on International Relations, the Committee on the Judiciary, the Committee on Science, the Committee on Small Business, the Committee on Transportation and Infrastructure, and the Committee on Veterans' Affairs.

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

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

There was no objection.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 190 and rule XXIII, the Chair declares in the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2020.

□ 1035

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. 2020) 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, 1996, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, July 18, 1995, pending was amendment No. 6 offered by the gentleman from Maryland [Mr. HOYER], and title V was open for amendment at any point.

Pursuant to the order of the Committee of that day, further debate on that amendment and all amendments thereto will be limited to 80 minutes, equally divided and controlled by the gentleman from Maryland [Mr. HOYER] and the gentleman from Iowa [Mr. LIGHTFOOT].

The Chair recognizes the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Chairman, the gentleman from Maryland [Mr. HOYER] is detained in full committee. In order to facilitate the debate, we have an agreement with the minority side that I would yield time to the gentlewoman to present her debate and they will yield that time back to us after the gentleman from Maryland [Mr. HOYER] arrives.

Mr. Chairman, I yield 4 minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

The CHAIRMAN. Is this time yielded from the majority or is this time taken from the side of the minority?

Mr. LIGHTFOOT. Mr. Chairman, it is yielded from the majority's time with the understanding the minority is going to yield an equivalent amount of time back out of theirs so we still end up with the division we agreed on yesterday.

The CHAIRMAN. The gentlewoman from New York. [Ms. VELÁZQUEZ] is recognized for 4 minutes.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of this amendment. A far-right, self-righteous minority in this Chamber has inserted a repulsive, antiwomen provision into this bill. I implore my colleagues on both sides of the aisle to join me and the majority of the American people in rejecting paternalistic measures such as these.

Some million hard-working, public-minded women currently serve their Federal Government in every State of this Union. They often work under difficult circumstance, and usually for modest pay. Radical zealots in this Congress would now single out these women for discrimination.

No matter that two-thirds of private fee-for-service plans provide the full range of reproductive health services.

No matter that 70 percent of HMO's provide abortion coverage.

No matter that the majority of the people of this Nation support a woman's right to choose.

These self-appointed morality police would nevertheless deny over 1 million women their constitutional right to choose.

The supporters of this extreme provision may argue that they do not require a woman to bring their pregnancies to term—at least not yet. They would merely refuse to fund abortions under the Federal Employees' Health Benefits Program.

For many women, that is a distinction without substance. This antiwomen ban has no place in this appropriations measure. It signals a return to a very recent, shameless decade when this Government presumed to substitute its reproductive judgments for those of mature adult females and their health care professionals.

It is also a first, giant step backward toward the grim, not-to-distant past when back alley abortions were common horrors.

I urge my colleagues not to turn back the clock. Support this amendment, and preserve every woman's right to control her health, and her body, and exercise her sound judgment.

□ 1040

Mr. HOYER. Mr. Chairman, I will yield to the gentleman from Iowa [Mr. LIGHTFOOT] such time as was used by the gentlewoman from New York.

Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Massachusetts [Mr. OLVER], a former member of our subcommittee.

Mr. OLVER. Mr. Chairman, I thank the ranking member for yielding the time to me.

Mr. Chairman, I rise in strong support of the Hoyer amendment.

The right to choose is the law of this land. It is constitutionally protected.

Eliminating this right for one group of women—just because they happen to work for the Federal Government—is discrimination.

Under present law, a Federal employee who opposes abortion can choose 1 of the 345 plans which does not cover abortion.

But under the bill before us, no Federal employee is allowed the option of a plan which covers abortion.

Women in the Federal service should not be singled out and given no choice.

We must support the right of all women to choose. We must support the Hoyer amendment.

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

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

(Mr. NADLER asked and was given permission to revise and extend his remarks.)

Mr. NADLER. Mr. Chairman, I rise in support of this amendment which would remove from this bill dangerous language that once again strikes out at women. The language we are seeking to remove today says that women who work for the Federal Government—women who have made a commitment to public service—should not have the same rights offered to women working elsewhere.

Mr. Chairman, women in this Nation have a constitutionally protected right to choose whether to have an abortion. This is the law of the land.

But some Members of this House, realizing that the vast majority of the American people support a woman's constitutionally protected right to choose, are trying to do away with this fundamental right bit by bit, woman by woman.

We must not allow this to happen.

Because abortion is a legal medical procedure, most major health plans provide coverage for women who choose to have an abortion. Private insurance companies recognize that their female customers are perfectly capable of making this deeply personal choice without interference.

Do we think that our moral judgment is superior to that of the thousands of women serving our communities and our Nation? What do we know that major insurance companies, U.S. corporations, and the majority of our constituents do not know?

It is time to get off the high horse, to quit playing political games with the rights of women and to respect the moral judgment of the women we represent. I urge the adoption of this amendment.

Mr. LIGHTFOOT. Mr. Chairman, I yield 6½ minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I rise in very strong opposition to the Hoyer amendment, and I urge Members to realize that this is a pro-abortion amendment and would provide and facilitate abortion on demand. It would force taxpayers to underwrite the cost of abortions, and premium payers would also have to pay for abortions as well.

Mr. Chairman, let me remind Members that we contribute as taxpayers,

we contribute 70 percent, a little over 70 percent, of the funding to the Federal Employees Health Benefits Plan. Not only that, even if it was not a taxpayer-funded issue, by providing this money we are also facilitating, by providing this authority which would be precluded by the underlying language, we are facilitating the demise and the destruction of unborn children.

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

Mr. SMITH of New Jersey. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I want to thank the gentleman, because as I have said yesterday, he is a very close friend of mine, I have great respect for his integrity, and I want to say I think what the gentleman has just said is the gravamen of this debate, and is absolutely correct. This is not a taxpayer funding issue.

Mr. SMITH of New Jersey. Reclaiming my time, Mr. Chairman, it is a taxpayer-funding issue but it also provides and facilitates abortion by granting this authority to the HMO's and other providers of health care under the Federal Employees Health Benefits Program.

Mr. HOYER. Mr. Chairman, if the gentleman will continue to yield for 1 additional second, and I will yield him 30 seconds, so I am not eating into his time, does the gentleman know that CBO does not score this either way?

Mr. SMITH of New Jersey. Mr. Chairman, that is an accounting deal. We are talking about U.S. taxpayer dollars, mine, the gentleman's, going into a fund that then is doled out as part of the Federal Employees Health Benefits Program. Yes, there is a contribution made by the employee, roughly 30 percent, but there is also a 70-percent contribution made by the Federal Government, we as taxpayers, and then there are the premium payers. I myself, my wife and I, got out of Kaiser because they were providing abortions. We were providing premiums, so then both as taxpayer and as premium payer, we were contributing to abortion at Kaiser. We got out of it because we were so upset with the killing of unborn children at Kaiser Permanente.

Mr. HOYER. I understand the gentleman's view.

Mr. SMITH of New Jersey. At the National Prayer Breakfast last year, