mainstreets of America. This agency is the only one on the federal level whose sole purpose and mandate is drug abuse prevention.

In 1996, the Center took a 62 percent cut in funding. This caused the Center to provide only partial funding to many projects and send out notices to 76 grant programs stating that funding was going to be cut off at the end of fiscal year. This will result in the loss of many vital ongoing projects covering pregnant women, children of alcoholics, children of drug abusers, and children who live in areas of high crime—totaling over 6 million people nationwide. Years of valuable research will be lost and already expended federal resources will be wasted.

By doing this, we will be undermining an important weapon to fight drug abuse—community involvement. This is not only foolish, it's poor policy.

By funding the Center at over $80 million below the Administration's request, Congress will undermine the new anti-drug strategy developed by General Barry McCaffrey, the nation's new Drug Czar, which focuses not only on eliminating the supply of drugs at the source but on reducing the demand for drugs at the local level.This too is unwise and counterproductive to our nation's interests.

In the war to prevent drug abuse, talk is cheap and knowledge is power. Sadly this bill has too little of the latter and too much of the former.

I urge my colleagues to defeat this bill so that we can send it back to Committee and get back one that helps local communities fight the drug war where it matters most—in our schools, in our homes, at our places of work, and on the mainstreams of America.

Mr. MARTINEZ. Mr. Chairman, I rise today in support of the amendment offered by my colleague from New York.

Tragically, many of those who are exploited under sweatshop conditions are children. And fortunately we have always made sure there were adequate funds for enforcement of child labor laws. I would remind my colleagues that this has historically received bipartisan support.

Let me remind you all that in 1990, then-Secretary of Labor Elizabeth Dole testified about the Department's need to crack down on child labor violators in the United States. The Secretary outlined a five point strategy which involved, in brief, vigorous enforcement, increased penalties, litigation, new steps to ensure safe and healthy jobs for youth, and a new task force combining the resources of several offices of the Labor Department.

The Department's enforcement effort, known as Operation Child Watch, utilized nationwide sweeps to find violators and take remedial action. That effort revealed violations in 2,800 instances.

As a result, Secretary Dole proposed legislation to significantly increase monetary and criminal penalties. Why? Because without vigilance and without sufficient funds for enforcement the situation would get worse. Knowing that, Secretary Dole said, and I quote:

> I am determined to fulfill another fundamental responsibility of the Department of Labor: Upholding the laws which protect children from exploitation and danger.

Mr. Chairman, both sides of the aisle have a responsibility to protect our children. Together we must continue this commitment to our Nation's youth by providing the resources for the department to investigate and penalize those sweatshops that exploit children.

If you don't believe there is a need, let me quote former Secretary Dole one more time. You know, if one child dies or there's a very severe injury, that's one too many. Right now, as you look at the totals, we had 22,500 children illegally employed in fiscal year 1989. For the first eight months of this fiscal year the number is 31,000. We are projecting that it may be as high as 40,000 by the end of this fiscal year.

That was six years ago, and unless we pass the Velazquez amendment that will restore much-needed funding to the Wage and Hour Division and the Bureau of International Labor Affairs, the situation will get even worse, both here and abroad.

I urge my colleagues to support the Velazquez amendment.

Mr. UNDERWOOD. Mr. Chairman, after enduring a 35% cut last year, this Labor, HHS, Education Appropriations bill slashes an additional $11 million from bilingual education. This cut is nothing but the latest in a series of backhanded attempts to wipe out this proven educational tool. It's a case of death by a thousand paper cuts. This bill also attempts to eliminate the professional cadre of bilingual teachers and support staff by killing professional development. This would be tantamount to having an Army without a West Point.

Because bilingual education opponents can't prove it doesn't work, I guess they figure they can ensure its failure by keeping our teachers from receiving necessary training. Teacher training funds are not specifically eliminated for any other education program. This bill doesn't ask Head Start teachers or special education teachers to do without additional training. Only bilingual education teachers are singled out.

Some Members of this House consistently argue against bilingual education because, as they say, "we need to teach our children English!" This is typical of the inaccurate stereotype of bilingual education as anti-English and is being anecdoted to death. I agree that we must teach our children English and any local bilingual education program that does not teach English is flawed. But a flawed program doesn't mean we do away with the educational tool. We don't threaten to take computers out of our Nation's classrooms when we hear about a poor computer literacy course.

Bilingual education works! I know because before I came to Congress I was a bilingual educator. I have seen first hand the positive impact of teaching in a language students can understand. And that is all bilingual education is—comprehensible instruction so that they don't fall behind in math, science, and history while they are learning English. It is not about ethnic politics its about educating our children.

Mrs. COLLINS of Illinois. Mr. Chairman, this bill, H.R. 3755, to make appropriations for the Labor, Health and Human Services (HHS), and Education Departments and various independent agencies, is a clear demonstration that the Gingrich Republicans care little about the people, little about community-based programs for prevention and early intervention, little about education, little about substance abuse prevention and treatment, and they care little about the workers of this country. Pure and simple.

The Gingrich Republicans have turned their cold shoulders to the children and elderly of this country by freezing funding for valuable Title I education programs for nearly 7 million disadvantaged children; freezing funding for employment training, school-to-work and summer jobs for youth; freezing resources for training and services for education equity designed for minorities and women—funding which has been the only source available to the local school corporations around the country; and freezing funding for special and vocational education.

This Labor-HHS-Education Appropriations Bill slashes funding for the Healthy Start program that has proven to be successful in preventing both high infant mortality and child abuse and neglect; it slashes funding for substance abuse and mental health services; and, it slashes funding for Education Goals 2000.

President Clinton has said he will veto this bill if it is sent to him as it currently reads. The Republicans know this. So why continue these games? I do not understand the sense of passing a bill we know will only be successful in shutting down the government, only be successful at hurting people, by denying education to those who need it, and by withdrawing services to the elderly.

I have been appalled at the tactics used by the Gingrich Republican majority in this 104th Congress to hold the Federal government and the American people hostage with their extreme ideological agenda. This bill continues that trend by using as weapons the programs of the Labor, HHS, Education Departments. It is yet another measure of the lack of respect shown by the Republican majority of this Congress for the Constitutional rights to which every citizen is entitled.

At every opportunity in budget negotiations from FY 96 and now for FY 97, the Republican extremists have simply refused to carry out their Constitutional responsibilities to govern. It is inconceivable that they could find a way to go from bad to worse, but they have with this bill. It is time for them to end the dangerous game of chicken that they have been

playing with the lives of American's children, seniors, disabled, and poor.

Mr. UNDERWOOD. Mr. Chairman, I rise to voice my concern over the dramatic cuts in education included in the FY97 Labor, Health and Human Services, Education Appropriations bill. After $1.1 Billion in education cuts already imposed by the 104th, this Congress continues to wage war on our schools by proposing $400 million in additional cuts for Fiscal Year 1997.

Under this bill my district of Guam would lose $1.7 million designed to keep our school environments safe and drug free, $200,000 in school improvement funds under Goals 2000, and $44,000 in Byrd Scholarships, just to list a few. In addition, special education will only receive level-funding which is totally inadequate given increases in enrollment and inflation. We can argue about what is or isn't a true cut but less money for more students at increased costs hurts any way you slice it.

If this bill passes, a host of worthwhile programs including Title 1 and bilingual education will become this Congress's latest road kill. The elimination and reduction of these programs have real impact in the lives of our students. The ability of the Guam Public School System to meet the needs of our students would be seriously impaired by these cuts. We all agree that schools need to prepare our children for the 21st century but we refuse to give schools the tools necessary to fulfill their basic responsibilities. How can we continue to ask our schools to do more with less?

Mr. ROGERS. Mr. Chairman, I rise today in support of the Black Lung Clinics Program and the Ney amendment to the Labor, Health and Human Services, and Education Appropriations for FY 1997.

This is not a program that receives much attention in the national media. Most Americans may not know it even exists. But to many in my part of the country, this is an essential program which provides relief and comfort for those afflicted with a painful disease.

Upon realizing that specialized medical services were needed for those working in our nation's coalmines, Congress in 1969 passed the Black Lung Benefits Act.

The main goal of the Black Lung Clinics is to keep respiratory patients out of the hospital by using preventative medicine and improving the quality of life of the men and women afflicted with lung disease.

The physicians and other health care professionals in a clinic in my district have developed health management techniques for patients with chronic lung disease, improving those patients' quality of life while reducing annual hospitalizations among the affected patient group by 70%.

The amendment from the gentleman from Ohio would restore $2 million for the program in FY 1997. It would enable the dedicated professionals to continue their work with their patients. The figures below indicate the Black Lung Clinics Program funding:

FY 1995: $4,142,000
FY 1996: $3,811,000
House FY 1997: $1,900,000
With Ney Amendment: $3,900,000

The Ney amendment would raise the funding level in FY 1997 by only slightly more than 2% above the FY 1996 level.

Many of us can never fully understand the sacrifices of the men and women who every day toiled in the depths of the earth. They are among the oft unappreciated laborers who provided this nation with the resources necessary to fuel our nation's industrial engine.

As we once needed them, they now need us. I hope my colleagues will join me in continued support for the Black Lung Clinics program. Please support the Ney amendment.

Ms. WATTS of Oklahoma. Mr. Chairman, I am very pleased to stand in support of H.R. 3755, appropriations for the Departments of Labor, HHS, and Education, and I am particularly pleased with the strong support this appropriations gives to education, especially Impact Aid assistance and student financial assistance.

Impact Aid is a necessary and justified program of federal financial assistance for school districts that are affected by a federal presence. I have been privileged to work closely with my colleagues to encourage full funding for Impact Aid. This legislation appropriates $728 million which is an 18% increase over the President's proposal and a clear demonstration of our commitment to these schools and their students.

Student financial aid also receives strong support in this legislation. The maximum Pell Grant award has been significantly increased, as has funding for the Federal Work-Study program. Federal Supplemental Education Opportunity Grants have been maintained at $583 million, and the TRIO program has been increased to $500 million.

I congratulate the Chairman and the Committee on bringing us a strong bill for education and I am proud to cast my vote in strong support of this legislation.

Mr. CASTLE. Mr. Chairman, I want to express my appreciation to the Appropriations Committee on its fair FY97 Labor-HHS-Education Appropriations bill. Crafting an appropriations bill while balancing the priorities of 435 Members of Congress is no easy task, and I recognize the constraints the Appropriations Committee faces. I believe that the Committee made a good faith effort to address labor, education, and health needs of our nation.

For example, in the area of higher education, the bill increases the maximum Pell Grant award to $2,500. For our elementary and secondary schools, it continues funding for Safe and Drug Free Schools and Title 1, and increases funding for Head Start and Impact Aid. In the area of health and human services, the bill increases funding for medical research and preventive services, as well as the Violence Against Women Act. The bill also continues funding for Title X and the Low Income Home Energy Assistance program.

Let me reiterate that the bill does not reflect all of my priorities as strongly as I would like, and I will support improvements in the level of education funding as the bill moves through the legislative process.

Last year, I opposed this Appropriations bill because I felt that the cuts in education were too severe, and I worked to increase funding for education programs. This year, the Committee has made a sincere effort to provide adequate funding for important programs that benefit our young people, the elderly, and those with limited incomes. This was accomplished within the limits necessary to continue on the course to a Balanced Budget which is critical to our children's future and the economic health of our nation.

Mr. SKAGGS. Mr. Chairman, I cannot support the drastic cuts to education contained in this year's Labor-HHS-Education Appropriations bill, and I urge a no vote on the bill.

The 104th Congress has already slashed education funding by over $1 billion. This bill would continue the dangerous trend toward disinvestment in education by cutting an additional $400 million.

We must reverse this dangerous course. A good education is no luxury—it is a necessity. Our economic growth and quality of life in the 21st Century depend on providing the best possible education for all of America's children.

Right now, teachers and schools are facing enormous challenges. Enrollments are increasing. Next year, we will have more students in school than at any time in history—51.7 million students—breaking the record set in 1971 when the baby boomers came of age. America's teachers also have to deal with larger numbers of students with inadequate English language skills, developmental problems, and disabilities.

This bill does not adequately address the challenges facing our schools.

The bill would stall the progress we have made in improving schools and teacher skills. It kills the Goals 2000 initiative, the Eisenhower Professional Development program, Star Schools, and Migrant Education. Together with the Title I Disadvantaged Education program, these programs constitute the core federal initiative to help schools and school districts assure that all students, particularly the most economically and educationally disadvantaged, have the opportunity to achieve their highest potential.

The bill also makes cuts in higher education. By eliminating new capital contributions to Perkins loans, the bill would deprive about 96,000 students of access to these loans. About half of these students come from families with incomes of less than $30,000, and they have no other resource to make up the difference.

Cuts to financial assistance for college students are particularly short-sighted. My sister and I were the first members of my family to finish college. Both of us relied on financial assistance. The authors of this bill evidently do not understand just how expensive a college education is. Or, they don't fully appreciate the central role that the federal government plays in helping students get through college or vocational courses.

A better future for the nation and for our families is inextricably linked to the investment we make in education. A highly-educated citizenry and workforce are crucial to keeping the democracy strong and to competing in a changing global economy.

I urge my colleagues to reject further education cuts and to vote against passage of this bill.

Mr. CLAY. Mr. Chairman, I rise in strong opposition to extreme Republican anti-labor riders in this legislation.

I had thought the radical House Republicans had learned their lesson last year, when the

legislative riders that they added to appropriations bills led to two government shutdowns. Here they go again, with two special interest provisions designed to weaken an agency that protects both working Americans and, ironically, many employees.

To start with, this bill already imposes a draconian cut in the budget of the National Labor Relations Board—a fifteen percent cut from the current level, and a twenty percent cut from the President's request. Cuts of these magnitude will only result in increasingly growing backlogs—backlogs that are in the interest of neither employees nor employers. But the special interests served by this bill don't care.

The first rider would prohibit the issuance of a final single location bargaining unit rule by the NLRB. But if Republicans were true to their principles, they would be supporting, not opposing, the issuance of a final rule.

Indeed, such a rule, by minimizing the need for case-by-case adjudication, would reduce expensive litigation and resultant delay. This would promote certainty, for the benefit for both labor and management. In addition, a rule would promote the more efficient use of Board resources, a crucial consideration in light of the drastic cuts in the Board's budget proposed in this bill. By opposing such a rule, the Republican are showing their hypocrisy.

The second rider would effectively force the NLRB to raise its business volume threshold for exercising jurisdiction over labor disputes. This is a major policy change that should not be adopted in haste on an appropriations bill.

Ironically, this change would not necessarily reduce the NLRB's workload, since jurisdiction would become an issue in many more cases.

Indeed, this rider shows how blind the sponsors are to the role and function of the Labor Board. The NLRB is a referee that maintains the rules of the game for both labor and management. It protects both employees and employers. The supporters of this amendment want to take away the NLRB's jurisdiction over smaller employers and restore the law of the jungle.

Is this really what the supporters of this rider want to see—the law of the jungle? Do the supporters of this rider really want to decrease protections for small employers? That's what this rider would do. Perhaps that's why both labor and management experts oppose this rider.

These riders are just another example of the extreme anti-labor animus of the House Republican leadership. They don't care about the facts, they don't care about the law, they don't care about the procedure, they just know they hate labor.

Let's strike these extreme riders from this bill. Let's help prevent another government shutdown.

Ms. ESHOO, Mr. Chairman, the shortsightedness of this bill should be obvious to us all. Inadequate funding for education compromises our children's future and the future of our nation.

Listen carefully to what's not being funded:

Compensatory Education—$475 million less.

Safe & Drug Free Schools—$99 million less.

Special Education—$306 million less.

Bilingual Education—$94 million less.

Goals 2000—eliminated.

Mr. Chairman, one cannot cut these programs without serious ramifications. Funding for education is an investment that we can and must make a priority.

I return to my district every weekend and one of the issues I consistently hear from my constituents about is the importance of education. Education is the very foundation upon which our nation is built and it is what will determine the very future of our citizenry and our country.

I urge my colleagues, Republicans and Democrats, to oppose this shortsighted bill.

Mr. BALLENGER. Mr. Chairman, I support the bill under consideration today.

Many of us in Congress have been critical of OSHA. We've claimed that the agency has been overreaching and lacking in common sense in its regulations. We've claimed that it is adversarial and punitive in its enforcement, and noted that it has not been cost effective in promoting worker safety and health.

The Clinton Administration has agreed with many of our criticisms of OSHA. For example, just one year ago, President Clinton, speaking at a small business in Washington, D.C., called for creation of "a new OSHA," an OSHA that puts emphasis on "prevention, not punishment" and uses "commonsense and market incentives to save lives." Vice President Gore was even more direct when he spoke to the White House Conference on Small Business last year. He said:

> I know that OSHA has been the subject of more small business complaints than any other agency. And I know that it is not because you don't care about keeping your workers safe. It is because the rules are too rigid and the inspections are often adversarial.

In criticizing OSHA, we've said nothing more than OSHA's record surely shows. Despite spending over $5 billion in taxpayer funds over the past 25 years, there is little evidence that OSHA has made a significant difference in the safety and health of workers.

Other examples and studies show that OSHA's focus on finding violations, no matter how minor and insignificant, has made OSHA ineffective in improving safety and health in the workplace. Why? One reason is that when the focus is on issuing penalties rather than fixing problems, there is much less attention paid to fixing problems. One study showed that the time required of OSHA to document citations increased an average inspection by at least 30 hours, thus greatly decreasing the number of workplaces OSHA could inspect. Penalties are sometimes necessary to compel irresponsible employers to address health and safety for their workers. But, as the Clinton Administration has said, inspections and penalties have not produced safety. It is time to find new ways of operating.

Just recently the Assistant Secretary of OSHA criticized this bill for cutting OSHA too much. But, in fact, these modest "reforms" do not undercut safety and health. This bill attempts to reorient OSHA by targeting more funds toward compliance assistance which helps employers and employees in creating a safe workplace. Putting greater focus on compliance assistance is precisely what the Assistant Secretary has asked for. The bill does make modest cuts in the agency's budget, but, simply adding resources without real reform is not going to make the agency more effective—and adding more resources is not likely to happen without reform.

In addition, the bill retains language prohibiting the agency from issuing a mandatory standard related to ergonomics. Last year, OSHA issued a draft proposal on ergonomics that was too broad, too vague, and failed to recognize that the science of ergonomics is a complex field of study, still in its infancy. In the scientific community, there is little consensus on ergonomics or how best to treat and prevent these problems. Yet, OSHA came up with a one-size-fits-all standard that fails to acknowledge the difference between businesses. A chicken plant operates differently from the textile industry. Each has unique distinctions that make a one-size-fits-all government mandate impossible to "fit" these different situations.

As a small businessman myself, I can tell you that I believe ergonomics and understanding its impact on the workplace should be an important part of any business' occupational safety and health approach. It is important for each ergonomics program to address the individual needs of the workplace. We need a responsible proposal, based on sound scientific evidence and cost-benefit analysis. OSHA's one-size-fits-all ergonomics policy doesn't address these concerns.

Last year, and it still applies, it was noted that the draft ergonomics standard could bankrupt small businesses with little corresponding improvement in worker safety and health. For instance, in order with OSHA's proposal many small firms would need to hire an ergonomics expert—an expense that small companies could not absorb, especially on top of the new wage increase that will likely become law soon.

Consider also, that in Australia, when an ergonomic standard was adopted in the 1980's, injury rates increased. Workers' compensation costs increased as much as 40 percent in some industries, and a single company lost more than $15 million in 5 years due to increased production costs.

The prohibition on OSHA's one-size-fits-all policy ergonomics policy should continue until we have a better understanding of the specific factors that cause the injuries and assurances that it will be based on sound scientific analysis.

In my view, OSHA would be more effective by working with employers rather than creating a confrontational sitting. OSHA's emphasis on issuing penalties, even for relatively minor problems and violations, not only a matter of great annoyance and sometimes financial burden to business, but tremendously inefficient from the standpoint of using OSHA's limited resources to effectively promote safety. Each year, OSHA spends about ½ million additional man hours citing and documenting penalties on paperwork violations, even where the employer makes the changes. In other words, this is time spent just for the purpose of issuing penalties for violations in which there is no direct threat to an employee's safety or health. A couple of journalists reported recently that another 100,000 hours are spent by OSHA each year responding to unfounded

complaints. No private employer in our country could waste resources on unproductive activities the way OSHA has and stay in business.

Second, OSHA should be viewed as more of a catalyst for improving and promoting safety and health, rather than simply an enforcer of government rules. Thus, employers with good safety records, or those who have retained the services of someone who is knowledgeable about safety and health in their workplace, should be encouraged to do so.

Changes are long overdue to make OSHA less adversarial, more cooperative, and more focused on real health and safety. It is not a matter of reducing our commitment to workplace safety and health. It is an opportunity to work more effectively to encourage productive, competitive, and safer workplaces. I will continue to push for these types of changes, and the appropriation bill before us today takes a few modest steps toward that goal.

Mr. CLAY. Mr. Chairman, I rise in support of the amendment of the gentlewoman from New York [Ms. VELÁZQUEZ].

Only 2½ weeks ago, the Wall Street Journal ran an article documenting the extent to which the minimum wage and overtime law is routinely violated in this country. That article cited estimates by the employment policy foundation, an employer-funded think tank, that workers lose 19 billion dollars a year in unpaid overtime. The employment policy foundation estimates that one out of ten workers is regularly cheated out of overtime. Most other observers believe that is a conservative estimate. More than 60 percent of those workers who are not being paid the wages they have earned are earning ten dollars an hour or less.

In Specific industries, such as the garment industry, minimum wage and overtime violations have reached epidemic proportions. In 1994, a random check of 69 garment manufacturers in southern California by the Department of Labor found that 73 percent were not maintaining payroll records, 68 percent were not paying overtime, and 51 percent were not even paying minimum wages. The problem has become so serious that legitimate employers who seek to comply with our labor laws are being driven out of business.

At a time when corporate profits are skyrocketing, working families are seeing their income stagnate and decline. Between 1973 and 1994, the number of families with two working parents increased by 56%. Yet, despite this increase median family income was virtually unchanged. Since 1989, average family income has declined by more than $2,000.

No one claims that improving enforcement of the labor law will reverse the decline in average family income by itself. We do claim, however, that the failure to address the problem can only accelerate the trend.

Nineteen billion dollars in unpaid overtime amounts to a gigantic income transfer program. But it is Robin Hood in reverse. We are taking money from the poor and giving it to the rich. And we are allowing it to be done in violation of the law.

The amendment offered by the gentlewoman from New York is a very modest effort to attempt to restore some assurance to American workers that their government will act to enforce the labor law. We are seeing in this country a re-emergence of the kinds of sweatshop and slave labor situations that should have been eradicated for all time more than 50 years ago. Continuing to allow these kinds of abuses to fester and grow undermines the standard of living of workers and of the economy as a whole. I urge my colleagues to vote for this amendment.

Mr. DIXON. Mr. Chairman, I rise in opposition to the fiscal year 1997 Labor, Health and Human Services, and Education Appropriations bill (H.R. 3755). The Republicans call this year's funding levels in the bill a "freeze" of last year's levels, with some programs receiving small increases, and others receiving slightly reduced amounts. But this so-called "freeze" in funding leaves many Americans out in the cold by failing to maintain vital services.

In the Department of Labor, funding for summer jobs is frozen at the 1996 level of $625 million, which will support 79,000 fewer jobs than this year. At a time when so many of our nation's youth grow up in deteriorating neighborhoods with few employment opportunities, it is essential that we continue to provide these young people with the opportunity to acquire valuable work experience.

The Occupational Safety and Health Administration (OSHA), which enforces America's workplace safety laws, is funded at $297.7 million. This $6 million cuts from last year may not appear to be huge in these austere times, but it is substantially below the $340 million level which the Administration believes is necessary for workplace safety. OSHA has worked to create a safe environment by reducing workplace fatalities by more than 50 percent and injuries and illnesses by 22 percent over the past 25 years. Why jeopardize the progress we have made?

The measure short changes American children through its education funding levels. The bill eliminates funding for Goals 2000, which means that federal efforts already underway to raise academic standards and to encourage students to work hard to meet those standards would be terminated. Nearly six million children in 12,000 schools would be affected. Title I Compensatory Education grants to local education agencies are frozen at the 1996 level of $6.7 billion; given inflation, fewer funds will be available to provide students the assistance they need in basic reading and math.

While we decry the condition of our nation's schools and the inability of American students to compete successfully against their European and Asian counterparts, we continue to deny our children adequate funding for programs which will improve their education.

Finally, let me highlight my particular concern about the level of funding in this bill for substance abuse prevention. The Committee has recommended $94 million for the substance abuse prevention program. While this is a $4 million increase above the 1996 level, the 1996 appropriation of $90 million was a devastating $148 million decrease from the 1995 amount. As a result of the huge 1996 cut, nearly five million youth will be denied access to services which are crucial to helping them avoid the problems associated with substance abuse.

The Community Coalition for Substance Abuse Prevention and Treatment, located in my district, is one of a number of groups across the nation which work diligently to eradicate drug abuse in our communities and which will now be denied funding. As we consider the impact of these cuts on groups like the Community Coalition, we would do well to remember the adage, "An ounce of prevention is worth a pound of cure;" perhaps nowhere is this adage more fitting than in the field of drug abuse prevention.

Mr. Chairman, this bill puts the freeze on employment for youth, worker safety, substance abuse prevention, and the ability of the next generation of Americans to compete in the global marketplace. We cannot afford to turn our backs on the need for investment in the human capital of this nation. H.R. 3755 is ill-advised and should be defeated.

Ms. JACKSON-LEE of Texas. Mr. Chairman, bilingual education has proven to be the most effective tool for successfully teaching English and other subjects to limited English proficient children, integrating them into our schools and society, and helping them to become valuable, productive members of the U.S. economy.

Bilingual education helps children get started in substantive schooling while also learning English. Studies have found that providing Limited English Proficient [LEP] students with substantial instruction in their primary language does not interfere with, or delay their acquisition of English language skills, but helps them to catch up to their English-speaking peers in English language arts, English reading and math. Indeed, studies have conformed that bilingual education students make greater gains than the students who received all instruction in English.

Bilingual education programs encompass a variety of approaches such as: combining English as a second language [ESL] classes for English language instruction with English-only submersion for other subject areas, combining native language instruction in some classes with structured English immersion strategies in other subject areas, dual immersion programs, and endless other combinations.

Despite differing methodologies, all bilingual education programs involve substantial coursework in English. English is the medium of instruction in bilingual classrooms from 72 to 92 percent of the time, depending on grade level. Furthermore, all bilingual education programs are transitional. The average length of stay in these programs is only 2–3 years.

The primary goal of these programs is the development of English language skills to prepare LEP students to enter mainstream English classrooms. These programs give LEP students a foundation so they can effectively compete with their fluent English peers when they are completely transitioned out of bilingual education programs. Bilingual education programs produce students who have a good knowledge of English so they can compete with other students on a level playing field. As our country becomes more and more language-diverse, these classes play a major role in the education of our Nation's young people.

In order for the U.S. to be competitive in the 21st century, it is essential that we have an intelligent and highly skilled labor force. The only way to create such a labor force is through an education system that addresses

the needs and makes use of the special talents of all the Nation's children.

Diversity in people and languages is not a national threat, but an advantage. In today's information age, we have the ability to connect with individuals across the globe. The movement of people across countries and continents has intensified. Our businesses, too, have increasingly moved into the broader world marketplace where the most influential language is that of the customer. Therefore, the 32 million Americans who speak languages in addition to English are at competitive advantage.

We should view bilingualism as a resource and an asset. And we must view bilingual education as a necessity. Bilingual education is extremely important and should be retained. As the National Education Association has said:

To silence today's children in one language, while they learn another, defies logic and common sense. But to value what they bring to the classroom and build on it makes infinitely greater sense in today's world.

We give immigrants hope to become fully part of the American dream by helping learn the skills to survive.

Mr. FAZIO of California. Mr. Chairman, I rise today to oppose the funding measure before us. While Chairman PORTER and the other members of the subcommittee have worked to produce a bill that is much better than last year's legislation; I believe that it still falls short of the important needs of our children and schools.

Let me first commend the efforts of the subcommittee for their efforts in the field of health research. Given the many funding restrictions, I am pleased that the National Institutes of Health have received an increase of 6.9 percent. NIH is the world's leading biomedical research institution and funding such research is today's investment in America's future.

However, I am troubled by the cuts the bill makes to the education budget. These cuts fall below the level necessary to keep up with inflation and projected future growth. Moreover, such decreases would result in a total cut to education programs of 7 percent below the fiscal year 1995 levels at the same time that school enrollment is projected to increase by 7 percent. Similarly, Perkins loans and State student incentive grants are eliminated, affecting over 220,000 college students. Goals 2000 education reform and Eisenhower teacher training grants are also eliminated.

The bill provides $475 million less for title I funding than the president requested; $307 million less for special education; and $729 million less for student financial assistance. Funding for Safe and Drug Free Schools is cut $25 million below last year's level, and billingual education is cut $11 million below last year's amount.

These proposed cuts in education funding run the risk of creating a real crisis in education for the Nation's children. State and local governments already face difficult challenges in educating our children given the growing demands placed on schools at a time of constrained budgets and aging facilities.

I believe that these cuts are dangerously short-sighted. Funding education programs and initiatives should be one of the top priorities in creating a better future, both for the Nation and for individual families everywhere. Indeed, a better educated citizenry and workforce are critical to competing in the changing global economy and in maintaining a strong democracy.

In addition to the cuts in education, the bill also contains unnecessarily harsh cuts in programs needed to enforce labor, wage, and health standards for American workers. For example, the bill provides $43 million less than the President requested for OSHA, and $46 million less for enforcement of employment standards, including wage and hour standards. Funds for the National Labor Relations Board are cut $25 million or 15 percent below last year's level.

The American worker has been under attack since the first day of this Congress. These men and women are the engine of our economy and they deserve to be treated with dignity and respect. They also deserve a safe workplace. I am very pleased that the amendment offered by my colleague from California, Mrs. PELOSI, was accepted by the House. This important amendment deleted a rider that would have banned OSHA from protecting workers from musculoskeletal disorders, which represent America's fastest growing workplace health problem. In spite of our budget constraints, we must not retreat from worker protection laws that have benefited thousands of American workers.

As I stated at the outset, this bill is much improved over last year's Labor-HHS bill. However, critical funding deficiencies remain and I urge my colleagues to vote "no" on this bill.

Mr. BENTSEN. Mr. Chairman, I rise in opposition to the fiscal year 1997 Labor-HHS appropriations bill. While it is much improved over last year's bill, this legislation does not meet the needs of millions of Americans who rely on this funding for education, job training, workplace safety, and family planning.

On the positive side, I am pleased that this legislation increases funding for health research at the National Institutes of Health and related agencies. This bill provides $12.7 billion for the NIH, an increase of 7 percent over fiscal year 1996. This investment in medical research is cost-effective and will help improve our Nation's health. As a result of this research new medical treatments will be discovered that will lower health care costs and improve the lives of patients with AIDS, cancer, heart disease, Alzheimer's, and other illness. As the representative for Texas Medical Center, I am keenly aware of the tremendous advances being made by medical researchers and of the funding pressures researchers face for the health of our Nation and for the good of our economy, a strong NIH budget is one investment we must continue to make even as we seek to balance the Federal budget.

But the rest of this bill fails to set the right priorities, especially in the area of education. Our constituents do not want this Congress to cut funding for education. In the Houston area, cuts of over $475 million in title I compensatory education for economically disadvantaged children will hurt every one of our school districts, including Fort Bend, Houston, Pasadena, and Goose Creek. These cuts could result in fewer teachers, larger classes and higher local property taxes.

Furthermore, cuts in bilingual education and the Safe and Drug-Free Schools Program will dramatically hurt the ability of schools to provide adequate education for thousands of Hispanic-Americans and to meet the safety needs of all Houston area students. The complete elimination of the Goals 2000 and Eisenhower Professional Development Programs will also prevent schools from incorporation innovative, locally developed teaching techniques into the classroom.

This bill also dramatically cuts Student Financing Aid Programs. Too many Americans are already struggling because of the high cost of higher education. As American workers face increased foreign competition, higher education is more necessary than ever before. Over 82 percent of undergraduates at Houston's Rice University, one of the premier universities in the United States, receive financial aid by cutting Perkins loans and eliminating State student incentive grants, we are sending a message to America's youth that higher education will be harder to afford. That is wrong.

This legislation also reflects the Republican leadership's disdain for American workers. It recklessly and foolishly cuts the Occupational Safety and Health Administration budget by 13 percent and the National Labor Relations Board by 20 percent.

The two agencies responsible for ensuring worker's safety and rights are singled out for dramatic and unnecessary cuts. The Republican leadership places unnecessary restrictions on both OSHA and the NLRB on how the perform their mission.

Finally, I would like to point out that members of this Congress once again have attempted to gut our Nation's Family Planning Program. Title X provides essential health care services for thousands of low-income women each year. Without family planning, American women would not have access to the safety medical care possible, and I am pleased that the Congress rejected any attempt to limit or eliminate this vital program.

In summary, I urge my colleagues to oppose this misguided legislation because of its dramatic effects on the America's working families. It does not meet the needs of millions of Americans who rely on funding for education, job training, workplace safety, and family planning, and should be rejected.

Mrs. MALONEY. Mr. Chairman, I rise to speak in opposition to the Istook amendment.

Title X is the only Federal program that prevents unintended pregnancy and reduces the need for abortion. In my State alone, 300,000 women and teens rely on title X for their only reproductive health care.

The radical right is once again putting politics ahead of people by attempting to require young people to obtain their parents' consent for family planning and other health care services. This requirement will cause many teens to delay, or, worse yet, avoid seeking essential health care services—placing their health, future fertility, and even their lives at risk.

I agree that ideally, teens should be encouraged to talk to their parents about all health care decisions, including those of reproductive health. But, we don't live in an ideal world, and millions of teens don't live in ideal families. Study after study has shown that when

parental consent is mandated by law, adolescents will delay or avoid seeking needed care.

How can anyone oppose such an essential program? Whose best interests are being served? Certainly not those of American teenagers, families, and women.

Once again, the new majority has put the radical right's agenda ahead of good government.

Consent to give teens the right to make good health decisions, and the right to basic health care services. Oppose the Istook amendment.

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Lowey-Morella amendment to provide $2 million in funding for the women's Educational Equity Act. The funding was eliminated under this bill and must be restored.

The Women's Economic Equity Act was established in 1974 to help achieve educational equity for women and girls. Since that time the act has funded research, development, and the dissemination of curricular materials, training programs, guidance and testing materials—all to combat inequitable educational practices.

Here are some facts:

Boys often demand and receive more teacher attention than girls; they are praised more and challenged more by their teachers.

According to the Department of Education, boys outscore girls in math, science, and history by their senior year.

This is unfair and this money must be restored.

I urge all my colleagues to support and pass the Lowey-Morella amendment.

Mr. PORTMAN. Mr. Chairman, I rise to express my strong support for the amendment offered by the gentleman from Kentucky [Mr. BUNNING].

As you know, a recent General Accounting Office [GAO] report brought to our attention the recent surge in taxpayer-financed spending for union activities at the Social Security Administration. Mr. Speaker, I strongly believe we need to protect the Social Security trust funds to ensure the security of the benefits that our seniors deserve.

I do not challenge the right of Social Security Administration employees to have representation—but I do challenge the fact that money from the Social Security trust funds, which is collected from the payroll taxes of millions of hard-working Americans, is being used to finance greatly expanded union activity over the past few years.

Let's insure the integrity of the Social Security trust funds and put an end to this abuse of taxpayer dollars. I urge my colleagues to support the Bunning amendment.

Mr. HAMILTON. Mr. Chairman, I rise to speak in opposition to the Lowey amendment to cut rural health care and increase funding for what amounts to gun control advocacy by the Centers for Disease Control. I have two objections to the amendment.

First, the amendment would cut $2.6 million from area health education centers. These funds help train medical personnel for rural areas and small communities which do not have adequate health care. It is hard for many small communities to attract doctors and nurses, and I oppose this amendment to reduce support for rural health care.

Second, I strongly object to increasing funding for the National Center for Injury Prevention and Control. I am concerned about reports that NCIPC research into firearms injuries has been compromised by political advocacy for gun control. For example, NCIPC paid for a newsletter urging recipients to "put gun control on the agenda of your civic or professional organization * * * or organize a picket at gun manufacturing sites." It is inappropriate for any federally funded scientific research program to engage in even the appearance of political activity. Such activity compromises the credibility of all scientific research.

I support language in this bill that states "None of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control."

The right of self-defense is an important right and is frequently used. Guns are used for defensive purposes more than a million times each year, not even counting their use by police. If government does not protect you and your property from crime, you should not be deprived of the opportunity to protect yourself.

With respect to the constitutional arguments about gun control, I think that the Founding Fathers supported the right to bear arms by everyone, not just by the militia, in order to help secure the good order of the community. Private gun ownership is an important right that should be preserved.

I urge my colleagues to defeat the Lowey amendment, which would take funding away from important rural health care programs to fund a program that has engaged in unneeded and inappropriate political advocacy.

Mrs. SMITH of Washington. Mr. Chairman, recently the House passed the Labor, Health and Human Services, and Education appropriations bill for the 1997 fiscal year. Within this bill is funding for two key programs under the auspices of the Centers for Disease Control [CDC]. Specifically, the Chronic and Environmental Diseases Program and the Childhood Immunization Program—both of which have been essential to Washington State's ability to address public health crises.

In 1993, the State of Washington was the site of an E.coli 0157:H7 outbreak of epidemic proportions. Approximately 600 individuals displayed symptoms that were attributed to contact with contaminated meat. More than 150 people were hospitalized and, tragically, three died. This experience helped elevate the importance of food safety to a national level. The ability to identify foodborne diseases, educate the public, food handlers, and inspectors, and conduct thorough surveillance is dependent on a joint partnership between Federal and State officials. The work of Epidemic Intelligence Service [EIS] officers from the CDC has been invaluable in identifying foodborne diseases.

Recognizing the fiscal constraints that Congress has set for itself, I commend the committee for its decision to increase funding for the Chronic and Environmental Disease Prevention Program by almost $12 million for the 1997 fiscal year, bringing the total up to $155 million.

In addition, southwest Washington recently came through a measles outbreak that resulted in 37 cases over a 2½ month period. Twenty-four percent of the reported cases occurred among preschool children. While public health officials were exemplary in tracking down the level of exposure, this recent outbreak reinforces the need for a proactive approach to childhood immunication. Recognizing this, I commend my colleagues for their decision to level fund the Childhood Immunization Program at $467 million.

While every item in the Federal budget should undergo scrutiny, these two programs are of tremendous benefit to the people of Washingtion State and the public officials who work on a daily basis to preserve and promote preventive health measures. I thank Chairman PORTER and his staff for their hard work on this bill and I commend my colleagues for joining me in ensuring this legislation's passage.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. WALKER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 3755), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, pursuant to House Resolution 472, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I most certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill, H.R. 3755, to the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I will not take time to debate the motion.

The SPEAKER pro tempore. The motion is not debatable.

Mr. OBEY. Mr. Speaker, this is a straight motion to recommit. I will not push it to a rollcall vote. I would urge a "no" vote on final passage.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 209, not voting 9, as follows:

[Roll No. 313]

YEAS—216

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehlers
Ehrlich
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hilleary
Hobson
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Saxton
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff

NAYS—209

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Blute
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Cooley
Costello
Coyne
Cramer
Cummings
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hamilton
Hancock
Harman
Hastings (FL)
Hefley
Hefner
Heineman
Herger
Hilliard
Hinchey
Hoekstra
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Largent
LaTourette
Levin
Lewis (GA)
Lipinski
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Scarborough
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Souder
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Zimmer

NOT VOTING—9

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Yates
Young (FL)

□ 0035

Mr. LARGENT and Mr. SANFORD changed their vote from "aye" to "no."

Mr. JACOBS and Mr. FORBES changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the further consideration of H.R. 3755, and that I may include tabular and extraneous material.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3755, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. PORTER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3755, the Clerk be authorized to make technical and conforming changes in the bill to reflect the actions of the House.

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

There was no objection.

TABLE SHOWING AMOUNTS IN H.R. 3755, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997, AS PASSED BY THE HOUSE

Mr. PORTER. Mr. Speaker, I ask unanimous consent to submit a table showing the amounts included in the bill, as passed.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The table referred to is as follows:

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable 21	FY 1997 Request 22	House Passed 23	vs. FY 1996 Comparable	vs. FY 1997 Request		
200	TITLE I - DEPARTMENT OF LABOR							200
250	EMPLOYMENT AND TRAINING ADMINISTRATION							250
1000	TRAINING AND EMPLOYMENT SERVICES 1/							1000
1050	Grants to States:							1050
1100	Adult training	850,000	947,000	845,000	-5,000	-102,000	D	1100
1150	Youth training	126,672	126,672	126,672	---	---	D	1150
1260	Summer youth employment and training program 3/	625,000	871,000	625,000	---	-246,000	D	1260
1340	Dislocated worker assistance:							1340
1350	Forward funding	1,097,500	1,293,000	1,100,000	+2,500	-193,000	D	1350
1360	Current funding 3/	2,500	---	---	-2,500	---	D	1360
1410	Subtotal	1,100,000	1,293,000	1,100,000	---	-193,000		1410
1450	Federally administered programs:							1450
1500	Native Americans	52,502	50,000	50,000	-2,502	---	D	1500
1550	Migrants and seasonal farmworkers	69,285	65,000	65,000	-4,285	---	D	1550
1600	Job Corps:							1600
1650	Operations	972,475	1,064,824	1,064,824	+92,349	---	D	1650
1800	Construction and renovation 2/	121,467	88,685	73,861	-47,606	-14,824	D	1800
1850	Subtotal, Job Corps	1,093,942	1,153,509	1,138,685	+44,743	-14,824		1850
1950	Veterans' employment	7,300	7,300	7,300	---	---	D	1950

2000 1/ Forward funded except where noted. 2000

2010 2/ 3 year availability. 2010

2020 3/ Current funded. 2020

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
2100	National activities:							2100
2150	Pilots and demonstrations	27,140	23,717	15,000	-12,140	-8,717	D	2150
2200	Research, demonstration and evaluation	6,196	10,196	6,196	---	-4,000	D	2200
2210	Opportunity areas for youth	---	250,000	---	---	-250,000	D	2210
2225	Jobs for residents	---	50,000	---	---	-50,000	D	2225
2240	Incumbent worker demonstrations	---	15,000	---	---	-15,000	D	2240
2250	Other	13,489	8,019	8,019	-5,470	---	D	2250
2300	Subtotal, National activities	46,825	356,932	29,215	-17,610	-327,717		2300
2350	Subtotal, Federal activities	1,269,854	1,632,741	1,290,200	+20,346	-342,541		2350
2400	Total, Job Training Partnership Act	3,971,526	4,870,413	3,986,872	+15,346	-883,541		2400
2500	Glass Ceiling Commission 1/	142	---	---	-142	---	D	2500
2550	Women in apprenticeship 1/	610	647	610	---	-37	D	2550
2650	Skills Standards	4,000	9,000	4,000	---	-5,000	D	2650
2675	Total, National activities, TES (non-add)	(51,577)	(366,579)	(33,825)	(-17,752)	(-332,754)		2675
2700	School-to-work 2/	170,000	200,000	175,000	+5,000	-25,000	D	2700
2750	Total, Training and Employment Services	4,146,278	5,080,060	4,166,482	+20,204	-913,578		2750
2800	Subtotal, forward funded	(3,518,026)	(4,208,413)	(3,540,872)	(+22,846)	(-667,541)		2800

3050 1/ Current funded. 3050

3060 2/ 15-month availability. 3060

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
3305	COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS 1/..	373,000	350,000	373,000	---	+23,000	D	3305 UA
3400	FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES							3400
3450	Trade adjustment.....	279,600	276,100	276,100	-3,500	---	M	3450
3500	NAFTA activities.....	66,500	48,400	48,400	-18,100	---	M	3500
3550	Total.....	346,100	324,500	324,500	-21,600	---		3550
3600	STATE UNEMPLOYMENT INSURANCE AND							3600
3650	EMPLOYMENT SERVICE OPERATIONS							3650
3700	Unemployment Compensation (Trust Funds):							3700
3750	State Operations.....	(2,080,520)	(2,224,974)	(2,076,735)	(-3,785)	(-148,239)	TF*	3750
3900	National Activities.....	(10,000)	(10,000)	(8,500)	(-1,500)	(-1,500)	TF*	3900
3950	Contingency.....	(216,333)	(260,573)	(260,573)	(+44,240)	---	TF*	3950
4000	Contingency bill language (OMB estimate).....	---	(67,800)	---	---	(-67,800)	NA	4000
4050	Portion treated as budget authority.....	---	(67,800)	---	---	(-67,800)	TF*	4050
4100	Subtotal, Unemployment Comp (trust funds)...	(2,306,853)	(2,563,347)	(2,345,808)	(+38,955)	(-217,539)		4100

4120 1/ Request proposes transfer of these funds to the 4120
4130 Administration on Aging in the Dept of HHS. 4130

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
4150	Employment Service:							4150
4200	Allotments to States:							4200
4250	Federal funds	23,452	24,085	22,279	-1,173	-1,806	D	4250
4300	Trust funds	(738,283)	(758,217)	(701,369)	(-36,914)	(-56,848)	TF*	4300
4350	Subtotal	761,735	782,302	723,648	-38,087	-58,654		4350
4400	National Activities:							4400
4450	Federal funds	1,876	1,927	---	-1,876	-1,927	D	4450
4500	Trust funds	(57,058)	(63,949)	(42,735)	(-14,323)	(-21,214)	TF*	4500
4555	Subtotal, Emp. Serv., National Activities.	58,934	65,876	42,735	-16,199	-23,141		4555
4650	Subtotal, Employment Service	820,669	848,178	766,383	-54,286	-81,795		4650
4700	Federal funds	25,328	26,012	22,279	-3,049	-3,733		4700
4750	Trust funds	(795,341)	(822,166)	(744,104)	(-51,237)	(-78,062)		4750
4775	One-stop Career Centers	110,000	150,000	110,000	---	-40,000	D	4775
4800	Total, State Unemployment	3,237,522	3,561,525	3,222,191	-15,331	-339,334		4800
4850	Federal Funds	135,328	176,012	132,279	-3,049	-43,733		4850
4900	Trust Funds	(3,102,194)	(3,385,513)	(3,089,912)	(-12,282)	(-295,601)		4900
4950	ADVANCES TO UNEMPLOYMENT TRUST FUND & OTHER FUNDS 1/.	369,000	373,000	373,000	+4,000	---	M	4950
4955	ADVANCES TO THE ESA ACCOUNT OF THE UNEMPLOYMENT TRUST							4955
4956	FUND	(-56,300)	---	---	(+56,300)	---	NA	4956
4958	PAYMENTS TO UI TRUST FUND AND OTHER FUNDS	(-266,000)	---	---	(+266,000)	---	NA	4958
4960	1/ 2 year availability.							4960

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
4970	PROGRAM ADMINISTRATION							4970
5000	Adult employment and training	25,619	26,091	25,107	-512	-984	D	5000
5010	Trust funds	(2,283)	(2,354)	(2,237)	(-46)	(-117)	TF*	5010
5020	Youth employment and training	29,441	29,990	28,852	-589	-1,138	D	5020
5030	Employment security	6,057	6,323	5,936	-121	-387	D	5030
5040	Trust funds	(37,167)	(37,274)	(36,424)	(-743)	(-850)	TF*	5040
5050	Apprenticeship services	16,129	16,689	15,806	-323	-883	D	5050
5060	Executive direction	5,808	5,614	5,692	-116	+78	D	5060
5070	Trust funds	(1,343)	(1,346)	(1,316)	(-27)	(-30)	TF*	5070
5100	Total, Program Administration	123,847	125,681	121,370	-2,477	-4,311		5100
5110	Federal funds	83,054	84,707	81,393	-1,661	-3,314		5110
5120	Trust funds	(40,793)	(40,974)	(39,977)	(-816)	(-997)		5120
5200	Total, Employment & Training Administration	8,595,747	9,814,766	8,580,543	-15,204	-1,234,223		5200
5250	Federal funds	5,452,760	6,388,279	5,450,654	-2,106	-937,625		5250
5500	Trust funds	(3,142,987)	(3,426,487)	(3,129,889)	(-13,098)	(-296,598)		5500

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
5900	PENSION AND WELFARE BENEFITS ADMINISTRATION							5900
5950	SALARIES AND EXPENSES 1/							5950
6000	Enforcement and compliance	51,712	67,430	50,978	-734	-16,452	D	6000
6050	Policy, regulation and public service	11,831	14,261	11,594	-237	-2,667	D	6050
6100	Program oversight	3,583	3,758	3,511	-72	-247	D	6100
6200	Total, PWBA	67,126	85,449	66,083	-1,043	-19,366		6200
6250	PENSION BENEFIT GUARANTY CORPORATION							6250
6300	Program Administration subject to limitation							6300
6350	(Trust Funds)	(10,557)	(12,043)	(135,720)	(+125,163)	(+123,677)	TF	6350
6400	Services related to terminations not subject to							6400
6450	limitations (non-add)	(127,933)	(128,496)	---	(-127,933)	(-128,496)	NA	6450
6500	Total, PBGC	(138,490)	(140,539)	(135,720)	(-2,770)	(-4,819)		6500

6520 1/ Budget requests $9 million to remain available 6520
6530 through Sept. 30, 1998. 6530

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable 21	FY 1997 Request 22	House Passed 23	vs. FY 1996 Comparable	vs. FY 1997 Request		
6550	EMPLOYMENT STANDARDS ADMINISTRATION							6550
6600	SALARIES AND EXPENSES							6600
6650	Enforcement of wage and hour standards.....	99,751	118,704	102,756	+3,005	-15,948	D	6650
6675	Office of Labor-Management Standards.....	23,992	29,084	23,512	-480	-5,572	D	6675
6700	Federal contractor EEO standards enforcement.....	56,171	65,460	55,048	-1,123	-10,412	D	6700
6750	Federal programs for workers' compensation.....	73,159	80,222	71,696	-1,463	-8,526	D	6750
6800	Trust funds.....	(1,003)	(1,057)	(983)	(-20)	(-74)	TF	6800
6850	Program direction and support.....	10,622	11,386	10,410	-212	-976	D	6850
7000	Total, salaries and expenses.....	264,698	305,913	264,405	-293	-41,508		7000
7050	Federal funds.....	263,695	304,856	263,422	-273	-41,434		7050
7100	Trust funds.....	(1,003)	(1,057)	(983)	(-20)	(-74)		7100
7150	SPECIAL BENEFITS							7150
7200	Federal employees compensation benefits.....	214,000	209,000	209,000	-5,000	---	M	7200
7250	Longshore and harbor workers' benefits.....	4,000	4,000	4,000	---	---	M	7250
7300	Total, Special Benefits.....	218,000	213,000	213,000	-5,000	---		7300

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
7350	BLACK LUNG DISABILITY TRUST FUND							7350
7400	Benefit payments and interest on advances.....	949,494	961,665	961,665	+12,171	---	M	7400
7450	Employment Standards Admin., salaries & expenses.....	27,193	26,071	26,071	-1,122	---	M	7450
7500	Departmental Management, salaries and expenses.....	19,621	19,621	19,621	---	---	M	7500
7550	Departmental Management, inspector general.....	298	287	287	-11	---	M	7550
7600	Subtotal, Black Lung Disablty. Trust Fund, apprn	996,606	1,007,644	1,007,644	+11,038	---		7600
7650	Treasury administrative costs (indefinite).....	756	356	356	-400	---	M	7650
7750	Total, Black Lung Disability Trust Fund.....	997,362	1,008,000	1,008,000	+10,638	---		7750
7800	Total, Employment Standards Administration.....	1,480,060	1,526,913	1,485,405	+5,345	-41,508		7800
7850	Federal funds.....	1,479,057	1,525,856	1,484,422	+5,365	-41,434		7850
7900	Trust funds.....	(1,003)	(1,057)	(983)	(-20)	(-74)		7900
7950	OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION							7950
8000	SALARIES AND EXPENSES							8000
8050	Safety and health standards.....	8,374	18,066	8,207	-167	-9,859	D	8050
8100	Enforcement:							8100
8150	Federal Enforcement.....	120,890	122,386	117,125	-3,765	-5,261	D	8150
8200	State programs.....	68,295	73,315	66,929	-1,366	-6,386	D	8200
8250	Technical Support.....	17,815	20,445	17,459	-356	-2,986	D	8250
8300	Compliance Assistance:							8300
8310	Federal Assistance.....	34,822	51,970	34,822	---	-17,148	D	8310
8320	State Consultation Grants.....	32,479	33,064	32,479	---	-585	D	8320
8350	Safety and health statistics.....	14,465	14,647	14,176	-289	-471	D	8350
8400	Executive direction and administration.....	6,670	6,958	6,537	-133	-421	D	8400
8500	Total, OSHA.....	305,810	340,851	297,734	-6,076	-43,117		8500

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
8550	MINE SAFETY AND HEALTH ADMINISTRATION							8550
8600	SALARIES AND EXPENSES							8600
8650	Enforcement:							8650
8700	Coal	106,090	108,723	103,968	-2,122	-4,755	D	8700
8750	Metal/nonmetal	41,412	44,997	40,584	-828	-4,413	D	8750
8800	Standards development	1,008	1,303	988	-20	-315	D	8800
8850	Assessments	3,497	3,840	3,427	-70	-413	D	8850
8900	Educational policy and development	14,782	14,800	14,486	-296	-314	D	8900
8950	Technical support	21,268	21,950	20,843	-425	-1,107	D	8950
9000	Program administration	7,667	8,569	7,514	-153	-1,055	D	9000
9150	Total, Mine Safety and Health Administration	195,724	204,182	191,810	-3,914	-12,372		9150
9200	BUREAU OF LABOR STATISTICS							9200
9250	SALARIES AND EXPENSES							9250
9300	Employment and Unemployment Statistics	97,155	111,426	97,624	+469	-13,802	D	9300
9350	Labor Market Information (Trust Funds)	(51,278)	(52,053)	(52,053)	(+775)	---	TF*	9350
9400	Prices and cost of living	96,322	101,825	98,107	+1,785	-3,718	D	9400
9450	Compensation and working conditions	53,444	55,617	56,834	+3,390	+1,217	D	9450
9500	Productivity and technology	6,974	7,263	7,180	+206	-83	D	9500
9550	Economic growth and employment projections	4,451	4,640	4,582	+131	-58	D	9550
9600	Executive direction and staff services	21,896	23,462	22,175	+279	-1,287	D	9600
9700	Consumer Price Index Revision 1/	11,549	16,145	16,145	+4,596	---	D	9700
9800	Total, Bureau of Labor Statistics	343,069	372,431	354,700	+11,631	-17,731		9800
9850	Federal Funds	291,791	320,378	302,647	+10,856	-17,731		9850
9900	Trust Funds	(51,278)	(52,053)	(52,053)	(+775)	---		9900
9920	1/ 2 year availability.							9920

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable 21	FY 1997 Request 22	House Passed 23	vs. FY 1996 Comparable	vs. FY 1997 Request		
9950	DEPARTMENTAL MANAGEMENT							9950
10000	SALARIES AND EXPENSES							10000
10050	Executive direction	18,641	19,368	20,268	+1,627	+900	D	10050
10100	Legal services	58,072	61,510	56,911	-1,161	-4,599	D	10100
10150	Trust funds	(303)	(303)	(297)	(-6)	(-6)	TF*	10150
10200	International labor affairs	9,900	9,465	6,000	-3,900	-3,465	D	10200
10250	Administration and management	13,904	13,916	13,626	-278	-290	D	10250
10300	Adjudication	20,500	20,895	20,090	-410	-805	D	10300
10350	Promoting employment of people with disabilities	4,358	4,389	4,271	-87	-118	D	10350
10400	Women's Bureau	7,743	7,751	7,588	-155	-163	D	10400
10450	Civil Rights Activities	4,535	4,541	4,444	-91	-97	D	10450
10500	Chief Financial Officer	4,394	4,399	4,306	-88	-93	D	10500
10600	Total, Salaries and expenses	142,350	146,537	137,801	-4,549	-8,736		10600
10650	Federal funds	142,047	146,234	137,504	-4,543	-8,730		10650
10700	Trust funds	(303)	(303)	(297)	(-6)	(-6)		10700
10750	VETERANS EMPLOYMENT AND TRAINING							10750
10800	State Administration:							10800
10850	Disabled Veterans Outreach Program	(76,913)	(81,993)	(81,993)	(+5,080)	---	TF*	10850
10900	Local Veterans Employment Program	(71,386)	(75,125)	(75,125)	(+3,739)	---	TF*	10900
10950	Subtotal, State Administration	(148,299)	(157,118)	(157,118)	(+8,819)	---		10950
000	Federal Administration	(19,419)	(21,752)	(22,831)	(+3,412)	(+1,079)	TF*	11000
050	National Veterans Training Institute	(2,672)	---	(2,000)	(-672)	(+2,000)	TF*	11050
.100	Total, Trust Funds	(170,390)	(178,870)	(181,949)	(+11,559)	(+3,079)		11100

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
	21	22	23				
l1150 REINVENTION INVESTMENT FUND.....	---	3,900	---	---	-3,900	D	11150
l1200 OFFICE OF THE INSPECTOR GENERAL							11200
l1300 Program activities.....	37,622	38,117	36,270	-1,352	-1,847	D	11300
l1350 Trust funds.....	(3,615)	(3,615)	(3,543)	(-72)	(-72)	TF*	11350
l1400 Executive Direction and Management.....	6,804	6,355	6,668	-136	+313	D	11400
l1550 Total, Office of the Inspector General.....	48,041	48,087	46,481	-1,560	-1,606		11550
l1600 Federal funds.....	44,426	44,472	42,938	-1,488	-1,534		11600
l1650 Trust funds.....	(3,615)	(3,615)	(3,543)	(-72)	(-72)		11650
l1700 Total, Departmental Management.....	360,781	377,394	366,231	+5,450	-11,163		11700
l1750 Federal funds.....	186,473	194,606	180,442	-6,031	-14,164		11750
l1800 Trust funds.....	(174,308)	(182,788)	(185,789)	(+11,481)	(+3,001)		11800
l1900 Total, Labor Department 1/.....	11,356,874	12,734,029	11,478,226	+121,352	-1,255,803		11900
l1950 Federal funds.....	7,976,741	9,059,601	7,973,792	-2,949	-1,085,809		11950
l2200 Trust funds.....	(3,380,133)	(3,674,428)	(3,504,434)	(+124,301)	(-169,994)		12200

l2400 1/ Includes Federal and Trust funds. 12400

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
12450	TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES							12450
12475	HEALTH RESOURCES AND SERVICES ADMINISTRATION							12475
12500	HEALTH RESOURCES AND SERVICES							12500
12525	Consolidated health centers.....	758,132	---	802,124	+43,992	+802,124	D	12525 UA
12650	Health Centers Cluster (proposed legislation).....	---	757,124	---	---	-757,124	D	12650 UA
12675	Subtotal, Health Centers Activities.....	758,132	757,124	802,124	+43,992	+45,000		12675
12900	National Health Service Corps:							12900
12925	Field placements.....	37,244	---	37,244	---	+37,244	D	12925
12935	Recruitment.....	75,189	---	78,189	+3,000	+78,189	D	12935
12940	Subtotal, National Health Service Corps.....	112,433	---	115,433	+3,000	+115,433		12940

13000 Note: All HHS accounts are current funded unless 13000
13005 otherwise noted. 13005

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
.3020	Health Professions							13020
.3032	Grants to communities for scholarships.....	474	---	532	+58	+532	D	13032 UA
.3035	Health professions data system.....	212	---	238	+26	+238	D	13035 UA
.3040	Nurse loan repayment for shortage area service.....	1,962	---	2,197	+235	+2,197	D	13040 UA
.3100	Workforce Development Cluster (proposed leg).....	---	117,205	---	---	-117,205	D	13100 UA
.3175	Centers of excellence.....	22,072	---	24,718	+2,646	+24,718	D	13175 UA
.3200	Health careers opportunity program.....	23,918	---	26,785	+2,867	+26,785	D	13200 UA
.3225	Exceptional financial need scholarships.....	10,120	---	11,333	+1,213	+11,333	D	13225 UA
.3250	Faculty loan repayment.....	947	---	1,061	+114	+1,061	D	13250 UA
.3275	Fin assistance for disadvantaged HP students.....	5,999	---	6,718	+719	+6,718	D	13275 UA
.3325	Scholarships for disadvantaged students.....	16,677	---	18,676	+1,999	+18,676	D	13325 UA
3350	Minority / Disadvantaged Cluster (proposed leg).....	---	64,085	---	---	-64,085	D	13350 UA
3575	Family medicine training / departments.....	44,002	---	49,277	+5,275	+49,277	D	13575 UA
3600	General internal medicine and pediatrics.....	15,741	---	17,628	+1,887	+17,628	D	13600 UA
3625	Physician assistants.....	5,697	---	6,380	+683	+6,380	D	13625 UA
3650	Public health and preventive medicine.....	7,148	---	8,005	+857	+8,005	D	13650 UA
3675	Health administration traineeships / projects.....	978	---	1,095	+117	+1,095	D	13675 UA
3699 3700	Primary Care Medicine and Public Health Cluster (proposed legislation).....	---	80,000	---	---	-80,000	D	13699 13700 UA

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
13710	Area health education centers	23,123	---	28,495	+5,372	+28,495	D	13710 UA
13720	Border health training centers	3,350	---	3,752	+402	+3,752	D	13720 UA
13730	General dentistry residencies	3,381	---	3,786	+405	+3,786	D	13730 UA
13740	Allied health special projects	3,424	---	3,834	+410	+3,834	D	13740 UA
13750	Geriatric education centers and training	7,933	---	8,884	+951	+8,884	D	13750 UA
13760	Rural interdisciplinary traineeships	3,709	---	4,154	+445	+4,154	D	13760 UA
13770	Podiatric medicine	605	---	678	+73	+678	D	13770 UA
13775	Chiropractic demonstration grants	916	---	1,026	+110	+1,026	D	13775 UA
13779 13780	Enhanced Area Health Education Cluster (proposed legislation)	---	35,000	---	---	-35,000	D	13779 13780 UA
13790	Advanced nurse education	11,134	---	12,469	+1,335	+12,469	D	13790 UA
13800	Nurse practitioners / nurse midwives	15,460	---	17,588	+2,128	+17,588	D	13800 UA
13825	Special projects	9,436	---	10,567	+1,131	+10,567	D	13825 UA
13850	Nurse disadvantaged assistance	3,453	---	3,867	+414	+3,867	D	13850 UA
13875	Professional nurse traineeships	14,235	---	15,942	+1,707	+15,942	D	13875 UA
13900	Nurse anesthetists	2,469	---	2,765	+296	+2,765	D	13900 UA
13924 13925	Nurse Education / Practice Initiatives Cluster (proposed legislation)	---	70,000	---	---	-70,000	D	13924 13925 UA
14300	Subtotal, Health professions	258,575	366,290	292,450	+33,875	-73,840		14300

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
14400	Other HRSA Programs:							14400
14425	Hansen's disease services	17,094	16,371	17,094	---	+723	D	14425
14450	Maternal & child health block grant	678,204	681,061	681,061	+2,857	---	D	14450
14475	Healthy start	92,816	74,838	---	-92,816	-74,838	D	14475
14500	Organ transplantation	2,069	2,296	2,400	+331	+104	D	14500 UA
14525	Health teaching facilities interest subsidies	411	297	297	-114	---	D	14525 UA
14550	Bone marrow program	15,272	15,332	15,272	---	-60	D	14550 UA
14575	Rural outreach grants	27,797	30,254	4,000	-23,797	-26,254	D	14575
14675	Emergency medical services for children	10,755	---	12,500	+1,745	+12,500	D	14675
14699	Emergency Medical Services (EMS) Cluster (proposed							14699
14700	legislation)	---	9,333	---	---	-9,333	D	14700
14725	Black lung clinics	3,811	---	3,900	+89	+3,900	D	14725
14750	Alzheimers demonstration grants	3,980	---	6,000	+2,020	+6,000	D	14750 UA
14775	Payment to Hawaii, treatment of Hansen's Disease	2,045	---	2,045	---	+2,045	D	14775
14800	Pacific Basin initiative	1,200	---	---	-1,200	---	D	14800 UA
14850	Special Populations Cluster (proposed legislation)	---	7,485	---	---	-7,485	D	14850

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
15000	Ryan White AIDS Programs:							15000
15100	Emergency assistance	391,700	423,943	401,700	+10,000	-22,243	D	15100
15125	Comprehensive care programs	260,847	284,954	290,847	+30,000	+5,893	D	15125
15150	Early intervention program	56,918	64,568	61,918	+5,000	-2,650	D	15150
15175	Pediatric demonstrations	29,000	34,000	34,000	+5,000	---	D	15175
15200	AIDS dental services	6,937	6,937	7,500	+563	+563	D	15200
15210	Education and training centers	12,000	16,287	16,287	+4,287	---	D	15210
15225	Subtotal, Ryan White AIDS programs	757,402	830,689	812,252	+54,850	-18,437		15225
15275	Family planning	192,592	198,452	192,592	---	-5,860	D	15275 UA
15300	Rural health research	9,353	7,884	7,884	-1,469	---	D	15300
15325	Health care facilities	20,000	2,000	---	-20,000	-2,000	D	15325 UA
15350	Buildings and facilities	741	828	2,828	+2,087	+2,000	D	15350
15375	National practitioner data bank	6,000	6,000	6,000	---	---	D	15375
15400	User fees	-6,000	-6,000	-6,000	---	---	D	15400
15425	Program management	112,058	112,949	112,058	---	-891	D	15425
15500	Total, Health resources and services	3,076,740	3,113,483	3,082,190	+5,450	-31,293		15500

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
15575	MEDICAL FACILITIES GUARANTEE AND LOAN FUND:							15575
15600	Interest subsidy program	8,000	7,000	7,000	-1,000	---	M	15600
15625	HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):							15625
15650	New loan subsidies	126	477	477	+351	---	M	15650
15675	Liquidating account (non-add)	---	(14,481)	(14,481)	(+14,481)	---	NA	15675
15700	HEAL loan limitation (non-add)	(210,000)	(140,000)	(140,000)	(-70,000)	---	NA	15700 UA
15725	Program management	2,688	2,695	2,688	---	-7	D	15725
15750	Total, HEAL	2,814	3,172	3,165	+351	-7		15750
15775	VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:							15775
15800	Post - FY88 claims (trust fund)	56,721	56,721	56,721	---	---	M	15800
15825	HRSA administration (trust fund)	3,000	3,000	3,000	---	---	M	15825 UA
15850	Subtotal, Vaccine injury compensation trust fund	59,721	59,721	59,721	---	---		15850
15875	VACCINE INJURY COMPENSATION:							15875
15900	Pre - FY89 claims (appropriation)	110,000	110,000	110,000	---	---	M	15900
15925	Total, Vaccine injury	169,721	169,721	169,721	---	---		15925
15950	Total, Health Resources & Services Admin.	3,257,275	3,293,376	3,262,076	+4,801	-31,300		15950

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
18600	CENTERS FOR DISEASE CONTROL							18600
18650	DISEASE CONTROL, RESEARCH AND TRAINING							18650
18700	Preventive Health Services Block Grant.....	145,229	145,229	157,000	+11,771	+11,771	D	18700
18800	Prevention centers.....	8,099	7,106	7,106	-993	---	D	18800
18900	CDC/HCFA vaccine program:							18900
18950	Immunization partnership grant (proposed leg).....	---	176,656	---	---	-176,656	D	18950
19000	Childhood immunization.....	467,890	311,237	467,890	---	+156,653	D	19000 UA
19075	HCFA vaccine purchase (non-add).....	(409,759)	(523,952)	(523,952)	(+114,193)	---	NA	19075
19080	Subtotal, CDC/HCFA vaccine program level.....	(877,649)	(1,011,845)	(991,842)	(+114,193)	(-20,003)		19080
19090	1995 Vaccine rescission (non-add).....	(-53,000)	---	---	(+53,000)	---	NA	19090
19100	HIV partnership grant (proposed legislation).....	---	297,875	---	---	-297,875	D	19100
19120	Acquired Immune Deficiency Syndrome (AIDS).....	584,080	319,106	599,080	+15,000	+279,974	D	19120
19150	Subtotal.....	584,080	616,981	599,080	+15,000	-17,901		19150
19160	STD/TB partnership grant (proposed legislation).....	---	182,290	---	---	-182,290	D	19160
19250	Tuberculosis.....	119,303	16,404	119,303	---	+102,899	D	19250
19300	Sexually transmitted diseases.....	105,299	24,578	105,299	---	+80,721	D	19300 UA
19350	Subtotal.....	224,602	223,272	224,602	---	+1,330		19350
19390	Chronic diseases:							19390
19400	Chronic diseases partnership grant (proposed leg).	---	117,351	---	---	-117,351	D	19400
19450	Chronic and environmental disease prevention.....	143,744	106,156	155,000	+11,256	+48,844	D	19450
19500	Breast and cervical cancer screening.....	124,670	44,677	134,670	+10,000	+89,993	D	19500
19550	Subtotal, Chronic diseases.....	268,414	268,184	289,670	+21,256	+21,486		19550

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
9600	Infectious disease	62,153	87,820	82,153	+20,000	-5,667	D	19600
9650	Lead poisoning prevention	36,188	36,188	38,188	+2,000	+2,000	D	19650
9700	Injury control	43,198	43,198	40,598	-2,600	-2,600	D	19700
9925	Occupational Safety and Health (NIOSH)	128,623	136,584	128,623	---	-7,961	D	19925
9960	Mine safety and health 1/	---	32,000	---	---	-32,000	D	19960
0000	Epidemic services	67,410	67,413	67,413	+3	---	D	20000
0050	National Center for Health Statistics:							20050
0100	Program operations	37,398	35,400	40,063	+2,665	+4,663	D	20100
0200	1% evaluation funds (non-add)	(40,063)	(53,063)	(48,400)	(+8,337)	(-4,663)	NA	20200
0250	Subtotal, health statistics	(77,461)	(88,463)	(88,463)	(+11,002)	---		20250
0300	Buildings and facilities	4,353	8,353	8,353	+4,000	---	D	20300
0325	Program management	2,637	2,637	2,637	---	---	D	20325
0385	Subtotal, Centers for Disease Control	2,080,274	2,198,258	2,153,376	+73,102	-44,882		20385
0410	Crime Bill Activities:							20410
0420	Rape prevention and education	28,542	35,000	28,642	+100	-6,358	D	20420
0430	Domestic violence community demonstrations	3,000	6,000	5,000	+2,000	-1,000	D	20430
0440	Crime victim study	100	---	---	-100	---	D	20440
0450	Subtotal, Crime bill activities	31,642	41,000	33,642	+2,000	-7,358		20450
0460	Total, Disease Control	2,111,916	2,239,258	2,187,018	+75,102	-52,240		20460

0465 1/ Budget requests transfer of this activity from the 20465
0466 Bureau of Mines to CDC in FY 1997. 20466

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
20650	NATIONAL INSTITUTES OF HEALTH							20650
20850	National Cancer Institute	2,248,000	2,060,392	2,385,741	+137,741	+325,349	D	20850
20900	Transfer, Office of AIDS Research	---	(220,539)	---	---	(-220,539)	NA	20900
21000	Subtotal	(2,248,000)	(2,280,931)	(2,385,741)	(+137,741)	(+104,810)		21000
21100	National Heart, Lung, and Blood Institute	1,354,946	1,320,555	1,438,265	+83,319	+117,710	D	21100
21150	Transfer, Office of AIDS Research	---	(58,115)	---	---	(-58,115)	NA	21150
21250	Subtotal	(1,354,946)	(1,378,670)	(1,438,265)	(+83,319)	(+59,595)		21250
21350	National Institute of Dental Research	182,923	174,463	195,596	+12,673	+21,133	D	21350
21400	Transfer, Office of AIDS Research	---	(12,318)	---	---	(-12,318)	NA	21400
21500	Subtotal	(182,923)	(186,781)	(195,596)	(+12,673)	(+8,815)		21500
21550 21600	National Institute of Diabetes and Digestive and Kidney Diseases	770,582	772,975	819,224	+48,642	+46,249	D	21550 21600
21650	Transfer, Office of AIDS Research	---	(11,948)	---	---	(-11,948)	NA	21650
21800	Subtotal	(770,582)	(784,923)	(819,224)	(+48,642)	(+34,301)		21800
21850 21900	National Institute of Neurological Disorders and Stroke	680,902	671,148	725,478	+44,576	+54,330	D	21850 21900
22000	Transfer, Office of AIDS Research	---	(23,950)	---	---	(-23,950)	NA	22000
22100	Subtotal	(680,902)	(695,098)	(725,478)	(+44,576)	(+30,380)		22100

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
22200	National Institute of Allergy and Infectious Diseases.	1,168,483	584,362	1,256,149	+87,666	+671,787	D	22200
22250	Transfer, Office of AIDS Research.....	---	(624,368)	---	---	(-624,368)	NA	22250
22300	Subtotal.....	(1,168,483)	(1,208,730)	(1,256,149)	(+87,666)	(+47,419)		22300
22450	National Institute of General Medical Sciences.....	946,896	936,573	1,003,722	+56,826	+67,149	D	22450
22500	Transfer, Office of AIDS Research.....	---	(27,050)	---	---	(-27,050)	NA	22500
22600	Subtotal.....	(946,896)	(963,623)	(1,003,722)	(+56,826)	(+40,099)		22600
22650 22750	National Institute of Child Health and Human Development.....	594,547	543,441	631,989	+37,442	+88,548	D	22650 22750
22800	Transfer, Office of AIDS Research.....	---	(60,209)	---	---	(-60,209)	NA	22800
22900	Subtotal.....	(594,547)	(603,650)	(631,989)	(+37,442)	(+28,339)		22900
23000	National Eye Institute.....	313,933	310,072	333,131	+19,198	+23,059	D	23000
23050	Transfer, Office of AIDS Research.....	---	(9,135)	---	---	(-9,135)	NA	23050
23150	Subtotal.....	(313,933)	(319,207)	(333,131)	(+19,198)	(+13,924)		23150
23250	National Institute of Environmental Health Sciences...	288,378	289,114	308,258	+19,880	+19,144	D	23250
23300	Transfer, Office of AIDS Research.....	---	(6,028)	---	---	(-6,028)	NA	23300
23400	Subtotal.....	(288,378)	(295,142)	(308,258)	(+19,880)	(+13,116)		23400
23500	National Institute on Aging.....	453,541	461,541	484,375	+30,834	+22,834	D	23500
23550	Transfer, Office of AIDS Research.....	---	(1,824)	---	---	(-1,824)	NA	23550
23650	Subtotal.....	(453,541)	(463,365)	(484,375)	(+30,834)	(+21,010)		23650

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
23700	National Institute of Arthritis and Musculoskeletal							23700
23800	and Skin Diseases	242,655	243,169	257,637	+14,982	+14,468	D	23800
23850	Transfer, Office of AIDS Research	---	(3,972)	---	---	(-3,972)	NA	23850
23950	Subtotal	(242,655)	(247,141)	(257,637)	(+14,982)	(+10,496)		23950
24000	National Institute on Deafness and Other Communication							24000
24100	Disorders	176,383	179,090	189,243	+12,860	+10,153	D	24100
24150	Transfer, Office of AIDS Research	---	(1,726)	---	---	(-1,726)	NA	24150
24200	Subtotal	(176,383)	(180,816)	(189,243)	(+12,860)	(+8,427)		24200
24250	National Institute of Nursing Research	55,814	51,951	59,715	+3,901	+7,764	D	24250
24300	Transfer, Office of AIDS Research	---	(5,015)	---	---	(-5,015)	NA	24300
24350	Subtotal	(55,814)	(56,966)	(59,715)	(+3,901)	(+2,749)		24350
24400	National Institute on Alcohol Abuse and Alcoholism	198,401	192,280	212,079	+13,678	+19,799	D	24400
24450	Transfer, Office of AIDS Research	---	(10,334)	---	---	(-10,334)	NA	24450
24500	Subtotal	(198,401)	(202,614)	(212,079)	(+13,678)	(+9,465)		24500
24550	National Institute on Drug Abuse	458,112	312,014	487,341	+29,229	+175,327	D	24550
24600	Transfer, Office of AIDS Research	---	(154,311)	---	---	(-154,311)	NA	24600
24650	Subtotal	(458,112)	(466,325)	(487,341)	(+29,229)	(+21,016)		24650
24700	National Institute of Mental Health	660,514	578,149	701,247	+40,733	+123,098	D	24700
24750	Transfer, Office of AIDS Research	---	(93,056)	---	---	(-93,056)	NA	24750
24800	Subtotal	(660,514)	(671,205)	(701,247)	(+40,733)	(+30,042)		24800

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
25175	National Center for Research Resources	390,298	309,344	416,523	+26,225	+107,179	D	25175
25180	Transfer, Office of AIDS Research	---	(68,255)	---	---	(-68,255)	NA	25180
25185	Subtotal	(390,298)	(377,599)	(416,523)	(+26,225)	(+38,924)		25185
25250	National Center for Human Genome Research	169,768	177,788	189,267	+19,499	+11,479	D	25250
25300	Transfer, Office of AIDS Research	---	(2,087)	---	---	(-2,087)	NA	25300
25400	Subtotal	(169,768)	(179,875)	(189,267)	(+19,499)	(+9,392)		25400
25450	John E. Fogarty International Center	25,327	15,790	26,707	+1,380	+10,917	D	25450
25500	Transfer, Office of AIDS Research	---	(9,757)	---	---	(-9,757)	NA	25500
25550	Subtotal	(25,327)	(25,547)	(26,707)	(+1,380)	(+1,160)		25550
25650	National Library of Medicine	140,936	143,268	150,093	+9,157	+6,825	D	25650
25700	Transfer, Office of AIDS Research	---	(3,311)	---	---	(-3,311)	NA	25700
25800	Subtotal	(140,936)	(146,579)	(150,093)	(+9,157)	(+3,514)		25800
25900	Office of the Director	260,072	226,913	275,423	+15,351	+48,510	D	25900
25925	Office of AIDS research (non-add)	(26,598)	(24,600)	(26,598)	---	(+1,998)	NA	25925
25950	Transfer, Office of AIDS Research	---	(24,600)	---	---	(-24,600)	NA	25950
26000	Subtotal	(260,072)	(251,513)	(275,423)	(+15,351)	(+23,910)		26000
26100	Buildings and facilities	146,151	390,261	200,000	+53,849	-190,261	D	26100
26110	Office of AIDS Research	---	1,431,908	---	---	-1,431,908	D	26110
26460	Total N.I.H.	11,927,562	12,376,561	12,747,203	+819,641	+370,642		26460

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
26750	SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES							26750
26800	ADMINISTRATION							26800
26850	Mental Health:							26850
26900	Knowledge development and application.....	38,032	62,133	38,032	---	-24,101	D	26900 UA
26950	Mental health performance partnership.....	275,420	275,420	275,420	---	---	D	26950 UA
27000	Children's mental health.....	59,927	59,958	59,927	---	-31	D	27000 UA
27150	Grants to States for the homeless (PATH).....	20,000	---	20,000	---	+20,000	D	27150 UA
27250	Protection and advocacy.....	19,850	21,957	21,957	+2,107	---	D	27250 UA
27350	Subtotal, mental health.....	413,229	419,468	415,336	+2,107	-4,132		27350
27550	Substance Abuse Treatment:							27550
27600	Knowledge development and application.....	89,777	176,043	101,333	+11,556	-74,710	D	27600 UA
27650	Substance abuse performance partnership (BA).....	1,234,107	1,271,957	1,184,107	-50,000	-87,850	D	27650 UA
27700	P.L. 104-121 funding (non-add).....	---	(50,000)	(50,000)	(+50,000)	---	NA	27700 UA
28500	Subtotal, Substance Abuse Treatment (BA).....	1,323,884	1,448,000	1,285,440	-38,444	-162,560		28500
28510	Program level.....	(1,323,884)	(1,498,000)	(1,335,440)	(+11,556)	(-162,560)		28510
28550	Substance Abuse Prevention:							28550
28600	Knowledge development and application.....	89,799	176,043	93,959	+4,160	-82,084	D	28600 UA
29050	Program management.....	56,188	54,500	54,500	-1,688	---	D	29050 UA
29250	Total, Substance Abuse and Mental Health (BA)...	1,883,100	2,098,011	1,849,235	-33,865	-248,776		29250
29260	Program level.....	(1,883,100)	(2,148,011)	(1,899,235)	(+16,135)	(-248,776)		29260

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
30640	RETIREMENT PAY AND MEDICAL BENEFITS							30640
30650	FOR COMMISSIONED OFFICERS							30650
30700	Retirement payments	129,808	136,421	136,421	+6,613	---	M	30700
30750	Survivors benefits	9,208	11,001	11,001	+1,793	---	M	30750
30800	Dependent's medical care	25,108	26,414	26,414	+1,306	---	M	30800
30850	Military Services Credits	2,801	2,556	2,556	-245	---	M	30850
30900	Total, Retirement pay and medical benefits	166,925	176,392	176,392	+9,467	---		30900

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
31300	AGENCY FOR HEALTH CARE POLICY AND RESEARCH							31300
31350	Research on Health Care Systems Cost & Access:							31350
31400	Research	7,019	29,132	39,239	+32,220	+10,107	D	31400 UA
31410	1% evaluation funding (non-add)	(45,124)	(19,284)	---	(-45,124)	(-19,284)	NA	31410
31450	Subtotal	(52,143)	(48,416)	(39,239)	(-12,904)	(-9,177)		31450
31500	Health Insurance & Expenditure Surveys:							31500
31510	Research	---	10,000	10,000	+10,000	---	D	31510 UA
31520	1% evaluation funding (non-add)	(15,000)	(34,700)	(34,700)	(+19,700)	---	NA	31520
31550	Subtotal	(15,000)	(44,700)	(44,700)	(+29,700)	---		31550
31700	Research on Health Care Outcomes & Quality:							31700
31750	Federal funds	55,796	42,445	39,000	-16,796	-3,445	D	31750 UA
31800	Trust funds	---	(5,796)	---	---	(-5,796)	TF*	31800
31950	Subtotal	(55,796)	(48,241)	(39,000)	(-16,796)	(-9,241)		31950
32000	Program support	2,230	2,423	2,230	---	-193	D	32000 UA
32050	Total, Health Care Policy and Research:							32050
32100	Federal Funds	65,045	84,000	90,469	+25,424	+6,469		32100
32150	Trust funds	---	(5,796)	---	---	(-5,796)		32150
32200	Total, 1% evaluation funding (non-add)	(60,124)	(53,984)	(34,700)	(-25,424)	(-19,284)		32200
32250	Total, Health Care Policy & Research (non-add)	(125,169)	(143,780)	(125,169)	---	(-18,611)		32250
32600	Total, Public Health Service:							32600
32650	Federal Funds	19,411,823	20,267,598	20,312,393	+900,570	+44,795		32650
32900	Trust funds	---	(5,796)	---	---	(-5,796)		32900

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
33000	HEALTH CARE FINANCING ADMINISTRATION							33000
33050	GRANTS TO STATES FOR MEDICAID 1/							33050
33100	Medicaid current law benefits	91,140,563	98,141,139	98,141,139	+7,000,576	---	M	33100
33200	State and local administration	3,742,000	4,171,923	4,171,923	+429,923	---	M	33200
33400	Subtotal, Medicaid program level, FY 1996 / 1997	94,882,563	102,313,062	102,313,062	+7,430,499	---		33400
33450	Carryover balance	-12,740,491	-1,101,094	-1,101,094	+11,639,397	---	M	33450
33500	Less funds advanced in prior year	-27,047,717	-26,155,350	-26,155,350	+892,367	---	M	33500
33550	Total, request, FY 1996 / 1997	55,094,355	75,056,618	75,056,618	+19,962,263	---		33550
33600	New advance, 1st quarter, FY 1997 / 1998	26,155,350	27,988,993	27,988,993	+1,833,643	---	M	33600
33650	PAYMENTS TO HEALTH CARE TRUST FUNDS							33650
33700	Supplemental medical insurance	55,385,000	59,456,000	59,456,000	+4,071,000	---	M	33700
33750	Hospital insurance for the uninsured	358,000	405,000	405,000	+47,000	---	M	33750
33800	Federal uninsured payment	63,000	76,000	76,000	+13,000	---	M	33800
33850	DOD adjustment	625,000	---	---	-625,000	---	M	33850
33900	SMI matching, prior year shortfall	6,737,000	---	---	-6,737,000	---	M	33900
33950	Program management	145,000	142,000	142,000	-3,000	---	M	33950
34000	Total, Payment to Trust Funds, current law	63,313,000	60,079,000	60,079,000	-3,234,000	---		34000
34005	Net Medicare trust fund/general fund cash flow (NA)	(9,200,000)	(15,000,000)	(15,000,000)	(+5,800,000)	---	NA	34005

34010 1/ Administration proposes $3,277,338,000 in 34010
34020 legislative additions. 34020

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
34050	PROGRAM MANAGEMENT							34050
34100	Research, demonstration, and evaluation:							34100
34150	Regular program, trust funds	(40,000)	(50,810)	(42,000)	(+2,000)	(-8,810)	TF*	34150
34250	Rural hospital transition demonstrations, trust							34250
34300	funds	(13,089)	---	---	(-13,089)	---	TF*	34300
34350	Insurance Counseling	---	(4,500)	---	---	(-4,500)	TF*	34350
34450	Subtotal, research, demonstration, & evaluation	(53,089)	(55,310)	(42,000)	(-11,089)	(-13,310)		34450
34500	Medicare contractors (Trust Funds)	(1,597,642)	(1,614,200)	(1,207,200)	(-390,442)	(-407,000)	TF*	34500
34525	H.R. 3103 funding (non-add)	---	---	(435,000)	(+435,000)	(+435,000)	NA	34525
34535	Subtotal, Contractors program level	(1,597,642)	(1,614,200)	(1,642,200)	(+44,558)	(+28,000)		34535
34550	State Survey and Certification:							34550
34600	Medicare certification, trust funds	(147,625)	(173,800)	(158,000)	(+10,375)	(-15,800)	TF*	34600
34700	Federal Administration:							34700
34750	Trust funds	(326,053)	(359,974)	(326,053)	---	(-33,921)	TF*	34750
34800	Less current law user fees	(-128)	(-132)	(-128)	---	(+4)	TF*	34800
34850	Subtotal, Federal Administration	(325,925)	(359,842)	(325,925)	---	(-33,917)		34850
34950	Total, Program management	(2,124,281)	(2,203,152)	(1,733,125)	(-391,156)	(-470,027)		34950
35250	Total, Health Care Financing Administration:							35250
35300	Federal funds	144,562,705	163,124,611	163,124,611	+18,561,906	---		35300
35350	Current year, FY 1995 / 1996	(118,407,355)	(135,135,618)	(135,135,618)	(+16,728,263)	---		35350
35400	New advance, 1st quarter, FY 1996 / 1997	(26,155,350)	(27,988,993)	(27,988,993)	(+1,833,643)	---		35400
35600	Trust funds	(2,124,281)	(2,203,152)	(1,733,125)	(-391,156)	(-470,027)		35600

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
38150	ADMINISTRATION FOR CHILDREN AND FAMILIES							38150
38200	FAMILY SUPPORT PAYMENTS TO STATES							38200
38250	Aid to Families with Dependent Children (AFDC).....	12,999,000	11,713,000	11,713,000	-1,286,000	---	M	38250
38300	Quality control liabilities.....	-71,121	-52,000	-52,000	+19,121	---	M	38300
38350	Payments to territories.....	19,428	25,000	25,000	+5,572	---	M	38350
38400	Emergency assistance.....	974,000	1,867,000	1,867,000	+893,000	---	M	38400
38450	Repatriation.....	1,000	1,000	1,000	---	---	M	38450
38550	State and local welfare administration.....	1,770,000	1,875,000	1,875,000	+105,000	---	M	38550
38600	Work activities child care.....	734,000	879,405	879,405	+145,405	---	M	38600
38650	Transitional child care.....	220,000	267,595	267,595	+47,595	---	M	38650
38700	At risk child care.....	300,000	300,000	300,000	---	---	M	38700
38750	Subtotal, Welfare payments.....	16,946,307	16,876,000	16,876,000	-70,307	---		38750
38800	Child Support Enforcement:							38800
38850	State and local administration.....	1,943,000	2,132,000	2,132,000	+189,000	---	M	38850
38900	Federal incentive payments.....	439,000	459,000	459,000	+20,000	---	M	38900
38950	Less federal share collections.....	-1,314,000	-1,366,000	-1,366,000	-52,000	---	M	38950
39000	Subtotal, Child support.....	1,068,000	1,225,000	1,225,000	+157,000	---		39000
39050	Total, Payments, FY 1996 / 1997 program level...	18,014,307	18,101,000	18,101,000	+86,693	---		39050
39100	Less funds advanced in previous years.....	-4,400,000	-4,800,000	-4,800,000	-400,000	---	M	39100
39150	Total, Payments, current request, FY 1996 /1997.	13,614,307	13,301,000	13,301,000	-313,307	---		39150
39300	New advance, 1st quarter, FY 1997 /1998.....	4,800,000	4,700,000	4,700,000	-100,000	---	M	39300

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
39350	JOB OPPORTUNITIES AND BASIC SKILLS (JOBS).....	1,000,000	1,000,000	1,000,000	---	---	M	39350
39400	LOW INCOME HOME ENERGY ASSISTANCE							39400
39450	Advance from prior year (non-add).....	(999,997)	---	---	(-999,997)	---	NA	39450
39500	Adjustment.....	-100,000	1,000,000	900,000	+1,000,000	-100,000	D	39500
39550	FY 1996 / 1997 program level.....	(899,997)	(1,000,000)	(900,000)	(+3)	(-100,000)		39550
39575	Prior year emergency allocation.....	---	---	(300,000)	(+300,000)	(+300,000)	NA	39575
39600	New emergency allocation (non-add).....	---	---	---	---	---	NA	39600
39700	Advance funding (FY 1997 / 1998).....	---	1,000,000	---	---	-1,000,000	D	39700
39850	REFUGEE AND ENTRANT ASSISTANCE							39850
39900	Transitional and medical services.....	263,267	246,502	246,502	-16,765	---	D	39900
39950	Social services.....	80,802	80,802	110,882	+30,080	+30,080	D	39950
40000	Preventive health.....	2,700	4,835	4,835	+2,135	---	D	40000
40050	Targeted assistance.....	55,397	49,397	49,857	-5,540	+460	D	40050
40055	Carryover (non-add).....	(10,590)	---	(9,300)	(-1,290)	(+9,300)	NA	40055
40100	Total, Refugee and entrant assistance (BA).....	402,166	381,536	412,076	+9,910	+30,540		40100
40110	Total program level.....	(412,756)	(381,536)	(421,376)	(+8,620)	(+39,840)		40110
40500	CHILD CARE AND DEVELOPMENT BLOCK GRANT:							40500
40550	Forward funded.....	934,642	1,048,825	937,000	+2,358	-111,825	D	40550 UA
40560	Current funded.....	---	---	13,000	+13,000	+13,000	D	40560 UA
40570	Total.....	934,642	1,048,825	950,000	+15,358	-98,825		40570
40600	SOCIAL SERVICES BLOCK GRANT (TITLE XX).....	2,381,000	2,800,000	2,480,000	+99,000	-320,000	M	40600

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
40900	CHILDREN AND FAMILIES SERVICES PROGRAMS							40900
40950	Programs for Children, Youth, and Families:							40950
41000	Head start	3,569,329	3,981,000	3,600,000	+30,671	-381,000	D	41000
41100	Consolidated runaway, homeless youth program	---	68,572	---	---	-68,572	D	41100 UA
41150	Runaway and homeless youth	43,653	---	43,653	---	+43,653	D	41150 UA
41200	Runaway youth - transitional living	14,949	---	14,949	---	+14,949	D	41200 UA
41300	Subtotal, runaway	58,602	68,572	58,602	---	-9,970		41300
41350	Teen pregnancy prevention initiative	---	30,000	---	---	-30,000	D	41350
41400	Child abuse state grants	21,026	22,854	21,026	---	-1,828	D	41400 UA
41450	Child abuse discretionary activities	14,154	---	14,154	---	+14,154	D	41450 UA
41550	Temporary childcare/crisis nurseries	9,835	---	---	-9,835	---	D	41550
41600	Abandoned infants assistance	12,251	14,406	12,251	---	-2,155	D	41600 UA
41700	Child welfare services	277,389	291,989	277,389	---	-14,600	D	41700
41750	Child welfare training	2,000	---	4,000	+2,000	+4,000	D	41750
41800	Child welfare innovative programs	---	39,178	---	---	-39,178	D	41800
41850	Adoption opportunities	11,000	---	11,000	---	+11,000	D	41850 UA
41875	Social services & income maintenance research	---	10,000	---	---	-10,000	D	41875
41900	Family violence	32,643	32,619	35,042	+2,399	+2,423	D	41900
42050	Community Based Resource Centers	23,000	50,569	---	-23,000	-50,569	D	42050 UA

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
42100	Developmental disabilities program:							42100
42150	State councils	64,803	70,438	64,803	---	-5,635	D	42150 UA
42200	Protection and advocacy	26,718	26,718	26,718	---	---	D	42200 UA
42250	Developmental disabilities special projects	5,250	5,715	---	-5,250	-5,715	D	42250 UA
42300	Developmental disabilities university affiliated							42300
42350	programs	17,461	18,979	17,461	---	-1,518	D	42350 UA
42400	Subtotal, Developmental disabilities	114,232	121,850	108,982	-5,250	-12,868		42400
42450	Native American Programs	34,933	38,382	34,933	---	-3,449	D	42450 UA
42500	Community services:							42500
42550	Community Services Block Grants	389,598	389,600	489,600	+100,002	+100,000	D	42550
42650	Discretionary funds:							42650
42700	Community initiative program:							42700
42750	Economic development	27,332	---	27,332	---	+27,332	D	42750
42850	Rural community facilities	3,009	---	3,009	---	+3,009	D	42850
42950	Subtotal, discretionary funds	30,341	---	30,341	---	+30,341		42950
43000	National youth sports	11,520	---	12,000	+480	+12,000	D	43000
43100	Community Food and Nutrition	4,000	---	---	-4,000	---	D	43100
43150	Subtotal, Community services	435,459	389,600	531,941	+96,482	+142,341		43150
43200	Program direction	150,117	160,279	147,115	-3,002	-13,164	D	43200
43260	Total, Children and Families Services Programs	4,765,970	5,251,298	4,856,435	+90,465	-394,863		43260

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
43275	VIOLENT CRIME REDUCTION PROGRAMS:							43275
43300	Community schools	---	13,600	---	---	-13,600	D	43300
43400	Runaway Youth Prevention	5,558	8,000	2,000	-3,558	-6,000	D	43400
43450	Domestic violence hotline	400	400	400	---	---	D	43450
43500	Battered women's shelters	15,000	27,381	24,958	+9,958	-2,423	D	43500
43550	Youth education demonstration	400	---	---	-400	---	D	43550
43575	Total, Violent crime reduction programs	21,358	49,381	27,358	+6,000	-22,023		43575
43750	FAMILY SUPPORT AND PRESERVATION	225,000	240,000	240,000	+15,000	---	M	43750
43800	PAYMENTS TO STATES FOR FOSTER CARE AND							43800
43850	ADOPTION ASSISTANCE							43850
43900	Foster care	3,742,338	3,807,143	3,807,143	+64,805	---	M	43900
43950	Adoption assistance	509,900	567,888	567,888	+57,988	---	M	43950
44000	Independent living	70,000	70,000	70,000	---	---	M	44000
44100	Total, Payment to States	4,322,238	4,445,031	4,445,031	+122,793	---		44100
44150	New advance, 1st quarter, FY 1997 /1998	---	1,111,000	1,111,000	+1,111,000	---	M	44150
44200	Total, Administration for Children and Families	32,366,681	36,328,071	34,422,900	+2,056,219	-1,905,171		44200
44250	Current year, FY 1996 / 1997	(27,566,681)	(29,517,071)	(28,611,900)	(+1,045,219)	(-905,171)		44250
44300	FY 1997 / 1998	(4,800,000)	(6,811,000)	(5,811,000)	(+1,011,000)	(-1,000,000)		44300

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
44450	ADMINISTRATION ON AGING							44450
44500	AGING SERVICES PROGRAMS							44500
44550	Grants to States:							44550
44600	Supportive services and centers	300,556	294,787	300,556	---	+5,769	D	44600 UA
44650	Ombudsman services	---	4,449	---	---	-4,449	D	44650 UA
44700	Prevention of elder abuse	---	4,732	---	---	-4,732	D	44700 UA
44750	Pension counseling	---	1,976	---	---	-1,976	D	44750 UA
44800	Preventive health	15,623	16,982	---	-15,623	-16,982	D	44800 UA
44850	Nutrition:							44850
44900	Congregate meals	364,535	357,019	364,535	---	+7,516	D	44900 UA
44950	Home-delivered meals	105,339	94,191	105,339	---	+11,148	D	44950 UA
45000	Frail elderly in-home services	9,263	9,263	9,263	---	---	D	45000 UA
45050	Grants to Indians	16,057	16,057	16,057	---	---	D	45050 UA
45100	Aging research, training and special projects	2,850	11,666	---	-2,850	-11,666	D	45100 UA
45150	Federal Council on Aging	---	226	---	---	-226	D	45150 UA
45250	Program administration	15,097	16,789	14,795	-302	-1,994	D	45250 UA
45300	Total, Administration on Aging	829,320	828,137	810,545	-18,775	-17,592		45300

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
45350	OFFICE OF THE SECRETARY							45350
45400	GENERAL DEPARTMENTAL MANAGEMENT:							45400
45450	Federal funds	97,866	91,436	98,439	+573	+7,003	D	45450
45600	Trust funds	(6,628)	(9,187)	(5,851)	(-777)	(-3,336)	TF*	45600
45603	1% Evaluation Funds (ASPE) (non-add)	(19,820)	(19,820)	(19,820)	---	---	NA	45603
45604	Subtotal	(124,314)	(120,443)	(124,110)	(-204)	(+3,667)		45604
45605	Emergency preparedness	---	2,020	---	---	-2,020	D	45605
45620	Population affairs: Adolescent family life	7,698	6,187	7,698	---	+1,511	D	45620 UA
45630	Physical fitness and sports	1,000	1,007	1,000	---	-7	D	45630
45640	Minority health	27,000	19,945	33,000	+6,000	+13,055	D	45640 UA
45650	Office of research integrity	---	3,732	---	---	-3,732	D	45650
45660	Office of women's health	5,362	2,570	8,862	+3,500	+6,292	D	45660
45675	Office of Disease Prevention	---	4,266	---	---	-4,266	D	45675
45725	Anti-Terrorism	---	5,000	---	---	-5,000	D	45725
45750	Total, General Departmental Management:							45750
45800	Federal funds	138,926	136,163	148,999	+10,073	+12,836		45800
45850	Trust funds	(6,628)	(9,187)	(5,851)	(-777)	(-3,336)		45850
45900	Total	(145,554)	(145,350)	(154,850)	(+9,296)	(+9,500)		45900

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
45950	OFFICE OF THE INSPECTOR GENERAL:							45950
46000	Federal funds	58,149	56,139	29,399	-28,750	-26,740	D	46000
46100	Trust funds	(20,670)	(18,810)	---	(-20,670)	(-18,810)	TF*	46100
46150	H.R. 3103 funding (non-add)	---	---	(60,000)	(+60,000)	(+60,000)	NA	46150
46250	Total, Office of the Inspector General:							46250
46300	Federal funds	58,149	56,139	29,399	-28,750	-26,740		46300
46350	Trust funds	(20,670)	(18,810)	---	(-20,670)	(-18,810)		46350
46360	Total (BA)	(78,819)	(74,949)	(29,399)	(-49,420)	(-45,550)		46360
46400	Total program level	(78,819)	(74,949)	(89,399)	(+10,580)	(+14,450)		46400
46450	OFFICE FOR CIVIL RIGHTS:							46450
46500	Federal funds	(16,066)	(18,188)	(16,066)	---	(-2,122)	D	46500
46600	Portion treated as budget authority	(3,314)	(3,602)	(3,314)	---	(-288)	TF*	46600
46750	Total, Office for Civil Rights:							46750
46800	Federal funds	16,066	18,188	16,066	---	-2,122		46800
46850	Trust funds	(3,314)	(3,602)	(3,314)	---	(-288)		46850
46900	Total	(19,380)	(21,790)	(19,380)	---	(-2,410)		46900
46950	POLICY RESEARCH	8,968	9,000	9,000	+32	---	D	46950
47000	Total, Office of the Secretary:							47000
47050	Federal funds	222,109	219,490	203,464	-18,645	-16,026		47050
47100	Trust funds	(30,612)	(31,599)	(9,165)	(-21,447)	(-22,434)		47100
47150	Total	(252,721)	(251,089)	(212,629)	(-40,092)	(-38,460)		47150

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
47250	PUBLIC HEALTH & SOCIAL SERVICES EMERGENCY FUND.....	8,987	---	---	-8,987	---	D	47250
47275	UNDISTRIBUTED REDUCTION.....	---	---	-2,000	-2,000	-2,000	D	47275
47300	Total, Department of Health and Human Services:							47300
47400	Federal Funds.....	197,401,625	220,767,907	218,871,913	+21,470,288	-1,895,994		47400
47450	Current year, FY 1996 / 1997.....	(166,446,275)	(185,967,914)	(185,071,920)	(+18,625,645)	(-895,994)		47450
47550	FY 1997 / 1998.....	(30,955,350)	(34,799,993)	(33,799,993)	(+2,844,643)	(-1,000,000)		47550
47800	Trust funds.....	(2,154,893)	(2,240,547)	(1,742,290)	(-412,603)	(-498,257)		47800

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
47900	TITLE III - DEPARTMENT OF EDUCATION							47900
47950	EDUCATION REFORM 1/							47950
48000	Goals 2000: Educate America Act:							48000
48050	State & local educ systemic improvement grants....	340,000	476,000	---	-340,000	-476,000	D	48050
48150	Parental assistance.....	10,000	15,000	---	-10,000	-15,000	D	48150
48200	Subtotal, Goals 2000.....	350,000	491,000	---	-350,000	-491,000		48200
48250	School-to-work opportunities:							48250
48300	State grants and local partnerships.....	180,000	200,000	175,000	-5,000	-25,000	D	48300
48450	Total.....	530,000	691,000	175,000	-355,000	-516,000		48450

48500 1/ Forward funded with the exception of parental 48500
48501 assistance. 48501

48540 NOTE: All Education accounts are current funded unless 48540
48550 otherwise noted. 48550

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
48600	EDUCATION FOR THE DISADVANTAGED 1/							48600
48650	Grants to local education agencies:							48650
48700	Basic grants, forward funded 2/.....	6,042,766	5,490,065	6,043,766	+1,000	+553,701	D	48700
48705	Basic grants, current funded.....	3,500	4,000	3,500	---	-500	D	48705
48710	Subtotal, Basic grants.....	6,046,266	5,494,065	6,047,266	+1,000	+553,201		48710
48750	Concentration grants.....	684,082	670,935	704,082	+20,000	+33,147	D	48750
48800	Targeted grants.....	---	1,000,000	---	---	-1,000,000	D	48800
48900	Subtotal.....	6,730,348	7,165,000	6,751,348	+21,000	-413,652		48900
49100	Capital expenses for private school children.....	38,119	20,000	20,000	-18,119	---	D	49100
49150	Even start.....	101,997	102,000	101,997	---	-3	D	49150
49200	State agency programs:							49200
49250	Migrant.....	305,474	320,000	305,474	---	-14,526	D	49250
49300	Neglected and delinquent / high risk youth.....	39,311	40,000	39,311	---	-689	D	49300
49400	State school improvement.....	---	15,000	---	---	-15,000	D	49400
49450	Demonstration of innovative practices.....	---	10,000	---	---	-10,000	D	49450
49500	Evaluation.....	3,359	7,000	7,000	+3,641	---	D	49500
49600	Total, ESEA.....	7,218,608	7,679,000	7,225,130	+6,522	-453,870		49600

49610 1/ All programs in this account are forward funded 49610
49615 with the exception of current funded basic grants, 49615
49620 Title I evaluation, Demonstration of Innovative 49620
49625 Practices, High School Equivalency Program and the 49625
49630 the College Assistance Migrant Program. 49630

49638 2/ Availability of $1,298,386,000 of the FY96 funds is 49638
49639 delayed until October 1, 1996. 49639

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
49650	Migrant education:							49650
49700	High school equivalency program	7,441	---	---	-7,441	---	D	49700
49750	College assistance migrant program	2,028	---	---	-2,028	---	D	49750
49800	Subtotal, migrant education	9,469	---	---	-9,469	---		49800
49850	Total, Compensatory education programs	7,228,077	7,679,000	7,225,130	-2,947	-453,870		49850
49900	Subtotal, forward funded	(7,211,749)	(7,658,000)	(7,214,630)	(+2,881)	(-443,370)		49900
50000	IMPACT AID 1/							50000
50050	Basic support payments	581,707	550,000	615,500	+33,793	+65,500	D	50050
50100	Payments for children with disabilities	40,000	40,000	40,000	---	---	D	50100
50550	Payments for heavily impacted districts (sec. f)	50,000	20,000	50,000	---	+30,000	D	50550
50600	Subtotal	671,707	610,000	705,500	+33,793	+95,500		50600
50650	Facilities maintenance (sec. 8008)	---	3,000	---	---	-3,000	D	50650
50750	Construction (sec. 8007)	5,000	4,000	5,000	---	+1,000	D	50750
50850	Payments for Federal property (Sec. 8002)	16,293	---	17,500	+1,207	+17,500	D	50850
50950	Total, Impact aid	693,000	617,000	728,000	+35,000	+111,000		50950

50970 1/ 1996 figures do not include $35,000,000 provided 50970
50980 for Impact Aid basic support payments in the 1996 50980
50990 House National Security Appropriations Bill. 50990

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
51050	SCHOOL IMPROVEMENT PROGRAMS							51050
51155	Professional development 1/	275,000	610,000	---	-275,000	-610,000	D	51155
51157	Program innovation 1/	275,000	---	606,517	+331,517	+606,517	D	51157
51550	Safe and drug-free schools and communities:							51550
51600	State grants 1/	440,978	515,000	440,978	---	-74,022	D	51600
51700	National programs	24,993	25,000	---	-24,993	-25,000	D	51700
51800	Subtotal, Safe & drug-free schools & communities	465,971	540,000	440,978	-24,993	-99,022		51800
51900	Inexpensive book distribution (RIF)	10,265	9,000	9,000	-1,265	---	D	51900
51950	Arts in education	9,000	10,000	9,000	---	-1,000	D	51950
52100	Christa McAuliffe fellowships	---	2,000	---	---	-2,000	D	52100
52200	Other school improvement programs:							52200
52250	Magnet schools assistance	95,000	95,000	95,000	---	---	D	52250
52290	Educational support services for homeless children							52290
52300	and youth 1/	23,000	29,000	23,000	---	-6,000	D	52300
52350	Women's educational equity 2/	---	4,000	2,000	+2,000	-2,000	D	52350
52400	Training and advisory services (Civil Rights IV-A)	7,334	14,000	7,334	---	-6,666	D	52400
52500	Ellender fellowships/Close up 1/	1,500	---	1,000	-500	+1,000	D	52500
52550	Education for Native Hawaiians	12,000	6,000	4,000	-8,000	-2,000	D	52550
52750	Charter schools	18,000	40,000	18,000	---	-22,000	D	52750
52800	Subtotal, other school improvement programs	156,834	188,000	150,334	-6,500	-37,666		52800

52810 1/ Forward funded. 52810

52820 2/ The President's 1997 request earmarks $120,000 for 52820
52830 an evaluation of this program. 52830

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable 21	FY 1997 Request 22	House Passed 23	vs. FY 1996 Comparable	vs. FY 1997 Request		
52850	Technical assistance for improving ESEA programs:							52850
52900	Comprehensive regional assistance centers.....	21,507	45,000	21,554	+47	-23,446	D	52900
53000	Total, School improvement programs.....	1,213,577	1,404,000	1,237,383	+23,806	-166,617		53000
53150	Subtotal, forward funded.....	(1,015,478)	(1,154,000)	(1,071,495)	(+56,017)	(-82,505)		53150
53400	BILINGUAL AND IMMIGRANT EDUCATION 1/							53400
53450	Bilingual education:							53450
53500	Instructional services.....	117,200	117,190	117,190	-10	---	D	53500
53550	Support services.....	9,700	14,330	---	-9,700	-14,330	D	53550
53600	Professional development.....	1,100	25,180	---	-1,100	-25,180	D	53600
53650	Immigrant education 2/.....	50,000	100,000	50,000	---	-50,000	D	53650
53675	Foreign language assistance 3/.....	10,039	5,000	---	-10,039	-5,000	D	53675
53700	Total.....	188,039	261,700	167,190	-20,849	-94,510		53700
53850	SPECIAL EDUCATION							53850
53900	State grants: 4/							53900
54000	Grants to States part ''b''.....	2,323,837	2,603,247	2,323,837	---	-279,410	D	54000 UA
54050	Preschool grants.....	360,409	380,000	360,409	---	-19,591	D	54050 UA
54100	Grants for infants and families.....	315,754	315,632	315,754	---	+122	D	54100 UA
54150	Subtotal, State grants.....	3,000,000	3,298,879	3,000,000	---	-298,879		54150

54160 1/ The Department reprogrammed $9.7 M and $1.1 M from
54165 Instructional Services to Support Services and
54166 Professional Development respectively for 1996.

54170 2/ The President's budget request permits States to
54175 award this funding competitively to LEAs.

54180 3/ FY96 funding for foreign language assistance was
54185 provided in the School Improvement account.

54190 4/ Forward funded. The President's request is based
54195 on legislation proposed for later transmittal.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
54200	Proposed legis: Program Support and Improvement:							54200
54250	Research to practice	---	95,720	---	---	-95,720	D	54250 UA
54300	State improvement	---	37,076	---	---	-37,076	D	54300 UA
54350	Professional development	---	76,700	---	---	-76,700	D	54350 UA
54400	Parent training and information	---	14,534	---	---	-14,534	D	54400 UA
54450	Technology development and ed. media services	---	30,004	---	---	-30,004	D	54450 UA
54500	Subtotal, Proposed legislation	---	254,034	---	---	-254,034		54500
54750	Special purpose funds:							54750
54800	Deaf-blindness	12,832	---	12,832	---	+12,832	D	54800 UA
54850	Serious emotional disturbance	4,147	---	4,147	---	+4,147	D	54850 UA
54900	Severe disabilities	10,030	---	10,030	---	+10,030	D	54900 UA
54950	Early childhood education	25,147	---	25,147	---	+25,147	D	54950 UA
55000	Secondary and transitional services	23,966	---	23,966	---	+23,966	D	55000 UA
55050	Postsecondary education	8,839	---	8,839	---	+8,839	D	55050 UA
55100	Innovation and development	14,000	---	14,000	---	+14,000	D	55100 UA
55150	Media and captioning services	19,130	---	20,030	+900	+20,030	D	55150 UA
55200	Technology applications	9,993	---	9,993	---	+9,993	D	55200 UA
55250	Special studies	3,827	---	3,827	---	+3,827	D	55250 UA
55300	Personnel development	91,339	---	91,339	---	+91,339	D	55300 UA
55350	Parent training	13,535	---	13,535	---	+13,535	D	55350 UA
55400	Clearinghouses	1,989	---	1,989	---	+1,989	D	55400 UA
55450	Regional resource centers	6,641	---	6,641	---	+6,641	D	55450 UA
55500	Subtotal, Special purpose funds	245,415	---	246,315	+900	+246,315		55500
55550	Total, Special education	3,245,415	3,552,913	3,246,315	+900	-306,598		55550

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
55700	REHABILITATION SERVICES AND DISABILITY RESEARCH							55700
55750	Vocational rehabilitation State grants	2,118,834	2,176,038	2,176,038	+57,204	---	M	55750
55850	Client assistance State grants	10,119	10,392	10,392	+273	---	M	55850
55900	Training	39,629	39,629	39,629	---	---	M	55900
55950	Special demonstration programs	27,441	18,942	18,942	-8,499	---	M	55950
56000	Migratory workers	1,421	1,850	1,850	+429	---	M	56000
56050	Recreational programs	2,596	2,596	2,596	---	---	M	56050
56100	Protection and advocacy of individual rights	7,456	7,657	7,657	+201	---	M	56100
56150	Projects with industry	22,065	22,071	22,071	+6	---	M	56150
56200	Supported employment State grants	38,152	38,152	38,152	---	---	M	56200
56250	Independent living:							56250
56300	State grants	21,859	21,859	21,859	---	---	M	56300
56350	Centers	41,749	42,876	42,876	+1,127	---	M	56350
56400	Services for older blind individuals	8,952	9,952	9,952	+1,000	---	M	56400
56450	Subtotal, Independent living	72,560	74,687	74,687	+2,127	---		56450
56475	Program improvement 1/	1,000	2,400	2,400	+1,400	---	M	56475
56500	Evaluation	1,582	1,587	1,587	+5	---	M	56500
56550	Helen Keller National Center for Deaf-Blind Youths &							56550
56600	Adults	7,144	7,337	7,337	+193	---	M	56600
56650	National Institute on Disability & Rehabilitation							56650
56700	Research	69,984	70,000	70,000	+16	---	M	56700
56750	Subtotal, mandatory programs	2,419,983	2,473,338	2,473,338	+53,355	---		56750
56800	Assistive technology	36,109	39,249	36,109	---	-3,140	D	56800
56850	Total, Rehabilitation services	2,456,092	2,512,587	2,509,447	+53,355	-3,140		56850

56860 1/ 1996 funding for this activity was provided in the 56860
56865 Technical Assistance to States line item. 56865

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
57100	SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES							57100
57150	AMERICAN PRINTING HOUSE FOR THE BLIND.....	6,680	6,495	6,680	---	+185	D	57150
57200	NATIONAL TECHNICAL INSTITUTE FOR THE DEAF:							57200
57250	Consolidated account.....	42,180	---	43,041	+861	+43,041	D	57250
57300	Operations.....	---	42,705	---	---	-42,705	D	57300
57350	Endowment grant.....	---	336	---	---	-336	D	57350
57450	Subtotal.....	42,180	43,041	43,041	+861	---		57450
57500	GALLAUDET UNIVERSITY:							57500
57550	Consolidated account.....	77,629	---	79,182	+1,553	+79,182	D	57550
57600	Operations.....	---	79,030	---	---	-79,030	D	57600
57700	Endowment grant.....	---	1,000	---	---	-1,000	D	57700
57750	Subtotal.....	77,629	80,030	79,182	+1,553	-848		57750
57800	Total, Special institutions for persons with							57800
57850	disabilities.....	126,489	129,566	128,903	+2,414	-663		57850

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
57900	VOCATIONAL AND ADULT EDUCATION 1/							57900
57950	Vocational education:							57950
58050	Basic State grants	972,750	1,100,000	972,750	---	-127,250	D	58050 UA
58200	Tech-Prep education	100,000	---	100,000	---	+100,000	D	58200 UA
58250	Tribally controlled postsecondary vocational							58250
58300	institutions	2,919	2,919	2,919	---	---	D	58300 UA
58350	State councils	---	---	---	---	---	D	58350 UA
58500	National programs: Research	4,998	17,081	---	-4,998	-17,081	D	58500 UA
58750	Subtotal, Vocational education	1,080,667	1,120,000	1,075,669	-4,998	-44,331		58750
58850	Adult education:							58850
59000	State programs	250,000	290,000	250,000	---	-40,000	D	59000 UA
59100	National programs:							59100
59200	Evaluation and technical assistance	---	5,000	---	---	-5,000	D	59200 UA
59250	National Institute for Literacy	4,860	5,000	4,000	-860	-1,000	D	59250 UA
59300	Subtotal, National programs	4,860	10,000	4,000	-860	-6,000		59300
59500	Literacy programs for prisoners	4,723	---	---	-4,723	---	D	59500 UA
59550	Subtotal, adult education	259,583	300,000	254,000	-5,583	-46,000		59550
59600	Total, Vocational and adult education	1,340,250	1,420,000	1,329,669	-10,581	-90,331		59600

59610 1/ All programs are forward funded with the exception 59610
59620 of Tribally Controlled Postsecondary Vocational 59620
59630 Institutions. 59630

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
59850	STUDENT FINANCIAL ASSISTANCE							59850
59900	Federal Pell Grants: Regular program.....	4,914,000	5,919,000	5,342,000	+428,000	-577,000	D	59900
60000	Memo (non-add): Maximum grant.....	(2,470)	(2,700)	(2,500)	(+30)	(-200)	NA	60000
60010	Memo (non-add): Outlay effect for FY97 1/.....	(1,301,000)	(1,320,000)	(1,180,000)	(-121,000)	(-140,000)	NA	60010
60525	Federal supplemental educational opportunity grants...	583,407	583,407	583,407	---	---	D	60525
60550	Federal work-study.....	616,508	679,000	685,000	+68,492	+6,000	D	60550
60600	Federal Perkins loans:							60600
60650	Capital contributions.....	93,297	158,000	---	-93,297	-158,000	D	60650
60750	Loan cancellations.....	20,000	20,000	20,000	---	---	D	60750
60800	Subtotal, Federal Perkins loans.....	113,297	178,000	20,000	-93,297	-158,000		60800
60850	State student incentive grants.....	31,375	---	---	-31,375	---	D	60850
60950	Total, Student financial assistance.....	6,258,587	7,359,407	6,630,407	+371,820	-729,000		60950

60960 1/ The 1996 appropriation capped participation in the 60960
60970 1995-1996 school year at 3,650,000 students. 60970

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
61550	FEDERAL FAMILY EDUCATION LOANS PROGRAM							61550
61600	(EXISTING GUARANTEED STUDENT LOANS PROGRAM)							61600
61750	Federal education loans: Federal administration.....	29,977	46,572	29,977	---	-16,595	D	61750
61775	Total Outstanding Loan Volume as of 10/96 (non-add)...	(71,400,000)	(71,400,000)	(71,400,000)	---	---	NA	61775
61850	FEDERAL DIRECT STUDENT LOAN PROGRAM							61850
61900	Mandatory administrative costs (indefinite).....	(435,652)	(595,000)	(420,000)	(-15,652)	(-175,000)	NA	61900
61920	Total Outstanding Loan Volume as of 10/96 (non-add)...	(12,200,000)	(12,200,000)	(12,200,000)	---	---	NA	61920

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
61950	HIGHER EDUCATION							61950
62000	Aid for institutional development:							62000
62050	Strengthening institutions	55,450	40,000	55,450	---	+15,450	D	62050
62100	Hispanic serving institutions	10,800	12,000	10,800	---	-1,200	D	62100
62120	Hispanic serving institutions (Agriculture bill)	---	---	(2,000)	(+2,000)	(+2,000)	NA	62120
62135	Subtotal, Hispanic serving institutions	(10,800)	(12,000)	(12,800)	(+2,000)	(+800)		62135
62150	Strengthening historically black colleges & univ.	108,990	108,990	108,990	---	---	D	62150
62200	Strengthening historically black grad institutions	19,606	19,606	19,606	---	---	D	62200
62350	Endowment challenge grants, HBCU set-aside	---	2,015	---	---	-2,015	D	62350
62450	Subtotal, Institutional development	194,846	182,611	194,846	---	+12,235		62450
62950	Program development:							62950
63000	Fund for the Improvement of Postsecondary Educ.	15,000	18,000	15,000	---	-3,000	D	63000
63200	Minority teacher recruitment	2,212	2,458	2,212	---	-246	D	63200
63250	Minority science improvement	5,255	5,839	5,255	---	-584	D	63250
63350	International educ & foreign language studies:							63350
63400	Domestic programs	50,481	52,283	53,481	+3,000	+1,198	D	63400
63450	Overseas programs	4,750	5,790	4,750	---	-1,040	D	63450
63500	Institute for International Public Policy	920	1,000	---	-920	-1,000	D	63500
63550	Subtotal, International education	56,151	59,073	58,231	+2,080	-842		63550
63650	Law school clinical experience	5,500	---	---	-5,500	---	D	63650
63700	Urban community service	9,200	---	8,280	-920	+8,280	D	63700
63800	Subtotal, Program development	93,318	85,370	88,978	-4,340	+3,608		63800
63850	Construction:							63850
63900	Interest subsidy grants, prior year construction	16,712	15,673	15,673	-1,039	---	D	63900

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
63950	Special grants and grants to institutions:							63950
64000	Bethune Cookman College Fine Arts Center.....	3,680	---	---	-3,680	---	D	64000
64050	Federal TRIO programs.....	462,993	500,000	500,000	+37,007	---	D	64050
64150	Early intervention scholarships and partnerships..	3,108	---	---	-3,108	---	D	64150
64350	Scholarships:							64350
64400	Byrd honors scholarships.....	29,117	29,117	---	-29,117	-29,117	D	64400
64500	Presidential honors scholarships 1/.....	---	130,000	---	---	-130,000	D	64500
64700	Subtotal, Scholarships.....	29,117	159,117	---	-29,117	-159,117		64700
64750	Graduate fellowships:							64750
64850	Javits fellowships.....	5,931	---	---	-5,931	---	D	64850
64900	Graduate assistance in areas of national need.....	27,252	30,000	30,000	+2,748	---	D	64900
65000	Subtotal, Graduate fellowships.....	33,183	30,000	30,000	-3,183	---		65000
65150	Total, Higher education.....	836,957	972,771	829,497	-7,460	-143,274		65150
65250	HOWARD UNIVERSITY							65250
65300	Academic program.....	152,859	162,944	157,859	+5,000	-5,085	D	65300
65400	Endowment.....	---	3,530	---	---	-3,530	D	65400
65550	Howard University Hospital.....	29,489	29,489	29,489	---	---	D	65550
65700	Total, Howard University.....	182,348	195,963	187,348	+5,000	-8,615		65700
65850	COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM:							65850
65950	Federal administration.....	698	700	698	---	-2	D	65950
66150	HISTORICALLY BLACK COLLEGE AND UNIVERSITY							66150
66200	CAPITAL FINANCING PROGRAM							66200
66350	Federal administration.....	166	104	104	-62	---	D	66350
66360	1/ This new unauthorized program is proposed for							66360
66370	transmittal in late June.							66370

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
66450	EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT							66450
66500	Research and statistics:							66500
66550	Research	56,021	108,000	70,641	+14,620	-37,359	D	66550
66575	Regional education laboratories	51,000	---	51,000	---	+51,000	D	66575
66600	Statistics	46,227	50,000	50,000	+3,773	---	D	66600
66650	Assessment:							66650
66700	National assessment	29,752	29,750	29,752	---	+2	D	66700
66750	National assessment governing board	2,871	3,000	2,871	---	-129	D	66750
66800	Subtotal, Assessment	32,623	32,750	32,623	---	-127		66800
66850	Subtotal, Research and statistics	185,871	190,750	204,264	+18,393	+13,514		66850
66900	Fund for the Improvement of Education	37,611	40,000	40,000	+2,389	---	D	66900
66950	International education exchange (title VI)	5,000	3,000	3,000	-2,000	---	D	66950
67200	21st century community learning centers	750	---	---	-750	---	D	67200
67250	Civic Education	4,000	4,000	4,000	---	---	D	67250
67300	Eisenhower professional development national							67300
67350	activities	17,984	15,000	---	-17,984	-15,000	D	67350
67450	Eisenhower regional mathematics & science education							67450
67500	consortia	15,000	15,000	15,000	---	---	D	67500
67650	Javits gifted and talented education	3,000	10,000	3,000	---	-7,000	D	67650
67700	National writing project	2,955	---	---	-2,955	---	D	67700

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
67900	Education technology:							67900
68175	Technology for education	48,000	325,000	48,000	---	-277,000	D	68175
68200	Star schools	23,000	25,000	---	-23,000	-25,000	D	68200
68250	Ready to learn television	6,440	7,000	---	-6,440	-7,000	D	68250
68300	Telecommunications demo project for mathematics	1,035	---	---	-1,035	---	D	68300
68350	Subtotal, Education technology	78,475	357,000	48,000	-30,475	-309,000		68350
68400	Total, ERSI	350,646	634,750	317,264	-33,382	-317,486		68400

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
68600	LIBRARIES							68600
68650	Public libraries:							68650
68700	Services	92,636	---	92,636	---	+92,636	D	68700 UA
68750	Construction	16,369	---	---	-16,369	---	D	68750 UA
68800	Interlibrary cooperation	18,000	---	11,864	-6,136	+11,864	D	68800 UA
68900	Library education and training	2,500	---	2,500	---	+2,500	D	68900
68950	Research and demonstrations	3,000	---	1,000	-2,000	+1,000	D	68950
68975	Undistributed 1/	---	110,000	---	---	-110,000	D	68975
69000	Total, Libraries	132,505	110,000	108,000	-24,505	-2,000		69000
69200	DEPARTMENTAL MANAGEMENT							69200
69250	PROGRAM ADMINISTRATION	326,686	355,476	297,229	-29,457	-58,247	D	69250
69275	HEADQUARTERS RENOVATION 2/	7,000	---	---	-7,000	---	D	69275
69350	OFFICE FOR CIVIL RIGHTS	55,277	60,000	54,171	-1,106	-5,829	D	69350
69400	OFFICE OF THE INSPECTOR GENERAL	28,563	30,500	27,143	-1,420	-3,357	D	69400
69500	Total, Departmental management	417,526	445,976	378,543	-38,983	-67,433		69500
69650	Total, Department of Education	25,230,349	28,034,009	25,228,875	-1,474	-2,805,134		69650

69700 1/ The President has not requested funding for library
69710 programs, but has indicated his intention to do so
69720 at a future time.

69800 2/ Funds available for 3 years. 69800

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
70150	TITLE IV - RELATED AGENCIES							70150
70175	ARMED FORCES RETIREMENT HOME							70175
70260	Operation and maintenance (trust fund limitation).....	53,829	55,772	52,752	-1,077	-3,020	D	70260 UA
70360	Capital program (trust fund limitation).....	1,954	432	432	-1,522	---	D	70360 UA
70400	Total, AFRH.....	55,783	56,204	53,184	-2,599	-3,020		70400
70425	CORPORATION FOR NATIONAL AND COMMUNITY SERVICE							70425
70450	Domestic Volunteer Service Programs (formerly Action):							70450
70475	Volunteers in Service to America:							70475
70500	VISTA operations.....	41,235	51,600	41,235	---	-10,365	D	70500 UA
70575	National Senior Volunteer Corps:							70575
70600	Foster Grandparents Program.....	62,237	72,812	67,812	+5,575	-5,000	D	70600 UA
70625	Senior Companion Program.....	31,155	34,244	31,244	+89	-3,000	D	70625 UA
70650	Retired Senior Volunteer Program.....	34,949	37,708	35,708	+759	-2,000	D	70650 UA
70700	Subtotal, Senior Volunteers.....	128,341	144,764	134,764	+6,423	-10,000		70700
70750	Program Administration.....	28,541	29,745	27,970	-571	-1,775	D	70750 UA
70775	Total, Domestic Volunteer Service Programs.....	198,117	226,109	203,969	+5,852	-22,140		70775
70800	Corporation for Public Broadcasting:							70800
70825	FY99 (current request) with FY98 comparable.....	250,000	275,000	250,000	---	-25,000	D	70825 UA
70850	1998 advance (non-add) with FY97 comparable.....	(260,000)	(250,000)	(250,000)	(-10,000)	---	NA	70850 UA
70900	1997 advance (non-add) with FY96 comparable.....	(275,000)	(260,000)	(260,000)	(-15,000)	---	NA	70900
71000	Federal Mediation and Conciliation Service.....	32,815	32,579	32,579	-236	---	D	71000
71025	Federal Mine Safety and Health Review Commission.....	6,184	6,332	6,060	-124	-272	D	71025
71125	National Commission on Libraries and Information							71125
71150	Science.....	829	897	812	-17	-85	D	71150
71325	National Council on Disability.....	1,793	1,793	1,757	-36	-36	D	71325
71350	National Education Goals Panel.....	994	2,785	974	-20	-1,811	D	71350
71400	National Labor Relations Board.....	170,266	181,134	144,692	-25,574	-36,442	D	71400

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
71425	National Mediation Board	7,812	8,300	7,656	-156	-644	D	71425
71450	Occupational Safety and Health Review Commission	8,081	7,753	7,753	-328	---	D	71450
71475	Physician Payment Review Commission (trust funds)	(2,920)	(4,000)	(2,920)	---	(-1,080)	TF*	71475
71500	Prospective Payment Assessment Commission (trust							71500
71525	funds)	(3,263)	(3,902)	(3,263)	---	(-639)	TF*	71525
71550	RAILROAD RETIREMENT BOARD							71550
71560	Dual benefits payments account	239,000	223,000	223,000	-16,000	---	D	71560
71570	Less income tax receipts on dual benefits	-17,000	-9,000	-9,000	+8,000	---	D	71570
71580	Subtotal, Dual Benefits	222,000	214,000	214,000	-8,000	---		71580
71590	Federal payment to the Railroad Retirement Account	300	300	300	---	---	M	71590
71600	Limitation on administration:							71600
71610	Consolidated account	---	(90,558)	(87,898)	(+87,898)	(-2,660)	TF*	71610
71620	Retirement	(72,955)	---	---	(-72,955)	---	TF*	71620
71630	Unemployment	(16,737)	---	---	(-16,737)	---	TF*	71630
71640	Subtotal, administration	(89,692)	(90,558)	(87,898)	(-1,794)	(-2,660)		71640
71650	Special management improvement fund	(657)	---	---	(-657)	---	TF*	71650
71660	Total, limitation on administration	(90,349)	(90,558)	(87,898)	(-2,451)	(-2,660)		71660
71670	Inspector General	(5,656)	(5,750)	(5,268)	(-388)	(-482)	TF*	71670

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
71700	SOCIAL SECURITY ADMINISTRATION							71700
71725	PAYMENTS TO SOCIAL SECURITY TRUST FUNDS.....	22,641	20,923	20,923	-1,718	---	M	71725
71750	ADDITIONAL ADMINISTRATIVE EXPENSES 1/.....	10,000	10,000	10,000	---	---	M	71750
71775	SPECIAL BENEFITS FOR DISABLED COAL MINERS							71775
71800	Benefit payments.....	660,215	625,450	625,450	-34,765	---	M	71800
71825	Administration.....	5,181	4,620	4,620	-561	---	M	71825
71850	Subtotal, Black Lung, FY 1997 program level.....	665,396	630,070	630,070	-35,326	---		71850
71875	Less funds advanced in prior year.....	-180,000	-170,000	-170,000	+10,000	---	M	71875
71900	Total, Black Lung, current request, FY 1997.....	485,396	460,070	460,070	-25,326	---		71900
71925	New advances, 1st quarter FY 1997 / 1998.....	170,000	160,000	160,000	-10,000	---	M	71925

71930 1/ No-year availability for these funds related to
71935 sections 9704 & 9706 of the Internal Revenue Code
71940 of 1986.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
71950	SUPPLEMENTAL SECURITY INCOME							71950
71975	Federal benefit payments	23,548,636	26,559,100	26,559,100	+3,010,464	---	M	71975
72000	Beneficiary services	176,400	179,000	100,000	-76,400	-79,000	M	72000
72025	Research and demonstration	8,200	7,000	7,000	-1,200	---	M	72025
72075	Administration 1/	1,817,276	2,018,973	1,961,015	+143,739	-57,958	D	72075
72125	Automation investment initiative	55,000	104,927	55,000	---	-49,927	D	72125
72225	Subtotal, SSI FY 1997 program level	25,605,512	28,869,000	28,682,115	+3,076,603	-186,885		72225
72250	Less funds advanced in prior year	-7,060,000	-9,260,000	-9,260,000	-2,200,000	---	M	72250
72255	Subtotal, regular SSI current year,							72255
72260	FY 1996 / 1997	18,545,512	19,609,000	19,422,115	+876,603	-186,885		72260
72265	Additional CDR funding	15,000	260,000	25,000	+10,000	-235,000	D	72265
72270	SSI reforms (welfare)	---	250,000	---	---	-250,000	D	72270
72275	Total, SSI, current request, FY 1996 / 1997	18,560,512	20,119,000	19,447,115	+886,603	-671,885		72275
72300	New advance, 1st quarter, FY 1997 / 1998	9,260,000	9,690,000	9,690,000	+430,000	---	M	72300

72380 1/ Figures include amounts for the SSI disability 72380
72385 initiative previously displayed as a separate 72385
72390 line item. 72390

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
72400	LIMITATION ON ADMINISTRATIVE EXPENSES							72400
72425	OASDI trust funds	(2,667,238)	(2,835,077)	(3,091,183)	(+423,945)	(+256,106)	TF	72425
72450	HI/SMI trust funds	(864,099)	(918,418)	(846,099)	(-18,000)	(-72,319)	TF*	72450
72475	SSI	(1,817,276)	(2,018,973)	(1,961,015)	(+143,739)	(-57,958)	TF	72475
72485	Social Security Advisory Board	---	---	(1,500)	(+1,500)	(+1,500)	TF	72485
72500	Subtotal, regular LAE	(5,348,613)	(5,772,468)	(5,899,797)	(+551,184)	(+127,329)		72500
72525	DI disability initiative	(289,322)	---	---	(-289,322)	---	TF	72525
72600	OASDI automation	(112,000)	(195,073)	(195,073)	(+83,073)	---	TF	72600
72625	SSI automation	(55,000)	(104,927)	(55,000)	---	(-49,927)	TF	72625
72650	Subtotal, automation initative	(167,000)	(300,000)	(250,073)	(+83,073)	(-49,927)		72650
72675	TOTAL, REGULAR LAE	(5,804,935)	(6,072,468)	(6,149,870)	(+344,935)	(+77,402)		72675
72680	Additional CDR funding	(60,000)	(260,000)	(160,000)	(+100,000)	(-100,000)	TF	72680
72682	SSI reforms (welfare)	---	(250,000)	---	---	(-250,000)	TF	72682
72685	TOTAL, LAE	(5,864,935)	(6,582,468)	(6,309,870)	(+444,935)	(-272,598)		72685

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
72700	OFFICE OF INSPECTOR GENERAL							72700
72725	Federal funds	4,801	6,335	6,335	+1,534	---	D	72725
72750	Trust funds	(10,037)	(21,089)	(21,089)	(+11,052)	---	TF	72750
72775	Portion treated as budget authority	(10,977)	---	---	(-10,977)	---	TF*	72775
72800	Total, Office of the Inspector General:							72800
72825	Federal funds	4,801	6,335	6,335	+1,534	---		72825
72850	Trust funds	(21,014)	(21,089)	(21,089)	(+75)	---		72850
72875	Total	(25,815)	(27,424)	(27,424)	(+1,609)	---		72875
72900	Total, Social Security Administration:							72900
72925	Federal funds	28,513,350	30,466,328	29,794,443	+1,281,093	-671,885		72925
72950	Current year FY 1996 / 1997	(19,083,350)	(20,616,328)	(19,944,443)	(+861,093)	(-671,885)		72950
72975	New advances, 1st quarter FY 1997 / 1998	(9,430,000)	(9,850,000)	(9,850,000)	(+420,000)	---		72975
73000	Trust funds	(5,885,949)	(6,603,557)	(6,330,959)	(+445,010)	(-272,598)		73000
73200	Trust funds considered BA	(875,076)	(918,418)	(846,099)	(-28,977)	(-72,319)		73200
73375	United States Institute of Peace	11,481	11,160	11,160	-321	---	D	73375
73650	Total, Title IV, Related Agencies:							73650
73700	Federal Funds (all years)	29,479,805	31,490,674	30,729,339	+1,249,534	-761,335		73700
73750	Current year, FY 1996 / 1997	(19,799,805)	(21,365,674)	(20,629,339)	(+829,534)	(-736,335)		73750
73765	FY 1997 / 1998	(9,430,000)	(9,850,000)	(9,850,000)	(+420,000)	---		73765
73800	FY 1998 / 1999	(250,000)	(275,000)	(250,000)	---	(-25,000)		73800
73950	Trust funds	(5,988,137)	(6,707,767)	(6,430,308)	(+442,171)	(-277,459)		73950
73955	Trust funds considered BA	(977,264)	(1,022,628)	(945,448)	(-31,816)	(-77,180)		73955

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request	
		21	22	23			
74050	SUMMARY						74050
74100	Title I - Department of Labor:						74100
74150	Federal Funds	7,976,741	9,059,601	7,973,792	-2,949	-1,085,809	74150
74400	Trust Funds	(3,380,133)	(3,674,428)	(3,504,434)	(+124,301)	(-169,994)	74400
74550	Title II - Department of Health and Human Services:						74550
74600	Federal Funds	197,401,625	220,767,907	218,871,913	+21,470,288	-1,895,994	74600
74650	Current year	(166,446,275)	(185,967,914)	(185,071,920)	(+18,625,645)	(-895,994)	74650
74700	1998 advance	(30,955,350)	(34,799,993)	(33,799,993)	(+2,844,643)	(-1,000,000)	74700
74850	Trust Funds	(2,154,893)	(2,240,547)	(1,742,290)	(-412,603)	(-498,257)	74850
75000	Title III - Department of Education:						75000
75050	Federal Funds	25,230,349	28,034,009	25,228,875	-1,474	-2,805,134	75050
75350	Title IV - Related Agencies:						75350
75400	Federal Funds	29,479,805	31,490,674	30,729,339	+1,249,534	-761,335	75400
75450	Current year	(19,799,805)	(21,365,674)	(20,629,339)	(+829,534)	(-736,335)	75450
75470	1998 advance	(9,430,000)	(9,850,000)	(9,850,000)	(+420,000)	---	75470
75500	1999 advance	(250,000)	(275,000)	(250,000)	---	(-25,000)	75500
75650	Trust Funds	(5,988,137)	(6,707,767)	(6,430,308)	(+442,171)	(-277,459)	75650
75750	Total, all titles:						75750
75800	Federal Funds	260,088,520	289,352,191	282,803,919	+22,715,399	-6,548,272	75800
75850	Current year	(219,453,170)	(244,427,198)	(238,903,926)	(+19,450,756)	(-5,523,272)	75850
75950	1998 advance	(40,385,350)	(44,649,993)	(43,649,993)	(+3,264,643)	(-1,000,000)	75950
76000	1999 advance	(250,000)	(275,000)	(250,000)	---	(-25,000)	76000
76200	Trust Funds	(11,523,163)	(12,622,742)	(11,677,032)	(+153,869)	(-945,710)	76200

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request	
		21	22	23			
76300	BUDGET ENFORCEMENT ACT RECAP						76300
76350	Federal Funds (all years).....	260,088,520	289,352,191	282,803,919	+22,715,399	-6,548,272	76350
76750	Mandatory, total in bill.....	202,222,040	223,293,463	222,894,463	+20,672,423	-399,000	76750
76850	Less advances for subsequent years.....	-40,385,350	-43,649,993	-43,649,993	-3,264,643	---	76850
76900	Plus advances provided in prior years 1/.....	38,687,717	40,385,350	40,385,350	+1,697,633	---	76900
76910	Adjustment for leg cap on Title XX SSBGs.....	419,000	---	320,000	-99,000	+320,000	76910
76915	Education: Rehab services, tech assistance....	---	39,249	---	---	-39,249	76915
76950	Total, mandatory, current year.....	200,943,407	220,068,069	219,949,820	+19,006,413	-118,249	76950
77150	Discretionary, total in bill.....	57,866,480	66,058,728	59,909,456	+2,042,976	-6,149,272	77150
77200	Less advances for subsequent years.....	-250,000	-1,275,000	-250,000	---	+1,025,000	77200
77250	Plus advances provided in prior years.....	1,274,997	260,000	260,000	-1,014,997	---	77250
77300	Scorekeeping adjustments:						77300
77350	Trust funds considered budget authority.....	6,500,730	6,924,503	6,055,469	-445,261	-869,034	77350
77360	Education advance funding, FY 1997.....	-1,298,239	1,298,239	1,298,239	+2,596,478	---	77360
77365	Education advance funding, FY 1998.....	---	---	-1,298,239	-1,298,239	-1,298,239	77365
77370	P.L. 104-121 funding.....	---	-25,000	-25,000	-25,000	---	77370
77375	LIHEAP 1997 contingency.....	---	300,000	300,000	+300,000	---	77375
77380	Howard University.....	---	2	---	---	-2	77380
77385	Education: Rehab services, tech assistance....	---	-39,249	---	---	+39,249	77385
77390	Adjustment to balance with FY96 bill.....	-27,687	---	---	+27,687	---	77390
77405	HEAL loan limitation.....	-6,983	---	---	+6,983	---	77405
77415	Direct loan administration limitation.....	-114,000	---	-269,000	-155,000	-269,000	77415
77425	JOBS rescission.....	-10,000	---	---	+10,000	---	77425
77445	Dept of Labor working capital fund.....	3,900	---	---	-3,900	---	77445
77455	Advances to the ESA account of the Unempl TF..	-56,300	---	---	+56,300	---	77455
77460	Payments to UI trust fund & other funds.....	-266,000	---	---	+266,000	---	77460
77470	Adjustment for leg cap on Title XX SSBGs.....	-419,000	---	-320,000	+99,000	-320,000	77470

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request	
		21	22	23			
77480	Medicaid psychiatric hospitals.....	50,000	---	---	-50,000	---	77480
77800 *	Total, discretionary, current year.....	63,247,898	73,502,223	65,660,925	+2,413,027	-7,841,298	77800
77810 *	Crime trust fund.....	53,000	90,381	61,000	+8,000	-29,381	77810
77820 *	General purposes.....	63,194,898	73,411,842	65,599,925	+2,405,027	-7,811,917	77820

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request	
		21	22	23			
78850	DISTRIBUTION OF BILL TOTALS BY AGENCY						78850
78900	(BUDGET ENFORCEMENT ACT SCOREKEEPING)						78900
78950	Title I - Department of Labor.....	7,976,741	9,059,601	7,973,792	-2,949	-1,085,809	78950
79050	Trust funds considered budget authority.....	3,368,573	3,661,328	3,367,731	-842	-293,597	79050
79100	Total.....	11,345,314	12,720,929	11,341,523	-3,791	-1,379,406	79100
79300	Mandatory.....	1,930,462	1,918,500	1,918,500	-11,962	---	79300
79450	Discretionary.....	6,046,279	7,141,101	6,055,292	+9,013	-1,085,809	79450
79600	Trust funds considered budget authority.....	3,368,573	3,661,328	3,367,731	-842	-293,597	79600
79710	Dept of Labor working capital fund.....	3,900	---	---	-3,900	---	79710
79750	Subtotal, discretionary.....	9,418,752	10,802,429	9,423,023	+4,271	-1,379,406	79750
79950	Total, 602(b) scorekeeping.....	11,349,214	12,720,929	11,341,523	-7,691	-1,379,406	79950

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request	
		21	22	23			
80100	Title II - Dept of Health & Human Services	166,446,275	185,967,914	185,071,920	+18,625,645	-895,994	80100
80150	Prior year advances	32,447,717	30,955,350	30,955,350	-1,492,367	---	80150
80200	Trust funds considered budget authority	2,154,893	2,240,547	1,742,290	-412,603	-498,257	80200
80250	Total	201,048,885	219,163,811	217,769,560	+16,720,675	-1,394,251	80250
80500	Mandatory	140,294,672	157,275,239	156,955,239	+16,660,567	-320,000	80500
80550	Prior year advances	31,447,717	30,955,350	30,955,350	-492,367	---	80550
80560	Adjustment for leg cap on Title XX SSBGs	419,000	---	320,000	-99,000	+320,000	80560
80600	Subtotal, mandatory	172,161,389	188,230,589	188,230,589	+16,069,200	---	80600
80850	Discretionary	26,151,603	28,692,675	28,116,681	+1,965,078	-575,994	80850
81000	Prior year advances	999,997	---	---	-999,997	---	81000
81050	Trust funds considered budget authority	2,154,893	2,240,547	1,742,290	-412,603	-498,257	81050
81180	HEAL loan limitation	-6,983	---	---	+6,983	---	81180
81190	Adjustment for leg cap on Title XX SSBGs	-419,000	---	-320,000	+99,000	-320,000	81190
81200	LIHEAP 1997 contingency	---	300,000	300,000	+300,000	---	81200
81300	Subtotal, discretionary	28,880,510	31,233,222	29,838,971	+958,461	-1,394,251	81300
81550	Total, 602(b) scorekeeping	201,041,899	219,463,811	218,069,560	+17,027,661	-1,394,251	81550

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request	
		21	22	23			
81600	Title III - Department of Education	25,230,349	28,034,009	25,228,875	-1,474	-2,805,134	81600
81900	Mandatory	2,419,983	2,473,338	2,473,338	+53,355	---	81900
81910	Education: Rehab services, tech assistance	---	39,249	---	---	-39,249	81910
81950	Subtotal, mandatory	2,419,983	2,512,587	2,473,338	+53,355	-39,249	81950
82050	Discretionary	22,810,366	25,560,671	22,755,537	-54,829	-2,805,134	82050
82060	Education advance funding, FY 1997	-1,298,239	1,298,239	1,298,239	+2,596,478	---	82060
82065	Education advance funding, FY 1998	---	---	-1,298,239	-1,298,239	-1,298,239	82065
82070	Education: Rehab services, tech assistance	---	-39,249	---	---	+39,249	82070
82200	Subtotal, discretionary	21,512,127	26,819,661	22,755,537	+1,243,410	-4,064,124	82200
82350	Total, 602(b) scorekeeping	23,932,110	29,292,999	25,228,875	+1,296,765	-4,064,124	82350
82400	Title IV - Related Agencies	19,799,805	21,365,674	20,629,339	+829,534	-736,335	82400
82450	Prior year advances	7,515,000	9,690,000	9,690,000	+2,175,000	---	82450
82500	Trust funds considered budget authority	977,264	1,022,628	945,448	-31,816	-77,180	82500
82550	Total	28,292,069	32,078,302	31,264,787	+2,972,718	-813,515	82550
82700	Mandatory	17,191,573	17,976,393	17,897,393	+705,820	-79,000	82700
82750	Prior year advances	7,240,000	9,430,000	9,430,000	+2,190,000	---	82750
82800	Subtotal, mandatory	24,431,573	27,406,393	27,327,393	+2,895,820	-79,000	82800
82900	Discretionary	2,608,232	3,389,281	2,731,946	+123,714	-657,335	82900
83000	Prior year advances	275,000	260,000	260,000	-15,000	---	83000
83050	Trust funds considered budget authority	977,264	1,022,628	945,448	-31,816	-77,180	83050
83060	P.L. 104-121 funding	---	-25,000	-25,000	-25,000	---	83060
83150	Subtotal, discretionary	3,860,496	4,646,909	3,912,394	+51,898	-734,515	83150
83300	Total, 602(b) scorekeeping	28,292,069	32,053,302	31,239,787	+2,947,718	-813,515	83300

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request	
		21	22	23			
83310	Scorekeeping adjustments:						83310
83370	Howard University	---	2	---	---	-2	83370
83380	Adjustment to balance with FY96 bill	-27,687	---	---	+27,687	---	83380
83385	Direct loan administration limitation	-114,000	---	-269,000	-155,000	-269,000	83385
83387	Medicaid psychiatric hospitals	50,000	---	---	-50,000	---	83387
83392	JOBS rescission	-10,000	---	---	+10,000	---	83392
83394	Advances to the ESA account of the Unempl TF	-56,300	---	---	+56,300	---	83394
83396	Payments to UI trust fund & other funds	-266,000	---	---	+266,000	---	83396
83400	Total, current year, all titles	---	---	---	---	---	83400
83750	Mandatory	162,255,690	179,682,719	179,564,470	+17,308,780	-118,249	83750
83850	Prior year advances	38,687,717	40,385,350	40,385,350	+1,697,633	---	83850
83900	Subtotal, mandatory, current year	200,943,407	220,068,069	219,949,820	+19,006,413	-118,249	83900
84100	Discretionary	55,472,171	66,317,720	59,345,456	+3,873,285	-6,972,264	84100
84150	Prior year advances	1,274,997	260,000	260,000	-1,014,997	---	84150
84200	Trust funds considered budget authority	6,500,730	6,924,503	6,055,469	-445,261	-869,034	84200
84250	Subtotal, discretionary current year	63,247,898	73,502,223	65,660,925	+2,413,027	-7,841,298	84250

PERMISSION TO CONSIDER ON FRIDAY, JULY 12, 1996, H.R. 2428, FOOD AND GROCERY DONATION ACT, UNDER SUSPENSION OF THE RULES

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that on Friday, July 12, 1996, the Speaker be authorized to entertain a motion, offered by the gentleman from Pennsylvania, Mr. GOODLING, or his designee, to suspend the rules and pass H.R. 2428 as amended, a bill to encourage the donation of food and grocery products.

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

There was no objection.

DEFENSE OF MARRIAGE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 474 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3396.

□ 0040

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3396) to define and protect the institution of marriage, with Mr. GILLMOR in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, the House begins its consideration of H.R. 3396, the Defense of Marriage Act. H.R. 3396 has two operative provisions. Section 2 of the bill reads as follows:

> No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship.

This provision invokes Congress' constitutional authority, under Article IV, section 1, to prescribe the effect that shall be given the public records, acts, and proceedings of the various States. This section provides only that States "shall not be required" to recognize same-sex marriage licenses issued by other States. It would not prevent any State from permitting homosexual couples to marry, just as it would not prevent any State from choosing to give full legal effect to same-sex marriages contracted in other States. It means only that they are not required by the Full Faith and Credit Clause to do so.

It appears that gay rights lawyers are soon likely to win the right for homosexuals to marry in Hawaii, and that they will attempt to "nationalize" that anticipated victory under force of the Full Faith and Credit Clause of the U.S. Constitution. I do not believe that other States would necessarily be required, under a proper interpretation of that Clause and the "public policy" exception to it, to give effect to a Hawaiian same-sex marriage license.

But here is the situation we confront: Gay rights lawyers have made plain their intention to invoke the Full Faith and Credit Clause to persuade judges in the other 49 States to ignore the public policy of those States and to recognize a Hawaiian same-sex marriage license. This strategy is no secret; it is well documented. I would hope that judges would reject this strategy. But we all know that some courts will go the other way. That explains why, as we learned at our hearing, over 30 States are busily trying to enact legislation that will assist their efforts to fend off the impending assault on their marriage laws. There is, in short, disquiet in the States over how this legal scenario will play out.

The strategy the gay rights groups are pursuing is profoundly undemocratic, and it is surely an abuse of the Full Faith and Credit Clause. Indeed, I cannot imagine a more appropriate occasion for invoking our constitutional authority to define the States' obligations under the Full Faith and Credit Clause. As Representative Torrance Tom from Hawaii testified before the Subcommittee: "If inaction by the Congress runs the risk that a single Judge in Hawaii may re-define the scope of legislation throughout the other forty-nine states, [then] failure to act is a dereliction of the responsibilities [we] were invested with by the voters."

Section 3 of the bill is even more straightforward. It proves that, for purposes of federal law only, "word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife." Again, this is a reaction to the Hawaii situation. Prior to the Hawaii Supreme Court decision there was never any reason to define the words "marriage" or "spouse" in federal law, because the laws of the fifty States were uniform in defining them exclusively with reference to heterosexual unions. But now, it is necessary to make explicit in the federal code Congress' well-established and unquestionable intention that "marriage" is limited to unions between one man and one woman. Section 3 changes nothing; it simply reaffirms existing law.

I would note that the Clinton administration Justice Department believes that H.R. 3396 is constitutional. President Clinton, more over, has indicated that he "would sign the bill if it was presented to him as currently written."

I'd make just one final point. Opponents of this bill have been quick to allege that its sponsors are motivated by crass political considerations; they have argued, in effect, that we have contrived this issue in order to score political points. In light of the Hawaii situation, the proclaimed intention of the gay rights lawyers, and the strong bipartisan support for the bill, this simply is not a credible argument. It is, rather, an argument designed to shift the focus of debate away from the fundamental issues at stake in this controversy.

What is at stake in this controversy? Nothing less than our collective moral understanding—as expressed in the law—of the essential nature of the family—the fundamental building block of society. This is far from a trivial political issue. Families are not merely constructs of outdated convention, and traditional marriage laws were not based on animosity toward homosexuals. Rather, I believe that the traditional family structure—centered on a lawful union between one man and one woman—comports with nature and with our Judeo-Christian moral tradition. It is one of the essential foundations on which our civilization is based.

Our law should embody an unequivocal recognition of that fundamental fact. Our law should not treat homosexual relationships as the moral equivalent of the heterosexual relationships on which the family is based. That is why we are here today.

□ 0045

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just exercise my objection to the way this House is being run. If this is such an important issue, why are we debating this at a quarter to 1? I must say that for an important piece of legislation like this to be treated in this fashion is quite shabby.

Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, this debate really is about a simple question, a question of equal rights. Marriage is a basic right. It is a

basic human right. Love and commitment are essential pillars of marriage. They are qualities that do not discriminate on account of gender. It is not right for this Congress to step in and to intrude into the private relationships and the most personal decisions of our constituencies. Love and commitment can exist between a man and a woman and it can and does exist between men and between women.

Proponents of this curiously titled bill say that we need legislation to protect the family. Nothing could be further from the truth. Families are not threatened when two adults who love each other make a lifelong commitment to one another. Families will not fall apart if gay men and women are allowed to marry, if they are allowed the same basic legal right to marry that is already enjoyed by heterosexuals.

This is not about defending marriage. It is about finding an enemy. It is not about marital union. It is about disunion, about dividing one group of Americans against another. This bill is unconstitutional, this bill is unfair, and the spirit behind this bill further fans the flames of prejudice and bigotry that this 104th Congress has done a pretty good job at fanning thus far.

I think it is a travesty that people would bring this bill out simply to polarize Americans even further. Instead of bringing love and commitment and worshiping that in our society, this bill sows the seeds of division and hatred amongst people. I think that is a very unfortunate thing.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

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

Mr. Chairman, I rise in strong support of the institution of marriage and this bill, which seeks to uphold and preserve traditional heterosexual marriage, the fundamental building block of our society.

Mr. Chairman, it is true that the institution of marriage, understood to be the social, legal and spiritual union of one man and one woman, has been the foundation of every human society. In 1988 the U.S. Supreme Court described marriage, quote, as creating the most important relation in life, as having more to do with the morals and civilization of a people than any other institution.

In the 1970's, the Minnesota State Supreme Court went further by stating that, quote, the institution of marriage as a union of man and woman uniquely involving the procreating and rearing of children within the family is as old as the Book of Genesis.

Most Americans who are still up at this hour will think it odd that we are actually considering legislation to define marriage as an exclusively heterosexual monogamous institution when, in fact, in the history of our country marriage has never meant anything else. It is inherently reserved for one man and one woman. As Webster's Dictionary states, quote, marriage is the institution whereby a man and a woman are joined in a special social and legal relationship.

Furthermore, I believe that marriage is a covenant established by God wherein one man and one woman are united for the purpose of founding and maintaining a family. H.R. 3396 solidly reinforces these previous U.S. and State Supreme Court findings by simply restating the current and long-established understanding of marriage as the social, legal and spiritual union of one man and one woman.

The President, who has promised his support for this legislation, and promised to sign this bill, said it very well at the National Prayer Breakfast this past January. He said, "We know that ultimately this is an affair of the heart, an affair of the heart that has enormous economic and political and social implications for America, but, most importantly has moral implications, because families," he said, "are ordained by God as a way of giving children and their parents the change to live up to the fullest of their God-given capacities."

The President is absolutely right.

Mr. Chairman, I am convinced that our country can survive many things, but one thing it cannot survive is the destruction of the family unit which forms the foundation of our society. Those among us who truly desire a strong and thriving America for our children and grandchildren will defend traditional heterosexual marriage and will vote for final passage of this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentlewoman from San Francisco, CA [Ms. PELOSI], a great champion of human rights.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time and for his strong leadership on this important issue and other issues of civil and human rights in this country and throughout the world.

Mr. Chairman, I rise in strong opposition to this ill-named Defense of Marriage Act and I do so on the basis of conscience, Constitution and constituency.

This legislation in terms of the Constitution, I believe, violates the spirit of the Constitution's full faith and credit clause as well as its equal protection provisions. It also is quite ironic to me that the Republican Party, which is a strong advocate for States' rights, now wants to override the will of the States and this is all in the hypothetical at that.

As a matter of conscience, I am opposed to this legislation because I believe it is a blatant act of discrimination. It is also disappointing that it is happening at this time because last week on the Fourth of July we celebrated our country's independence and our country's greatness. This week we are acting to diminish that greatness by saying to some members of our society that they are not equal under the law. Who is next? This bill is an insult to gays and lesbians in our country. Who is next? That brings me to my constituency.

I have the privilege of representing the most diverse population of any district in the country. I know there will be those who say their districts are as diverse but I do not think anyone's is more diverse than mine. In my district, I can easily see and say that the beauty is in the mix. I want to be sure that the power is also in the mix, the power for all of those different people to make their own decisions about their personal lives, the power for them to reach their own fulfillment, newcomer or old guard, black, brown, white or yellow, gay or lesbian.

Those decisions and that fulfillment include those affecting their life, liberty and pursuit of happiness. We value family in our community as a source of strength to our country and a source of comfort to our people. What constitutes that family is an individual and personal decision. But it is for all a place where people find love and support. If that happens to be with people living together of the same sex or of different sex, if it happens platonically or not, if it happens that they find comfort and love and support, God bless them.

Let me tell you about two very special constituents of mine who have lived together for over 25 years. Their commitment, their love and their happiness are a source of strength to all who know them. Their relationship—I hold this up so you can all see—is not a threat to anyone's marriage. This is Phyllis Lyons and Dell Martin. Phyllis has two grandchildren. Phyllis and Dell have been leaders in our community and command the respect of all who know them. Why should they not be able to share each other's health and bereavement benefits? Why should they not be able to visit each other in the hospital in case of accident or in case of illness? I know people will say, you can sign up in advance and tell the doctor before you go in for the operation. That does not happen if you are in an accident. Why should they not be able to share a financial relationship inheritance, immigration, the list goes on and on.

Why should they not have the full protection of the law? All of our community in our area are in debt to Phyllis and Dell for their contribution to the community, serving on commissions, they have been officially recognized over and over again in the course of their years of service. Tonight I am again in their debt for allowing me to

share their personal history with you. I thank them for doing that, and I say to all of you, if you knew Phyllis and Dell and many hundreds of thousands of people that I know like them, why would you not want them to be treated equally?

But I ask you to make a more personal question of yourselves. Should you find yourself in a situation where your children or your close relatives or your close friends find solace, happiness, comfort, love, support in a relationship that is appropriate for them, would you not want them to have the legal recognition that they deserve? It is not again a threat to anyone.

Mr. Chairman, I wish I could go into what is a threat to marriage in this country, but with that I urge my colleagues to think carefully before discriminating against anyone in this country. I urge our colleagues to vote "no" on this legislation.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Chairman, I rise in strong support of the Defense of Marriage Act and begin by saying that the reason that it is called the Defense of Marriage Act is very simple and very plain. There is an active court action in the State of Hawaii that is scheduled—some say as long as two years from now, earlier it was reported it could be as early as the first week in August—that they would rule that same-sex marriages are in order and according to the full faith and credit clause of the Constitution that a couple could fly from any part of the country to the State of Hawaii, receive a marriage certificate in that State, return to their home State and be obligated in that State, potentially be obligated in that State, that State would have to honor that marriage certificate. There is a very radical element that is in the process of redefining what marriage is.

We do not need to explain that for thousands of years and across many, many different cultures, a definition of marriage that transcends time has always been one man and one woman united for the purposes of forming a family. But that very definition is under assault. There have been many people that have spoken already this evening that have said, this is about equal rights, or this is about discrimination. Let me just say first of all that this is not about equal rights. We have equal rights.

□ 0100

Homosexuals have the same rights as I do. They have the ability to marry right now, today. However, when they get married, they must marry a person of the opposite sex, the same as me. That is the same right that I have. Now, I would also say that, just like a homosexual, I do not have the right to marry somebody of the same sex. It is the same for them as it is for me. There is no disparate between this rights issue.

Further, I would say that marriage is not a right in the first place. It is a privilege. That really brings me to another subject, when we talk about this bill defining for Federal purposes what constitutes a marriage, one man and one woman. There is, as I said, a radical element, a homosexual agenda that wants to redefine what marriage is. They want to say that a marriage not only is one man and one woman but it is two men or it is two women.

What logical reason is there to keep us from stopping expansion of that definition to include three people or an adult and a child, or any other odd combination that we want to have? There really is no logical reason why we could not also include polygamy or any other definition to say, as long as these are consenting human beings, and it does not even have to be limited to human beings, by the way. I mean it could be anything. But what rational reason, logical reason is there to say no, it is okay for two males or two females but we are not going to expand the definition beyond that. There is no reason why we cannot just completely erase whatever boundaries that currently exist on the definition of marriage and say it is a free-for-all, anything goes.

It has also been said many times that the reason that this bill is being brought forth in the House of Representatives and later in the Senate is because of political reasons. I would just also reiterate the fact that the President is waiting for this bill at this moment. He has said many times that now is the time to act and to reaffirm the fact that marriage constitutes one man and one woman.

The President has already agreed to sign this bill. This is not a wedge issue. This is not a political football that is going back and forth between presidential candidates. We need to move on this bill as quickly as possible and reaffirm marriage as the foundation and the cornerstone of our society.

Mr. FRANK of Massachusetts. Mr. Chairman, before yielding to the gentleman from Illinois let me say that the previous speaker said that this might be decided as early as the first week of August. There is not a shed of evidence of that. The trial of this issue is going to begin in September in Hawaii. Now, how a trial that is going to begin in September could be decided in the first week of August baffles me but no more than a lot of the other things he said.

Mr. Chairman, I yield 3½ minutes to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, without question, we've heard some puzzling arguments in favor of the Defense of Marriage Act.

But at least one good thing has come from this debate.

I think everyone understands better when to take my Republican friends seriously and when they are just having a good laugh at the expense of the American people.

I now realize that my friends on the other side of the aisle aren't the least bit serious when they talk about how important it is for the federal government not to interfere in the lives of our people.

I understand that they are just kidding—just teasing us—when they stress the importance of taking power out of Washington and giving it to local officials.

And now I know that their biggest joke of all is that old line about the importance of family values—all that talk about encouraging people to care about and be committed to each other.

Because the bill that most of my friends on the other side of the aisle are supporting tonight represents the polar opposite of all those lofty goals we've heard them talk so much about.

The misleadingly titled "Defense of Marriage Act" is the ultimate in Washington bureaucracy dictating to the American people how they should live their lives.

And it is an outstanding example of telling state officials how they should legislate and make policy.

This should be a simple issue.

Unfortunately, for many of my colleagues on the other side of the aisle, that simple issue is politics.

It's as simple as exploiting fears and promoting prejudice.

But something more important than looking for a few extra votes should be simple, too.

Seeking fairness.

Seeking an America where, all people are treated the same under the law, in every aspect of their lives—from choosing where they live to who they marry.

And one more thing should be simple.

Promoting freedom.

Making sure that all Americans have the freedom to live their personal lives in exactly the way they choose.

Without being discriminated against. Without being stopped or harassed by a meddling federal government. Without being prevented by legislators from deciding what is best for them.

I think the debate we hear tonight is the very reason so many Americans are troubled by politicians exploiting the idea of "family values."

I don't know many Americans—regardless of their political party, race, religion or sexual orientation—who don't believe that family values are vitally important.

But I also don't know many Americans who want a couple of hundred politicians in Washington to impose their values on everyone else's families.

Let me tell you about some very basic values I think we're talking

about when we stand up against this bill.

The values of people who love each other. People who share each other's lives. People who care about their future and the future of those around them. People who want to make a commitment that is legal and official and is important to them.

To me, that sounds like family values.

And all of the noise we hear on the other side of the aisle sounds like politics as usual.

I encourage my colleagues in the house today—and I don't say this very often—give my Republican friends what they say they want.

Real family values. And more local control. And a federal government that stays out of American's lives.

There's only one way to do that.

Vote to defeat the Defense of Marriage Act.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, we have heard a lot tonight already. We heard a lot in the debate on the rule about discrimination. We just heard about family values. I do not think it is about any of those things. The real debate is about homosexuality and whether or not we sanction homosexuality in this country.

Mr. Chairman, I come from a district in Oklahoma who has very profound beliefs that homosexuality is wrong. I represent that district. They base that belief on what they believe God says about homosexuality. It is what they believe God says about it. What they believe is, is that homosexuality is immoral, that it is based on perversion, that it is based on lust. It is not to say that the individual is any less valuable than anybody that might believe that, but it is discrimination towards the act, not towards the individuals. That should be something that we stand for, that should be something that we stand on.

So I support the Defense of Marriage Act for many reasons, but I support it because my district supports it. My district says it is time to say that homosexuality should not be sanctioned on an equal level with heterosexuality, and there are lots of reasons to back that up.

If you look at some of the studies that are put forward to say homosexuality is equal to heterosexuality, all you have to do is look at the number of partners on average that we see with homosexuality, and there are studies to say that over 43 percent of all people who profess homosexuality have greater than 500 partners. There are studies that would say that. The point being is I stand here representing my district to say homosexuality, the act of homosexuality, not the individual, is immoral, it is wrong. We should say that and we should not be afraid to stand on the very principles of our beliefs.

We can claim our beliefs, we can claim to represent the beliefs of those whom we represent, and we should stand for that. Others have different beliefs, I recognize that, and I would yield to their beliefs. But for me and my district, I am going to yield to the beliefs that we hold. I believe it is discrimination against the act and not the individual.

We hear about diversity, but we do not hear about perversity, and I think that we should not be afraid to talk about the very issues that are at the core of this. This is a great debate that we are going to have in our country, and it is not going to end with the debate on this bill. The fact is, no society that has lived through the transition to homosexuality and the perversion which it lives and what it brought forth.

It is not to say that the individuals are any less valuable or any less bright, but the fact is it is morally wrong, and I stand on that statement.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. LEWIS] because I cannot think of a more fitting response, since he would not yield on the question of morality and discrimination, than one of the great heroes of the fight against discrimination in our lifetime.

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my friend and colleague for yielding me the time.

Let me say to the gentleman that when I was growing up in the south during the 1940s and the 1950s, the great majority of the people in that region believed that black people should not be able to enter places of public accommodation, and they felt that black people should not be able to register to vote, and many people felt that was right but that was wrong. I think as politicians, as elected officials, we should not only follow but we must lead, lead our districts, not put our fingers into the wind to see which way the air is blowing but be leaders.

Mr. Chairman, this is a mean bill. It is cruel. This bill seeks to divide our nation, turn Americans against Americans, sew the seeds of fear, hatred and intolerance. Let us remember the Preamble of the Declaration of Independence: We hold these truths self-evident that all people are endowed by their creator with certain inalienable rights. Among these are life, liberty and the pursuit of happiness.

This bill is a slap in the face of the Declaration of Independence. It denies gay men and women the right to liberty and the pursuit of happiness. Marriage is a basic human right. You cannot tell people they cannot fall in love. Dr. Martin Luther King, Jr. used to say when people talked about interracial marriage and I quote, "Races do not fall in love and get married. Individuals fall in love and get married."

Why do you not want your fellow men and women, your fellow Americans to be happy? Why do you attack them? Why do you want to destroy the love they hold in their hearts? Why do you want to crush their hopes, their dreams, their longings, their aspirations?

We are talking about human beings, people like you, people who want to get married, buy a house, and spend their lives with the one they love. They have done no wrong.

I will not turn my back on another American. I will not oppress my fellow human being. I have fought too hard and too long against discrimination based on race and color not to stand up against discrimination based on sexual orientation.

Mr. Chairman, I have know racism. I have known bigotry. This bill stinks of the same fear, hatred and intolerance. It should not be called the Defense of Marriage Act. It should be called the defense of mean-spirited bigots act.

I urge my colleagues to oppose this bill, to have the courage to do what is right. This bill appeals to our worst fears and emotions. It encourages hatred of our fellow Americans for political advantage. Every word, every purpose, every message is wrong. It is not the right thing to do, to divide Americans.

We are moving toward the 21st century. Let us come together and create one nation, one people, one family, one house, the American house, the American family, the American nation.

□ 0115

Mr. CANADY of Florida. Mr. Chairman, I yield 8 minutes and 30 seconds to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, I thank the distinguished gentleman of the Subcommittee on the Constitution for yielding time to me.

Mr. Chairman, when this issue first came up earlier this year, some constituents back home approached me and they said, Bob, if somebody had come to you two years ago or three years ago, when you were contemplating running for the Congress of the United States of America and said, Bob, one of the things that you are going to have to draft up and champion in the Congress of the United States is a piece of legislation that defends against an assault on the institution of marriage. And it is going to be necessary in that piece of legislation to define marriage as the legal union between one man and one woman, and it is going to be essential that you do that.

I probably would have said they were crazy.

This is America. This is America. This is the land that has as its most

basic building block the family unit, a marriage between a man and a woman. But here we are, and it is indeed an issue.

It is an issue that is being used by the homosexual extremists to divide America. It is part of a deliberate, coldly calculated power move to confront the basic social institutions on which our country not only was founded but has prospered and will continue to prosper, thank you.

For those who say it is just a hypothetical issue, look here. This is one of the homosexual groups that espouses the various things that we are hearing on the other side. They say, many same-sex couples in and out of Hawaii are likely to take advantage of what would be a landmark victory. The great majority of those who travel to Hawaii to marry will return to their homes in the rest of the country expecting full legal recognition of their unions.

That is their plan. They are bent on carrying it out. I kid you not, they will try to do it.

The legislation before us today simply stands up and says, enough is enough. There is not one other country in the world, not one other country on the face of the earth, for heaven's sake, that is doing what the judges in Hawaii are poised to do and from there use that as a launching pad all across America to do, and that is to throw out the window the very definition of the building block on which our society and all societies in the world are founded. Not one other country in the world has taken this extreme, radical step. America would be the first.

I do not stand here with anger. I think this is a great day for America, to stand here and debate an issue of such fundamental importance that vast majorities of our citizens, even in Hawaii, believe is an important issue. They are saying, stand up for marriage, stand up for the basic building blocks on which our society is founded. Stand up to the extremists. I hear them and I believe a vast majority of Members in both bodies, indeed, the President of the United States himself hears those voices, and we are responding to them as representatives ought to do.

The issue is a very real one. It is not just the extremist homosexual groups that are pushing this agenda. It is people in the White House. It is people in the Washington Post, the Washington Blade. To them marriage means just two people living together alone. Is that not sweet? In other words, it means absolutely nothing.

Now, if folks on the other side believe that homosexual relationships are just great and if they believe that marriage should mean simply people doing whatever it is they want to do, then fine, say that. And bring out the dictionaries and let us completely change what marriage means. Marriage does not mean two men or two women getting married. It just does not mean that. You can say it does, but it does not. You are talking about something completely different. If that is what you want, then come up with legislation and say, that is what we want. We want to redefine the basic building block on which our society was founded, and then let us have a debate about it.

But do not come here and debate the legitimate claim that we are doing something wrong, that we are being divisive by standing up to extremists who are bent on completely eradicating the concept of marriage as all civilizations not only know it but have known it.

This legislation goes no further than is absolutely essential, Mr. Chairman, to meet this very specific challenge. It is indeed a challenge, as we can see by the groups advocating it and as can be seen by the court case in Hawaii. It is not a hypothetical court case. The Supreme Court of Hawaii has made very clear in rulings already on record that they believe in their minds it is unconstitutional in the Hawaiian Constitution to deny a marriage license to two people of the same sex. They have told the lower courts that it is almost impossible, virtually impossible for the lower courts not to reach that same decision or, if they do not, it is going to be overturned on appeal.

In other words, my colleagues, the courts in Hawaii are going to recognize homosexual marriages, and these groups are then going to take those marriage licenses, so-called marriage licenses, pieces of paper that purport to be marriage licenses and come to the mainland.

The fact of the matter is that, even though many of us believe that the full faith and credit clause of our Constitution cannot be used, should not be used to override the public policy of the different States, the fact of the matter is, none of us know how the courts are going to rule on these things. So in an exercise of responsibility and in an exercise of proper role of federalism, we have crafted the Defense of Marriage Act. It simply says, this is the status quo and no one State of the Union can have its decision of its people overridden, run roughshod by people from judges from another State.

I forget who it was over here on the other side talking about that being an erosion or trampling of States rights, good heavens. We are saying that States have those rights and maintain that right. This legislation simply reaffirms it, Mr. Chairman.

The only other thing that it does, also clearly within the purview of the jurisdiction of the Congress, is to define the reach of Federal statutes that concur legitimate Federal benefits on its citizens, to define it for purposes of determining spouses and marriage, what it has meant over the entire long history of western civilization. And that is that marriage means, does mean, always will mean legal union between one man and one woman.

I strongly urge passage of and support for the Defense of Marriage Act.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, H.R. 3396 outlaws something that does not even exist. It tramples over the Constitution. It flies in the face of States rights, and it plays into the hands of the radical right, those who are trying to divide our country by scapegoating gays and lesbians. But let us move beyond the bill's numerous flaws and look at how it will affect American families. Let us look at what it will mean to my family.

Last month my youngest son married a wonderful young woman. As friends and family gathered to celebrate their commitment to each other, the State of California also granted them the legal benefits of marriage. This bill, however, would ensure that another of my sons will never have the same options nor the protections that come with marriage. In fact, even the most basic rights of marriage that my youngest son already takes for granted, such as the ability to visit his spouse in a hospital, could be denied to his brother, denied because of his sexual orientation.

Mr. Chairman, let us not reduce ourselves to being pawns for the radical right. Let us not turn the House of Representatives into a political convention for extremists. For once let us reject fear, embrace tolerance and move this Nation forward without leaving anyone behind.

I urge my colleagues to defeat this really mean-spirited bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, I rise in opposition to this bill and I oppose it with both my head and my heart. My head, because my brain and my legal training tell me that there are constitutional flaws in this particular bill. My heart speaks even more strongly to tell me that this is wrong. Wrong because in America, rights are not for some but not for others. We do not have one-half citizenship or three-quarters citizenship for some people and different kinds of citizenship for another. We treat all of our citizens the same.

I took a look at the marriage vows, because I tried to decide what it is exactly that we want to keep people from having under this bill. When you take generic wedding vows that are accepted in many churches you find words like this: I so-and-so take you to be my

wedded husband, wife, to have and to hold. And I thought, to have and to hold, which people is it that we want to forbid to have a committed relationship, to be sustained by the love of another person.

For better for worse, I ask again, which people are there that we want to make sure should not have a soul mate, a partner in life's struggle, someone to laugh with, someone to cry with, someone to work with, to improve their lives, to support one another through good times and bad.

I looked at the words "in sickness and in health" and I asked myself, what people does the government want to keep from having a partner who will nurture them, who will nurse them, who will wipe their brow, who will hold their hand when they are ill. I could not find any.

I looked at the words "to love and to cherish" and I asked myself, who does the government want to keep from being the center of another person's life. Who do we want to stop from being hugged, held, adored?

I looked at the words "I promise to be faithful to you until death parts us" and I asked myself, as a matter of public policy, who do we want to forbid from a monogamous promise. And given the comments made earlier about promiscuity, I cannot imagine who that would be.

Love is not a zero sum game, Mr. Chairman. One couple's love is not a threat to another. Today's marriages are threatened by a lack of commitment, a lack of maturity and a lack of fidelity. To argue any other thing else is specious.

□ 0130

I hope that all Members and all Americans will let their conscience be their guide on this despicable bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes, 45 seconds, to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, we began our national life by declaring that all men are created equal. We did not really mean it. We meant that all white men of property are created equal. The history of this country is largely the history of expanding that definition to all white men, to white men and white women, to white men and black men and white women and black women. We have achieved all that. We are just beginning to go down that road for gay men and lesbians. We still permit discrimination by law. We are just beginning to expand that definition, and we will.

The arguments against gay and lesbian marriage are essentially the same arguments that we used to hear against black-white marriages. We had antimiscegenation laws in this country. I have no doubt that one day we will permit in every State in this Union, and we will celebrate, gay and lesbian marriages. One day we will look back and wonder why it was ever thought controversial to allow two people who wanted to share each others' lives in a committed, monogamous relationship to undertake the obligations and benefits of marriage, why it was ever thought that allowing gay and lesbian people to visit each other in the hospital or to share each others' pension rights posed a threat to marriages of heterosexual people.

But the bill before us today is not designed to solve a real problem. It is designed to appeal to fear and prejudice, hatred and bigotry. It is also a fraud.

We are told we must pass this bill to protect our States from being compelled by the Constitution's full faith and credit clause to recognize same-sex marriages entered into in Hawaii. Aside from the fact we are a year or two away from Hawaii making any decision to recognize same-sex marriages, the full faith and credit clause does not compel nor would it compel States to do such a thing. The public policy exception that today allows New York or Connecticut to refuse to recognize a 15-year-olds marriage entered into in States which permit marriages of 15-year-olds would permit States on public policy grounds not to recognize same-sex marriages if they choose not to. So that section of the bill is unnecessary.

But the other section of the bill, the section that defines marriage in Federal law for the first time and says to any State, "No matter what you do, whether you do it by referendum, or by public decision, or by legislative action, the Federal Government won't recognize a marriage contracted in your state if we don't like the definition. We are going to trample the States' rights," shows exactly where this bill is coming from. We are going to say those are second-class marriages because we overrule New York or Connecticut or Hawaii or whoever decides to recognize same-sex marriages.

Why do we want to start down the road of Federal marriage law? This bill, Mr. Chairman, defends against a nonexistent threat. Marriages in this country are threatened by a 50 percent divorce rate, by drugs, by alcoholism, by gambling, by immaturity, by lots of things, but not by allowing gay or lesbian couples to formalize their relationships and pursue their happiness.

Mr. Chairman, this is a despicable bill, and I urge its defeat.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. TALENT].

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

Mr. Chairman, the institution of marriage is not a creation of the State. It is older than the government, older than the Constitution and the laws, older than the Union, older than the Western tradition of political democracy from which our Republic springs, and I think it is deeply rooted in the basic precepts of our civilization. It has been sanctified by all the great monotheistic religions and, in particular, by the Judeo-Christian religion which is the underpinning of our culture.

Mr. Chairman, it is an act of hubris to believe that marriage can be infinitely malleable, that it can be pushed and pulled around like silly-putty without destroying its essential stability and what it means to our society, and if marriage goes, then the family goes, and if the family goes, we have none of the decency or ordered liberty which Americans have been brought up to enjoy and to appreciate. That is what this bill is about.

I am going to deal just very briefly with two of the arguments that have been used against it. The one is that the bill is somehow against love or against loving or caring relationships. It is not. There are all kinds of loving and caring relationships in America, and basically that is a good thing, and people can do that if this bill passes. We are not saying that people cannot do that. We are saying that the States should not be forced to give the imprimatur of legal sanction to those kinds of relationships, and to argue to the contrary is to say essentially the States have to recognize polygamy if it is loving relationships or adult incestuous marriages if it is a loving relationship, and what it shows is we are on a slope that leads to no standards and no relationships, as the gentleman from Georgia said, where marriage becomes meaningless.

The other argument that this bill is somehow divisive. Mr. Chairman, let us be frank here. There is a division that already exists in our society, a great gulf over how we ought to define marriage and what it means in terms of sexual morality. This bill does not create that. The people who are trying to attack marriage, the other side, is not saying they are being divisive. Why are we being divisive? Because we are trying to defend it.

The question is not whether there is a division. The question is which side of the division are my colleagues on and whether we are going to allow these issues to be worked out democratically in the States according to the democratic processes or whether we are going to have a resolution that is forced upon the States by the court.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say I welcome the gentleman's support for the principle that the States should be able to work this out. When I offer an amendment tomorrow that would strike the part of the bill that would prevent the State from fully doing that, I will look

for his support. But consistency might evaporate overnight.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I thank the gentleman from Massachusetts for yielding. As one of the great leaders of human rights issues, I appreciate his time.

I cannot believe that we call ourselves lawmakers. I think we fail to ask ourselves what is broke here that needs fixing. Our country has just gone through 220 years without Federal law on marriages. Think about it. We do not have Federal a marriage license. People get married under State law. Some States allow people to marry cousins. Some States allow persons committing statutory rape to have the rape dropped if they marry the person. States do not regulate how many times someone can get married, they do not regulate how many times someone can get a divorce.

So why is this bill called the Defense of Marriage Act? It does not improve marriages, and it takes away States' rights.

This bill is not about marriage, because the Federal Government does not marry people. This bill is about meanness, it is about taking away States' right to enact a law that would allow an elderly man or an elderly woman, maybe a grandmother, even someone's grandfather, from receiving the benefits or giving benefits to a caretaker of the same sex who they may marry for only the reasons of being able to inherit property. It says that the only way someone can leave Social Security benefits or medical care benefits or Federal estate tax deductions is if they married someone of the opposite sex. Elderly people often live together with friends of the same sex. If a State wants to honor that arrangement for tax benefit purposes equal to marriage, this bill would ban it.

My wife and I have raised our daughter in a loving supportive relationship. Our daughter recently asked us, "Why is your generation so homophobic?" I told her that it was the last civil rights battle in America. She said, "I hope you solve it because our generation, it's no big deal."

Let us listen to our elderly, let us listen to our youth; make laws that help people, not hurt them. Reject this mean-spirited bill.

Mr. FRANK of Massachusetts. Mr. Chairman, to close for our side, I yield my remaining time to the gentleman from Massachusetts [Mr. STUDDS], my friend and colleague.

Mr. STUDDS. Mr. Chairman, somebody may wonder why I or my colleague from Massachusetts, Mr. FRANK, have not taken greater personal umbrage at some of the remarks here. I was thinking a moment ago that there might even be grounds to request that someone's words be taken down because my relationship, that of the gentleman from Massachusetts and, I suspect, others in the House, was referred to, among other things, I believe, as perverse. Surely if we had used those terms in talking about anyone else around here, we would have been sat down in one heck of a hurry.

I am not taking this personally, because I happen to be able, I hope, to put this in some context. I would ask those, anyone listening to this debate this hour of the morning, to listen carefully to the quality and the tone of the words over here and the quality of the tone of the words over here. I would also ask people to wonder how in God's name could a question like this be divided along partisan lines. There is nothing inherently partisan that I know of about sexual orientation. I do not believe that there is some kind of a misdivision of this question between the aisles, and yet there is a strange imbalance here in the debate and the tone and quality of the debate.

I want to salute some of the folks who have spoken over here, the distinguished gentleman from Georgia. We have talked about this before. I marched, although he did not know it at the time, with him in 1963 in the city with Dr. King. I was about as far from Dr. King as I am from the gentleman from Georgia when he delivered that extraordinary speech.

Two years later I marched, although the gentleman did not know it, behind him from Selma to Montgomery. A few years after that, when it was the first march for gay and lesbian rights in Washington in 1979, I was a Member of Congress too damn frightened to march for my own civil rights. Actually, I changed my jogging path so that I could come within view of the march. I thought that was very brave of me at the time.

But what I know is, because I had heard people like the gentleman from Georgia and because I am of the generation, and there were many, who were inspired by Dr. King is that this is, as someone has said, the last unfinished chapter in the history of civil rights in this country, and I know how it is going to come out. I do not know if I am going to live to see the ending, but I know what the ending is going to be. There is, as the gentleman said before me change, there has always been change.

As I observed earlier, the men who wrote the Constitution, to which we all swear our oath here, many of them owned slaves. Slavery was referred to specifically in the Constitution. People of color were property when this country was founded.

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Women could not own property. There could not be marriage between the races. Many things change over time, Mr. Chairman, this, too, is going to change.

I would like to pay tribute, special personal tribute to the gentleman from Georgia [Mr. LEWIS], to Dr. King, to all those of both parties and no parties. There was nothing partisan about that movement; there is and ought never to be anything partisan about this, the final chapter in the history of the civil rights of this country.

I wish I could remember, I used to know the entirety of that "I Have a Dream" speech, but we will rise up and live out the full meaning of our Creator. It may not be this year and it certainly will not be this Congress, but it will happen. As I said earlier, we can embrace that change and welcome it, or we can resist it, but there is nothing on God's Earth that we can do to stop it.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank my friend for yielding to me.

We are in a great debate. I would hope that people reading the CONGRESSIONAL RECORD, watching this debate, would compare the tone, the sensitivity, and the reaching out of my friend's words, and then read the earlier words of the gentleman from Oklahoma, the words which were denunciatory and denigratory of the gentleman from Massachusetts and myself, and I would hope that people would compare the spirit of the approach, compare the attitude toward others, compare the way in which things are debated.

I would say, as someone who has been included in this denunciatory rhetoric, that I would be very satisfied to have people in forming their judgment listen to the words uttered by the gentleman from Oklahoma, and listen to the words of my friend, the gentleman from Massachusetts. I think we are helping people form a basis.

This notion that a loving relationship between two people of the same sex threatens relationships between two people of the opposite sex, that is what denigrates heterosexual marriage. The argument that we have denigrated marriage or the institution of marriage or any other formulation says that two people loving each other somehow threatens heterosexual marriage. That is what denigrates heterosexual marriage. I thank the gentleman for yielding.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentlemen from Massachusetts have congratulated themselves on the tone and quality of the debate in opposition to this bill. We have heard in opposition to this bill the following words. We have heard that those who oppose same-sex marriage and those who support this bill

are laughable. We have heard that it is a joke. We have heard it is based on prejudice. We have heard that it is mean-spirited, that the bill is cruel, that those who support it are bigoted, despicable, hateful, ignorant. Those are words that have been uttered here tonight. I believe the American people can make their own judgment about that.

I believe that those words are an insult to the American people, 70 percent of whom or more oppose same-sex marriages. Seventy percent of the American people are not bigots. Seventy percent of the American people are not prejudiced. Seventy percent of the American people are not mean-spirited, cruel, and hateful. It is a slander against the American people to assert that they are.

All this rhetoric is simply designed to divert attention from the fundamental issue involved here. It is an attempt to evade the basic question of whether the law of this country should treat homosexual relationships as morally equivalent to heterosexual relationships. That is what is at stake here: Should the law express its neutrality between homosexual and heterosexual relationships? Should the law elevate homosexual unions to the same status as the heterosexual relationships on which the traditional family is based, a status which has been reserved from time immemorial for the union between a man and a woman? Should we tell the children of America that it is a matter of indifference whether they establish families with a partner of the opposite sex or cohabit with someone of the same sex? Should we tell the children of America that we a society believe there is no moral difference between homosexual relationships and heterosexual relationships? Shall we tell the children of America that in the eyes of the law, the parties to a homosexual union are entitled to all the rights and privileges and benefits that have always been reserved for a man and woman united in marriage?

To all of these questions the opponents of this bill say yes. They support homosexual marriage. They believe that it is a good thing. They believe opposition to same-sex marriage is immoral. That is their opinion. I respect their right to express that. They want to tell the children of America that it makes no difference whether they choose a partner of the opposite sex or a partner of the same sex. They want the law to be indifferent to such matters.

Although I respect the right of Members to express that sentiment, I vehemently disagree with it. Those of us who support this bill reject the view that such choices are a matter of indifference. In doing so, we have the overwhelming support of the American people. In doing so, we have the support of President Clinton. In doing so, I believe we will have the support of a majority of both parties in this House. I would urge the Members of the House to support this bill and to oppose all amendments that will be offered tomorrow.

Mr. CONYERS. Mr. Chairman, the ill-named "Defense of Marriage Act" is little more than a half-baked effort by the Republicans to find yet another issue which they can use to divide the country in a desperate search for votes, deep in an election year. Before we rush head long to judgment on yet another divisive social issue, we ought to at least consider the following:

There is no reason to act on this issue now. The Hawaii Supreme Court decision that the supporters of this bill are so fearful of took place way back in 1993. And the trial proceeding, which is expected to take place shortly, will be subject to appeal to the intermediate and State supreme court—no final binding decision is expected for two years at the earliest.

The States are completely free to act on their own on this issue without any help from Congress. It is black letter law that the States are free to reject marriages approved by other States which violate public policy. It is pursuant to this authority that States have invalidated marriages consummated in other States which are incestuous, polygamous, based on common law, and involve under-age minors. Ironically, by enacting this law, Congress will by implication be limiting the States' authority to reject other types of marriage which may be contrary to public policy.

The full "faith and credit" hook on which this bill is based is nothing less than a legal charade. The second sentence of the full faith and credit clause merely grants Congress the authority to specify how certain acts, records, and judicial proceedings may be authenticated. There is nothing in the full faith and credit clause which permits Congress to place a break on the application of sister States policies, as opposed to their judgments. Enacting a law of the nature before us today would be nothing less than unprecedented.

Given these problems, why are we acting today? Why has a bill gone from introduction, to hearing, to subcommittee, full committee, and now the floor in a mere two month's time? The only possible answer is that Republicans are intent on creating a political issue completely out of thin air so they can demonize gay and lesbian individuals and further divide the American people. The Contract with America has been a flop, the Republican party is behind in the polls, and their leadership is desperately trying to manufacture "wedge" political issues. If there were any other reason, they would slow this bill down, wait for the courts and the State of Hawaii to act, and seriously analyze the legal implications of what they are doing.

Fortunately, I don't think the American people will be fooled by this legislative red herring. They want real solutions that improve their every day lives, not legislative placebos. This is legislation by mob rule and is wrong.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am opposed to the rule for the so-called "Defense of Marriage Act". The rule allows only two amendments to this very unnecessary piece of legislation. In committee, an attempt by Congresswoman Schroeder and myself to include the words non-adulterous and monogamous to the definition of marriage in the bill was rejected and because this is a modified closed rule we cannot offer this change today.

No one can deny that the family as an institution has changed dramatically since the days when our own parents were children. Today, there is no single definition of family that applies to all individuals. A family may be made up of two parents and their children, grandparents caring for grandchildren, single mothers or single fathers raising their children, couples without children, foster parents and foster children, or individuals of the same-sex living together and sharing their lives as a couple, how their relationships are handled should be left to the states. This legislation takes the right of the states away.

We need to respect the human rights of all these American families. We should not make laws which are based on an antiquated notion of what constitutes a family. This unnecessary legislation patently disregards the 14th Amendment provision that provides equal protection under the law to all Americans. I believe this legislation has been rushed forward with little thought and reason.

As a wife and a mother, I believe in the human family. The institution of marriage should be cherished and respected, however, same-sex relationships allow human beings to express their attitude of caring for each other. Recognized same-sex relationships simply allow individuals living together and loving each other to be entitled to the rights associated with a loving and caring relationship.

This legislation would define marriage as "a legal union between one man and one woman as husband and wife". The word spouse would refer "only to a person of the opposite sex who is a husband or a wife."

Never before has the federal government attempted to define either marriage or spouse. This has, and continues to be, the role of the states and they have done it well for the past 200 years. It is beyond the responsibility of the federal government to define marriage and impose that definition on the states.

Furthermore, even if (as the bill's sponsors claim) the federal government needs to step in to clarify differing definitions between states, this legislation is premature. Same-sex marriage is not legal in any state. Hawaii is unlikely to decide the issue of same-sex marriage for at least two years, so this legislation attacks an issue which is not yet ripe. The only reasons to deal with it now is to make it a political controversy.

Finally, since we are being forced to consider this legislation, I do not see why we could not attach the Employment Non-Discrimination Act (ENDA) to this legislation. This long awaited legislation would extend federal employment discrimination protections to include sexual orientation, providing basic protection to ensure fairness in the workplace for Americans who are currently denied equal protection under the law. If we are going to consider this type of legislation a consideration of ENDA should be included. This rule does not allow for such a consideration. I urge my colleagues to vote down this rule. Thank you.

Mr. ENSIGN. Mr. Chairman, I rise in support of H.R. 3396, The Defense of Marriage Act.

The need to enact legislation to preserve the fundamental definition of matrimony as a union between one man and one woman is pressing and necessary. This legislation is not about mean-spirited antics or election year politics. A pending ruling by a Hawaii court could legalize same-sex marriages in that state. According to the Full Faith and Credit Clause of the Constitution, unless Congress says otherwise, the other 49 states in the Union would be required to abide by the Hawaii decision. Requiring the entire nation to discard the will of the clear majority of Americans undermines our democracy and would deny other states the opportunity to enforce laws banning the recognition of same-sex marriages.

The time-honored and unique institution of marriage between one man and one woman is a fundamental pillar of our society and its values. The Defense of Marriage Act does not deny citizens the opportunity—either through their elected representatives or ballot referendum—to enact legislation recognizing same-sex marriages or domestic partnerships within their own borders. The Defense of Marriage Act says that states should determine their own policy and that the federal government has a right to define who is entitled to benefit as a spouse. This legislation is consistent with the need to return power and decision making to the states where it rightfully belongs.

Mr. Chairman, I think it is important to carefully examine the issue of same-sex marriages and separate two fundamental issues. The first issue involves the question of whether individuals have a right to privacy and the choice to live as they see fit. I think most Americans, myself included, would agree that everyone should have the right to privacy. The second issue involves the question of whether all states must follow Hawaii's example, and has greater societal and constitutional implications than the issue of privacy. The Defense of Marriage Act addresses the second issue and does nothing to deny an individual his or her right to privacy.

During a time when the traditional two parent family is becoming the exception, I believe it is important to reaffirm our commitment to ensuring that moms and dads are encouraged and strengthened in the task or raising their children.

I urge my colleagues to support this legislation.

Mr. McDERMOTT. Mr. Chairman, I rise to marvel at the wisdom of Congress. We have done such a wonderful job over these past 2 years that we are ready to take on the awesome task of matchmaking for all citizens of the United States.

The legislation we are debating now dictates to them who they can love and spend their lives with in order to benefit from the rights guaranteed by the Constitution and the legal benefits of our laws—civil laws governing marriage and divorce that have previously been the province of the States.

Have we nothing better to do with our time?

Marriage is a personal matter. Marriage is about two people coming together to love and support each other. Why should Congress interfere in this very personal decision?

It was less than 30 year ago that our courts ruled it unconstitutional for the States to ban marriage between persons of different ethnic backgrounds. Have we learned so little in the last 30 years?

This bill has nothing to do with family values or protecting the institution of marriage. It is a political game to obscure the real issues behind the failure of marriages and to divide Americans in an election year.

It is an attempt to fan the coals of bigotry and hatred to try to gain a few votes. The institution of marriage will not be saved to strengthened by increasing hate between our citizens.

This is not a religious issue. Each of the numerous religions practiced in America is free to perform the rites of marriage in accordance with its tenets.

Many marriages between persons of the same gender have been blessed by their religions—in all 50 States. This is purely and simply a civil matter—whether the Federal Government should decide for its citizens which of these unions to recognize and with whom citizens may share their vows of marriage.

Nor is this a moral issue. The only moral question before us is whether it is moral to use this legislation to foster prejudice and misinformation among our citizens for political gain.

I suggest we turn our attention to creating conditions that foster relationships between people in which they care for each other. To quote Ecclesiastes 4:9–10, "Two are better than one. If one falls down, his friend can help him up."

The Reverend Billy Graham used that Biblical quote to justify marriage. Reverend Graham stated, " Nowhere is this truer than in marriage when sickness or other problems come. One of the reasons God has given marriage to us is for times like this."

It is with marriage that our society makes it a little easier to survive and obtain fulfillment.

Let's turn our efforts to making life a little easier for people by giving them all equal opportunities to love and help each other.

Let's also give them the freedom to decide for themselves who they would like for a partner in life. Let's not raise barriers to prevent our citizens from partaking equally in the rights guaranteed by our Constitution and legal benefits granted by our laws.

I urge my colleagues to vote against this narrow-minded legislation.

Mr. FLANAGAN. Mr. Speaker, because I believe it is necessary to attend the funerals of two close and personal friends of mine, Illinois State Representative Roger T. McAuliffe, deputy majority leader of the Illinois House of Representatives, and Jack Williams, mayor of Franklin Park, I will unfortunately miss tomorrow's vote on H.R. 3396, the Defense of Marriage Act.

As member of both the House Committee on the Judiciary and its Subcommittee on the Constitution, both of which had jurisdiction over H.R. 3396, I have already twice voted in favor of the bill. Therefore, since I am not able to attend tomorrow's flood consideration of H.R. 3396, it would be my intention to vote "aye" on final passage.

While I will not be present for tomorrow's vote, I have taken the necessary steps in arranging a "pair" with another member of the House who will also be absent. The pairing arrangement will offset our votes so that we may be absent without affecting the overall result. As it is customary, the name of my pair should appear in tomorrow's CONGRESSIONAL RECORD.

Mr. PACKARD. Mr. Speaker, in the history of our Country, marriage has never meant anything other than an exclusively heterosexual and monogamous institution. The fact that we have to take up legislation today to defend this precious institution is mind-boggling.

While the Defense of Marriage Act protects the rights of a State to decide for itself whether to recognize same-sex marriage entered into in a different State, we cannot ignore the larger issue—traditional family values. The very nucleus of family is marriage. Perhaps no other relation provides society with the benefits marriage does. We cannot allow the integrity of marriage to broken down and destroyed.

We have seen throughout history, civilizations that have allowed the traditional bonds of family to be weakened—those civilizations have not survived. America has, and should always be a Nation that prioritizes traditional family values and the tradition of a one-man and one-women marriage.

Mr. Speaker, it is time we stopped this assault on America's families and the sacred institution of marriage. I urge all of my colleagues to support this measure.

Mr. ABERCROMBIE. Mr. Speaker, today I rise to speak against H.R. 3396, the Defense of Marriage Act. The title of the bill is puzzling. What are we defending marriage against: divorce, domestic violence, adultery? Can anyone name a single married couple whose union would be strengthened or defended against harm by this legislation? With all the unresolved burning issues facing this institution, it is nothing short of incredible that we would be diverting time and energy away from questions like Medicare, the environment, and the economy on this matter.

Supporters of the bill point to what they claim is the danger of same-gender marriage. They say that if a court in Hawaii rules in favor of same-gender couples, other States will then have to give "full faith and credit" to the resulting marriages. I'm going to take this opportunity to concentrate on the traditions of our Nation, in particularly the rights of States and the Constitution of the United States. H.R. 3396 is an unnecessary intrusion into the State domain of family law. It tears at the fabric of our Constitution.

Historically, States have the primary authority to regulate marriage based upon the 10th amendment of the Constitution. The Supreme Court has supported this constitutional right. In Aukenbrandt versus Richards, 1992, the Court rules that "without exception, domestic relations has been a matter of state, not federal concern and control since the founding of the Republic."

It is also interesting to note that questions concerning the validity of an out-of-state marriage are generally resolved without reference to the "full faith and credit" clause of the U.S. Constitution. States traditionally recognize out-of-state marriages unless they have statutes prohibiting such a union. For example, polygamy is illegal in all States, and in most states

certain incestuous marriages are illegal too. States can declare an out-of-state marriage void if it is against the state's public policy or if entered into with the intent to evade the law of the State.

Congress has invoked the "full faith and credit" clause only five times since the founding of the Republic. The three most recent instances have required each State to give child custody, child support, and protection orders of other States the same faith and credit it gives its own such orders. The Defense of Marriage Act differs in one critical aspect from the legislative enactment passed by the Congress under it full faith and credit power: H.R. 3396 permits sister States to give no effect to the laws of other States.

This is a novel and unconstitutional interpretation of the clause. According to a leading constitutional law scholar, Laurence H. Tribe, "the Constitution delegates to the United States no power to create categorical exceptions to the Full Faith and Credit Clause."

The Supreme Court just recently struck down a Colorado law that targeted gay and lesbians in Romer versus Colorado, This case suggests that the Supreme Court will rule legislation motivated by animus against gays and lesbians unconstitutional under the Equal Protection Clause of the 14th amendment unless the legislative classification bears a rational relationship to a legitimate State purpose. In other words, since H.R. 3396 targets a group of people due to their—in the words of Gary Bauer of the Family Research Council—"dangerous lifestyle and behavior," it is likely to be struck down by the courts. There is no dire urgency or compelling public interest to pass this measure, which is not only unnecessary but also likely to be found unconstitutional by the Supreme Court.

In addition, I find it hard to believe how many of my colleagues can justify their support of H.R. 3396 when they are also cosponsors of H.R. 2270. At least 37 Members of the House are cosponsors of both bills. H.R. 2270 would require the Congress to specify the source of authority under the U.S. Constitution for the enactment of laws. Where in article I or anywhere else in the Constitution is the Congress given authority to write a national marriage law? Maybe the sponsors of both bills don't see the contradiction. Maybe they just don't care.

Many on the other side of the aisle have been vocal and unceasing in their support for reversing the flow of power away from Washington and back to the States. Well, the laws governing marriage are traditionally and constitutionally under the authority of the States. If there is any area of law to which States can lay a claim to exclusive authority, it is the field of family relations. How can someone reconcile being for States rights while at the same time taking away a basic, constitutional right given to States by the Framers of our Constitution? I strongly encourage my colleagues to allow the States to continue exercising their constitutional rights and not fan the flames of intolerance. As William Eskeridge, Law Professor at Georgetown University, simply stated, "the reasons to hesitate before adopting this legislation are conservative ones: federalism, original intent and tradition."

Let us remember that the United States draws its strength from the enormous diversity to be found within the borders of our great Nation. Vote against The Defense of Marriage Act.

Ms. VELÁZQUEZ. Mr. Speaker, too many Americans are worrying about how they are going to pay for their children's education and their parents' health care. Yet, instead of working for real change, we are voting on legislation that will do little more than increase the amount of hate and division in this country.

The Defense of Marriage Act, H.R. 3396, will ban homosexual marriages. Proponents of this destructive legislation argue that same-sex marriage is an assault on the sanctity and integrity of heterosexual marriages. The argument is irrational. Homosexual couples do not influence heterosexual marriage choices. Marriage protection proponents also argue that this legislation promotes tradition and family values. These arguments are strikingly similar to those raised less than 30 years ago in resistance to repealing miscegenation laws.

Like its hate-driven predecessor, the Defense of Marriage Act sends a dangerous message to society. We are legitimizing hate and discrimination. Intense prejudice against lesbians and gay men remains prevalent in our society. Homosexuals are victims of extensive discrimination, prejudice, and violence due to their sexual orientation.

Discrimination against gay people in such critical areas as employment and housing remains widespread in many jurisdictions. Even more alarming, high rates of antigay violence or hate crimes abound. Society communicates particular values and attitudes to its members in many ways, but primarily through laws. Instead of working to reduce discrimination, this body is pushing legislation that will reinforce intolerance and hostility toward gay people.

Discrimination against homosexuals is unfair, unjust and appalling. Let's end this charade! I urge my colleagues to vote for fairness and equality and oppose this shameful legislation.

Mr. WAXMAN. Mr. Chairman, I rise in strong opposition to H.R. 3396, the so-called Defense of Marriage Act, and ask my colleagues to reject this mean-spirited legislation.

The proponents of H.R. 3396 would have us believe that this legislation is necessary to save the institution of marriage. The real purpose of H.R. 3396 is to create a wedge issue for Republicans for the upcoming elections.

In a shameless attempt to divide the American public, the Republican Party is espousing official bigotry. It is promoting discrimination against individuals who seek the same responsibilities and opportunities other Americans seek when they form a lifelong union with someone they love. It is scapegoating a segment of our society to fan the flames of intolerance and prejudice. And it is doing this to try to improve its standings in the polls.

Discrimination against people who are gay and committed to one another does nothing to defend marriage or to strengthen family values. It does, however, continue to deny them legal rights that married couples simply take for granted—inclusion in a spouse's health insurance plan, pension and tax benefits, the ability to participate in medical decisions, and the right to visit a dying spouse in the hospital.

Our Nation's families deserve better from their leaders than this cynical effort to raise fears and create divisions for political gain. They need leaders who will recognize the true needs of families and who are willing to work for adequate healthcare, access to educational opportunities, a decent wage, and a livable environment.

Let's work together on the real challenges we face as a nation. Let's not allow our Republican leaders to create scapegoats to distract the public's attention from the failure of this Congress to address issues the American public cares about.

I urge my colleagues to stand up to bigotry and discrimination. I urge you to vote against this mean-spirited legislation.

The CHAIRMAN. All time has expired for general debate.

Mr. CANADY of Florida. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HAYWORTH) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3396) to define and protect the institution of marriage, had come to no resolution thereon.

GENERAL LEAVE

Mr. CANADY of Florida. 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. 3396, the bill just considered.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. DUNN of Washington (at the request of Mr. ARMEY) for today and the balance of the week, on account of personal reasons.

Mr. YATES (at the request of Mr. GEPHARDT) after 7:30 p.m. tonight, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative programs and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. GUTIERREZ) to revise and extend her remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

(The following Member (at the request of Mr. CANADY of Florida) to revise and extend their remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes, on July 12.

Mr. GUTKNECHT, for 5 minutes, on July 12.

Mr. EWING, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GUTIERREZ) and to include extraneous matter:)

Mr. RANGEL.
Mr. MARKEY.
Ms. DELAURO.
Mr. GIBBONS.
Mr. JACOBS.
Mr. COYNE.
Ms. KAPTUR.
Mr. DELLUMS.
Mr. ROMERO-BARCELO.
Mr. POMEROY.
Mr. LIPINSKI.
Mr. OBERSTAR.
Mr. ENGEL.
Ms. LOFGREN.
Mr. UNDERWOOD.
Mrs. MINK of Hawaii
Mr. PAYNE of New Jersey.
Mr. LEVIN.
Mr. MARTINEZ.
Mr. FIELDS of Louisiana.
Mr. LEWIS of Georgia.
Mr. GUTIERREZ.
Mr. SAWYER.
Mr. COSTELLO.
Mr. STUPAK.

The following Members (at the request of Mr. CANADY of Florida) and to include extraneous matter:)

Mr. FIELDS of Texas.
Mr. DORNAN.
Mr. GILMAN in three instances.
Mr. LONGLEY.
Mr. QUINN.
Mr. HYDE.
Mr. CRANE.
Mr. FLANAGAN.
Mr. TALENT.
Mr. FOX of Pennsylvania.
Mr. COLLINS of Georgia.
Mr. BEREUTER.
Mr. EWING.
Mr. KLUG.
Mr. CUNNINGHAM.
Mr. GOODLING.
Mr. FORBES.
Mr. BLUTE.
Mr. LEWIS of Kentucky.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 419. An act for the relief of Benchmark Rail Group, Inc.

H.R. 701. An act to authorize the Secretary of Agriculture to convey lands to the city of Rolls, Missouri.

ADJOURNMENT

Mr. CANADY of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 55 minutes a.m.), the House adjourned until today, Friday, July 12, 1996, at 9 a.m.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, July 10, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 303 of the Congressional Accountability Act of 1955 (2 U.S.C. §1383), I am transmitting the enclosed notice of proposed rulemaking for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

RICKY SILBERMAN,
Executive Director.

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: PROPOSED AMENDMENTS TO PROCEDURAL RULES

NOTICE OF PROPOSED RULEMAKING

Summary: The Executive Director of the Office of Compliance is publishing proposed amendments to the rules governing the procedures for the Office of Compliance under the Congressional Accountability Act (P.L. 104–1, 109 Stat. 3). The proposed amendments to the procedural rules have been proposed by the Board of Directors, Office of Compliance.

Dates: Comments are due within 30 days after publication of this Notice in the Congressional Record.

Addresses: Submit written comments (an original and ten copies) to the Executive Director, Office of Compliance, Room LA 200, 110 Second Street, S.E., Washington, D.C. 20540–1999. Those wishing to receive notification of receipts of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426–1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Executive Director, Office of Compliance at (202) 724–9250. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, (202) 224–2705.

SUPPLEMENTARY INFORMATION

I. Background

The Congressional Accountability Act of 1995 ("CAA" or "Act") was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered employees and employing offices within the legislative branch. Section 303 of the CAA directs that the Executive Director of the Office of Compliance ("Office") shall, subject to the approval of the Board of Directors ("Board") of the Office, adopt rules governing the procedures for the Office, and may amend those rules in the same manner. The procedural rules currently in effect, approved by the Board and adopted by the Executive Director, were published December 22, 1995 in the Congressional Record (141 CONG. R., page 38416 (daily ed., Dec. 22, 1995)). The proposed revisions and additions that follow amend certain of the existing procedures by which the Office provides for the consideration and resolution of alleged violations of the laws made applicable under Part A of title II of the CAA, and establish procedures for consideration of matters arising under Part D of title II of the CAA, which is generally effective October 1, 1996.

A summary of the proposed amendments is set forth below in Section II; the text of the provisions that are proposed to be added or revised is found in Section III. The Executive Director invites comment from interested persons on the content of these proposed amendments to the procedural rules.

II. Summary of Proposed Amendments to the Procedural Rules

(A) A general reorganization of the rules is proposed to accommodate proposed new provisions, and, consequently, to re-order the rules in a clear and logical sequence. As a result, some sections will be moved and/or renumbered. Cross-references in appropriate sections will be modified accordingly. These organizational changes are listed in the following comparison table.

Former section No.	*New section No.*
§2.06 Complaints	§5.01
§2.07 Appointment of the Hearing Officer	§5.02
§2.08 Filing, Service and Size Limitations of Motions, Briefs, Responses and Other Documents	§9.01
§2.09 Dismissal of Complaint	§5.03
§2.10 Confidentiality	§5.04
§2.11 Filing of Civil Action	§2.06
§8.02 Compliance with Final Decisions, Requests for Enforcement	§8.03
§8.03 Judicial Review	§8.04
§9.01 Attorney's Fees and Costs	§9.03
§9.02 Ex Parte Communications	§9.04
§9.03 Settlement Agreements	§9.05
§9.04 Revocation, Amendment or Waiver of Rules	§9.06

(B) Several revisions are proposed to provide for consideration of matters arising under section 220 (Part D of title II) of the CAA, which applies certain provisions of chapter 71 of title 5, United States Code relating to Federal Service Labor-Management Relations ("chapter 71"). For example, technical changes in the procedural rules will be necessary in order to provide for the exercise by the General Counsel and labor organizations of various rights and responsibilities under section 220 of the Act. These proposed revisions are as follows:

Section 1.01. "Scope and Policy" is proposed to be amended by inserting in the first sentence a reference to Part D of title II of the CAA in order to clarify that the procedural rules now govern procedures under that Part of the Act.

Section 1.02(c) is proposed to be amended to make the definition of the term "employee" consistent with the definition contained in the substantive regulations to be issued by the Board under section 220 of the CAA.

Section 1.02(i) is proposed to be amended to redefine the term "party" to include, as appropriate, the General Counsel or a labor organization.

A new section 1.02(j) defining "respondent" is proposed to be added. (The addition of subsection (j) will result in the subsequent subsections being renumbered accordingly.)

Section 1.05 "Designation of Representative" is to be revised to allow for a labor organization to designate a representative.

Section 1.07(c), relating to confidentiality requirements, is proposed to be amended to include a labor organization as a participant within the meaning of that section.

Section 7.04(b) concerning the scheduling of the prehearing conference is modified to substitute the word "parties" for "employee and the employing office".

(C) Modifications to subsections 1.07 (b) and (d), concerning confidentiality requirements, are proposed in order to clarify the requirements and restrictions set forth in these subsections, and to make clear that a party or its representative may disclose information obtained in confidential proceedings for limited purposes under certain conditions.

(D) Section 2.04 "Mediation," is proposed to be amended in certain respects.

In section 204(a) the language "including any and all possibilities" would be modified to read "including the possibility" of reaching a resolution.

Section 204(e)(2) is proposed to be modified to allow parties jointly to request an extension of the mediation period orally, instead of permitting only written requests for such extensions.

Section 2.04(f)(2) is proposed to be revised to explain more fully the procedures involving the "Agreement to Mediate".

A new subsection 2.04(h) is proposed regarding informal resolutions and settlement agreements. (The subsections following the newly added subsection 2.04(h) would be renumbered accordingly.)

(E) Subpart E of the Procedural Rules had been reserved for the implementation of section 220 of the CAA. The Board has recently published proposed regulations pursuant to section 220(d) (142 Cong. R. S5070 and H5153 (daily ed., May 15, 1996)) and section 220(e) (142 Cong. R., S5552 and H5563 (daily ed., May 23, 1996)) to implement the applied provisions of chapter 71. In light of those proposed regulations and the proposed modifications of the procedural rules discussed herein, it is not necessary to reserve a subpart for procedures specific to the implementation of section 220.

(F) As discussed above, Subpart E is no longer reserved for procedural rules implementing section 220 of the CAA. However, as part of the general reorganization of the procedural rules, Subpart E will be entitled "Complaints," and will consist of sections 206, 207, 209 and 210 moved from Subpart B and renumbered as shown in the comparison table, above.

In addition to proposed modifications to section 5.01 (formerly section 206) required by the implementation of section 220 (e.g. provision for the General Counsel to file or amend complaints and the addition of references to labor organizations as parties), section 5.01(e) is proposed to be amended to state how service of a complaint will be effectuated and section 501(f) is proposed to be amended to provide that a failure to file an answer or to raise a claim or defense as to any allegation(s) in a complaint or amended complaint shall constitute an admission of such allegation(s) and that affirmative defenses not raised in an answer shall be deemed waived. A respondent's motion for leave to amend an answer will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

Section 5.03 (formerly section 2.09) is proposed to be revised to reflect the General Counsel's role under section 220 of the CAA and to provide that a Hearing Officer, not the Executive Director, may approve the withdrawal of a complaint.

(G) Section 7.07, relating to the conduct of hearings, is proposed to be revised to include a new subsection (e), providing that "[a]ny objection not made before a Hearing Officer shall be deemed waived in the absence of clear error." The current section 7.07(e) will be renumbered section 7.07(f), and it is proposed to be amended to provide that if the representative of a labor organization, as well as that of an employee or a witness, has a conflict of interest, that representative may be disqualified.

(H) Subpart H, relating to proceedings before the Board, is proposed to be amended in the following ways.

(1) A new subsection 8.01(i) is proposed to allow for amicus participation, as appropriate, in proceedings before the Board, in a manner consistent with section 416 of the CAA.

(2) A new section 8.02 "Reconsideration" is proposed to allow for a party to seek Board reconsideration of a final decision or order of the Board. The sections following section 8.02 in Subpart H would be renumbered accordingly.

(3) Section 8.04 "Judicial Review" is proposed to be revised to state that the United States Court of Appeals for the Federal Circuit shall have jurisdiction, as appropriate, over petitions under section 220(c)(3) and section 405(g) or 406(e) of the Act.

(I) A new section 9.02 "Signing of Pleadings, Motions, and Other Filings; Violation of Rules; Sanctions" is proposed to be added.

(J) A section had been reserved in the procedural rules for a provision on ex parte communications. The text of the proposed rule, which will be found at section 9.04 of the amended rules, is set forth in Section III, below.

(K) It is proposed that the opening sentence of section 9.05(a) (formerly 9.03(a)), "Informal Resolutions and Settlement Agreements" be modified to make it clear that section 9.05 applies only where covered employees have initiated proceedings under the CAA.

III. Text of Proposed Amendments to Procedural Rules

§ 1.01 Scope and policy

These rules of the Office of Compliance govern the procedures for consideration and resolution of alleged violations of the laws made applicable under Parts A and D of title II of the Congressional Accountability Act of 1995. The rules include procedures for counseling, mediation, and for electing between filing a complaint with the Office of Compliance and filing a civil action in a district court of the United States. The rules also address the procedures for the conduct of hearings held as a result of the filing of a complaint and for appeals to the Board of Directors of the Office of Compliance from Hearing Officer decisions, as well as other matters of general applicability to the dispute resolution process and to the operations of the Office of Compliance. It is the policy of the Office that these rules shall be applied with due regard to the rights of all parties and in a manner that expedites the resolution of disputes.

§ 1.02(c)

Employee. The term "employee" includes an applicant for employment and a former employee, except as provided in section 2421.3(b) of the Board's rules under section 220 of the Act.

§ 1.02(i)

Party. The term "party" means: (1) the employee or the employing office in a proceeding under Part A of title II of the Act; or (2) the labor organization, individual employing office or employing activity, or, as appropriate, the General Counsel in a proceeding under Part D of title II of the Act.

§ 1.02(j)

Respondent. The term "respondent" means the party against which a complaint is filed.

§ 1.05 Designation of Representative.

(a) An employee, a witness, a labor organization, or an employing office wishing to be represented by another individual must file with the Office a written notice of designation of representative. The representative may be, but is not required to be, an attorney.

(b) *Service where there is a representative.* All service of documents shall be directed to the representative, unless the represented individual, labor organization, or employing office specifies otherwise and until such time as that individual, labor organization, or employing office notifies the Executive Director of an amendment or revocation of the designation of representative. Where a designation of representative is in effect, all time limitations for receipt of materials by the represented individual or entity shall be computed in the same manner as for unrepresented individuals or entities with service of the documents, however, directed to the representative, as provided.

§ 1.07(b)

Prohibition. Unless specifically authorized by the provisions of the CAA or by order of the Board, the Hearing Officer or a court, or by the procedural rules of the Office, no participant in counseling, mediation or other proceedings made confidential under section 416 of the CAA ("confidential proceedings") may disclose the contents or records of those proceedings to any person or entity. Nothing in these rules prohibits a bona fide representative of a party under section 1.05 from engaging in communications with that party for the purpose of participation in the proceedings, provided that such disclosure is not made in the presence of individuals not reasonably necessary to the representative's representation of that party. Moreover, nothing in these rules prohibits a party or its representative from disclosing information obtained in confidential proceedings for the limited purposes of investigating claims, ensuring compliance with the Act or preparing its prosecution or defense, to the extent that such disclosure is reasonably necessary to accomplish the aforementioned purposes and provided that the party making the disclosure takes all reasonably appropriate steps to ensure that persons to whom the information is disclosed maintain the confidentiality of such information.

§ 1.07(c)

Participant. For the purposes of this rule, participant means any individual, labor organization, employing office or party, including a designated representative, that becomes a participant in counseling under section 402, mediation under section 403, the complaint and hearing process under section 405, or an appeal to the Board under section 406 of the Act, or any related proceeding

which is expressly or by necessity deemed confidential under the Act or these rules.

§ 1.07(d)

Contents or records of confidential proceedings. For the purpose of this rule, the contents or records of counseling, mediation or other proceeding includes the information disclosed by participants to the proceedings, and records disclosed by either the opposing party, witnesses or the Office. A participant is free to disclose facts and other information obtained from any source outside of the confidential proceedings. For example, an employing office or its representatives may disclose information about its employment practices and personnel actions, provided that the information was not obtained in a confidential proceeding. However, an employee who obtains that information in mediation or other confidential proceeding may not disclose such information.

Similarly, information forming the basis for the allegation of a complaining employee may be disclosed by that employee, provided that the information contained in those allegations was not obtained in a confidential proceeding. However, the employing office or its representatives may not disclose that information if it was obtained in a confidential proceeding.

§ 2.04(a)

(a) *Explanation.* Mediation is a process in which employees, employing offices and their representatives, if any, meet separately and/or jointly with a neutral trained to assist them in resolving disputes. As parties to the mediation, employees, employing offices and their representatives discuss alternatives to continuing their dispute, including the possibility of reaching a voluntary, mutually satisfactory resolution. The neutral has no power to impose a specific resolution, and the mediation process, whether or not a resolution is reached, is strictly confidential, pursuant to section 416 of the Act.

§ 2.04(f)(2)

(2) *The Agreement to Mediate.* At the commencement of the mediation, the neutral will ask the parties to sign an agreement prepared by the Office ("the Agreement to Mediate"). The Agreement to Mediate will set out the conditions under which mediation will occur, including the requirement that the participants adhere to the confidentiality of the process. The Agreement to Mediate will also provide that the parties to the mediation will not seek to have the counselor or the neutral participate, testify or otherwise present evidence in any subsequent civil action under section 408 of the Act or any other proceeding.

2.04(h)

Informal Resolutions and Settlement Agreements. At any time during mediation the parties may resolve or settle a dispute in accordance with section 9.05 of these rules.

§ 5.01 (formerly § 2.06) Complaints

(a) *Who may file.*

(1) An employee who has completed mediation under section 2.04 may timely file a complaint with the Office alleging any violation of sections 201 through 107 of the Act.

(2) The General Counsel may file a complaint alleging a violation of section 220 of the Act.

(b) *When to file.*

(1) A complaint may be filed by an employee no sooner than 30 days after the date of receipt of the notice under section 2.04(i), but no later than 90 days after receipt of that notice.

(2) A complaint may be filed by the General Counsel after the investigation of a charge filed under section 220 of the Act.

(c) *Form and Contents.*

(1) Complaints filed by covered employees. A complaint shall be written or typed on a complaint form available from the Office. All complaints shall be signed by the covered employee, or his or her representative, and shall contain the following information:

(i) the name, mailing address, and telephone number(s) of the complainant;

(ii) the name, address and telephone number of the employing office against which the complaint is brought;

(iii) the name(s) and title(s) of the individual(s) involved in the conduct that the employee claims is a violation of the Act;

(iv) a description of the conduct being challenged, including the date(s) of the conduct;

(v) a brief description of why the complainant believes the challenged conduct is a violation of the Act and the section(s) of the Act involved;

(vi) a statement of the relief or remedy sought; and

(vii) the name, address, and telephone number of the representative, if any, who will act on behalf of the complainant.

(2) Complaints filed by the General Counsel. A compliant filed by the General Counsel shall be typed, signed by the General Counsel or his designee and shall contain the following information:

(i) the name, address and telephone number of the employing office and/or labor organization alleged to have violated section 220 against which the compliant is brought;

(ii) notice of the charge filed alleging a violation of section 220;

(iii) a description of the acts and conduct that are alleged to be violations of the Act, including all relevant dates and places and the names and titles of the responsible individuals; and

(iv) a statement of the relief or remedy sought.

(d) *Amendments.* Amendments to the complaint may be permitted by the Office or, after assignment, by a Hearing Officer, on the following conditions: that all parties to the proceeding have adequate notice to prepare to meet the new allegations; that the amendments, as appropriate, relate to the violations for which the employee has completed counseling and mediation, or relate to the charge(s) investigated by the General Counsel; and that permitting such amendments will not unduly prejudice the rights of the employing office, the labor organization, or other parties, unduly delay the completeion of the hearing or otherwise interfere with or impede the proceedings.

(e) *Service of Complaint.* Upon receipt of a complaint or an amended complaint, the Office shall serve the respondent, or its designated representative, by hand delivery or certified mail, with a copy of the complaint or amended complaint and a copy of these rules. The Office shall include a service list containing the names and addresses of the parties and their designated representatives.

(f) *Answer.* Within 15 days after receipt of a copy of a complaint or an amended complaint, the respondent shall file an answer with the Office and serve one copy on the complainant. The answer shall contain a statement of the position of the respondent on each of the issues raised in the complaint or amended complaint, including admissions, denials, or explanations of each allegation made in the complaint and any affirmative defenses or other defenses to the complaint.

Failure to file an answer or to raise a claim or defense as to any allegation(s) shall constitute an admission of such allegation(s). Affirmative defense not raised in an answer shall be deemed waived. A respondent's motion for leave to amend an answer will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

§ 5.03 (formerly § 2.09) Dismissed of Complaints

(a) A Hearing Officer may, after notice and an opportunity to respond, dismiss any claim that the Hearing Officer finds to be frivolous or that fails to state a claim upon with relief may be granted, including, but not limited to, claims that were not advanced in counseling or mediation.

(b) A Hearing Officer may, after notice and an opportunity to respond, dismiss a complaint because it fails to comply with the applicable time limits or other requirements under the Act or these rules.

(c) If the General Counsel or any complainant fails to proceed with an action, the Hearing Officer may dismiss the complaint with prejudice.

(d) *Appeal.* A dismissal by the Hearing Officer made under section 5.03(a)-(c) or 7.16 of these rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01.

(e) *Withdrawal of Complaint by Complainant.* At any time a complainant may withdraw his or her own complaint by filing a notice with the Office for transmittal to the Hearing Officer and by serving a copy on the employing office or representative. Any such withdrawal must be approved by the Hearing Officer.

(f) *Withdrawal of Complaint by the General Counsel.* At any time to the opening of the hearing the General Counsel may withdraw his complaint by filing a notice with the Executive Director and the Hearing Officer and by serving a copy on the respondent. After opening of the hearing, any such withdrawal must be approved by the Hearing Officer.

§ 7.04(b)

Scheduling of the Prehearing Conference. Within 7 days after assignment, the Hearing Officer shall serve on the parties and their designated representatives written notice setting forth the time, date, and place of the prehearing conference.

§ 7.07(E)

(e) Any objection not made before a Hearing Officer shall be deemed waived in the absence of clear error.

§ 7.07(f)

(f) If the Hearing Officer concludes that a representative of an employee, a witness, a labor organization or an employing office has a conflict of interest, he or she may, after giving the representative an opportunity to respond, disqualify the representative. In that event, within the time limits for hearing and decision established by the Act, the affected party will have a reasonable time to retain other representation.

§ 8.01(i)

The Board may invite amicus participation, in appropriate circumstances, in a manner consistent with the requirements of section 416 of the CAA.

§ 8.02 Reconsideration

After a final decision or order of the Board has been issued, a party to the proceeding before the Board, who can establish in its moving papers that reconsideration is necessary because the Board has overlooked or misapprehended points of law or fact, may

move for reconsideration of such final decision or order. The motion shall be filed within 15 days after service of the Board's decision or order. No response shall be filed unless the Board so orders. The filing and pendency of a motion under this provision shall not operate to stay the action of the Board unless so ordered by the Board.

§ 8.04 Judicial Review

Pursuant to section 407 of the Act—

(a) the United States Court of Appeals for the Federal Circuit shall have jurisdiction over any proceeding commenced by a petition or:

(1) a party aggrieved by a final decision of the Board under section 406(e) in cases arising under part A of title II, or

(2) the General Counsel or a respondent before the Board who files a petition under section 220(c)(3) of the Act.

(b) The U.S. Court of Appeals for the Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 405(g) or 406(e) with respect to a violation of part A or D of title II of the Act.

(c) The party filing a petition for review shall serve a copy on the opposing party or parties or their representative(s).

§ 9.02 Signing of Pleadings, Motions and Other Filings; Violation of Rules; Sanctions

Every pleading, motion, and other filing of a party represented by an attorney or other designated representative shall be signed by the attorney or representative. A party who is not represented shall sign the pleading, motion or other filing. The signature of a representative or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other filing; that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or other filing is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the person who is required to sign. If a pleading, motion, or other filing is signed in violation of this rule, a Hearing Officer or the Board, as appropriate, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other filing, including a reasonable attorney's fee. A Hearing Officer or the Board, as appropriate, upon motion or its own initiative may also impose an appropriate sanction, which may include the sanctions specified in section 7.02, for any other violation of these rules that does not result from reasonable error.

§ 9.04 Ex parte Communications.

(a) *Definitions.*

(1) The term *person outside the Office* means any individual not an employee or agent of the office, any labor organization and agent thereof, and any employing office and agent thereof, and the General Counsel and any agent thereof when prosecuting a complaint proceeding before the Office pursuant to sections 210, 215, or 220 of the CAA. The term also includes any employee of the Office who becomes a party or a witness for a party other than the Office in proceedings as defined in these rules.

(2) The term *ex parte communication* means an oral or written communication (a) that is between an interested person outside the Office and a Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking; (b) that is related to a proceeding or a rulemaking; (c) that is not made on the public record; (d) that is not made in the presence of all parties to a proceeding or a rulemaking; and (5) that is made without reasonable prior notice to all parties to a proceeding or a rulemaking.

(3) For purposes of section 9.04, the term *proceeding* means the complaint and hearing proceeding under section 405 of the CAA, an appeal to the Board under section 406 of the CAA, pre-election investigatory hearing under section 220 of the CAA, and any other proceeding of the Office established pursuant to regulations issued by the Board under the CAA.

(4) The term *period of rulemaking* means the period commencing with the issuance of an advance notice of proposed rulemaking or of a notice of proposed rulemaking, whichever issues first, and concluding with the issuance of a final rule.

(b) *Exception to Coverage.* The rules set forth in this section do not apply during periods that the Board designates as periods of negotiated rulemaking.

(c) *Prohibited Ex Parte Communications and Exceptions.*

(1) During a proceeding, it is prohibited knowingly to make or cause to be made:

(i) a written ex parte communication if copies thereof are not promptly served by the communicator on all parties to the proceeding in accordance with section 9.01 of these Rules; or

(ii) an oral ex parte communication unless all parties have received advance notice thereof by the communicator and have an adequate opportunity to be present.

(2) During the period of rulemaking, it is prohibited knowingly to make or cause to be made a written or an oral ex parte communication. During the period of rulemaking, the Office shall treat any written ex parte communication as a comment in response to the advance notice of proposed rulemaking or the notice of proposed rulemaking, whichever is pending, and such communications will therefore be part of the public rulemaking record.

(3) Notwithstanding the prohibited set forth in (1) and (2), the following ex parte communications are not prohibited:

(i) those which relate solely to matters which the Board member or Hearing Officer is authorized by law, Office rules, or order of the Board or Hearing Officer to entertain or dispose of on an ex parte basis;

(ii) those which all parties to the proceeding agree, or which the responsible official formally rule, may be made on an ex parte basis;

(iii) those which concern only matters of general significance to the field of labor and employment law or administrative practice;

(iv) those from the General Counsel to the Office or the Board when the General Counsel is acting on behalf of the Office or the Board under any section of the CAA; and

(v) those which could not reasonably be construed to create either unfairness or the appearance of unfairness in a proceeding or rulemaking.

(4) It is prohibited knowingly to solicit or cause to be solicited any prohibited ex parte communication.

(d) *Reporting of Prohibited Ex Parte Communications.*

(1) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who determines that he or she is being asked to receive a prohibited ex parte communication shall refuse to do so and inform the communicator of this rule.

(2) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding who knowingly receives a prohibited ex parte communication shall (a) notify the parties to the proceeding that such a communication has been received; and (b) provide the parties with a copy of the communication and of any response thereto (if written) or with a memorandum stating the substance of the communication and any response thereto (if oral). If a proceeding is then pending before either the Board or a Hearing Officer, and if the Board or Hearing Officer so orders, these materials shall then be placed in the record of the proceeding. Upon order of the Hearing Officer or the Board, the parties may be provided with a full opportunity to respond to the alleged prohibited ex parte communication and to address what action, if any, should be taken in the proceeding as a result of the prohibited communication.

(3) Any Board member involved in a rulemaking who knowingly receives a prohibited ex parte communication shall cause to be published in the Congressional Record a notice that such a communication has been received and a copy of the communication and of any response thereto (if written) or with a memorandum stating the substance of the communication and any response thereto (if oral). Upon order of the Board, these materials shall then be placed in the record of the rulemaking and the Board shall provide interested persons with a full opportunity respond to the alleged prohibited ex parte communication and to address what action, if any, should be taken in the proceeding as a result of the prohibited communication.

(4) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who knowingly receives a prohibited ex parte communication and who fails to comply with the requirements of subsections (1), (2), or (3) above, is subject to internal censure or discipline through the same procedures that the Board utilizes to address and resolve ethical issues.

(e) *Penalties and Enforcement.*

(1) Where a person is alleged to have made or caused another to make a prohibited ex parte communication, the Board or the Hearing Officer (as appropriate) may issue to the person a notice to show cause, returnable within a stated period not less than seven days from the date thereof, why the Board or the Hearing Officer should not determine that the interests of law or justice require that the person be sanctioned by, where applicable, dismissal of his or her claim or interest, the striking of his or her answer, or the imposition of a some other appropriate sanction, including but not limited to the award of attorneys' fees and costs incurred in responding to a prohibited ex parte communication.

(2) Upon notice and hearing, the Board may censure or suspend or revoke the privilege of practice before the Office of any person who knowingly and willfully makes, solicits, or causes the making of any prohibited ex parte communication. Before formal proceedings under this subsection are instituted, the Board shall first provide notice in

writing that it proposes to take such action and that the person or persons may show cause within a period to be stated why the Board should not take such action. Any hearings under this section shall be conducted by a Hearing Officer subject to Board review under section 8.01 of these Rules.

(3) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who knowingly makes or causes to be made a prohibited ex parte communication is subject to internal censure or discipline through the same procedures that the Board utilizes to address and resolve ethical issues.

§9.05(a)

(a) *Informal Resolution.* At any time before a covered employee who has filed a formal request for counseling files a complaint under section 405, a covered employee and the employing office, on their own, may agree voluntarily and informally to resolve a dispute, so long as the resolution does not require a waiver of a covered employee's rights or the commitment by the employing office to an enforceable obligation.

Signed at Washington, D.C., on this 10th day of July, 1996.

R. GAULL SILBERMAN,
Executive Director,
Office of Compliance.

NOTICE OF ADOPTION OF REGULATIONS

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, July 9, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. §1384(b)), I am transmitting on behalf of the Board of Directors the enclosed notice of Adoption of Regulations and Submission for Approval for publication in the Congressional Record. The notice, which the Board has approved, is being issued pursuant to §220(d).

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

GLEN D. NAGER,
Chair of the Board.

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS, PROTECTIONS AND RESPONSIBILITIES UNDER CHAPTER 71 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS (REGULATIONS UNDER SECTION 220(d) OF THE CONGRESSIONAL ACCOUNTABILITY ACT)

NOTICE OF ADOPTION OF REGULATIONS AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors of the Office of Compliance, after considering comments to its Notice of Proposed Rulemaking published May 15, 1996 in the Congressional Record, has adopted, and is submitting for approval by the Congress, final regulations implementing section 220 of the Congressional Accountability Act of 1995, Pub. L. 104-1, 109 Stat. 3. Specifically, these regulations are adopted under section 220(d) of the CAA.

For Further Information Contact: Executive Director, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, DC 20540-1999, Telephone: (202) 724-9250.

SUPPLEMENTARY INFORMATION

I. Background and Summary

The Congressional Accountability Act of 1995 ("CAA" or "Act") was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered Congressional employees and employing offices. Section 220 of the CAA concerns the application of chapter 71 of title 5, United States Code ("chapter 71") relating to Federal service labor-management relations. Section 220(a) of the CAA applies the rights, protections and responsibilities established under sections 7102, 7106, 7111 through 7117, 7119 through 7122 and 7131 of title 5, United States Code to employing offices and to covered employees and representatives of those employees.

Section 220(d) authorizes the Board of Directors of the Office of Compliance ("Board") to issue regulations to implement section 220 and further states that, except as provided in subsection (e), such regulations "shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority ["FLRA"] to implement the statutory provisions referred to in subsection (a) except—(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; or (B) as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest."

On March 6, 1996, the Board of Directors of the Office of Compliance ("Office") issued an Advance Notice of Proposed Rulemaking ("ANPR") that solicited comments from interested parties in order to obtain participation and information early in the rulemaking process. 142 Cong. R. S1547 (daily ed., Mar. 6, 1996).

On May 15, 1996, the Board published in the Congressional Record a Notice of Proposed Rulemaking ("NPR") (142 Cong. R. S5070-89, H5153-72 (daily ed., May 15, 1996). In response to the NPR, the Board received three written comments, two of which were from offices of the Congress and one of which was from a labor organization.

Parenthetically, it should also be noted that, on May 23, 1996, the Board published a Notice of Proposed Rulemaking (142 Cong. R. S5552-56, H5563-68 (daily ed., May 23, 1996)) inviting comments from interested parties on proposed regulations under section 220(e). That subsection further authorizes the Board to issue regulations on the manner and extent to which the requirements and exemptions of chapter 71 should apply to covered employees who are employed in certain specified offices, "except . . . that the Board shall exclude from coverage under [section 220] any covered employees who are employed in [the specified offices] if the Board determines that such exclusion is required because of (i) a conflict of interest or appearance of a conflict of interest; or (ii) Congress' constitutional responsibilities." Final regulations under section 220(e) will be adopted and submitted for Congressional approval separately.

II. Consideration of Comments and Conclusions

A. Investigative and adjudicatory responsibilities

In the NPR, the Board proposed that, like the FLRA , it would decide representation issues, negotiability issues and exceptions to arbitral awards based upon a record developed through direct submissions from the parties and, where necessary, through further investigation by the Board (through the person of the Executive Director). Under the Board's proposed rule, only unfair labor practice issues (and not representation, arbitrability or negotiability issues) would be referred to hearing officers for initial decision under section 405 of the CAA.

One commenter expressly approved of this proposal. Conversely, two commenters argued that the proposal violates the plain and unambiguous language of the statute, which they read as requiring the Board to refer all section 220 issues, including representation, arbitrability, and negotiability issues, to hearing officers for initial decision under section 405.

Contrary to the argument that the statutory text *unambiguously* requires referral of representation, arbitrability, and negotiability issues (as well as unfair labor practice issues) to hearing officers for initial decision pursuant to section 405, section 220(c)(1) simply does not define the "matter[s]" that must be referred to hearing officers for initial decision under section 405, much less specify that these "matter[s]" include disputed issues of representation, negotiability and/or arbitrability. Moreover, contrary to the assumption of the commenters, there is no sound reason to assume that the "matter[s]" that the Board must refer to hearing officers for initial decision under section 405 are co-extensive with the "petition[s], or other submission[s]" that the Board receives under section 220(c)(1). Since Congress did *not* require the Board to refer to a hearing officer for initial decision "any petition or other submission" that it receives under section 220(c)(1), but rather only "any matter under this paragraph," the interpretive presumption in fact must be that the "matter[s]" which the Board must refer are not co-extensive with the "petitions or other submissions" that it receives under section 220(c)(1) (but, rather, are only a subset of them.) Whether or not this interpretative presumption can be overcome by other relevant interpretive materials, it is plain that, contrary to the assertion of the commenters, the statutory text is in fact seriously ambiguous about whether controversies involving representation, negotiability, and arbitrability issues are "matter[s]" within the meaning of section 220(c)(1) that must be referred to a Hearing Officer pursuant to section 405.

Moreover, as explained in the NPR, this textual ambiguity is best resolved by interpreting the statutory phrase "matter" in section 220(c)(1) to encompass only controversies involving disputed unfair labor practice issues. The term "matter" in section 220(c)(1) simply does not appear to refer to representation or other such issues arising out of the Board's "investigative authorities." Indeed, section 220(c)(1) expressly contemplates that the Board may direct the General Counsel (and, a fortiori, not a hearing officer) to carry out these "investigative authorities," which under chapter 71 include the authority, for example, to decide (and not, as one commenter suggests, merely to investigate) disputed representation issues such as whether an individual must be excluded from a unit because he or she is a supervisor.

Under chapter 71, only controversies involving unfair labor practice issues are subject to formal adversarial processes like those established by section 405; and nothing in the CAA's legislative history shows that Congress understood itself to be departing from chapter 71 in this respect. In these circumstances, under the CAA, the textual ambiguity must be resolved by reference to the

interpretive presumption that Congress has subjected itself to the same rules that the executive branch is subject to under chapter 71.

Furthermore, contrary to the suggestion of one commenter, the reference in the last sentence of section 220(c)(2) to initial hearing officer consideration of unfair labor practice complaints does not detract in any way from the Board's construction of the term "matter" in section 220(c)(1). The Board's construction of the term "matter" in section 220(c)(1) simply does not render this reference in section 220(c)(2) to initial hearing officer consideration of unfair labor practice complaints "redundant and meaningless," as the commenter claims; rather, the reference in section 220(c)(2) simply completes the statute's instruction to the General Counsel concerning how he should process a controversy involving an unfair labor practice issue (just as section 220(c)(1) in parallel instructs the Board concerning how it should process a controversy involving an unfair labor practice issue). Indeed, construing the phrase "matter" in section 220(c)(1) to encompass more than just controversies involving unfair labor practice issues would not in any way reduce the redundancy and lack of meaning that the commenter perceives (since, in all events, both section 220(c) (1) and (2) would effectively encompass initial hearing officer consideration of unfair labor practice issues).

The commenters similarly err in suggesting that the judicial review provisions of section 220(c)(3) demonstrate that the Board must refer more than just unfair labor practice issues to a hearing officer for initial decision under section 405. In making this suggestion, the commenters omit mention of the critical statutory language in section 220(c)(3) that only the General Counsel or the respondent to the complaint may seek judicial review of a final Board decision under section 220(c) (1) or (2). This language appears to limit judicial review to cases involving unfair labor practice issues, because it is only in unfair labor practice cases that the parties include either "the General Counsel or the respondent to the complaint." In all events, even if section 220(c)(3) authorized judicial review of more than just unfair labor practice issues, referral of more than controversies involving unfair labor practice issues would not be required: Judicial review does not always require a record created by a formal adversary process, and the Board still has not found a statutory command sufficient to require a formal adversary process where chapter 71 does not do so.

Finally, there is simply no foundation for the suggestion that the "real reason" for the Board's reading of the statute is that referral of representation, arbitrability, or negotiability issues to a hearing officer for initial decision under section 405 would be "overly cumbersome." It is in fact the judgment of the Board, based on its members' many years of practice and experience in this area, that referral of such issues for formal adversary hearings would be overly cumbersome and would undermine considerably the effective implementation of section 220 of the CAA. Indeed, it is difficult for the Board's members to even conceive of how an election could practicably be conducted in the confidential, adversarial processes contemplated by section 405. But, while the Board is in fact entitled in its interpretive process to presume that Congress did not intend to be so impracticable, the "real reason" for the Board's construction of section 220 is not this significant practical concern. Rather, the "real reason" is the one that is stated in the NPR and here—to wit, that neither the statutory language nor the legislative history contain a sufficiently clear command that, in supposedly subjecting itself to the same labor laws as are applicable to the executive branch, Congress intended to make an exception for itself and require formal adversarial proceedings where they are not required under chapter 71. As the Supreme Court has stated: '"In a case where the construction of legislative language such as this makes so sweeping and so relatively unorthodox a change as that [suggested] here, [we] think judges as well as detectives may take into consideration the fact that a watch dog did not bark in the night."' *Chisom v. Roemer*, 501 U.S. 380, 397 (1991), *quoting Harrison v. PPG Industries, Inc.*, 446 U.S. 578, 602 (1980) (Rehnquist, J., *dissenting*).

B. Pre-election investigatory hearings

In the NPR, the Board proposed to add a new subsection 2422.18(d) to provide that the parties have an obligation to produce existing documents and witnesses for pre-election investigatory hearings, in accordance with the instructions of the Board (acting through the person of the Executive Director), and that a willful failure to comply with such instructions could result in an adverse inference being drawn on the issue for which the evidence is sought. The Board noted that section 7132 of chapter 71, which authorizes the issuance of subpoenas by various FLRA officials, was not made applicable by the CAA and that, as pre-election investigatory hearings are not conducted under section 405 of the CAA, subpoenas for documents or witnesses in such pre-election proceedings are not available under the CAA, as they are under chapter 71. The Board thus concluded that there is good cause to modify section 2422.18 of the FLRA's regulations to include subsection (d) because, in order to properly decide disputed representation issues and effectively implement section 220 of the CAA, a complete investigatory record comparable to that developed under chapter 71 is necessary.

One commenter asserted, consistent with that commenter's view that pre-election investigatory hearings must be conducted under section 405 of the CAA, that the addition of subsection 2422.18(d) is not necessary. Based upon the same rationale, another commenter suggested (1) that section 2422.18(b) be modified to provide that the Federal rules of evidence shall apply in pre-election investigatory hearings, and (2) that the Board "should make the proposed regulations governing service of subpoenas consistent with its own procedural regulations." This same commenter also suggested that the Board specifically not adopt that portion of section 2422.18(b) which provides that pre-election investigatory hearings are open to the public, because this provision allegedly "appears to be included to comply with the Sunshine Act" which "does not apply to Congress."

As noted above, the Board continues to be of the view that pre-election investigatory hearings need not and should not be conducted under section 405 of the CAA. Accordingly, since the commenters criticisms of this proposed regulation are based upon a contrary false premise, the Board adheres to its original conclusion that there is good cause to modify section 2422.18 of the FLRA's regulations by including section 2422.18(d). Further, because pre-election investigatory hearings should not be conducted under section 405 of the CAA, there is no good cause to modify section 2422.18 to require the application of the Federal rules of evidence or to provide for the issuance or service of subpoenas in connection with such investigatory hearings. Finally, contrary to the assertion of one commenter, there is no indication that the "Sunshine Act" (Pub. L. 94-409) formed the basis for the section 2422.18(b) requirement that pre-election hearings be open to the public, and there is no basis for not adopting that subsection, as suggested by the commenter.

C. Selection of the unfair labor practice procedure or the negotiability procedure

In the NPR, the Board determined that there is good cause to delete the concluding sentences of sections 2423.5 and 2424.4 of the FLRA's regulations. Specifically, the Board proposed to omit the requirement that a labor organization file a petition for review of a negotiability issue, rather than an unfair labor practice charge, in cases that solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and that do not involve actual or contemplated changes in conditions of employment. The Board reasoned that, by eliminating that restriction, a labor organization could choose to seek a Board determination on the issue, as it can with respect to other assertions by employing offices that there is no duty to bargain, through an unfair labor practice proceeding and, if the determination is unfavorable, the labor organization could possibly obtain judicial review by persuading the General Counsel to file a petition for review of the unfavorable Board decision under section 220(c)(3) of the Act. In this regard, the Board stated its view that, unlike chapter 71, the CAA does not provide for direct judicial review of Board decisions and orders on petitions for review of negotiability issues.

One commenter expressly and specifically agreed that there is good cause for this proposed modification of the FLRA's regulations. The two other commenters asserted that there is not good cause to delete the pertinent sentences from the FLRA's regulations because of their view that, under section 220(c)(3), direct judicial review of Board decisions on petitions for review of negotiability issues is available.

The Board has further considered this issue and has concluded, for reasons different than those urged by the commenters, that it should not delete the concluding sentences of the referenced sections of the FLRA's regulations. Under section 7117 of chapter 71, which is incorporated into the CAA, a labor organization is the only party that may file a petition for Board review of a negotiability issue; the labor organization is always the petitioner and never a respondent, and the General Counsel is never a party. Moreover, section 220(c)(3) provides that only "the General Counsel or the respondent to the complaint, if aggrieved by a final decision of the Board" may file a petition for judicial review of a Board decision. Accordingly, it is clear that, under the CAA, it was Congress' intent not to accord labor organizations the right to seek direct judicial review of unfavorable decisions on negotiability issues. Further, in the Board's judgment, questions involving the duty to bargain, where there are no actual or contemplated changes in conditions of employment, are best resolved through a negotiability determination; procedures for the consideration of petitions for review of negotiability issues are more expeditious and less adversarial than unfair labor practice proceedings, and thus the requirement that labor organizations utilize the negotiability procedures is more effective for

the implementation of section 220. Accordingly, the concluding sentences of section 2423.5 and 2424.5 of the FLRA's regulations will be included in the Board's final regulations.

D. Exclusion of certain employing offices from coverage under section 220

One commenter urged the Board to exclude certain specific employing offices from coverage under section 220 of the CAA. The commenter reasoned that, since section 7103(a)(3) of chapter 71 specifically defines "agency" not to include certain named executive branch agencies, the Board should exempt "parallel" employing offices in the House of Representatives from the definition of "employing office" in the Board's regulations.

The Board declines this suggestion. Just as Congress defined the term "agency" under chapter 71, Congress has defined "employing office" in the CAA. The Board cannot, as the commentor has requested, redefine "employing office" by regulation to exclude employing offices that are encompassed by statutory definition.

E. Exercise of the Board's authority under section 7103(b) of chapter 71, as applied by the CAA

Under section 220(c)(1) of the CAA, the Board has been granted the authority that the President has under section 7103(b) of chapter 71 to "issue an order excluding any [employing office] or subdivision from coverage under this chapter if the [Board] determines that—

(a) the [employing office] or subdivision has as a primary function intelligence, counterintelligence, investigative, or national security work, and

(b) the provisions of this chapter cannot be applied to that [employing office] or subdivision in a manner consistent with national security requirements and considerations."

Two commenters requested that the Board issue regulations under this authority. In doing so, one commenter named five employing offices that it simply asserted should be excluded because their "primary function . . . is intelligence investigative or national security work"; the other commenter made no specific suggestions as to appropriate exclusions.

While the Board is willing to exercise its authority derived from section 7103(b) of chapter 71 (when and if it receives information that would allow it to do so), the authority that the Board possesses is to exclude employing offices from coverage under section 220 by "order," not by regulation. Congress wisely recognized that sensitive security issues of this type are not properly addressed in a public rulemaking procedure, but rather are better addressed by executive or administrative order.

F. Definition of labor organization

One commenter correctly pointed out that the words "bylaws, tacit agreement among its members," were omitted from the definition of "labor organization" in section 2421.3(d). The final regulation has been modified to correct this inadvertent omission.

G. Substitution of the term "disability" for "handicapping condition"

The proposed regulations, in sections 2421.3(d)(1) and 2421.4(d)(2)(iv), make reference to the term "handicapping condition". That term appears in the FLRA regulations and is derived from the Rehabilitation Act of 1973. In section 201(a)(3) of the CAA, the Congress used the term "disability," rather than the term "handicap" or "handicapping condition". Accordingly, as urged by one commenter, the Board finds good cause to substitute the term "disability" for the term "handicapping condition" wherever it appears in the regulations.

H. Conditions of employment

One commenter suggested that the Board should modify the definition of the term "conditions of employment" in section 2421.3(m)(3) of the proposed regulations to provide that, in addition to "matters specifically provided for by Federal statute," matters specifically provided for by "resolutions, rules, regulations and other pronouncements of the House of Representatives and/or the Senate having the force and effect of law" are among the matters excluded from that term. But the definition of "conditions of employment" in section 2421.3(m) of the proposed regulations is identical to the statutory definition incorporated by reference into the FLRA's regulations. Moreover, to the extent that resolutions, rules, regulations and pronouncements of the House or Senate have the force and effect of Federal statutes, matters specifically provided for therein are already excluded from "conditions of employment" under section 220. The Board thus does not find good cause to change the FLRA's regulation.

I. Applicability of certain terms

1. Government-wide rule or regulation.—The term "Government-wide rule or regulation" is found in various contexts in the incorporated provisions of chapter 71 and applicable regulations of the FLRA. One commenter asked that the Board clarify that the term includes "rules or regulations issued by the House or Senate, as appropriate." The commenter cited no authority for the requested change.

The Board has carefully considered the matter. Its own research reveals that the FLRA has interpreted this term to include only rules or regulations that are generally applicable to the Federal civilian workforce within the executive branch. The Board thus does not find good cause to revise the term to apply to rules or regulations that are not generally applicable to covered employees throughout the entire legislative branch.

2. Activity; primary national subdivision.—One commenter asserted that the terms "activity" and "primary national subdivision" have no applicability in the legislative branch and should be omitted from the regulations. However, there was not sufficient information in the comment to allow the Board to make an informed judgment about the validity of the assertion. The Board therefore does not have good cause to modify the FLRA's regulations by deleting these terms; indeed, if the terms are inapplicable, their inclusion in the regulations will have no substantial consequence.

J. Consultation rights

1. National.—Under section 2426.1(a) of the proposed rules, an employing office shall accord national consultation rights to a labor organization that holds exclusive recognition for 10% or more of the total number of personnel employed by the employing office. In this regard, the Board noted that the FLRA has considered 10% of the employees of an agency or primary national subdivision to be a significant enough proportion of the employee complement to allow for meaningful consultations, no matter the size of the agency or the number of its employees. The Board determined that there is no apparent reason why there should be a different threshold requirement for small legislative branch employing offices from that applicable to small executive branch agencies.

One commenter urged that the Board reconsider its determination. The commenter argued that the threshold should be raised, because in a small employing office of 10 employees "a union could gain consultation rights on the basis of the interest of one employee."

The commenter's concern that one employee's "interest" in a 10-employee office could require consultations is unfounded. In order to obtain national consultation rights, a labor organization must hold "exclusive recognition" for 10% of the employees. Section 2421.4(c) of the Board's proposed rules defines the term "exclusive recognition" to mean that "a labor organization has been selected as the sole representative, in a secret ballot election, by a majority of the employees in an appropriate unit who cast ballots in an election." The mere "interest" of employees does not constitute "exclusive recognition." Further, exclusive recognition cannot, under applicable precedent, be granted for a single employee, because a one-employee unit is not appropriate for exclusive recognition. The Board thus has decided to adhere to its conclusion that there is not good cause to change the 10% threshold.

2. Government-wide rules or regulations.—In the NPR, the Board concluded that it had good cause to modify the threshold requirement contained in the FLRA's regulations that provide for an agency, in appropriate circumstances, to accord consultation rights on Government-wide rules or regulations to a labor organization that holds exclusive recognition for 3,500 or more employees. The Board reasoned that, because of the size of employing offices covered by the CAA, the 3,500 employee threshold could never be met and needed to be revised. Accordingly, by analogy to the eligibility requirement for national consultation rights, the Board adopted a threshold requirement of 10% of employees.

One commenter asserted that the Board improperly replaced the 3,500 employee threshold requirement with the 10% requirement, arguing that the intent of the 3,500 employee threshold was to permit consultation only in large agencies. The commenter stated that, because no covered employing office has 3,500 employees, "consultation on government-wide rules or regulations should not be a requirement under the CAA."

The Board has carefully considered the comment and has now concluded that the substitution of a 10% threshold for the 3,500 employee requirement would not result in the appropriate standard for the grant of consultation rights on Government-wide rules or regulations. However, contrary to the commenter's assertion, such consultation rights should be, and indeed are, accorded under the CAA.

Section 7117(d) of chapter 71, which is incorporated into the CAA, provides that a labor organization that is the exclusive representative of a substantial number of employees, as determined in accordance with criteria prescribed by the FLRA, shall be granted consultation rights by any agency with respect to any Government-wide rule or regulation issued by the agency that effects any substantive change in any condition of employment. For example, under the FLRA's regulations, in appropriate circumstances, the Office of Personnel Management (OPM) would be required to accord consultation rights on an OPM-issued government-wide regulation to labor organizations that are the exclusive representatives of at least 3,500 executive branch employees, even if those employees are not employees of OPM. Section 7117(d) of chapter 71 was incorporated

into the CAA. Thus, in the legislative branch, consultation rights on legislative branch-wide rules or regulations issued by an employing office that effect any substantive change in any condition of employment must be granted to the exclusive representative(s) of a substantial number of covered legislative branch employees.

The FLRA determined in its regulations that 3,500 employees is a "substantial" number of employees in the executive branch. The most recent statistics compiled by OPM's Office of Workforce Information reveal that there are approximately 1,958,200 civilian, non-postal, Federal employees. In contrast, the Congressional Research Service reports that there are only approximately 20,100 legislative branch employees currently covered by the CAA. As the covered workforce in the legislative branch is approximately one-tenth the size of the analogous executive branch employee complement, the Board concludes that the appropriate threshold requirement for the grant of consultation rights in the legislative branch is 350 employees, or one-tenth the requirement in the executive branch. Accordingly, the Board finds that there is good cause to modify section 2426.11(a) of the FLRA's rules to provide that requests for consultation rights on Government-wide rules or regulations (e.g. rules or regulations that are generally applicable to the legislative branch) will be granted by an employing office, as appropriate, to a labor organization that holds exclusive recognition for 350 or more covered employees in the legislative branch.

K. Posting of notices in representation cases

One commenter asserted that sections 2422.7 and 2422.23, which provide for the posting or distribution of certain notices by employing offices, should be modified. In this regard, the commenter argued that these sections of the proposed rules "give the Executive Director the authority to determine the placement" of the notice posting and that such determination should be left to the discretion of the employing office. Contrary to the commenter's assertions, however, nothing in the aforementioned regulations deprives an employing office of the desired discretion so long as the notices are posted "in places where notices to employees are customarily posted and/or distributed in a manner by which notices are normally distributed." Accordingly, there is no reason to modify the regulations, as requested by the commenter.

L. Enforcement of decisions of the Assistant Secretary of Labor

In the NPR, the Board found good cause to modify section 2428.3 of the FLRA's regulations to delete the requirement in section 2428.3(a) that the Board enforce any decision or order of the Assistant Secretary of Labor (Assistant Secretary) unless it is "arbitrary and capricious or based upon manifest disregard of the law." Noting that section 225(f)(3) of the CAA specifically states that the CAA does not authorize executive branch enforcement of the Act, the Board concluded that it should not adopt a regulatory provision that would require the Board to defer to decisions of an executive branch agency.

Two commenters asserted that the Board did not have good cause to modify the FLRA's regulation. Both argued that requiring the Board to enforce a decision and order of the Assistant Secretary is not tantamount to executive branch enforcement of the Act.

The Board continues to be of the view that, in order to give full effect to section 225(f)(3) of the CAA, it should not defer to decisions of the Assistant Secretary. There is thus good cause to modify section 2428.3 of the FLRA's regulations.

M. Regulations under section 220(d)(2)(B) of the CAA

Section 220(d)(2)(B) of the CAA provides that, in issuing regulations to implement section 220, the Board may modify the FLRA's regulations "as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest." In the ANPR, the Board requested commenters to identify, where applicable, why a proposed modification of the FLRA's regulations is necessary to avoid a conflict of interest or appearance thereof. In this regard, commenters were advised not only to fully and specifically describe the conflict of interest or appearance thereof that they believed would exist were the pertinent FLRA regulations not modified, but also to explain the necessity for avoiding the asserted conflict or appearance of conflict and how any proposed modification would avoid the identified concerns.

In response to the ANPR, one commenter argued that the posting requirements of sections 2422.7 and 2422.23 of the FLRA's regulations should be modified. In the NPR, the Board discussed the commenter's suggested modifications and determined that the modifications were not necessary under section 220(d)(2)(B). No other modifications were requested or discussed.

Another commenter has now urged the Board to "promulgate a regulation for the exclusion from a bargaining unit of any employee whose membership or participation in the labor organization would present an actual or apparent conflict of interest with the duties of the employee" in order to "eliminate by regulation the possibility, or even the appearance of the possibility, that the contents of legislation or legislative policy might be influenced by union membership of Congressional employees." This commenter provided no additional explanation for the proposed regulation. Nor did the commenter provide a list of the employees who should be so excluded (or, indeed, any examples).

The Board has concluded that it is appropriate to adopt a regulation authorizing parties in appropriate circumstances to assert, and the Board to decide where appropriate and relevant, that a conflict of interest (real or apparent) exists that makes it necessary for the Board to modify a requirement that would otherwise be applicable. The regulation is found at section 2420.2.

III. Method of Approval

The Board received no comments on the method of approval for these regulations. Therefore, the Board continues to recommend that (1) the version of the regulations that shall apply to the Senate and employees of the Senate should be approved by the Senate by resolution; (2) the version of the regulations that shall apply to the House of Representatives and employees of the House of Representatives should be approved by the House of Representatives by resolution; and (3) the version of the regulations that apply to other covered employees and employing offices should be approved by concurrent resolution.

Accordingly, the Board of Directors of the Office of Compliance hereby adopts and submits for approval by the Congress the following regulations.

Signed at Washington, D.C., on this 9th day of July, 1996.

GLEN D. NAGER,
Chair of the Board of Directors,
Office of Compliance.

ADOPTED REGULATIONS

Subchapter C

2420 Purpose and scope
2421 Meaning of terms as used in this subchapter
2422 Representation proceedings
2423 Unfair labor practice proceedings
2424 Expedited review of negotiability issues
2425 Review of arbitration awards
2426 National consultation rights and consultation rights on Government-wide rules or regulations
2427 General statements of policy or guidance
2428 Enforcement of Assistant Secretary standards of conduct decisions and orders
2429 Miscellaneous and general requirements

Subchapter D

2470 General
2471 Procedures of the Board in impasse proceedings

Subchapter C

PART 2420—PURPOSE AND SCOPE

§ 2420.1 Purpose and scope.

The regulations contained in this subchapter are designed to implement the provisions of chapter 71 of title 5 of the United States Code, as applied by section 220 of the Congressional Accountability Act (CAA). They prescribe the procedures, basic principles or criteria under which the Board and the General Counsel, as applicable, will:

(a) Determine the appropriateness of units for labor organization representation under 5 U.S.C. 7112, as applied by the CAA;

(b) Supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit and otherwise administer the provisions of 5 U.S.C. 7111, as applied by the CAA, relating to the according of exclusive recognition to labor organizations;

(c) Resolve issues relating to the granting of national consultation rights under 5 U.S.C. 7113, as applied by the CAA;

(d) Resolve issues relating to determining compelling need for employing office rules and regulations under 5 U.S.C. 7117(b), as applied by the CAA;

(e) Resolve issues relating to the duty to bargain in good faith under 5 U.S.C. 7117(c), as applied by the CAA;

(f) Resolve issues relating to the granting of consultation rights with respect to conditions of employment under 5 U.S.C. 7117(d), as applied by the CAA;

(g) Conduct hearings and resolve complaints of unfair labor practices under 5 U.S.C. 7118, as applied by the CAA;

(h) Resolve exceptions to arbitrators' awards under 5 U.S.C. 7122, as applied by the CAA; and

(i) Take such other actions as are necessary and appropriate effectively to administer the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

§ 2420.2

Notwithstanding any other provisions of these regulations, the Board may, in deciding an issue, add to, delete from or modify otherwise applicable requirements as the Board deems necessary to avoid a conflict of interest or the appearance of a conflict of interest.

PART 2421—MEANING OF TERMS AS USED IN THIS SUBCHAPTER

Sec.
2421.1 Act; CAA.
2421.2 Chapter 71.
2421.3 General Definitions.
2421.4 National consultation rights; consultation rights on Government-wide rules or regulations; exclusive recognition; unfair labor practices.
2421.5 Activity.
2421.6 Primary national subdivision.
2421.7 Executive Director.
2421.8 Hearing Officer.
2421.9 Party.
2421.10 Intervenor.
2421.11 Certification.
2421.12 Appropriate unit.
2421.13 Secret ballot.
2421.14 Showing of interest.
2421.15 Regular and substantially equivalent employment.
2421.16 Petitioner.
2421.17 Eligibility Period.
2421.18 Election Agreement.
2421.19 Affected by Issues raised.
2421.20 Determinative challenged ballots.

§2421.1 Act; CAA.

The terms "Act" and "CAA" mean the Congressional Accountability Act of 1995 (P.L. 104–1, 109 Stat. 3, 2 U.S.C. §§1301–1438).

§2421.2 Chapter 71.

The term "chapter 71" means chapter 71 of title 5 of the United States Code.

§2421.3 General Definitions.

(a) The term "person" means an individual, labor organization or employing office.

(b) Except as noted in subparagraph (3) of this subsection, the term "employee" means an individual—

(1) Who is a current employee, applicant for employment, or former employee of: the House of Representatives; the Senate; the Capitol Guide Service; the Capitol Police; the Congressional Budget Office; the Office of the Architect of the Capitol; the Office of the Attending Physician; the Office of Compliance; or the Office of Technology Assessment; or

(2) Whose employment in an employing office has ceased because of any unfair labor practice under section 7116 of title 5 of the United States Code, as applied by the CAA, and who has not obtained any other regular and substantially equivalent employment as determined under regulations prescribed by the Board, but does not include—

(i) An alien or noncitizen of the United States who occupies a position outside of the United States;

(ii) A member of the uniformed services;

(iii) A supervisor or a management official or;

(iv) Any person who participates in a strike in violation of section 7311 of title 5 of the United States Code, as applied by the CAA.

(3) For the purpose of determining the adequacy of a showing of interest or eligibility for consultation rights, except as required by law, applicants for employment and former employees are not considered employees.

(c) The term "employing" office means—

(1) The personal office of a Member of the House of Representatives or of a Senator;

(2) A committee of the House of Representatives or the Senate or a joint committee;

(3) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(4) The Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

(d) The term "labor organization" means an organization composed in whole or in part of employees, in which employees participate and pay dues, and which has as a purpose the dealing with an employing office concerning grievances and conditions of employment, but does not include—

(1) An organization which, by its constitution, bylaws, tacit agreement among its members, or otherwise, denies membership because of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or disability;

(2) An organization which advocates the overthrow of the constitutional form of government of the United States;

(3) An organization sponsored by an employing office; or

(4) An organization which participates in the conduct or a strike against the Government or any agency thereof or imposes a duty or obligation to conduct, assist, or participate in such a strike.

(e) The term "dues" means dues, fees, and assessments.

(f) The term "Board" means the Board of Directors of the Office of Compliance.

(g) The term "collective bargaining agreement" means an agreement entered into as a result of collective bargaining pursuant to the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

(h) The term "grievance" means any complaint—

(1) By any employee concerning any matter relating to the employment of the employee;

(2) By any labor organization concerning any matter relating to the employment of any employee; or

(3) By any employee, labor organization, or employing office concerning—

(i) The effect or interpretation, or a claim of breach, of a collective bargaining agreement; or

(ii) Any claimed violation, misinterpretation, or misapplication of any law, rule, or regulation affecting conditions of employment.

(i) The term "supervisor" means an individual employed by an employing office having authority in the interest of the employing office to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature, but requires the consistent exercise of independent judgment, except that, with respect to any unit which includes firefighters or nurses, the term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising such authority.

(j) The term "management official" means an individual employed by an employing office in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the employing office.

(k) The term "collective bargaining" means the performance of the mutual obligation of the representative of an employing office and the exclusive representative of employees in an appropriate unit in the employing office to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph does not compel either party to agree to a proposal or to make a concession.

(l) The term "confidential employee" means an employee who acts in a confidential capacity with respect to an individual who formulates or effectuates management policies in the field of labor-management relations.

(m) The term "conditions of employment" means personnel policies, practices, and matters, whether established by rule, regulation, or otherwise, affecting working conditions, except that such term does not include policies, practices, and matters—

(1) Relating to political activities prohibited under subchapter IIq01of chapter 73 of title 5 of the United States Code, as applied by the CAA;

(2) Relating to the classification of any position; or

(3) To the extent such matters are specifically provided for by Federal statute.

(n) The term "professional employee" means—

(1) An employee engaged in the performance of work—

(i) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital (as distinguished from knowledge acquired by a general academic education, or from an apprenticeship, or from training in the performance of routine mental, manual, mechanical, or physical activities);

(ii) Requiring the consistent exercise of discretion and judgment in its performance;

(iii) Which is predominantly intellectual and varied in character (as distinguished from routine mental, manual, mechanical, or physical work); and

(iv) Which is of such character that the output produced or the result accomplished by such work cannot be standardized in relation to a given period of time; or

(2) An employee who has completed the courses of specialized intellectual instruction and study described in subparagraph (1)(i) of this paragraph and is performing related work under appropriate direction and guidance to qualify the employee as a professional employee described in subparagraph (1) of this paragraph.

(o) The term "exclusive representative" means any labor organization which is certified as the exclusive representative of employees in an appropriate unit pursuant to section 7111 of title 5 of the United States Code, as applied by the CAA.

(p) The term "firefighter" means any employee engaged in the performance of work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment.

(q) The term "United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

(r) The term "General Counsel" means the General Counsel of the Office of Compliance.

(s) The term "Assistant Secretary" means the Assistant Secretary of Labor for Labor-Management Relations.

§2421.4 National consultation rights; consultation rights on Government-wide rules or regulations; exclusive recognition; unfair labor practices.

(a)(1) The term "national consultation rights" means that a labor organization that

is the exclusive representative of a substantial number of the employees of the employing office, as determined in accordance with criteria prescribed by the Board, shall—

(i) Be informed of any substantive change in conditions of employment proposed by the employing office; and

(ii) Be permitted reasonable time to present its views and recommendations regarding the changes.

(2) National consultation rights shall terminate when the labor organization no longer meets the criteria prescribed by the Board. Any issue relating to any labor organization's eligibility for, or continuation of, national consultation rights shall be subject to determination by the Board.

(b)(1) The term "consultation rights on Government-wide rules or regulations" means that a labor organization which is the exclusive representative of a substantial number of employees of an employing office determined in accordance with criteria prescribed by the Board, shall be granted consultation rights by the employing office with respect to any Government-wide rule or regulation issued by the employing office effecting any substantive change in any condition of employment. Such consultation rights shall terminate when the labor organization no longer meets the criteria prescribed by the Board. Any issue relating to a labor organization's eligibility for, or continuation of, such consultation rights shall be subject to determination by the Board.

(2) A labor organization having consultation rights under paragraph (1) of this subsection shall—

(i) Be informed of any substantive change in conditions of employment proposed by the employing office; and

(ii) shall be permitted reasonable time to present its views and recommendations regarding the changes.

(3) If any views or recommendations are presented under paragraph (2) of this subsection to an employing office by any labor organization—

(i) The employing office shall consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(ii) The employing office shall provide the labor organization a written statement of the reasons for taking the final action.

(c) The term "exclusive recognition" means that a labor organization has been selected as the sole representative, in a secret ballot election, by a majority of the employees in an appropriate unit who cast valid ballots in an election.

(d) The term "unfair labor practices" means—

(1) Any of the following actions taken by an employing office—

(i) Interfering with, restraining, or coercing any employee in the exercise by the employee of any right under chapter 71, as applied by the CAA;

(ii) Encouraging or discouraging membership in any labor organization by discrimination in connection with hiring, tenure, promotion, or other condition of employment;

(iii) Sponsoring, controlling, or otherwise assisting any labor organization, other than to furnish, upon request, customary and routine services and facilities if the services and facilities are also furnished on an impartial basis to other labor organizations having equivalent status;

(iv) Disciplining or otherwise discriminating against an employee because the employee has filed a complaint, affidavit, or petition, or has given any information or testimony under chapter 71, as applied by the CAA;

(v) Refusing to consult or negotiate in good faith with a labor organization as required by chapter 71, as applied by the CAA;

(vi) Failing or refusing to cooperate in impasse procedures and impasse decisions as required by chapter 71, as applied by the CAA;

(vii) Enforcing any rule or regulation (other than a rule or regulation implementing section 2302 of this title) which is in conflict with any applicable collective bargaining agreement if the agreement was in effect before the date the rule or regulation was prescribed; or

(viii) Otherwise failing or refusing to comply with any provision of chapter 71, as applied by the CAA;

(2) Any of the following actions taken by a labor organization—

(i) Interfering with, restraining, or coercing any employee in the exercise by the employee of any right under this chapter;

(ii) Causing or attempting to cause an employing office to discriminate against any employee in the exercise by the employee of any right under this chapter;

(iii) Coercing, disciplining, fining, or attempting to coerce a member of the labor organization as punishment, reprisal, or for the purpose of hindering or impeding the member's work performance or productivity as an employee or the discharge of the member's duties as an employee;

(iv) Discriminating against an employee with regard to the terms or conditions of membership in the labor organization on the basis of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or disability;

(v) Refusing to consult or negotiate in good faith with an employing office as required by chapter 71, as applied by the CAA;

(vi) Failing or refusing to cooperate in impasse procedures and impasse decisions as required by chapter 71, as applied by the CAA;

(vii)(A) Calling, or participating in, a strike, work stoppage, or slowdown, or picketing of an employing office in a labor-management dispute if such picketing interferes with an employing office's operations; or

(B) Condoning any activity described in subparagraph (A) of this paragraph by failing to take action to prevent or stop such activity; or

(viii) Otherwise failing or refusing to comply with any provision of chapter 71, as applied by the CAA;

(3) Denial of membership by an exclusive representative to any employee in the appropriate unit represented by such exclusive representative except for failure—

(i) To meet reasonable occupational standards uniformly required for admission, or

(ii) To tender dues uniformly required as a condition of acquiring and retaining membership.

§ 2421.5 Activity.

The term "activity" means any facility, organizational entity, or geographical subdivision or combination thereof, of any employing office.

§ 2421.6 Primary national subdivision.

"Primary national subdivision" of an employing office means a first-level organizational segment which has functions national in scope that are implemented in field activities.

§ 2421.7 Executive Director.

"Executive Director" means the Executive Director of the Office of Compliance.

§ 2421.8 Hearing Officer.

The term "Hearing Officer" means any individual designated by the Executive Director to preside over a hearing conducted pursuant to section 405 of the CAA on matters within the Office's jurisdiction, including a hearing arising in cases under 5 U.S.C. 7116, as applied by the CAA, and any other such matters as may be assigned.

§ 2421.9 Party.

The term "party" means:

(a) Any labor organization, employing office or employing activity or individual filing a charge, petition, or request;

(b) Any labor organization or employing office or activity

(1) Named as

(i) A charged party in a charge,

(ii) A respondent in a complaint, or

(iii) An employing office or activity or an incumbent labor organization in a petition;

(2) Whose intervention in a proceeding has been permitted or directed by the Board; or

(3) Who participated as a party

(i) In a matter that was decided by an employing office head under 5 U.S.C. 7117, as applied by the CAA, or

(ii) In a matter where the award of an arbitrator was issued; and

(c) The General Counsel, or the General Counsel's designated representative, in appropriate proceedings.

§ 2421.10 Intervenor.

The term "intervenor" means a party in a proceeding whose intervention has been permitted or directed by the Board, its agents or representatives.

§ 2421.11 Certification.

The term "certification" means the determination by the Board, its agents or representatives, of the results of an election, or the results of a petition to consolidate existing exclusively recognized units.

§ 2421.12 Appropriate unit.

The term "appropriate unit" means that grouping of employees found to be appropriate for purposes of exclusive recognition under 5 U.S.C. 7111, as applied by the CAA, and for purposes of allotments to representatives under 5 U.S.C. 7115(c), as applied by the CAA, and consistent with the provisions of 5 U.S.C. 7112, as applied by the CAA.

§ 2421.13 Secret ballot.

The term "secret ballot" means the expression by ballot, voting machine or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed, except in that instance in which any determinative challenged ballot is opened.

§ 2421.14 Showing of interest.

The term "showing of interest" means evidence of membership in a labor organization; employees' signed and dated authorization cards or petitions authorizing a labor organization to represent them for purposes of exclusive recognition; allotment of dues forms executed by an employee and the labor organization's authorized official; current dues records; an existing or recently expired agreement; current certification; employees' signed and dated petitions or cards indicating that they no longer desire to be represented for the purposes of exclusive recognition by the currently certified labor organization; employees' signed and dated petitions or cards indicating a desire that an election be held on a proposed consolidation

of units; or other evidence approved by the Board.

§ 2421.15 Regular and substantially equivalent employment.

The term "regular and substantially equivalent employment" means employment that entails substantially the same amount of work, rate of pay, hours, working conditions, location of work, kind of work, and seniority rights, if any, of an employee prior to the cessation of employment in an employing office because of any unfair labor practice under 5 U.S.C. 7116, as applied by the CAA.

§ 2421.16 Petitioner.

Petitioner means the party filing a petition under Part 2422 of this Subchapter.

§ 2421.17 Eligibility period.

The term "eligibility period" means the payroll period during which an employee must be in an employment status with an employing office or activity in order to be eligible to vote in a representation election under Part 2422 of this Subchapter.

§ 2421.18 Election agreement.

The term "election agreement" means an agreement under Part 2422 of this Subchapter signed by all the parties, and approved by the Board, the Executive Director, or any other individual designated by the Board, concerning the details and procedures of a representation election in an appropriate unit.

§ 2421.19 Affected by issues raised.

The phrase "affected by issues raised", as used in Part 2422, should be construed broadly to include parties and other labor organizations, or employing offices or activities that have a connection to employees affected by, or questions presented in, a proceeding.

§ 2421.20 Determinative challenged ballots.

"Determinative challenged ballots" are challenges that are unresolved prior to the tally and sufficient in number after the tally to affect the results of the election.

PART 2422—REPRESENTATION PROCEEDINGS

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§ 2422.1 Purposes of a petition.

A petition may be filed for the following purposes:

(a) *Elections or Eligibility for dues allotment.* To request:

(1) (i) An election to determine if employees in an appropriate unit wish to be represented for the purpose of collective bargaining by an exclusive representative; and/or

(ii) A determination of eligibility for dues allotment in an appropriate unit without an exclusive representative; or

(2) An election to determine if employees in a unit no longer wish to be represented for the purpose of collective bargaining by an exclusive representative.

(3) Petitions under this subsection must be accompanied by an appropriate showing of interest.

(b) *Clarification or Amendment.* To clarify, and/or amend:

(1) A certification then in effect; and/or

(2) Any other matter relating to representation.

(c) *Consolidation.* To consolidate two or more units, with or without an election, in an employing office and for which a labor organization is the exclusive representative.

§ 2422.2 Standing to file a petition.

A representation petition may be filed by: an individual; a labor organization; two or more labor organizations acting as a joint-petitioner; an individual acting on behalf of any employee(s); an employing office or activity; or a combination of the above: *provided, however,* that (a) only a labor organization has standing to file a petition pursuant to section 2422.1(a)(1); (b) only an individual has standing to file a petition pursuant to section 2422.1(a)(2); and (c) only an employing office or a labor organization may file a petition pursuant to section 2422.1(b) or (c).

§ 2422.3 Contents of a petition.

(a) *What to file.* A petition must be filed on a form prescribed by the Board and contain the following information:

(1) The name and mailing address for each employing office or activity affected by issues raised in the petition, including street number, city, state and zip code.

(2) The name, mailing address and work telephone number of the contact person for each employing office or activity affected by issues raised in the petition.

(3) The name and mailing address for each labor organization affected by issues raised in the petition, including street number, city, state and zip code. If a labor organization is affiliated with a national organization, the local designation and the national affiliation should both be included. If a labor organization is an exclusive representative of any of the employees affected by issues raised in the petition, the date of the certification and the date any collective bargaining agreement covering the unit will expire or when the most recent agreement did expire should be included, if known.

(4) The name, mailing address and work telephone number of the contact person for each labor organization affected by issues raised in the petition.

(5) The name and mailing address for the petitioner, including street number, city, state and zip code. If a labor organization petitioner is affiliated with a national organization, the local designation and the national affiliation should both be included.

(6) A description of the unit(s) affected by issues raised in the petition. The description should generally indicate the geographic locations and the classifications of the employees included (or sought to be included) in, and excluded (or sought to be excluded) from, the unit.

(7) The approximate number of employees in the unit(s) affected by issues raised in the petition.

(8) A clear and concise statement of the issues raised by the petition and the results the petitioner seeks.

(9) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that the contents of the petition are true and correct to the best of the person's knowledge and belief.

(10) The signature, title, mailing address and telephone number of the person filing the petition.

(b) *Compliance with 5 U.S.C. 7111(e), as applied by the CAA.* A labor organization/petitioner complies with 5 U.S.C. 7111(e), as applied by the CAA, by submitting to the employing office or activity and to the Department of Labor a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives. By signing the petition form, the labor organization/petitioner certifies that it has submitted these documents to the employing activity or office and to the Department of Labor.

(c) *Showing of interest supporting a representation petition.* When filing a petition requiring a showing of interest, the petitioner must:

(1) So indicate on the petition form;

(2) Submit with the petition a showing of interest of not less than thirty percent (30%) of the employees in the unit involved in the petition; and

(3) Include an alphabetical list of the names constituting the showing of interest.

(d) *Petition seeking dues allotment.* When there is no exclusive representative, a petition seeking certification for dues allotment shall be accompanied by a showing of membership in the petitioner of not less than ten percent (10%) of the employees in the unit claimed to be appropriate. An alphabetical list of names constituting the showing of membership must be submitted.

§ 2422.4 Service requirements.

Every petition, motion, brief, request, challenge, written objection, or application for review shall be served on all parties affected by issues raised in the filing. The service shall include all documentation in support thereof, with the exception of a showing of interest, evidence supporting challenges to the validity of a showing of interest, and evidence supporting objections to an election. The filer must submit a written statement of service to the Executive Director.

§ 2422.5 Filing petitions.

(a) *Where to file.* Petitions must be filed with the Executive Director.

(b) *Number of copies.* An original and two (2) copies of the petition and the accompanying material must be filed with the Executive Director.

(c) *Date of filing.* A petition is filed when it is received by the Executive Director.

§ 2422.6 Notification of filing.

(a) *Notification to parties.* After a petition is filed, the Executive Director, on behalf of the Board, will notify any labor organization, employing office or employing activity that the parties have identified as being affected by issues raised by the petition, that a petition has been filed with the Office. The Executive Director, on behalf of the Board, will also make reasonable efforts to identify and notify any other party affected by the issues raised by the petition.

(b) *Contents of the notification.* The notification will inform the labor organization, employing office or employing activity of:

(1) The name of the petitioner;

(2) The description of the unit(s) or employees affected by issues raised in the petition; and,

(3) A statement that all affected parties should advise the Executive Director in writing of their interest in the issues raised in the petition.

§ 2422.7 Posting notice of filing of a petition.

(a) *Posting notice of petition.* When appropriate, the Executive Director, on behalf of the Board, after the filing of a representation petition, will direct the employing office or activity to post copies of a notice to all employees in places where notices are normally posted for the employees affected by issues raised in the petition and/or distribute copies of a notice in a manner by which notices are normally distributed.

(b) *Contents of notice.* The notice shall advise affected employees about the petition.

(c) *Duration of notice.* The notice should be conspicuously posted for a period of ten (10) days and not be altered, defaced, or covered by other material.

§ 2422.8 Intervention and cross-petitions.

(a) *Cross-petitions.* A cross-petition is a petition which involves any employees in a unit covered by a pending representation petition. Cross-petitions must be filed in accordance with this subpart.

(b) *Intervention requests and cross-petitions.* A request to intervene and a cross-petition, accompanied by any necessary showing of interest, must be submitted in writing and filed with the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no pre-election investigatory hearing is held, a request to intervene and a cross-petition must be filed prior to action being taken pursuant to § 2422.30.

(c) *Labor organization intervention requests.* Except for incumbent intervenors, a labor organization seeking to intervene shall submit a statement that it has complied with 5 U.S.C. 7111(e), as applied by the CAA, and one of the following:

(1) A showing of interest of ten percent (10%) or more of the employees in the unit covered by a petition seeking an election, with an alphabetical list of the names of the employees constituting the showing of interest; or

(2) A current or recently expired collective bargaining agreement covering any of the employees in the unit affected by issues raised in the petition; or

(3) Evidence that it is or was, prior to a reorganization, the certified exclusive representative of any of the employees affected by issues raised in the petition.

(d) *Incumbent.* An incumbent exclusive representative, without regard to the requirements of paragraph (c) of this section, will be considered a party in any representation proceeding raising issues that affect employees the incumbent represents, unless it serves the Board, through the Executive Director, with a written disclaimer of any representation interest in the claimed unit.

(e) *Employing office.* An employing office or activity will be considered a party if any of its employees are affected by issues raised in the petition.

(f) *Employing office or activity intervention.* An employing office or activity seeking to intervene in any representation proceeding must submit evidence that one or more employees of the employing office or activity may be affected by issues raised in the petition.

§ 2422.9 Adequacy of showing of interest.

(a) *Adequacy.* Adequacy of a showing of interest refers to the percentage of employees in the unit involved as required by §§ 2422.3 (c) and (d) and 2422.8(c)(1).

(b) *Executive Director investigation and action.* The Executive Director, on behalf of the Board, will conduct such investigation as deemed appropriate. The Executive Director's determination, on behalf of the Board, that the showing of interest is adequate is final and binding and not subject to collateral attack at a representation hearing or on appeal to the Board. If the Executive Director determines, on behalf of the Board, that a showing of interest is inadequate, the Executive Director will dismiss the petition, or deny a request for intervention.

§ 2422.10 Validity of showing of interest.

(a) *Validity.* Validity questions are raised by challenges to a showing of interest on grounds other than adequacy.

(b) *Validity challenge.* The Executive Director or any party may challenge the validity of a showing of interest.

(c) *When and where validity challenges may be filed.* Party challenges to the validity of a showing of interest must be in writing and filed with the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no pre-election investigatory hearing is held, challenges to the validity of a showing of interest must be filed prior to action being taken pursuant to § 2422.30.

(d) *Contents of validity challenges.* Challenges to the validity of a showing of interest must be supported with evidence.

(e) *Executive Director investigation and action.* The Executive Director, on behalf of the Board, will conduct such investigation as deemed appropriate. The Executive Director's determination, on behalf of the Board, that a showing of interest is valid is final and binding and is not subject to collateral attack or appeal to the Board. If the Executive Director finds, on behalf of the Board, that the showing of interest is not valid, the Executive Director will dismiss the petition or deny the request to intervene.

§ 2422.11 Challenge to the status of a labor organization.

(a) *Basis of challenge to labor organization status.* The only basis on which a challenge to the status of a labor organization may be made is compliance with 5 U.S.C. 7103(a)(4), as applied by the CAA.

(b) *Format and time for filing a challenge.* Any party filing a challenge to the status of a labor organization involved in the processing of a petition must do so in writing to the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no hearing is held, challenges must be filed prior to action being taken pursuant to § 2422.30.

§ 2422.12 Timeliness of petitions seeking an election.

(a) *Election bar.* Where there is no certified exclusive representative, a petition seeking an election will not be considered timely if filed within twelve (12) months of a valid election involving the same unit or a subdivision of the same unit.

(b) *Certification bar.* Where there is a certified exclusive representative of employees, a petition seeking an election will not be considered timely if filed within twelve (12) months after the certification of the exclusive representative of the employees in an appropriate unit. If a collective bargaining agreement covering the claimed unit is pending employing office head review under 5 U.S.C. 7114(c), as applied by the CAA, or is in effect, paragraphs (c), (d), or (e) of this section apply.

(c) *Bar during employing office head review.* A petition seeking an election will not be considered timely if filed during the period of employing office head review under 5 U.S.C. 7114(c), as applied by the CAA. This bar expires upon either the passage of thirty (30) days absent employing office head action, or upon the date of any timely employing office head action.

(d) *Contract bar where the contract is for three (3) years or less.* Where a collective bargaining agreement is in effect covering the claimed unit and has a term of three (3) years or less from the date it became effective, a petition seeking an election will be considered timely if filed not more than one hundred and five (105) and not less than sixty (60) days prior to the expiration of the agreement.

(e) *Contract bar where the contract is for more than three (3) years.* Where a collective bargaining agreement is in effect covering the claimed unit and has a term of more than three (3) years from the date it became effective, a petition seeking an election will be considered timely if filed not more than one hundred and five (105) and not less than sixty (60) days prior to the expiration of the initial three (3) year period, and any time after the expiration of the initial three (3) year period.

(f) *Unusual circumstances.* A petition seeking an election or a determination relating to representation matters may be filed at any time when unusual circumstances exist that substantially affect the unit or majority representation.

(g) *Premature extension.* Where a collective bargaining agreement with a term of three (3) years or less has been extended prior to sixty (60) days before its expiration date, the extension will not serve as a basis for dismissal of a petition seeking an election filed in accordance with this section.

(h) *Contract requirements.* Collective bargaining agreements, including agreements that go into effect under 5 U.S.C. 7114(c), as applied by the CAA, and those that automatically renew without further action by the parties, do not constitute a bar to a petition seeking an election under this section unless a clear and unambiguous effective date, renewal date where applicable, duration, and termination date are ascertainable from the agreement and relevant accompanying documentation.

§ 2422.13 Resolution of issues raised by a petition.

(a) *Meetings prior to filing a representation petition.* All parties affected by the representation issues that may be raised in a petition are encouraged to meet prior to the filing of the petition to discuss their interests and narrow and resolve the issues. If requested

by all parties a representative of the Office will participate in these meetings.

(b) *Meetings to narrow and resolve the issues after the petition is filed.* After a petition is filed, the Executive Director may require all affected parties to meet to narrow and resolve the issues raised in the petition.

§ 2422.14 Effect of withdrawal/dismissal.

(a) *Withdrawal/dismissal less than sixty (60) days before contract expiration.* When a petition seeking an election that has been timely filed is withdrawn by the petitioner or dismissed by the Executive Director or the Board less than sixty (60) days prior to the expiration of an existing agreement between the incumbent exclusive representative and the employing office or activity or any time after the expiration of the agreement, another petition seeking an election will not be considered timely if filed within a ninety (90) day period from either:

(1) The date the withdrawal is approved; or

(2) The date the petition is dismissed by the Executive Director when no application for review is filed with the Board; or

(3) The date the Board rules on an application for review; or

(4) The date the Board issues a Decision and Order dismissing the petition.

Other pending petitions that have been timely filed under this Part will continue to be processed.

(b) *Withdrawal by petitioner.* A petitioner who submits a withdrawal request for a petition seeking an election that is received by the Executive Director after the notice of pre-election investigatory hearing issues or after approval of an election agreement, whichever occurs first, will be barred from filing another petition seeking an election for the same unit or any subdivision of the unit for six (6) months from the date of the approval of the withdrawal by the Executive Director.

(c) *Withdrawal by incumbent.* When an election is not held because the incumbent disclaims any representation interest in a unit, a petition by the incumbent seeking an election involving the same unit or a subdivision of the same unit will not be considered timely if filed within six (6) months of cancellation of the election.

§ 2422.15 Duty to furnish information and cooperate.

(a) *Relevant information.* After a petition is filed, all parties must, upon request of the Executive Director, furnish the Executive Director and serve all parties affected by issues raised in the petition with information concerning parties, issues, and agreements raised in or affected by the petition.

(b) *Inclusions and exclusions.* After a petition seeking an election is filed, the Executive Director, on behalf of the Board, may direct the employing office or activity to furnish the Executive Director and all parties affected by issues raised in the petition with a current alphabetized list of employees and job classifications included in and/or excluded from the existing or claimed unit affected by issues raised in the petition.

(c) *Cooperation.* All parties are required to cooperate in every aspect of the representation process. This obligation includes cooperating fully with the Executive Director, submitting all required and requested information, and participating in prehearing conferences and pre-election investigatory hearings. The failure to cooperate in the representation process may result in the Executive Director or the Board taking appropriate action, including dismissal of the petition or denial of intervention.

§ 2422.16 Election agreements or directed elections.

(a) *Election agreements.* Parties are encouraged to enter into election agreements.

(b) *Executive Director directed election.* If the parties are unable to agree on procedural matters, specifically, the eligibility period, method of election, dates, hours, or locations of the election, the Executive Director, on behalf of the Board, will decide election procedures and issue a Direction of Election, without prejudice to the rights of a party to file objections to the procedural conduct of the election.

(c) *Opportunity for an investigatory hearing.* Before directing an election, the Executive Director shall provide affected parties an opportunity for a pre-election investigatory hearing on other than procedural matters.

(d) *Challenges or objections to a directed election.* A Direction of Election issued under this section will be issued without prejudice to the right of a party to file a challenge to the eligibility of any person participating in the election and/or objections to the election.

§ 2422.17 Notice of pre-election investigatory hearing and prehearing conference.

(a) *Purpose of notice of an investigatory hearing.* The Executive Director, on behalf of the Board, may issue a notice of pre-election investigatory hearing involving any issues raised in the petition.

(b) *Contents.* The notice of hearing will advise affected parties about the pre-election investigatory hearing. The Executive Director will also notify affected parties of the issues raised in the petition and establish a date for the prehearing conference.

(c) *Prehearing conference.* A prehearing conference will be conducted by the Executive Director or her designee, either by meeting or teleconference. All parties must participate in a prehearing conference and be prepared to fully discuss, narrow and resolve the issues set forth in the notification of the prehearing conference.

(d) *No interlocutory appeal of investigatory hearing determination.* The Executive Director's determination of whether to issue a notice of pre-election investigatory hearing is not appealable to the Board.

§ 2422.18 Pre-election investigatory hearing procedures.

(a) *Purpose of a pre-election investigatory hearing.* Representation hearings are considered investigatory and not adversarial. The purpose of the hearing is to develop a full and complete record of relevant and material facts.

(b) *Conduct of hearing.* Pre-election investigatory hearings will be open to the public unless otherwise ordered by the Executive Director or her designee. There is no burden of proof, with the exception of proceedings on objections to elections as provided for in § 2422.27(b). Formal rules of evidence do not apply.

(c) *Pre-election investigatory hearing.* Pre-election investigatory hearings will be conducted by the Executive Director or her designee.

(d) *Production of evidence.* Parties have the obligation to produce existing documents and witnesses for the investigatory hearing in accordance with the instructions of the Executive Director or her designee. If a party willfully fails to comply with such instructions, the Board may draw an inference adverse to that party on the issue related to the evidence sought.

(e) *Transcript.* An official reporter will make the official transcript of the pre-election investigatory hearing. Copies of the official transcript may be examined in the Office during normal working hours. Requests by parties to purchase copies of the official transcript should be made to the official hearing reporter.

§ 2422.19 Motions.

(a) *Purpose of a motion.* Subsequent to the issuance of a notice of pre-election investigatory hearing in a representation proceeding, a party seeking a ruling, an order, or relief must do so by filing or raising a motion stating the order or relief sought and the grounds therefor. Challenges and other filings referenced in other sections of this subpart may, in the discretion of the Executive Director or her designee, be treated as a motion.

(b) *Prehearing motions.* Prehearing motions must be filed in writing with the Executive Director. Any response must be filed with the Executive Director within five (5) days after service of the motion. The Executive Director shall rule on the motion.

(c) *Motions made at the investigatory hearing.* During the pre-election investigatory hearing, motions will be made to the Executive Director or her designee, and may be oral on the record, unless otherwise required in this subpart to be in writing. Responses may be oral on the record or in writing, but, absent permission of the Executive Director or her designee, must be provided before the hearing closes. The Executive Director or her designee will rule on motions made at the hearing.

(d) *Posthearing motions.* Motions made after the hearing closes must be filed in writing with the Board. Any response to a posthearing motion must be filed with the Board within five (5) days after service of the motion.

§ 2422.20 Rights of parties at a pre-election investigatory hearing.

(a) *Rights.* A party at a pre-election investigatory hearing will have the right:

(1) To appear in person or by a representative;

(2) To examine and cross-examine witnesses; and

(3) To introduce into the record relevant evidence.

(b) *Documentary evidence and stipulations.* Parties must submit two (2) copies of documentary evidence to the Executive Director or her designee and copies to all other parties. Stipulations of fact between/among the parties may be introduced into evidence.

(c) *Oral argument.* Parties will be entitled to a reasonable period prior to the close of the hearing for oral argument. Presentation of a closing oral argument does not preclude a party from filing a brief under paragraph (d) of this section.

(d) *Briefs.* A party will be afforded an opportunity to file a brief with the Board.

(1) An original and two (2) copies of a brief must be filed with the Board within thirty (30) days from the close of the hearing.

(2) A written request for an extension of time to file a brief must be filed with and received by the Board no later than five (5) days before the date the brief is due.

(3) No reply brief may be filed without permission of the Board.

§ 2422.21 Duties and powers of the Executive Director in the conduct of the pre-election investigatory hearing.

(a) *Duties.* The Executive Director or her designee, on behalf of the Board, will receive evidence and inquire fully into the relevant and material facts concerning the matters that are the subject of the investigatory

hearing, and may make recommendations on the record to the Board.

(b) *Powers.* During the period a case is assigned to the Executive Director or her designee for pre-election investigatory hearing and prior to the close of the hearing, the Executive Director or her designee may take any action necessary to schedule, conduct, continue, control, and regulate the pre-election investigatory hearing, including ruling on motions when appropriate.

§ 2422.22 Objections to the conduct of the pre-election investigatory hearing.

(a) *Objections.* Objections are oral or written complaints concerning the conduct of a pre-election investigatory hearing.

(b) *Exceptions to rulings.* There are automatic exceptions to all adverse rulings.

§ 2422.23 Election procedures.

(a) *Executive Director conducts or supervises election.* The Executive Director, on behalf of the Board, will decide to conduct or supervise the election. In supervised elections, employing offices or activities will perform all acts as specified in the Election Agreement or Direction of Election.

(b) *Notice of election.* Prior to the election a notice of election, prepared by the Executive Director, will be posted by the employing office or activity in places where notices to employees are customarily posted and/or distributed in a manner by which notices are normally distributed. The notice of election will contain the details and procedures of the election, including the appropriate unit, the eligibility period, the date(s), hour(s) and location(s) of the election, a sample ballot, and the effect of the vote.

(c) *Sample ballot.* The reproduction of any document purporting to be a copy of the official ballot that suggests either directly or indirectly to employees that the Board endorses a particular choice in the election may constitute grounds for setting aside an election if objections are filed under § 2422.26.

(d) *Secret ballot.* All elections will be by secret ballot.

(e) *Intervenor withdrawal from ballot.* When two or more labor organizations are included as choices in an election, an intervening labor organization may, prior to the approval of an election agreement or before the direction of an election, file a written request with the Executive Director to remove its name from the ballot. If the request is not received prior to the approval of an election agreement or before the direction of an election, unless the parties and the Executive Director, on behalf of the Board, agree otherwise, the intervening labor organization will remain on the ballot. The Executive Director's decision on the request is final and not subject to the filing of an application for review with the Board.

(f) *Incumbent withdrawal from ballot in an election to decertify an incumbent representative.* When there is no intervening labor organization, an election to decertify an incumbent exclusive representative will not be held if the incumbent provides the Executive Director with a written disclaimer of any representation interest in the unit. When there is an intervenor, an election will be held if the intervening labor organization proffers a thirty percent (30%) showing of interest within the time period established by the Executive Director.

(g) *Petitioner withdraws from ballot in an election.* When there is no intervening labor organization, an election will not be held if the petitioner provides the Executive Director with a written request to withdraw the petition. When there is an intervenor, an election will be held if the intervening labor organization proffers a thirty percent (30%) showing of interest within the time period established by the Executive Director.

(h) *Observers.* All parties are entitled to representation at the polling location(s) by observers of their own selection subject to the Executive Director's approval.

(1) Parties desiring to name observers must file in writing with the Executive Director a request for specifically named observers at least fifteen (15) days prior to an election. The Executive Director may grant an extension of time for filing a request for specifically named observers for good cause where a party requests such an extension or on the Executive Director's own motion. The request must name and identify the observers requested.

(2) An employing office or activity may use as its observers any employees who are not eligible to vote in the election, except:

(i) Supervisors or management officials;

(ii) Employees who have any official connection with any of the labor organizations involved; or

(iii) Non-employees of the legislative branch.

(3) A labor organization may use as its observers any employees eligible to vote in the election, except:

(i) Employees on leave without pay status who are working for the labor organization involved; or

(ii) Employees who hold an elected office in the union.

(4) Objections to a request for specific observers must be filed with the Executive Director stating the reasons in support within five (5) days after service of the request.

(5) The Executive Director's ruling on requests for and objections to observers is final and binding and is not subject to the filing of an application for review with the Board.

§ 2422.24 Challenged ballots.

(a) *Filing challenges.* A party or the Executive Director may, for good cause, challenge the eligibility of any person to participate in the election prior to the employee voting.

(b) *Challenged ballot procedure.* An individual whose eligibility to vote is in dispute will be given the opportunity to vote a challenged ballot. If the parties and the Region are unable to resolve the challenged ballot(s) prior to the tally of ballots, the unresolved challenged ballot(s) will be impounded and preserved until a determination can be made, if necessary, by the Executive Director or the Board.

§ 2422.25 Tally of ballots.

(a) *Tallying the ballots.* When the election is concluded, the Executive Director or her designee will tally the ballots.

(b) *Service of the tally.* When the tally is completed, the Executive Director will serve the tally of ballots on the parties in accordance with the election agreement or direction of election.

(c) *Valid ballots cast.* Representation will be determined by the majority of the valid ballots cast.

§ 2422.26 Objections to the election.

(a) *Filing objections to the election.* Objections to the procedural conduct of the election or to conduct that may have improperly affected the results of the election may be filed by any party. Objections must be filed and received by the Executive Director within five (5) days after the tally of ballots has been served. Any objections must be timely regardless of whether the challenged ballots are sufficient in number to affect the results of the election. The objections must be supported by clear and concise reasons. An original and two (2) copies of the objections must be received by the Executive Director.

(b) *Supporting evidence.* The objecting party must file with the Executive Director evidence, including signed statements, documents and other materials supporting the objections within ten (10) days after the objections are filed.

§ 2422.27 Determinative challenged ballots and objections.

(a) *Investigation.* The Executive Director, on behalf of the Board, will investigate objections and/or determinative challenged ballots that are sufficient in number to affect the results of the election.

(b) *Burden of proof.* A party filing objections to the election bears the burden of proof by a preponderance of the evidence concerning those objections. However, no party bears the burden of proof on challenged ballots.

(c) *Executive Director action.* After investigation, the Executive Director will take appropriate action consistent with § 2422.30.

(d) *Consolidated hearing on objections and/or determinative challenged ballots and an unfair labor practice hearing.* When appropriate, and in accordance with § 2422.33, objections and/or determinative challenged ballots may be consolidated with an unfair labor practice hearing. Such consolidated hearings will be conducted by a Hearing Officer. Exceptions and related submissions must be filed with the Board and the Board will issue a decision in accordance with Part 2423 of this chapter and section 406 of the CAA, except for the following:

(1) Section 2423.18 of this Subchapter concerning the burden of proof is not applicable;

(2) The Hearing Officer may not recommend remedial action to be taken or notices to be posted; and,

(3) References to "charge" and "complaint" in Part 2423 of this chapter will be omitted.

§ 2422.28 Runoff elections.

(a) *When a runoff may be held.* A runoff election is required in an election involving at least three (3) choices, one of which is "no union" or "neither," when no choice receives a majority of the valid ballots cast. However, a runoff may not be held until the objections to the election and determinative challenged ballots have been resolved.

(b) *Eligibility.* Employees who were eligible to vote in the original election and who are also eligible on the date of the runoff election may vote in the runoff election.

(c) *Ballot.* The ballot in the runoff election will provide for a selection between the two choices receiving the largest and second largest number of votes in the election.

§ 2422.29 Inconclusive elections.

(a) *Inconclusive elections.* An inconclusive election is one where challenged ballots are not sufficient to affect the outcome of the election and one of the following occurs:

(1) The ballot provides for at least three (3) choices, one of which is "no union" or "neither" and the votes are equally divided; or

(2) The ballot provides for at least three (3) choices, the choice receiving the highest number of votes does not receive a majority, and at least two other choices receive the next highest and same number of votes; or

(3) When a runoff ballot provides for a choice between two labor organizations and results in the votes being equally divided; or

(4) When the Board determines that there have been significant procedural irregularities.

(b) *Eligibility to vote in a rerun election.* A current payroll period will be used to determine eligibility to vote in a rerun election.

(c) *Ballot.* If a determination is made that the election is inconclusive, the election will be rerun with all the choices that appeared on the original ballot.

(d) *Number of reruns.* There will be only one rerun of an inconclusive election. If the rerun results in another inconclusive election, the tally of ballots will indicate a majority of valid ballots has not been cast for any choice and a certification of results will be issued. If necessary, a runoff may be held when an original election is rerun.

§ 2422.30 Executive Director investigations, notices of pre-election investigatory hearings, and actions; Board Decisions and Orders.

(a) *Executive Director investigation.* The Executive Director, on behalf of the Board, will make such investigation of the petition and any other matter as the Executive Director deems necessary.

(b) *Executive Director notice of pre-election investigatory hearing.* On behalf of the Board, the Executive Director will issue a notice of pre-election investigatory hearing to inquire into any matter about which a material issue of fact exists, where there is an issue as to whether a question concerning representation exists, and any time there is reasonable cause to believe a question exists regarding unit appropriateness.

(c) *Executive Director action.* After investigation and/or hearing, when a pre-election investigatory hearing has been ordered, the Executive Director may, on behalf of the Board, approve an election agreement, dismiss a petition or deny intervention where there is an inadequate or invalid showing of interest, or dismiss a petition where there is an undisputed bar to further processing of the petition under law, rule or regulation.

(d) *Appeal of Executive Director action.* A party may file with the Board an application for review of an Executive Director action taken pursuant to section (c) above.

(e) *Contents of the Record.* When no pre-election investigatory hearing has been conducted all material submitted to and considered by the Executive Director during the investigation becomes a part of the record. When a pre-election investigatory hearing has been conducted, the transcript and all material entered into evidence, including any posthearing briefs, become a part of the record.

(f) *Transfer of record to Board; Board Decisions and Orders.* In cases that are submitted to the Board for decision in the first instance, the Board shall decide the issues presented based upon the record developed by the Executive Director, including the transcript of the pre-election investigatory hearing, if any, documents admitted into the record and briefs and other approved submissions from the parties. The Board may direct that a secret ballot election be held, issue an order dismissing the petition, or make such other disposition of the matter as it deems appropriate.

§ 2422.31 Application for review of an Executive Director action.

(a) *Filing an application for review.* A party must file an application for review with the Board within sixty (60) days of the Executive Director's action. The sixty (60) day time limit provided for in 5 U.S.C. 7105(f), as applied by the CAA, may not be extended or waived.

(b) *Contents.* An application for review must be sufficient to enable the Board to rule on the application without recourse to the record; however, the Board may, in its discretion, examine the record in evaluating the application. An application must specify the matters and rulings to which exception(s) is taken, include a summary of evidence relating to any issue raised in the application, and make specific reference to page citations in the transcript if a hearing was held. An application may not raise any issue or rely on any facts not timely presented to the Executive Director.

(c) *Review.* The Board may, in its discretion, grant an application for review when the application demonstrates that review is warranted on one or more of the following grounds:

(1) The decision raises an issue for which there is an absence of precedent;

(2) Established law or policy warrants reconsideration; or,

(3) There is a genuine issue over whether the Executive Director has:

(i) Failed to apply established law;

(ii) Committed a prejudicial procedural error;

(iii) Committed a clear and prejudicial error concerning a substantial factual matter.

(d) *Opposition.* A party may file with the Board an opposition to an application for review within ten (10) days after the party is served with the application. A copy must be served on the Executive Director and all other parties and a statement of service must be filed with the Board.

(e) *Executive Director action becomes the Board's action.* An action of the Executive Director becomes the action of the Board when:

(1) No application for review is filed with the Board within sixty (60) days after the date of the Executive Director's action; or

(2) A timely application for review is filed with the Board and the Board does not undertake to grant review of the Executive Director's action within sixty (60) days of the filing of the application; or

(3) The Board denies an application for review of the Executive Director's action.

(f) *Board grant of review and stay.* The Board may rule on the issue(s) in an application for review in its order granting the application for review. Neither filing nor granting an application for review shall stay any action ordered by the Executive Director unless specifically ordered by the Board.

(g) *Briefs if review is granted.* If the Board does not rule on the issue(s) in the application for review in its order granting review, the Board may, in its discretion, afford the parties an opportunity to file briefs. The briefs will be limited to the issue(s) referenced in the Board's order granting review.

§ 2422.32 Certifications and revocations.

(a) *Certifications.* The Executive Director, on behalf of the Board, will issue an appropriate certification when:

(1) After an election, runoff, or rerun,

(i) No objections are filed or challenged ballots are not determinative, or

(ii) Objections and determinative challenged ballots are decided and resolved; or

(2) The Executive Director takes an action requiring a certification and that action becomes the action of the Board under § 2422.31(e) or the Board otherwise directs the issuance of a certification.

(b) *Revocations.* Without prejudice to any rights and obligations which may exist under the CAA, the Executive Director, on behalf of the Board, will revoke a recognition or certification, as appropriate, and provide a written statement of reasons when an incumbent exclusive representative files, during a representation proceeding, a disclaimer of any representational interest in the unit.

§ 2422.33 Relief obtainable under Part 2423.

Remedial relief that was or could have been obtained as a result of a motion, objection, or challenge filed or raised under this subpart, may not be the basis for similar relief if filed or raised as an unfair labor practice under Part 2423 of this Chapter: *provided, however,* that related matters may be consolidated for hearing as noted in § 2422.27(d) of this subpart.

§ 2422.34 Rights and obligations during the pendency of representation proceedings.

(a) *Existing recognitions, agreements, and obligations under the CAA.* During the pendency of any representation proceeding, parties are obligated to maintain existing recognitions, adhere to the terms and conditions of existing collective bargaining agreements, and fulfill all other representational and bargaining responsibilities under the CAA.

(b) *Unit status of individual employees.* Notwithstanding paragraph (a) of this section and except as otherwise prohibited by law, a party may take action based on its position regarding the bargaining unit status of individual employees, pursuant to 5 U.S.C. 7103(a)(2), 7112 (b) and (c), as applied by the CAA: *provided, however,* that its actions may be challenged, reviewed, and remedied where appropriate.

PART 2423 UNFAIR LABOR PRACTICE PROCEEDINGS

Sec.
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§ 2423.1 Applicability of this part.

This part is applicable to any charge of alleged unfair labor practices occurring on or after October 1, 1996.

§ 2423.2 Informal proceedings.

(a) The purposes and policies of chapter 71, as applied by the CAA, can best be achieved by the cooperative efforts of all persons covered by the program. To this end, it shall be the policy of the Board and the General Counsel to encourage all persons alleging unfair labor practices and persons against whom such allegations are made to meet

and, in good faith, attempt to resolve such matters prior to the filing of unfair labor practice charges.

(b) In furtherance of the policy referred to in paragraph (a) of this section, and noting the 180 day period of limitation set forth in section 220(c)(2) of the CAA, it shall be the policy of the Board and the General Counsel to encourage the informal resolution of unfair labor practice allegations subsequent to the filing of a charge and prior to the filing of a complaint by the General Counsel.

(c) In order to afford the parties an opportunity to implement the policy referred to in paragraphs (a) and (b) of this section, the investigation of an unfair labor practice charge by the General Counsel will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, during which period the parties are urged to attempt to informally resolve the unfair labor practice allegation.

§ 2423.3 Who may file charges.

An employing office, employing activity, or labor organization may be charged by any person with having engaged in or engaging in any unfair labor practice prohibited under 5 U.S.C. 7116, as applied by the CAA.

§ 2423.4 Contents of the charge; supporting evidence and documents.

(a) A charge alleging a violation of 5 U.S.C. 7116, as applied by the CAA, shall be submitted on forms prescribed by the General Counsel and shall contain the following:

(1) The name, address and telephone number of the person(s) making the charge;

(2) The name, address and telephone number of the employing office or activity, or labor organization against whom the charge is made;

(3) A clear and concise statement of the facts constituting the alleged unfair labor practice, a statement of the section(s) and subsection(s) of chapter 71 of title 5 of the United States Code made applicable by the CAA alleged to have been violated, and the date and place of occurrence of the particular acts; and

(4) A statement of any other procedure invoked involving the subject matter of the charge and the results, if any, including whether the subject matter raised in the charge (i) has been raised previously in a grievance procedure; (ii) has been referred to the Board under Part 2471 of these regulations, or the Federal Mediation and Conciliation Service, or (iii) involves a negotiability issue raised by the charging party in a petition pending before the Board pursuant to Part 2424 of this subchapter.

(b) Such charge shall be in writing and signed and shall contain a declaration by the person signing the charge, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of that person's knowledge and belief.

(c) When filing a charge, the charging party shall submit to the General Counsel any supporting evidence and documents.

§ 2423.5 Selection of the unfair labor practice procedure or the negotiability procedure.

Where a labor organization files an unfair labor practice charge pursuant to this part which involves a negotiability issue, and the labor organization also files pursuant to part 2424 of this subchapter a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously. Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the General Counsel and all parties to both the unfair labor practice case and the negotiability case. Cases which solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under part 2424 of this subchapter.

§ 2423.6 Filing and service of copies.

(a) An original and four (4) copies of the charge together with one copy for each additional charged party named shall be filed with the General Counsel.

(b) Upon the filing of a charge, the charging party shall be responsible for the service of a copy of the charge (without the supporting evidence and documents) upon the person(s) against whom the charge is made, and for filing a written statement of such service with the General Counsel. The General Counsel will, as a matter of course, cause a copy of such charge to be served on the person(s) against whom the charge is made, but shall not be deemed to assume responsibility for such service.

(c) A charge will be deemed to be filed when it is received by the General Counsel in accordance with the requirements in paragraph (a) of this section.

§ 2423.7 Investigation of charges.

(a) The General Counsel shall conduct such investigation of the charge as the General Counsel deems necessary. Consistent with the policy set forth in § 2423.2, the investigation will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, to informally resolve the unfair labor practice allegation.

(b) During the course of the investigation all parties involved will have an opportunity to present their evidence and views to the General Counsel.

(c) In connection with the investigation of charges, all persons are expected to cooperate fully with the General Counsel.

(d) The purposes and policies of chapter 71, as applied by the CAA, can best be achieved by the full cooperation of all parties involved and the voluntary submission of all potentially relevant information from all potential sources during the course of the investigation. To this end, it shall be the policy of the Board and the General Counsel to protect the identity of individuals and the substance of the statements and information they submit or which is obtained during the investigation as a means of assuring the Board's and the General Counsel's continuing ability to obtain all relevant information.

§ 2423.8 Amendment of charges.

Prior to the issuance of a complaint, the charging party may amend the charge in accordance with the requirements set forth in § 2423.6.

§ 2423.9 Action by the General Counsel.

(a) The General Counsel shall take action which may consist of the following, as appropriate:

(1) Approve a request to withdraw a charge;

(2) Refuse to file a complaint;

(3) Approve a written settlement and recommend that the Executive Director approve a written settlement agreement in accordance with the provisions of section 414 of the CAA;

(4) File a complaint;

(5) Upon agreement of all parties, transfer to the Board for decision, after filing of a complaint, a stipulation of facts in accordance with the provisions of § 2429.1(a) of this subchapter; or

(6) Withdraw a complaint.

§ 2423.10 Determination not to file complaint.

(a) If the General Counsel determines that the charge has not been timely filed, that the charge fails to state an unfair labor practice, or for other appropriate reasons, the General Counsel may request the charging party to withdraw the charge, and in the absence of such withdrawal within a reasonable time, decline to file a complaint.

(b) The charging party may not obtain a review of the General Counsel's decision not to file a complaint.

§ 2423.11 Settlement or adjustment of issues.

(a) At any stage of a proceeding prior to hearing, where time, the nature of the proceeding, and the public interest permit, all interested parties shall have the opportunity to submit to the Executive Director or General Counsel, as appropriate, for consideration, all facts and arguments concerning offers of settlement, or proposals of adjustment.

Precomplaint settlements

(b) (1) Prior to the filing of any complaint or the taking of other formal action, the General Counsel will afford the charging party and the respondent a reasonable period of time in which to enter into a settlement agreement to be submitted to and approved by the General Counsel and the Executive Director. Upon approval by the General Counsel and Executive Director and compliance with the terms of the settlement agreement, no further action shall be taken in the case. If the respondent fails to perform its obligations under the settlement agreement, the General Counsel may determine to institute further proceedings.

(2) In the event that the charging party fails or refuses to become a party to a settlement agreement offered by the respondent, if the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied by the CAA, the agreement shall be between the respondent and the General Counsel and the latter shall decline to file a complaint.

Post complaint settlement policy

(c) Consistent with the policy reflected in paragraph (a) of this section, even after the filing of a complaint, the Board favors the settlement of issues. Such settlements may be accomplished as provided in paragraph (b) of this section. The parties may, as part of the settlement, agree to waive their right to a hearing and agree further that the Board may issue an order requiring the respondent to take action appropriate to the terms of the settlement. Ordinarily such a settlement agreement will also contain the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order.

Post complaint prehearing settlements

(d)(1) If, after the filing of a complaint, the charging party and the respondent enter into

a settlement agreement, and such agreement is accepted by the General Counsel, the settlement agreement shall be submitted to the Executive Director for approval.

(2) If, after the filing of a complaint, the charging party fails or refuses to become a party to a settlement agreement offered by the respondent, and the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied by the CAA, the agreement shall be between the respondent and the General Counsel. The charging party will be so informed and provided a brief written statement by the General Counsel of the reasons therefor. The settlement agreement together with the charging party's objections, if any, and the General Counsel's written statements, shall be submitted to the Executive Director for approval. The Executive Director may approve or disapprove any settlement agreement.

(3) After the filing of a complaint, if the General Counsel concludes that it will effectuate the policies of chapter 71, as applied by the CAA, the General Counsel may withdraw the complaint.

Settlements after the opening of the hearing

(e)(1) After filing of a complaint and after opening of the hearing, if the General Counsel concludes that it will effectuate the policies of chapter 71, as applied by the CAA, the General Counsel may request the Hearing Officer for permission to withdraw the complaint and, having been granted such permission to withdraw the complaint, may approve a settlement and recommend that the Executive Director approve the settlement pursuant to paragraph (b) of this section.

(2) If, after filing of a complaint and after opening of the hearing, the parties enter into a settlement agreement that contains the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order, the General Counsel may request the Hearing Officer and the Executive Director to approve such settlement agreement, and upon such approval, to transmit the agreement to the Board for approval.

(3) If the charging party fails or refuses to become a party to a settlement agreement, offered by the respondent, that contains the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order, and the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied to the CAA, the agreement shall be between the respondent and the General Counsel. After the charging party is given an opportunity to state on the record or in writing the reasons for opposing the settlement, the General Counsel may request the Hearing Officer and the Executive Director to approve such settlement agreement, and upon such approval, to transmit the agreement to the Board for approval. The Board may approve or disapprove any such settlement agreement or return the case to the Hearing Officer for other appropriate action.

§ 2423.12 Filing and contents of the complaint.

(a) After a charge is filed, if it appears to the General Counsel that formal proceedings in respect thereto should be instituted, the General Counsel shall file a formal complaint: provided, however, that a determination by the General Counsel to file a complaint shall not be subject to review.

(b) The complaint shall include:

(1) Notice of the charge;

(2) Any information required pursuant to the Procedural Rules of the Office.

(c) Any such complaint may be withdrawn before the hearing by the General Counsel.

§ 2423.13 Answer to the complaint.

A respondent shall file an answer to a complaint in accordance with the requirements of the Procedural Rules of the Office.

§ 2423.14 Prehearing disclosure; conduct of hearing.

The procedures for prehearing discovery and the conduct of the hearing are set forth in the Procedural Rules of the Office.

§ 2423.15 Intervention.

Any person involved and desiring to intervene in any proceeding pursuant to this part shall file a motion in accordance with the procedures set forth in the Procedural Rules of the Office. The motion shall state the grounds upon which such person claims involvement.

§ 2423.16 [Reserved]

§ 2423.17 [Reserved]

§ 2423.18 Burden of proof before the Hearing Officer.

The General Counsel shall have the responsibility of presenting the evidence in support of the complaint and shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

2423.19 Duties and powers of the Hearing Officer.

It shall be the duty of the Hearing Officer to inquire fully into the facts as they relate to the matter before such Hearing Officer, subject to the rules and regulations of the Office and the Board.

§ 2423.20 [Reserved]

§ 2423.21 [Reserved]

§ 2423.22 [Reserved]

§ 2423.23 [Reserved]

§ 2423.24 [Reserved]

§ 2423.25 [Reserved]

§ 2423.26 Hearing Officer decisions; entry in records of the Office.

In accordance with the Procedural Rules of the Office, the Hearing Officer shall issue a written decision and that decision will be entered into the records of the Office.

§ 2423.27 Appeal to the Board.

An aggrieved party may seek review of a decision and order of the Hearing Officer in accordance with the Procedural Rules of the Office.

§ 2423.28 [Reserved]

§ 2423.29 Action by the Board.

(a) If an appeal is filed, the Board shall review the decision of the Hearing Officer in accordance with section 406 of the CAA, and the Procedural Rules of the Office.

(b) Upon finding a violation, the Board shall issue an order:

(1) To cease and desist from any such unfair labor practice in which the employing office or labor organization is engaged;

(2) Requiring the parties to renegotiate a collective bargaining agreement in accordance with the order of the Board and requiring that the agreement, as amended, be given retroactive effect;

(3) Requiring reinstatement of an employee with backpay in accordance with 5 U.S.C. 5596; or

(4) Including any combination of the actions described in paragraphs (1) through (3) of this paragraph (b), or such other action as will carry out the purpose of the chapter 71, as applied by the CAA.

(c) Upon finding no violation, the Board shall dismiss the complaint.

§ 2423.30 Compliance with decisions and orders of the Board.

When remedial action is ordered, the respondent shall report to the Office within a specified period that the required remedial action has been effected. When the General Counsel or the Executive Director finds that the required remedial action has not been effected, the General Counsel or the Executive Director shall take such action as may be appropriate, including referral to the Board for enforcement.

§ 2423.31 Backpay proceedings.

After the entry of a Board order directing payment of backpay, or the entry of a court decree enforcing such order, if it appears to the General Counsel that a controversy exists which cannot be resolved without a formal proceeding, the General Counsel may issue and serve on all parties a backpay specification accompanied by a request for hearing or a request for hearing without a specification. Upon receipt of the request for hearing, the Executive Director will appoint an independent Hearing Officer. The respondent shall, within twenty (20) days after the service of a backpay specification, file an answer thereto in accordance with the Office's Procedural Rules. No answer need be filed by the respondent to a notice of hearing issued without a specification. After the issuance of a notice of hearing, with or without a backpay specification, the hearing procedures provided in the Procedural Rules of the Office shall be followed insofar as applicable.

PART 2424—EXPEDITED REVIEW OF NEGOTIABILITY ISSUES

Subpart A—Instituting an Appeal

Sec.
2424.1 Conditions governing review.
2424.2 Who may file a petition.
2424.3 Time limits for filing.
2424.4 Content of petition; service.
2424.5 Selection of the unfair labor practice procedure or the negotiability procedure.
2424.6 Position of the employing office; time limits for filing; service.
2424.7 Response of the exclusive representative; time limits for filing; service.
2424.8 Additional submissions to the Board.
2424.9 Hearing.
2424.10 Board decision and order; compliance.
Subpart B—Criteria for Determining Compelling Need for Employing Office Rules and Regulations
2424.11 Illustrative criteria.

Subpart A—Instituting an Appeal

§ 2424.1 Conditions governing review.

The Board will consider a negotiability issue under the conditions prescribed by 5 U.S.C. 7117 (b) and (c), as applied by the CAA, namely: If an employing office involved in collective bargaining with an exclusive representative alleges that the duty to bargain in good faith does not extend to any matter proposed to be bargained because, as proposed, the matter is inconsistent with law, rule or regulation, the exclusive representative may appeal the allegation to the Board when—

(a) It disagrees with the employing office's allegation that the matter as proposed to be bargained is inconsistent with any Federal law or any Government-wide rule or regulation; or

(b) It alleges, with regard to any employing office rule or regulation asserted by the employing office as a bar to negotiations on the matter, as proposed, that:

(1) The rule or regulation violates applicable law, or rule or regulation of appropriate authority outside the employing office;

(2) The rule or regulation was not issued by the employing office or by any primary national subdivision of the employing office, or otherwise is not applicable to bar negotiations with the exclusive representative, under 5 U.S.C. 7117(a)(3), as applied by the CAA; or

(3) No compelling need exists for the rule or regulation to bar negotiations on the matter, as proposed, because the rule or regulation does not meet the criteria established in subpart B of this part.

§ 2424.2 Who may file a petition.

A petition for review of a negotiability issue may be filed by an exclusive representative which is a party to the negotiations.

§ 2424.3 Time limits for filing.

The time limit for filing a petition for review is fifteen (15) days after the date the employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained is served on the exclusive representative. The exclusive representative shall request such allegation in writing and the employing office shall make the allegation in writing and serve a copy on the exclusive representative: *provided, however,* that review of a negotiability issue may be requested by an exclusive representative under this subpart without a prior written allegation by the employing office if the employing office has not served such allegation upon the exclusive representative within ten (10) days after the date of the receipt by any employing office bargaining representative at the negotiations of a written request for such allegation.

§ 2424.4 Content of petition; service.

(a) A petition for review shall be dated and shall contain the following:

(1) A statement setting forth the express language of the proposal sought to be negotiated as submitted to the employing office;

(2) An explicit statement of the meaning attributed to the proposal by the exclusive representative including:

(i) Explanation of terms of art, acronyms, technical language, or any other aspect of the language of the proposal which is not in common usage; and

(ii) Where the proposal is concerned with a particular work situation, or other particular circumstances, a description of the situation or circumstances which will enable the Board to understand the context in which the proposal is intended to apply;

(3) A copy of all pertinent material, including the employing office's allegation in writing that the matter, as proposed, is not within the duty to bargain in good faith, and other relevant documentary material; and

(4) Notification by the petitioning labor organization whether the negotiability issue is also involved in an unfair labor practice charge filed by such labor organization under part 2423 of this subchapter and pending before the General Counsel.

(b) A copy of the petition including all attachments thereto shall be served on the employing office head and on the principal employing office bargaining representative at the negotiations.

(c)(1) Filing an incomplete petition for review will result in the exclusive representative being asked to provide the missing or incomplete information. Noncompliance with a request to complete the record may result in dismissal of the petition.

(2) The processing priority accorded to an incomplete petition, relative to other pending negotiability appeals, will be based upon the date when the petition is completed—not the date it was originally filed.

§ 2424.5 Selection of the unfair labor practice procedure or the negotiability procedure.

Where a labor organization files an unfair labor practice charge pursuant to part 2423 of this subchapter which involves a negotiability issue, and the labor organization also files pursuant to this part a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously. Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the General Counsel and all parties to both the unfair labor practice case and the negotiability case. Cases which solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under this part.

§ 2424.6 Position of the employing office; time limits for filing; service.

(a) Within thirty (30) days after the date of the receipt by the head of an employing office of a copy of a petition for review of a negotiability issue the employing office shall file a statement—

(1) Withdrawing the allegation that the duty to bargain in good faith does not extend to the matter proposed to be negotiated; or

(2) Setting forth in full its position on any matters relevant to the petition which it wishes the Board to consider in reaching its decision, including a full and detailed statement of its reasons supporting the allegation. The statement shall cite the section of any law, rule or regulation relied upon as a basis for the allegation and shall contain a copy of any internal employing office rule or regulation so relied upon. The statement shall include:

(i) Explanation of the meaning the employing office attributes to the proposal as a whole, including any terms of art, acronyms, technical language or any other aspect of the language of the proposal which is not in common usage; and

(ii) Description of a particular work situation, or other particular circumstance the employing office views the proposal to concern, which will enable the Board to understand the context in which the proposal is considered to apply by the employing office.

(b) A copy of the employing office's statement of position, including all attachments thereto shall be served on the exclusive representative.

§ 2424.7 Response of the exclusive representative; time limits for filing; service.

(a) Within fifteen (15) days after the date of the receipt by an exclusive representative of a copy of an employing office's statement of position the exclusive representative shall file a full and detailed response stating its position and reasons for:

(1) Disagreeing with the employing office's allegation that the matter, as proposed to be negotiated, is inconsistent with any Federal law or Government-wide rule or regulation; or

(2) Alleging that the employing office's rules or regulations violate applicable law, or rule or regulation or appropriate authority outside the employing office; that the rules or regulations were not issued by the employing office or by any primary national subdivision of the employing office, or otherwise are not applicable to bar negotiations under 5 U.S.C. 7117(a)(3), as applied by the CAA; or that no compelling need exists for the rules or regulations to bar negotiations.

(b) The response shall cite the particular section of any law, rule or regulation alleged to be violated by the employing office's rules or regulations; or shall explain the grounds for contending the employing office rules or regulations are not applicable to bar negotiations under 5 U.S.C. 7117(a)(3), as applied by the CAA, or fail to meet the criteria established in subpart B of this part, or were not issued at the employing office headquarters level or at the level of a primary national subdivision.

(c) A copy of the response of the exclusive representative including all attachments thereto shall be served on the employing office head and on the employing office's representative of record in the proceeding before the Board.

§ 2424.8 Additional submissions to the Board.

The Board will not consider any submission filed by any party, whether supplemental or responsive in nature, other than those authorized under § 2424.2 through 2424.7 unless such submission is requested by the Board; or unless, upon written request by any party, a copy of which is served on all other parties, the Board in its discretion grants permission to file such submission.

§ 2424.9 Hearing.

A hearing may be held, in the discretion of the Board, before a determination is made under 5 U.S.C. 7117(b) or (c), as applied by the CAA. If a hearing is held, it shall be expedited to the extent practicable and shall not include the General Counsel as a party.

§ 2424.10 Board decision and order; compliance.

(a) Subject to the requirements of this subpart the Board shall expedite proceedings under this part to the extent practicable and shall issue to the exclusive representative and to the employing office a written decision on the allegation and specific reasons therefor at the earliest practicable date.

(b) If the Board finds that the duty to bargain extends to the matter proposed to be bargained, the decision of the Board shall include an order that the employing office shall upon request (or as otherwise agreed to by the parties) bargain concerning such matter. If the Board finds that the duty to bargain does not extend to the matter proposed to be negotiated, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue. If the Board finds that the duty to bargain extends to the matter proposed to be bargained only at the election of the employing office, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue.

(c) When an order is issued as provided in paragraph (b) of this section, the employing office or exclusive representative shall report to the Executive Director within a specified period failure to comply with an order that the employing office shall upon request (or as otherwise agreed to by the parties) bargain concerning the disputed matter.

Subpart B—Criteria for Determining Compelling Need for Employing Office Rules and Regulations

§ 2424.11 Illustrative criteria.

A compelling need exists for an employing office rule or regulation concerning any condition of employment when the employing

office demonstrates that the rule or regulation meets one or more of the following illustrative criteria:

(a) The rule or regulation is essential, as distinguished from helpful or desirable, to the accomplishment of the mission or the execution of functions of the employing office or primary national subdivision in a manner which is consistent with the requirements of an effective and efficient government.

(b) The rule or regulation is necessary to insure the maintenance of basic merit principles.

(c) The rule or regulation implements a mandate to the employing office or primary national subdivision under law or other outside authority, which implementation is essentially nondiscretionary in nature.

PART 2425—REVIEW OF ARBITRATION AWARDS

Sec.
2425.1 Who may file an exception; time limits for filing; opposition; service.
2425.2 Content of exception.
2425.3 Grounds for review.
2425.4 Board decision.

§ 2425.1 Who may file an exception; time limits for filing; opposition; service.

(a) Either party to arbitration under the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA, may file an exception to an arbitrator's award rendered pursuant to the arbitration.

(b) The time limit for filing an exception to an arbitration award is thirty (30) days beginning on the date the award is served on the filing party.

(c) An opposition to the exception may be filed by a party within thirty (30) days after the date of service of the exception.

(d) A copy of the exception and any opposition shall be served on the other party.

§ 2425.2 Content of exception.

An exception must be a dated, self-contained document which sets forth in full:

(a) A statement of the grounds on which review is requested;

(b) Evidence or rulings bearing on the issues before the Board;

(c) Arguments in support of the stated grounds, together with specific reference to the pertinent documents and citations of authorities; and

(d) A legible copy of the award of the arbitrator and legible copies of other pertinent documents; and

(e) The name and address of the arbitrator.

§ 2425.3 Grounds for review.

The Board will review an arbitrator's award to which an exception has been filed to determine if the award is deficient—

(a) Because it is contrary to any law, rule or regulation; or

(b) On other grounds similar to those applied by Federal courts in private sector labor-management relations.

§ 2425.4 Board decision.

The Board shall issue its decision and order taking such action and making such recommendations concerning the award as it considers necessary, consistent with applicable laws, rules, or regulations.

PART 2426—NATIONAL CONSULTATION RIGHTS AND CONSULTATION RIGHTS ON GOVERNMENT-WIDE RULES OR REGULATIONS

Subpart A—National Consultation Rights

Sec.
2426.1 Requesting; granting; criteria.
2426.2 Requests; petition and procedures for determination of eligibility for national consultation rights.
2426.3 Obligation to consult.

Subpart B—Consultation Rights on Government-wide Rules or Regulations

2426.11 Requesting; granting; criteria.
2426.12 Requests; petition and procedures for determination of eligibility for consultation rights on Government-wide rules or regulations.
2426.13 Obligation to consult.

Subpart A—National Consultation Rights

§ 2426.1 Requesting; granting; criteria.

(a) An employing office shall accord national consultation rights to a labor organization that:

(1) Requests national consultation rights at the employing office level; and

(2) Holds exclusive recognition for ten percent (10%) or more of the total number of personnel employed by the employing office.

(b) An employing office's primary national subdivision which has authority to formulate conditions of employment shall accord national consultation rights to a labor organization that:

(1) Requests national consultation rights at the primary national subdivision level; and

(2) Holds exclusive recognition for ten percent (10%) or more of the total number of personnel employed by the primary national subdivision.

(c) In determining whether a labor organization meets the requirements as prescribed in paragraphs (a)(2) and (b)(2) of this section, the following will not be counted:

(1) At the employing office level, employees represented by the labor organization under national exclusive recognition granted at the employing office level.

(2) At the primary national subdivision level, employees represented by the labor organization under national exclusive recognition granted at the agency level or at that primary national subdivision level.

(d) An employing office or a primary national subdivision of an employing office shall not grant national consultation rights to any labor organization that does not meet the criteria prescribed in paragraphs (a), (b) and (c) of this section.

2426.2 Requests; petition and procedures for determination of eligibility for national consultation rights.

(a) Requests by labor organizations for national consultation rights shall be submitted in writing to the headquarters of the employing office or the employing office's primary national subdivision, as appropriate, which headquarters shall have fifteen (15) days from the date of service of such request to respond thereto in writing.

(b) Issues relating to a labor organization's eligibility for, or continuation of, national consultation rights shall be referred to the Board for determination as follows:

(1) A petition for determination of the eligibility of a labor organization for national consultation rights under criteria set forth in § 2426.1 may be filed by a labor organization.

(2) A petition for determination of eligibility for national consultation rights shall be submitted on a form prescribed by the Board and shall set forth the following information:

(i) Name and affiliation, if any, of the petitioner and its address and telephone number;

(ii) A statement that the petitioner has submitted to the employing office or the primary national subdivision and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives;

(iii) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person's knowledge and belief;

(iv) The signature of the petitioner's representative, including such person's title and telephone number;

(v) The name, address, and telephone number of the employing office or primary national subdivision in which the petitioner seeks to obtain or retain national consultation rights, and the persons to contact and their titles, if known;

(vi) A showing that petitioner holds adequate exclusive recognition as required by § 2426.1; and

(vii) A statement as appropriate:

(A) That such showing has been made to and rejected by the employing office or primary national subdivision, together with a statement of the reasons for rejection, if any, offered by that employing office or primary national subdivision;

(B) That the employing office or primary national subdivision has served notice of its intent to terminate existing national consultation rights, together with a statement of the reasons for termination; or

(C) That the employing office or primary national subdivision has failed to respond in writing to a request for national consultation rights made under § 2426.2(a) within fifteen (15) days after the date the request is served on the employing office or primary national subdivision.

(3) The following regulations govern petitions filed under this section:

(i) A petition for determination of eligibility for national consultation rights shall be filed with the Executive Director.

(ii) An original and four (4) copies of a petition shall be filed, together with a statement of any other relevant facts and of all correspondence.

(iii) Copies of the petition together with the attachments referred to in paragraph (b)(3)(ii) of this section shall be served by the petitioner on all known interested parties, and a written statement of such service shall be filed with the Executive Director.

(iv) A petition shall be filed within thirty (30) days after the service of written notice by the employing office or primary national subdivision of its refusal to accord national consultation rights pursuant to a request under § 2426.2(a) or its intention to terminate existing national consultation rights. If an employing office or primary national subdivision fails to respond in writing to a request for national consultation rights made under § 2426.2(a) within fifteen (15) days after the date the request is served on the employing office or primary national subdivision, a petition shall be filed within thirty (30) days after the expiration of such fifteen (15) day period.

(v) If an employing office or primary national subdivision wishes to terminate national consultation rights, notice of its intention to do so shall include a statement of its reasons and shall be served not less than thirty (30) days prior to the intended termination date. A labor organization, after receiving such notice, may file a petition within the time period prescribed herein, and thereby cause to be stayed further action by the employing office or primary national subdivision pending disposition of the petition. If no petition has been filed within the provided time period, an employing office or primary national subdivision may terminate national consultation rights.

(vi) Within fifteen (15) days after the receipt of a copy of the petition, the employing

office or primary national subdivision shall file a response thereto with the Executive Director raising any matter which is relevant to the petition.

(vii) The Executive Director, on behalf of the Board, shall make such investigations as the Executive Director deems necessary and thereafter shall issue and serve on the parties a determination with respect to the eligibility for national consultation rights which shall be final: *provided, however*, that an application for review of the Executive Director's determination may be filed with the Board in accordance with the procedure set forth in §2422.31 of this subchapter. A determination by the Executive Director to issue a notice of hearing shall not be subject to the filing of an application for review. On behalf of the Board, the Executive Director, if appropriate, may cause a notice of hearing to be issued to all interested parties where substantial factual issues exist warranting an investigatory hearing. Investigatory hearings shall be conducted by the Executive Director or her designee in accordance with §2422.17 through 2422.22 of this subchapter and after the close of the investigatory hearing a Decision and Order shall be issued by the Board in accordance with §2422.30 of this subchapter.

§2426.3 Obligation to consult.

(a) When a labor organization has been accorded national consultation rights, the employing office or the primary national subdivision which has granted those rights shall, through appropriate officials, furnish designated representatives of the labor organization:

(1) Reasonable notice of any proposed substantive change in conditions of employment; and

(2) Reasonable time to present its views and recommendations regarding the change.

(b) If a labor organization presents any views or recommendations regarding any proposed substantive change in conditions of employment to an employing office or a primary national subdivision, that employing office or primary national subdivision shall:

(1) Consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(2) Provide the labor organization a written statement of the reasons for taking the final action.

(c) Nothing in this subpart shall be construed to limit the right of any employing office or exclusive representative to engage in collective bargaining.

Subpart B—Consultation Rights on Government-wide Rules or Regulations

§2426.11 Requesting; granting; criteria.

(a) An employing office shall accord consultation rights on Government-wide rules or regulations to a labor organization that:

(1) Requests consultation rights on Government-wide rules or regulations from an employing office; and

(2) Holds exclusive recognition for 350 or more covered employees within the legislative branch.

(b) An employing office shall not grant consultation rights on Government-wide rules or regulations to any labor organization that does not meet the criteria prescribed in paragraph (a) of this section.

§2426.12 Requests; petition and procedures for determination of eligibility for consultation rights on Government-wide rules or regulations.

(a) Requests by labor organizations for consultation rights on Government-wide rules or regulations shall be submitted in writing to the headquarters of the employing office, which headquarters shall have fifteen (15) days from the date of service of such request to respond thereto in writing.

(b) Issues relating to a labor organization's eligibility for, or continuation of, consultation rights on Government-wide rules or regulations shall be referred to the Board for determination as follows:

(1) A petition for determination of the eligibility of a labor organization for consultation rights under criteria set forth in §2426.11 may be filed by a labor organization.

(2) A petition for determination of eligibility for consultation rights shall be submitted on a form prescribed by the Board and shall set forth the following information:

(i) Name and affiliation, if any, of the petitioner and its address and telephone number;

(ii) A statement that the petitioner has submitted to the employing office and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives;

(iii) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person's knowledge and belief;

(iv) The signature of the petitioner's representative, including such person's title and telephone number;

(v) The name, address, and telephone number of the employing office in which the petitioner seeks to obtain or retain consultation rights on Government-wide rules or regulations, and the persons to contact and their titles, if known;

(vi) A showing that petitioner meets the criteria as required by §2426.11; and

(vii) A statement, as appropriate:

(A) That such showing has been made to and rejected by the employing office, together with a statement of the reasons for rejection, if any, offered by that employing office;

(B) That the employing office has served notice of its intent to terminate existing consultation rights on Government-wide rules or regulations, together with a statement of the reasons for termination; or

(C) That the employing office has failed to respond in writing to a request for consultation rights on Government-wide rules or regulations made under §2426.12(a) within fifteen (15) days after the date the request is served on the employing office.

(3) The following regulations govern petitions filed under this section:

(i) A petition for determination of eligibility for consultation rights on Government-wide rules or regulations shall be filed with the Executive Director.

(ii) An original and four (4) copies of a petition shall be filed, together with a statement of any other relevant facts and of all correspondence.

(iii) Copies of the petition together with the attachments referred to in paragraph (b)(3)(ii) of this section shall be served by the petitioner on the employing office, and a written statement of such service shall be filed with the Executive Director.

(iv) A petition shall be filed within thirty (30) days after the service of written notice by the employing office of its refusal to accord consultation rights on Government-wide rules or regulations pursuant to a request under §2426.12(a) or its intention to terminate such existing consultation rights. If an employing office fails to respond in writing to a request for consultation rights on Government-wide rules or regulations made under §2426.12(a) within fifteen (15) days after the date the request is served on the employing office, a petition shall be filed within thirty (30) days after the expiration of such fifteen (15) day period.

(v) If an employing office wishes to terminate consultation rights on Government-wide rules or regulations, notice of its intention to do so shall be served not less than thirty (30) days prior to the intended termination date. A labor organization, after receiving such notice, may file a petition within the time period prescribed herein, and thereby cause to be stayed further action by the employing office pending disposition of the petition. If no petition has been filed within the provided time period, an employing office may terminate such consultation rights.

(vi) Within fifteen (15) days after the receipt of a copy of the petition, the employing office shall file a response thereto with the Executive Director raising any matter which is relevant to the petition.

(vii) The Executive Director, on behalf of the Board, shall make such investigation as the Executive Director deems necessary and thereafter shall issue and serve on the parties a determination with respect to the eligibility for consultation rights which shall be final: *Provided, however*, that an application for review of the Executive Director's determination may be filed with the Board in accordance with the procedure set forth in §2422.31 of this subchapter. A determination by the Executive Director to issue a notice of investigatory hearing shall not be subject to the filing of an application for review. On behalf of the Board, the Executive Director, if appropriate, may cause a notice of investigatory hearing to be issued where substantial factual issues exist warranting a hearing. Investigatory hearings shall be conducted by the Executive Director or her designee in accordance with §2422.17 through 2422.22 of this chapter and after the close of the investigatory hearing a Decision and Order shall be issued by the Board in accordance with §2422.30 of this subchapter.

§2426.13 Obligation to consult.

(a) When a labor organization has been accorded consultation rights on Government-wide rules or regulations, the employing office which has granted those rights shall, through appropriate officials, furnish designated representatives of the labor organization:

(1) Reasonable notice of any proposed Government-wide rule or regulation issued by the employing office affecting any substantive change in any condition of employment; and

(2) Reasonable time to present its views and recommendations regarding the change.

(b) If a labor organization presents any views or recommendations regarding any proposed substantive change in any condition of employment to an employing office, that employing office shall:

(1) Consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(2) Provide the labor organization a written statement of the reasons for taking the final action.

PART 2427—GENERAL STATEMENTS OF POLICY OR GUIDANCE

Sec.
2427.1 Scope.
2427.2 Requests for general statements of policy or guidance.

2427.3 Content of request.
2427.4 Submissions from interested parties.
2427.5 Standards governing issuance of general statements of policy or guidance.

§ 2427.1 Scope.

This part sets forth procedures under which requests may be submitted to the Board seeking the issuance of general statements of policy or guidance under 5 U.S.C. 7105(a)(1), as applied by the CAA.

§ 2427.2 Requests for general statements of policy or guidance.

(a) The head of an employing office (or designee), the national president of a labor organization (or designee), or the president of a labor organization not affiliated with a national organization (or designee) may separately or jointly ask the Board for a general statement of policy or guidance. The head of any lawful association not qualified as a labor organization may also ask the Board for such a statement provided the request is not in conflict with the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA, or other law.

(b) The Board ordinarily will not consider a request related to any matter pending before the Board or General Counsel.

§ 2427.3 Content of request.

(a) A request for a general statement of policy or guidance shall be in writing and must contain:

(1) A concise statement of the question with respect to which a general statement of policy or guidance is requested together with background information necessary to an understanding of the question;

(2) A statement of the standards under § 2427.5 upon which the request is based;

(3) A full and detailed statement of the position or positions of the requesting party or parties;

(4) Identification of any cases or other proceedings known to bear on the question which are pending under the CAA; and

(5) Identification of other known interested parties.

(b) A copy of each document also shall be served on all known interested parties, including the General Counsel, where appropriate.

§ 2427.4 Submissions from interested parties.

Prior to issuance of a general statement of policy or guidance the Board, as it deems appropriate, will afford an opportunity to interested parties to express their views orally or in writing.

§ 2427.5 Standards governing issuance of general statements of policy or guidance.

In deciding whether to issue a general statement of policy or guidance, the Board shall consider:

(a) Whether the question presented can more appropriately be resolved by other means;

(b) Where other means are available, whether a Board statement would prevent the proliferation of cases involving the same or similar question;

(c) Whether the resolution of the question presented would have general applicability under chapter 71, as applied by the CAA;

(d) Whether the question currently confronts parties in the context of a labor-management relationship;

(e) Whether the question is presented jointly by the parties involved; and

(f) Whether the issuance by the Board of a general statement of policy or guidance on the question would promote constructive and cooperative labor-management relationships in the legislative branch and would otherwise promote the purposes of chapter 71, as applied by the CAA.

PART 2428—ENFORCEMENT OF ASSISTANT SECRETARY STANDARDS OF CONDUCT DECISIONS AND ORDERS

Sec.
2428.1 Scope.
2428.2 Petitions for enforcement.
2428.3 Board decision.

§ 2428.1 Scope.

This part sets forth procedures under which the Board, pursuant to 5 U.S.C. 7105(a)(2)(I), as applied by the CAA, will enforce decisions and orders of the Assistant Secretary in standards of conduct matters arising under 5 U.S.C. 7120, as applied by the CAA.

§ 2428.2 Petitions for enforcement.

(a) The Assistant Secretary may petition the Board to enforce any Assistant Secretary decision and order in a standards of conduct case arising under 5 U.S.C. 7120, as applied by the CAA. The Assistant Secretary shall transfer to the Board the record in the case, including a copy of the transcript if any, exhibits, briefs, and other documents filed with the Assistant Secretary. A copy of the petition for enforcement shall be served on the labor organization against which such order applies.

(b) An opposition to Board enforcement of any such Assistant Secretary decision and order may be filed by the labor organization against which such order applies twenty (20) days from the date of service of the petition, unless the Board, upon good cause shown by the Assistant Secretary, sets a shorter time for filing such opposition. A copy of the opposition to enforcement shall be served on the Assistant Secretary.

§ 2428.3 Board decision.

The Board shall issue its decision on the case enforcing, enforcing as modified, or refusing to enforce, the decision and order of the Assistant Secretary.

PART 2429—MISCELLANEOUS AND GENERAL REQUIREMENTS

Subpart A—Miscellaneous

Sec.
2429.1 Transfer of cases to the Board.
2429.2 [Reserved]
2429.3 Transfer of record.
2429.4 Referral of policy questions to the Board.
2429.5 Matters not previously presented; official notice.
2429.6 Oral argument.
2429.7 [Reserved]
2429.8 [Reserved]
2429.9 [Reserved]
2429.10 Advisory opinions.
2429.11 [Reserved]
2429.12 [Reserved]
2429.13 Official time.
2429.14 Witness fees.
2429.15 Board requests for advisory opinions.
2429.16 General remedial authority.
2429.17 [Reserved]
2429.18 [Reserved]

Subpart B—General Requirements

2429.21 [Reserved]
2429.22 [Reserved]
2429.23 Extension; waiver.
2429.24 [Reserved]
2429.25 [Reserved]
2429.26 [Reserved]
2429.27 [Reserved]
2429.28 Petitions for amendment of regulations.

Subpart A—Miscellaneous

§ 2429.1 Transfer of cases to the Board.

In any unfair labor practice case under part 2423 of this subchapter in which, after the filing of a complaint, the parties stipulate that no material issue of fact exists, the Executive Director may, upon agreement of all parties, transfer the case to the Board; and the Board may decide the case on the basis of the formal documents alone. Briefs in the case must be filed with the Board within thirty (30) days from the date of the Executive Director's order transferring the case to the Board. The Board may also remand any such case to the Executive Director for further processing. Orders of transfer and remand shall be served on all parties.

§ 2429.2 [Reserved]

§ 2429.3 Transfer of record.

In any case under part 2425 of this subchapter, upon request by the Board, the parties jointly shall transfer the record in the case, including a copy of the transcript, if any, exhibits, briefs and other documents filed with the arbitrator, to the Board.

§ 2429.4 Referral of policy questions to the Board.

Notwithstanding the procedures set forth in this subchapter, the General Counsel, or the Assistant Secretary, may refer for review and decision or general ruling by the Board any case involving a major policy issue that arises in a proceeding before any of them. Any such referral shall be in writing and a copy of such referral shall be served on all parties to the proceeding. Before decision or general ruling, the Board shall obtain the views of the parties and other interested persons, orally or in writing, as it deems necessary and appropriate. The Board may decline a referral.

§ 2429.5 Matters not previously presented; official notice.

The Board will not consider evidence offered by a party, or any issue, which was not presented in the proceedings before the Executive Director, Hearing Officer, or arbitrator. The Board may, however, take official notice of such matters as would be proper.

§ 2429.6 Oral argument.

The Board or the General Counsel, in their discretion, may request or permit oral argument in any matter arising under this subchapter under such circumstances and conditions as they deem appropriate.

§ 2429.7 [Reserved]

§ 2429.8 [Reserved]

§ 2429.9 [Reserved]

§ 2429.10 Advisory opinions.

The Board and the General Counsel will not issue advisory opinions.

§ 2429.11 [Reserved]

§ 2429.12 [Reserved]

§ 2429.13 Official time.

If the participation of any employee in any phase of any proceeding before the Board under section 220 of the CAA, including the investigation of unfair labor practice charges and representation petitions and the participation in hearings and representation elections, is deemed necessary by the Board, the Executive Director, the General Counsel, any Hearing Officer, or other agent of the Board designated by the Board, such employee shall be granted official time for such participation, including necessary travel time, as occurs during the employee's regular work hours and when the employee would otherwise be in a work or paid leave status.

§ 2429.14 Witness fees.

(a) Witnesses (whether appearing voluntarily, or under a subpena) shall be paid the

fee and mileage allowances which are paid subpenaed witnesses in the courts of the United States: *Provided*, that any witness who is employed by the Federal Government shall not be entitled to receive witness fees in addition to compensation received pursuant to §2429.13.

(b) Witness fees and mileage allowances shall be paid by the party at whose instance the witnesses appear, except when the witness receives compensation pursuant to §2429.13.

§2429.15 Board requests for advisory opinions.

(a) Whenever the Board, pursuant to 5 U.S.C. 7105(i), as applied by the CAA, requests an advisory opinion from the Director of the Office of Personnel Management concerning the proper interpretation of rules, regulations, or policy directives issued by that Office in connection with any matter before the Board, a copy of such request, and any response thereto, shall be served upon the parties in the matter.

(b) The parties shall have fifteen (15) days from the date of service of a copy of the response of the Office of Personnel Management to file with the Board comments on that response which the parties wish the Board to consider before reaching a decision in the matter. Such comments shall be in writing and copies shall be served upon the other parties in the matter and upon the Office of Personnel Management.

§2429.16 General remedial authority.

The Board shall take any actions which are necessary and appropriate to administer effectively the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

§2429.17 [Reserved]
§2429.18 [Reserved]

Subpart B—General Requirements

§2429.21 [Reserved]
§2429.22 [Reserved]
§2429.23 Extension; waiver.

(a) Except as provided in paragraph (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may extend any time limit provided in this subchapter for good cause shown, and shall notify the parties of any such extension. Requests for extensions of time shall be in writing and received by the appropriate official not later than five (5) days before the established time limit for filing, shall state the position of the other parties on the request for extension, and shall be served on the other parties.

(b) Except as provided in paragraph (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may waive any expired time limit in this subchapter in extraordinary circumstances. Request for a waiver of time limits shall state the position of the other parties and shall be served on the other parties.

(c) The time limits established in this subchapter may not be extended or waived in any manner other than that described in this subchapter.

(d) Time limits established in 5 U.S.C. 7105(f), 7117(c)(2) and 7122(b), as applied by the CAA, may not be extended or waived under this section.

§2429.24 [Reserved]
§2429.25 [Reserved]
§2429.26 [Reserved]
§2429.27 [Reserved]
§2429.28 Petitions for amendment of regulations.

Any interested person may petition the Board in writing for amendments to any portion of these regulations. Such petition shall identify the portion of the regulations involved and provide the specific language of the proposed amendment together with a statement of grounds in support of such petition.

SUBCHAPTER D—IMPASSES

PART 2470—GENERAL

Subpart A Purpose

Sec.
2470.1 Purpose.

Subpart B—Definitions

2470.2 Definitions.

Subpart A—Purpose

§2470.1 Purpose.

The regulations contained in this subchapter are intended to implement the provisions of section 7119 of title 5 of the United States Code, as applied by the CAA. They prescribe procedures and methods which the Board may utilize in the resolution of negotiation impasses when voluntary arrangements, including the services of the Federal Mediation and Conciliation Service or any other third-party mediation, fail to resolve the disputes.

Subpart B—Definitions

§2470.2 Definitions.

(a) The terms *Executive Director, employing office, labor organization, and conditions of employment* as used herein shall have the meaning set forth in Part 2421 of these rules.

(b) The terms *designated representative or designee* of the Board means a Board member, a staff member, or other individual designated by the Board to act on its behalf.

(c) The term *hearing* means a factfinding hearing, arbitration hearing, or any other hearing procedure deemed necessary to accomplish the purposes of 5 U.S.C. 7119, as applied by the CAA.

(d) The term *impasse* means that point in the negotiation of conditions of employment at which the parties are unable to reach agreement, notwithstanding their efforts to do so by direct negotiations and by the use of mediation or other voluntary arrangements for settlement.

(e) The term *Board* means the Board of Directors of the Office of Compliance.

(f) The term *party* means the agency or the labor organization participating in the negotiation of conditions of employment.

(g) The term *voluntary arrangements* means any method adopted by the parties for the purpose of assisting them in their resolution of a negotiation dispute which is not inconsistent with the provisions of 5 U.S.C. 7119, as applied by the CAA.

PART 2471—PROCEDURES OF THE BOARD IN IMPASSE PROCEEDINGS

Sec.
2471.1 Request for Board consideration; request for Board approval of binding arbitration.
2471.2 Request form.
2471.3 Content of request.
2471.4 Where to file.
2471.5 Copies and service.
2471.6 Investigation of request; Board recommendation and assistance; approval of binding arbitration.
2471.7 Preliminary hearing procedures.
2471.8 Conduct of hearing and prehearing conference.
2471.9 Report and recommendations.
2471.10 Duties of each party following receipt of recommendations.
2471.11 Final action by the Board.
2471.12 Inconsistent labor agreement provisions.

§2471.1 Request for Board consideration; request for Board approval of binding arbitration.

If voluntary arrangements, including the services of the Federal Mediation and Conciliation Services or any other third-party mediation, fail to resolve a negotiation impasse:

(a) Either party, or the parties jointly, may request the Board to consider the matter by filing a request as hereinafter provided; or the Board may, pursuant to 5 U.S.C. 7119(c)(1), as applied by the CAA, undertake consideration of the matter upon request of (i) the Federal Mediation and Conciliation Service, or (ii) the Executive Director; or

(b) The parties may jointly request the Board to approve any procedure, which they have agreed to adopt, for binding arbitration of the negotiation impasse by filing a request as hereinafter provided.

§2471.2 Request form.

A form has been prepared for use by the parties in filing a request with the Board for consideration of an impasse or approval of a binding arbitration procedure. Copies are available from the Executive Director, Office of Compliance.

§2471.3 Content of request.

(a) A request from a party or parties to the Board for consideration of an impasse must be in writing and include the following information:

(1) Identification of the parties and individuals authorized to act on their behalf;

(2) Statement of issues at impasse and the summary positions of the initiating party or parties with respect to those issues; and

(3) Number, length, and dates of negotiation and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized.

(b) A request for approval of a binding arbitration procedure must be in writing, jointly filed by the parties, and include the following information about the pending impasse:

(1) Identification of the parties and individuals authorized to act on their behalf;

(2) Brief description of the impasse including the issues to be submitted to the arbitrator;

(3) Number, length, and dates of negotiation and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized;

(4) Statement that the proposals to be submitted to the arbitrator contain no questions concerning the duty to bargain; and

(5) Statement of the arbitration procedures to be used, including the type of arbitration, the method of selecting the arbitrator, and the arrangement for paying for the proceedings or, in the alternative, those provisions of the parties' labor agreement which contain this information.

§2471.4 Where to file.

Requests to the Board provided for in this part, and inquiries or correspondence on the status of impasses or other related matters, should be addressed to the Executive Director, Office of Compliance.

§2471.5 Copies and service.

(a) Any party submitting a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of such request upon all counsel of record or other designated representative(s) of parties, upon parties not so represented, and upon any mediation service which may have been utilized. When the Board acts on a request from

the Federal Mediation and Conciliation Service or acts on a request from the Executive Director, it will notify the parties to the dispute, their counsel of record or designated representatives, if any, and any mediation service which may have been utilized. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(b) Any party submitting a response to or other document in connection with a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of the document upon all counsel of record or other designated representative(s) of parties, or upon parties not so represented. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) A signed and dated statement of service shall accompany each document submitted to the Board. The statement of service shall include the names of the parties and persons served, their addresses, the date of service, the nature of the document served, and the manner in which service was made.

(d) The date of service or date served shall be the day when the matter served is deposited in the U.S. mail or is delivered in person.

(e) Unless otherwise provided by the Board or its designated representatives, any document or paper filed with the Board under these rules, together with any enclosure filed therewith, shall be submitted on 8½11-inch size paper.

§2471.6 Investigation of request; Board recommendation and assistance; approval of binding arbitration.

(a) Upon receipt of a request for consideration of an impasse, the Board or its designee will promptly conduct an investigation, consulting when necessary with the parties and with any mediation service utilized. After due consideration, the Board shall either:

(1) Decline to assert jurisdiction in the event that it finds that no impasse exists or that there is other good cause for not asserting jurisdiction, in whole or in part, and so advise the parties in writing, stating its reasons; or

(2) Recommend to the parties procedures, including but not limited to arbitration, for the resolution of the impasse and/or assist them in resolving the impasse through whatever methods and procedures the Board considers appropriate.

(b) Upon receipt of a request for approval of a binding arbitration procedure, the Board or its designee will promptly conduct an investigation, consulting when necessary with the parties and with any mediation service utilized. After due consideration, the Board shall either approve or disapprove the request; *provided, however*, that when the request is made pursuant to an agreed-upon procedure for arbitration contained in an applicable, previously negotiated agreement, the Board may use an expedited procedure and promptly approve or disapprove the request, normally within five (5) workdays.

§2471.7 Preliminary hearing procedures.

When the Board determines that a hearing is necessary under §2471.6, it will:

(a) Appoint one or more of its designees to conduct such hearing; and

(b) issue and serve upon each of the parties a notice of hearing and a notice of prehearing conference, if any. The notice will state: (1) The names of the parties to the dispute; (2) the date, time, place, type, and purpose of the hearing; (3) the date, time, place, and purpose of the prehearing conference, if any; (4) the name of the designated representatives appointed by the Board; (5) the issues to be resolved; and (6) the method, if any, by which the hearing shall be recorded.

§2471.8 Conduct of hearing and prehearing conference.

(a) A designated representative of the Board, when so appointed to conduct a hearing, shall have the authority on behalf of the Board to:

(1) Administer oaths, take the testimony or deposition of any person under oath, receive other evidence, and issue subpenas;

(2) Conduct the hearing in open, or in closed session at the discretion of the designated representative for good cause shown;

(3) Rule on motions and requests for appearance of witnesses and the production of records;

(4) Designate the date on which posthearing briefs, if any, shall be submitted;

(5) Determine all procedural matters concerning the hearing, including the length of sessions, conduct of persons in attendance, recesses, continuances, and adjournments; and take any other appropriate procedural action which, in the judgment of the designated representative, will promote the purpose and objectives of the hearing.

(b) A prehearing conference may be conducted by the designated representative of the Board in order to:

(1) Inform the parties of the purpose of the hearing and the procedures under which it will take place;

(2) Explore the possibilities of obtaining stipulations of fact;

(3) Clarify the positions of the parties with respect to the issues to be heard; and

(4) Discuss any other relevant matters which will assist the parties in the resolution of the dispute.

§2471.9 Report and recommendations.

(a) When a report is issued after a hearing conducted pursuant to §§2471.7 and 2471.8, it normally shall be in writing and, when authorized by the Board, shall contain recommendations.

(b) A report of the designated representative containing recommendations shall be submitted to the parties, with two (2) copies to the Executive Director, within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any.

(c) A report of the designated representative not containing recommendations shall be submitted to the Board with a copy to each party within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any. The Board shall then take whatever action it may consider appropriate or necessary to resolve the impasse.

§2471.10 Duties of each party following receipt of recommendations.

(a) Within thirty (30) calendar days after receipt of a report containing recommendations of the Board or its designated representative, each party shall, after conferring with the other, either:

(1) Accept the recommendations and so notify the Executive Director; or

(2) Reach a settlement of all unresolved issues and submit a written settlement statement to the Executive Director; or

(3) Submit a written statement to the Executive Director setting forth the reasons for not accepting the recommendations and for not reaching a settlement of all unresolved issues.

(b) A reasonable extension of time may be authorized by the Executive Director for good cause shown when requested in writing by either party prior to the expiration of the time limits.

§2471.11 Final action by the Board.

(a) If the parties do not arrive at a settlement as a result of or during actions taken under §§2471.6(a)(2), 2471.7, 2471.8, 2471.9, and 2471.10, the Board may take whatever action is necessary and not inconsistent with 5 U.S.C. chapter 71, as applied by the CAA, to resolve the impasse, including but not limited to, methods and procedures which the Board considers appropriate, such as directing the parties to accept a factfinder's recommendations, ordering binding arbitration conducted according to whatever procedure the Board deems suitable, and rendering a binding decision.

(b) In preparation for taking such final action, the Board may hold hearings, administer oaths, and take the testimony or deposition of any person under oath, or it may appoint or designate one or more individuals pursuant to 5 U.S.C. 7119(c)(4), as applied by the CAA, to exercise such authority on its behalf.

(c) When the exercise of authority under this section requires the holding of a hearing, the procedure contained in §2471.8 shall apply.

(d) Notice of any final action of the Board shall be promptly served upon the parties, and the action shall be binding on such parties during the term of the agreement, unless they agree otherwise.

§2471.12 Inconsistent labor agreement provisions.

Any provisions of the parties' labor agreements relating to impasse resolution which are inconsistent with the provisions of either 5 U.S.C. 7119, as applied by the CAA, or the procedures of the Board shall be deemed to be superseded.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4071. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Final Rule: Implementation of the Farm Program Provisions of the 1996 Farm Bill (RIN: 0561–AE81) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4072. A letter from the Secretary of Agriculture, transmitting recommendations concerning the steps necessary to achieve interstate shipment of meat inspected under a State meat inspection program developed and administered under Section 301 of the Federal Mean Inspection Act (21 U.S.C. 661); and poultry inspected under a State poultry product inspection program developed and administered under section 5 of the Poultry Products Inspection Act (21 U.S.C. 454), pursuant to Public Law 104–127, section 918(b) (110 Stat. 1190); to the Committee on Agriculture.

4073. A letter from the Secretary of Agriculture, transmitting the Service's final rule—Deletion of Part 16—Limitation on Imports of Meat, from Title 7 of the Code of Federal Regulation (Foreign Agricultural Service) (RIN: 0551–AA45) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4074. A communication from the President of the United States, transmitting amendments to the fiscal year 1997 appropriations requests for the Departments of Housing and Urban Development, Justice, and Veterans Affairs, and the National Bankruptcy Review Commission, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–244); to the Committee on Appropriations and ordered to be printed.

4075. A letter from the Acting Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of July 1, 1996, pursuant to 2 U.S.C. 685(e) (H. Doc. 104–243); to the Committee on Appropriations and ordered to be printed.

4076. A letter from the Secretary of Defense transmitting the Secretary's certification that the current Future Years Defense Program [FYDP] fully funds the support costs associated with the M1A2 multiyear program through the period covered by the FYDP, pursuant to 10 U.S.C. 2306b(i)(1)(A); to the Committee on National Security.

4077. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Individual Compensation (DFARS Case 96–D314) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

4078. A letter from the Secretary of Housing and Urban Development transmitting notification that is estimated that the limitation of the Government National Mortgage Association's [Ginnie Mae's] authority to make commitments for a fiscal year will be reached before the end of that fiscal year, pursuant to 12 U.S.C. 1721 note; to the Committee on Banking and Financial Services.

4079. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting the Department's third semiannual report to Congress, as required by section 403 of the Mexican Debt Disclosure Act of 1995, and the June monthly report to Congress, as required by section 404 of the same act, pursuant to Public Law 104–6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

4080. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the National Flood Insurance Act of 1968 to extend the act, authorize appropriations, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Banking and Financial Services.

4081. A letter from the Acting Executive Director, Resolution Trust Corporation, transmitting the Corporation's annual management report, July 8, 1996, pursuant to 31 U.S.C. 9106; to the Committee on Banking and Financial Services.

4082. A letter from the Acting Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 3525, pursuant to Public Law 101–508, Section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

4083. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the notice of final funding priority for school-to-work urban rural opportunities grants using fiscal year 1995 funds, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Economic and Educational Opportunities.

4084. A letter from the Assistant Secretary of Labor for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—Safety Standards for Explosives at Metal and Nonmetal Mines (RIN: 1219–AA84) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4085. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Attestations by Employers Using Alien Crewmembers for Longshore Work in U.S. Ports (RIN: 1205–AB03) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the committee on Economic and Educational Opportunities.

4086. A letter from the Acting Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Reorganization, Renumbering, and Reinvention of Regulations; Correction (RIN: 1212–AA75) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4087. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Rate for Valuing Benefits (29 CFR Part 4044) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4088. A letter from the Director, Budget, Management and Information and Chief Information Officer, Department of Commerce, transmitting the Department's final rule—Removal of CFR Chapter (RIN: 0644–XX01) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4089. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Spain (Transmittal No. DRC–35–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4090. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Export of Nuclear Equipment and Materials (RIN: 3150–AF51) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4091. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting a report concerning the operations and status of the civil service retirement and disability fund [CSRDF] and the Government Securities Investment fund (G–Fund) of the Federal Employees Retirement System during the debt issuance suspension period between November 15, 1995 and March 29, 1996, pursuant to 5 U.S.C. 8348(l)(1) and 5 U.S.C. 8438(h)(1); to the Committee on Government Reform and Oversight.

4092. A letter from the District of Columbia Auditor, transmitting a copy of a report entitled, "Performance Review of Contract Appeals Process," pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

4093. A letter from the Deputy Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Redefinition of Anchorage, AK, Nonappropriated Fund Wage Area (RIN: 3206–AH54) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4094. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Political Activities of Federal Employees (RIN: 3206–AH33) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4095. A letter from the Secretary of Commerce, transmitting the program development plan for the Antarctic Living Marine Resources Convention Act of 1984, pursuant to 16 U.S.C. 2431 and so forth; to the Committee on Resources.

4096. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

4097. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Use and Occupancy Under the Mining Laws (RIN: 1004–AC39) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4098. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting the Department's final rule—Department of the Interior Acquisition Regulation; Foreign Construction Materials (RIN: 1090–AA55) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4099. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Atlantic Swordfish Fishery; Drift Gillnet Closure (I.D. 062796B) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4100. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Pacific Coast Groundfish Fishery; Trip Limit Reductions [Docket No. 951227306–5306–01] received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4101. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Exempted Fisheries (I.D. 062896B) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4102. A letter from the Deputy Independent Counsel, Office of Independent Counsel, transmitting the Independent Counsel's report, In Re: Ronald H. Brown, dated July 6, 1996, pursuant to 28 U.S.C. 595(a)(2); to the Committee on the Judiciary.

4103. A letter from the General Counsel of the Navy transmitting a draft of proposed legislation to amend section 329 of the Immigration and Nationality Act to clarify naturalization through active duty and to complete the application of applicants in the Philippines; to the Committee on the Judiciary.

4104. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Effect of

Parole of Cuban and Haitian Nationals on Resettlement Assistance Eligibility [INS No. 1751-96] (RIN: 1115-AE29) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4105. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Alteration of Jet Routes J-86 and J-92—Docket No. 93-AWP-4 (RIN: 2120-AA66) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4106. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pittsfield, MA—Docket No. 96-ANE-12 (RIN: 2120-AA66) (1996-0093) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4107. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Sturgis, SD—Docket No. 96-AGL-5 (RIN: 2120-AA66) (1996-0085) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4108. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; La Porte, IN—Docket No. 96-AGL-6 (RIN: 2120-AA66) (1996-0092) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4109. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines—Docket No. 96-ANE-10 (RIN: 2120-AA64) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4110. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Signal and Train Control; Miscellaneous Amendments [FRA Docket No. RSSI-1; Notice No. 1] (RIN: 2130-AB06; 2130-AB05) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4111. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds (Department of the Treasury Circular, Public Debt Series No. 1-93) (31 CFR Part 356) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4112. A letter from the Administrator, Health Care Financing Administration, transmitting the Administration's final rule—Medicare and Medicaid Programs; Provider Appeals: Technical Amendments (BPD-704-FC) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Commerce and Ways and Means.

4113. A letter from the Chairman, Securities and Exchange Commission, transmitting recommendations on protections from securities fraud and abusive or unnecessary securities fraud litigation that the Commission determines to be appropriate to thoroughly protect such investors, pursuant to Public Law 104-67, section 106(a)(3) (109 Stat. 758); jointly, to the Committees on Commerce and the Judiciary.

4114. A letter from the Executive Director, Office of Compliance, transmitting notice of proposed rulemaking for publication in the Congressional Record, pursuant to Public Law 104-1, section 303(b) (109 Stat. 28); jointly, to the Committee on House Oversight and Economic and Educational Opportunities.

4115. A letter from the Chair of the Board, Office of Compliance, transmitting notice of adopted regulations for publication in the Congressional Record, pursuant to Public Law 104-1, section 304(b)(3) (109) Stat. 29); jointly, to the Committees on House Oversight and Economic and Educational Opportunities.

4116. A letter from the General Counsel, Office of Compliance, transmitting Report on Initial Inspections of Facilities for Compliance With Occupational Safety and Health Standards Under Section 215 of the Congressional Accountability Act of 1995, pursuant to Public Law 104-1, section 215(e) (109 Stat. 18); jointly, to the Committees on House Oversight and Economic and Educational Opportunities.

4117. A letter from the General Counsel, Office of Compliance, transmitting Report on Initial Inspections of Facilities for Compliance With Americans With Disabilities Act Standards Under Section 210 of the Congressional Accountability Act, pursuant to Public Law 104-1, section 210(f) (109 Stat. 15); jointly, to the Committees on House Oversight and Economic and Educational Opportunities.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1975. A bill to improve the management of royalties from Federal and Outer Continental Shelf oil and gas leases, and for other purposes; with an amendment (Rept. 104-667). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3198. A bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes (Rept. 104-668). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Agriculture. H.R. 1627. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act, and for other purposes; with amendments (Rept. 104-669 Pt. 1). Ordered to be printed.

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 2391. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for all employees; with an amendment (Rept. 104-670). Referred to the Committee of the Whole House on the State of the Union.

Mr DIAZ-BALART: Committee on Rules. House Resolution 475. Resolution providing for consideration of the bill (H.R. 3756) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104-671). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MARKEY:

H.R. 3782. A bill to modernize the Public Utility Company Act, the Federal Power Act, and the Public Utility Regulatory Policies Act of 1978 to promote competition in the electric power industry; to the Committee on Commerce.

By Mr. SMITH of Michigan (for himself, Mr. ROBERTS, Mr. STENHOLM, Mr. JOHNSON of South Dakota, Mr. BOEHNER, Mr. EWING, Mr. POMBO, Mr. EVERETT, Mr. LEWIS of Kentucky, Mr. COOLEY, Mr. CHAMBLISS, and Mr. NETHERCUTT):

H.R. 3783. A bill to amend the Internal Revenue Code of 1986 to allow farmers to income average over 2 years; to the Committee on Ways and Means.

By Mr. BILBRAY (for himself, Mr. GUNDERSON, Mr. HORN, Mr. BOEHLERT, Mrs. KELLY, Mr. KOLBE, and Mr. GREENWOOD):

H.R. 3784. A bill to prohibit employment discrimination on any basis other than factors pertaining to job performance; to the Committee on Economic and Educational Opportunities, and in addition to the Committees on the Judiciary, Government Reform and Oversight, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. COLLINS of Illinois (for herself and Mrs. MEEK of Florida):

H.R. 3785. A bill to amend the law popularly known as the Presidential Records Act of 1978 and the law popularly known as Privacy Act, to ensure that Federal Bureau of Investigation records containing sensitive background security information that are provided to the White House are properly protected for privacy and security; to the Committee on Government Reform and Oversight.

By Mr. CRANE:

H.R. 3786. A bill to make clear that the definition of a base period, under the unemployment compensation law of a State, is not an administrative provision subject 303(a)(1) of the Social Security Act; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself, Mr. RANGEL, Mr. STARK, Mr. MILLER of California, Mr. LAFALCE, Mr. LANTOS, Mr. HILLIARD, and Ms. NORTON):

H.R. 3787. A bill to amend the Social Security Act to provide for a program of health insurance for children under 13 years of age and for mothers-to-be; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KOLBE:

H.R. 3788. A bill to authorize the Secretary of the Interior to assess up to $2 per person visiting the Grand Canyon or other national park to secure bonds for capital improvements to the park, and for other purposes; to the Committee on Resources.

By Mr. PALLONE:

H.R. 3789. A bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SCHAEFER:

H.R. 3790. A bill to give all American electricity consumers the right to choose among competitive providers of electricity, in order to secure lower electricity rates, higher

quality services, and a more robust U.S. economy, and for other purposes; to the Committee on Commerce.

By Ms. SLAUGHTER:

H.R. 3791. A bill to amend the Public Health Service Act with respect to employment opportunities in the Department of Health and Human Services for women who are scientists, and for other purposes; to the Committee on Commerce.

By Mr. BASS (for himself, Mr. BARTLETT of Maryland, Mr. CAMP, Mr. CHRYSLER, Mr. COBLE, Mr. COBURN, Mr. DUNCAN, Mr. ENGLISH of Pennsylvania, Mr. FOLEY, Mr. FRANKS of New Jersey, Mr. LOBIONDO, Mr. LONGLEY, Mr. NEUMANN, Mr. RADANOVICH, Ms. RIVERS, Mr. SHAYS, and Mr. TATE):

H.R. 3792. A bill to restore integrity, goodwill, honesty, and trust to Congress; to the Committee on House Oversight, and in addition to the Committees on Government Reform and Oversight, Rules, National Security, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself, Mr. FLAKE, and Mr. LUCAS):

H.R. 3793. A bill to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. JOHNSON of South Dakota (for himself, Mr. POMEROY, Mr. COBURN, Ms. KAPTUR, Mr. FROST, Mr. MCINNIS, and Mr. HILLIARD):

H.R. 3794. A bill to ensure the continued viability of livestock producers and the livestock industry in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. LEWIS of Kentucky (for himself, Mr. CRAPO, Mr. ROBERTS, Mr. ALLARD, Mr. BARRETT of Nebraska, Mr. EWING, Mr. COMBEST, Mr. LATHAM, Mr. LAHOOD, Mr. SMITH of Michigan, Mr. BAESLER, Mr. PETERSON of Minnesota, Mr. CHAMBLISS, Mr. HOLDEN, Mrs. CHENOWETH, and Mr. PASTOR):

H.R. 3795. A bill to amend the Competitive, Special, and Facilities Research Grant Act to provide increased emphasis on competitive grants to promote agricultural research projects regarding precision agriculture and to provide for the dissemination of the results of such research projects; to the Committee on Agriculture.

By Mrs. MALONEY (for herself, Ms. BROWN of Florida, Mr. DELLUMS, Mr. FOGLIETTA, Mr. FROST, Mr. JACOBS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SANDERS, Mr. THOMPSON, Mr. TOWNS, Mr. TRAFICANT, and Mr. YATES):

H.R. 3796. A bill to amend the Public Health Service Act to provide for research to determine the extent to which the presence of dioxin in tampons poses any health risks to women; to the Committee on Commerce.

By Mr. SALMON (for himself, Mr. CONDIT, Mr. FIELDS of Texas, Mr. COBLE, Mr. LINDER, Mr. WELDON of Pennsylvania, Mr. CALVERT, Mr. ENGLISH of Pennsylvania, Mr. GUTKNECHT, Mrs. SEASTRAND, Mr. CHRYSLER, Mr. BASS, Mr. FOLEY, Mr. STUMP, Mr. INGLIS of South Carolina, Mr. WELLER, Mr. GOSS, Mr. SHADEGG, Mr. LARGENT, Mr. HORN, Mr. ENSIGN, and Mr. HAYWORTH):

H.R. 3797. A bill to amend title 5, United States Code, to ban gifts to executive branch employees; to the Committee on Government Reform and Oversight.

By Mr. SOLOMON (for himself, Mr. ZELIFF, Mrs. KELLY, Mr. MONTGOMERY, Mr. COBLE, Mr. ENGLISH of Pennsylvania, Mr. BENTSEN, Mr. WELDON of Pennsylvania, Mr. POMEROY, Mrs. VUCANOVICH, Mr. MANZULLO, Mr. FUNDERBURK, Mr. DICKEY, Mr. BOEHLERT, Mr. CHAMBLISS, Mr. BUNN of Oregon, Mr. HUTCHINSON, Mr. RICHARDSON, Mr. JOHNSON of South Dakota, Mr. CLINGER, Mr. HEFLEY, Mr. EVERETT, Mr. BARR, Mrs. MYRICK, Mr. WAMP, Mr. YOUNG of Alaska, Mr. SCHAEFER, Mr. LEWIS of Kentucky, Mr. BARRETT of Nebraska, Mr. WICKER, Mr. MASCARA, Mr. BACHUS, Mr. SKELTON, Mr. ROBERTS, Mr. CONDIT, Mr. THOMAS, Ms. DANNER, Mr. BISHOP, Mr. BREWSTER, Mr. GOODLING, Mr. RIGGS, Mr. CALVERT, Mr. SHAYS, Mr. BLUTE, Mrs. CLAYTON, Ms. PRYCE, Mr. BARTON of Texas, Mr. BEREUTER, Ms. KAPTUR, Mr. HERGER, Mr. DOYLE, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. FOX, Mr. GREENWOOD, Mr. CUNNINGHAM, Mr. FATTAH, Mr. BARTLETT of Maryland, Mr. STENHOLM, Mr. GILMAN, Mr. MCHUGH, Mr. SCARBOROUGH, Mr. JONES, Mr. ENGEL, Mr. PETE GEREN of Texas, Mr. MEEHAN, Mr. HOLDEN, Mr. DEFAZIO, Mr. COMBEST, Mrs. THURMAN, Mr. PICKETT, Mr. LINDER, Mr. HAYES, Mr. DEAL of Georgia, Mr. CHRISTENSEN, Mr. HASTINGS of Florida, Mr. FRANKS of Connecticut, Mr. RADANOVICH, Mr. GEKAS, Mr. MCHALE, Ms. GREENE of Utah, Mr. GOSS, Mr. SMITH of Texas, Mr. LAHOOD, Mr. MICA, Mr. LEWIS of Georgia, Mr. FOGLIETTA, Mr. QUILLEN, Mr. DREIER, Mr. STEARNS, and Mr. TAYLOR of North Carolina):

H.R. 3798. A bill to provide regulatory relief for small business concerns, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. CLAY, Mr. DELLUMS, Mr. WAXMAN, Mr. NEAL of Massachusetts, Mr. TEJEDA, Mr. BONIOR, Mr. FROST, Mr. DIXON, Ms. LOFGREN, Mr. EVANS, Mr. GREEN of Texas, Ms. NORTON, Mr. WATTS of Oklahoma, Mr. TOWNS, Mr. FOX, Mr. HASTINGS of Florida, Mr. BISHOP, Mr. FATTAH, Ms. WATERS, Mrs. MEEK of Florida, Mr. HILLIARD, Mr. BRYANT of Texas, Mr. WYNN, Mr. FLAKE, Ms. JACKSON-LEE, Mr. PAYNE of New Jersey, Mr. SCOTT, Mr. RUSH, Mr. THOMPSON, Mrs. MINK of Hawaii, Mr. JACKSON, Ms. BROWN of Florida, Mr. OWENS, Mr. RANGEL, and Mr. CUMMINGS):

H. J. Res. 183. Joint resolution to authorize the Ralph David Abernathy Memorial Foundation to establish a memorial in the District of Columbia or its environs; to the Committee on Resources.

By Mr. GINGRICH (for himself, Mr. GEPHARDT, Mr. HOBSON, Mr. CARDIN, and Mr. GILCHREST):

H. Con. Res. 198. Concurrent resolution authorizing the use of the Capitol grounds for the first annual Congressional Family Picnic; to the Committee on Transportation and Infrastructure.

By Mr. STUPAK:

H. Res. 476. Resolution amending the Rules of the House of Representatives to reduce the number of programs covered by each regular appropriation bill; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

237. By the SPEAKER: Memorial of the General Assembly of the State of Delaware, relative to House Joint Resolution 23 honoring and remembering former U.S. Secretary of Commerce Ronald H. Brown, devoted public servant and outstanding black American; to the Committee on Government Reform and Oversight.

238. Also, memorial of the Legislature of the Territory of Guam, relative to Legislature Resolution 433 requesting Congressman ROBERT UNDERWOOD to introduce a measure before Congress relative to the Office of the Attorney General by amending section 1421g(C), 1422, and 1422a through 1422d of title 48, United States Code, the Organic Act of Guam; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. LIPINSKI.

H.R. 757: Mr. ABERCROMBIE.

H.R. 801: Mr. CHRYSLER, Mr. FAZIO of California, Mr. COBLE, Mr. MCNULTY, Mr. WAXMAN, and Mr. FIELDS of Texas.

H.R. 844: Mr. EVANS.

H.R. 893: Mr. BROWN of Ohio, Mr. REGULA, Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mr. DAVIS, Mr. GREEN of Texas, and Mrs. CLAYTON.

H.R. 1046: Mr. JEFFERSON, Mr. OWENS, and Mr. THOMPSON.

H.R. 1256: Mr. SHAYS.

H.R. 1627: Mr. GILMAN.

H.R. 1677: Mr. FILNER.

H.R. 1916: Mr. CUNNINGHAM.

H.R. 1930: Mr. MARTINI.

H.R. 2019: Mr. CONDIT, Mr. KILDEE, Mr. STUMP, and Mr. FILNER.

H.R. 2090: Mr. MCHALE.

H.R. 2185: Mr. GUTIERREZ, Mr. CALVERT, Mr. MEEHAN, Mr. LEACH, Mr. STUPAK, and Mr. WISE.

H.R. 2209: Mr. MONTGOMERY, Mr. TOWNS, Mr. DIXON, Mr. FROST, Mr. COSTELLO, Mr. JONES, Ms. NORTON, Mr. SENSENBRENNER, Mr. MARKEY, Mr. PETERSON of Minnesota, Mr. LEWIS of Georgia, and Mr. FLANAGAN.

H.R. 2270: Mr. DELAY.

H.R. 2391: Mr. EHLERS.

H.R. 2497: Mr. STUMP, Ms. GREENE of Utah, Mr. BEREUTER, Mr. MCCOLLUM, and Mr. BLUTE.

H.R. 2651: Mr. ANDREWS.

H.R. 2757: Mr. WATTS of Oklahoma, Mr. FRANKS of New Jersey, Mr. BACHUS, Mr. DELLUMS, and Mr. CAMPBELL.

H.R. 2876: Mr. KILDEE.

H.R. 3077: Mr. PETE GEREN of Texas and Mr. LEVIN.

H.R. 3118: Mr. SKAGGS, Mr. SANDERS, Mr. BARRETT of Nebraska, and Mr. KILDEE.

H.R. 3119: Mr. COYNE.

H.R. 3181: Mr. ROMERO-BARCELO.

H.R. 3183: Mr. WATTS of Oklahoma.

H.R. 3195: Mr. ISTOOK.

H.R. 3199: Mr. BACHUS, Mr. LEWIS of Georgia, Mrs. CLAYTON, Mr. BONO, Mr. SAM JOHNSON, Mr. DEUTSCH, Mr. BAKER of Louisiana, and Mr. DUNCAN.

H.R. 3202: Ms. SLAUGHTER.

H.R. 3217: Ms. PELOSI and Mr. FAZIO of California.

H.R. 3252: Mr. JOHNSON of South Dakota, Mr. OWENS, Mr. STUPAK, Miss COLLINS of Michigan, and Mr. BROWN of Ohio.

H.R. 3258: Mr. CALVERT.

H.R. 3294: Mr. FOLEY.

H.R. 3331: Mr. DAVIS, Mr. FOGLIETTA, Mr. KILDEE, and Mr. STUPAK.

H.R. 3332: Mr. MILLER of California and Mr. STUPAK.

H.R. 3338: Mr. CANADY, Mr. BREWSTER, Mr. SENSENBRENNER, and Mr. LIPINSKI.

H.R. 3346: Mr. NETHERCUTT.

H.R. 3352: Mr. LANTOS, Mr. FRAZER, Mr. CONYERS, and Mr. LIPINSKI.

H.R. 3353: Mr. DELLUMS, Mrs. CLAYTON, Mr. FROST, Mr. MANTON, Mr. CONYERS, Mr. EVANS, and Mr. ACKERMAN.

H.R. 3362: Mr. DELLUMS, Mr. FRAZER, Mr. GREEN of Texas, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. CLAYTON.

H.R. 3393: Mr. ACKERMAN.

H.R. 3398: Mr. YATES.

H.R. 3434: Mr. TORRICELLI.

H.R. 3435: Mr. ZIMMER and Mr. UPTON.

H.R. 3477: Mr. TOWNS, Mr. BROWN of California, Mr. HILLIARD, Mr. ACKERMAN, Mrs. MINK of Hawaii, Mr. HASTINGS of Florida, Mr. BERMAN, and Mr. MILLER of California.

H.R. 3498: Mr. CUMMINGS.

H.R. 3518: Mr. ROHRABACHER.

H.R. 3530: Mr. LIPINSKI.

H.R. 3551: Mr. HASTINGS of Florida, Mr. FORBES, and Mr. BILBRAY.

H.R. 3556: Mr. WAXMAN, Mr. HORN, Mr. GILMAN, and Mr. BOUCHER.

H.R. 3564: Mr. MARTINI, Mr. SERRANO, and Mr. ENGEL.

H.R. 3590: Mr. STUPAK, Mr. LIPINSKI, and Mr. FATTAH.

H.R. 3606: Mr. WARD and Mr. ACKERMAN.

H.R. 3621: Mr. MCDERMOTT, Mr. MEEHAN, Mr. ACKERMAN, Mr. DOYLE, Mr. BORSKI, Mr. NADLER, Mr. OLIVER, Mr. LIPINSKI, and Mrs. MALONEY.

H.R. 3678: Mr. OLIVER and Mr. TALENT.

H.R. 3700: Mr. FROST, Mr. WALSH, Mr. CLYBURN, Mr. HINCHEY, Mr. PETERSON of Minnesota, and Mr. PACKARD.

H.R. 3725: Mr. ACKERMAN, Mr. MARTINEZ, and Mr. KLUG.

H.R. 3731: Mr. STUPAK.

H.R. 3757: Ms. NORTON.

H.R. 3768: Mr. MEEHAN.

H.J. Res. 114: Mr. POMEROY, Mr. MINGE, and Mr. POSHARD.

H. Con. Res. 179: Mr. PORTER and Mr. KIM.

H. Con. Res. 190: Mr. LIPINSKI, Mr. FUNDERBURK, Mr. MANTON, and Mr. MARTINI.

H. Con. Res. 191: Mr. BEREUTER.

H. Con. Res. 195: Mr. FLAKE, Mr. TORRES, Mr. PAYNE of New Jersey, Mr. YATES, Ms. MCKINNEY, Mr. DELLUMS, Mr. UNDERWOOD, Ms. PELOSI, Mr. FROST, Mr. PASTOR, Mr. SAWYER, Mr. BARRETT of Wisconsin, Mr. LIPINSKI, and Mr. FALEOMAVAEGA.

H. Res. 452: Mr. HERGER and Mr. LIPINSKI.

H. Res. 454: Mr. WARD and Mr. WISE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

74. By the SPEAKER: Petition of the Association of Hawaiian Civic Clubs, Honolulu, HI, relative to urging the U.S. President and Congress to reauthorize and maintain Federal funds for current native Hawaiian programs; to the Committee on Resources.

75. Also, petition of Paul Andrew Mitchell, relative to signed Oaths of Office for Federal Judges; to the Committee on the Judiciary.

76. Also, petition of J. Moseley, M.L. Edwards, F.E. Barnett, I.M. Allen, et al., citizens of various counties throughout California, relative to H.R. 2745, a bill to repeal the emergency salvage timber sale program enacted as part of Public Law 104–19; jointly, to the Committees on Agriculture and Resources.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3755

OFFERED BY: MR. FOX OF PENNSYLVANIA

AMENDMENT NO. 43: Page 66, line 9, after the dollar amount, insert the following: "(reduced by $1,923,000)".

Page 70, line 24, after the dollar amount, insert the following: "(increased by $1,923,000)".

H.R. 3755

OFFERED BY: MR. ROEMER

AMENDMENT NO. 44: Page 87, line 14, insert following new section:

SEC. 515. The amount provided in the Act for "DEPARTMENT OF EDUCATION—Student financial assistance" is increased; and each of the amounts provided in this Act for "DEPARTMENT OF LABOR—Pension and Welfare Benefits Administration—Salaries and expenses", "DEPARTMENT OF LABOR—Employment Standards Administration—Salaries and expenses", "DEPARTMENT OF LABOR—Occupational Safety and Health Administration—Salaries and expenses", "DEPARTMENT OF LABOR—Mine Safety and Health Administration—Salaries and expenses", "DEPARTMENT OF LABOR—Bureau of Labor Statistics—Salaries and expenses", "DEPARTMENT OF LABOR—Departmental Management—Salaries and expenses", "DEPARTMENT OF HEALTH AND HUMAN SERVICES—National Institutes of Health—Office of the director", "DEPARTMENT OF HEALTH AND HUMAN SERVICES—National Institutes of Health—Buildings and facilities", "DEPARTMENT OF EDUCATION—Departmental Management—Program administration", "Federal Mediation and Conciliation Service—Salaries and expenses", "Federal Mine Safety and Health Review Commission—Salaries and expenses", "National Council on Disability—Salaries and expenses", "National Labor Relations Board—Salaries and expenses", "National Mediation Board—Salaries and expenses", "Occupational Safety and Health Review Commission—Salaries and expenses", "Prospective and Payment Assessment Commission—Salaries and expenses", and "United States Institute of Peace—Operation expenses", are reduced; by $340,000,000 and 15 percent , respectively.

H.R. 3756

OFFERED BY: MR. METCALF

AMENDMENT NO. 45: Page 118, after line 16, insert following new section:

SEC. 637. For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1997 in the rates of basic pay for the statutory pay systems.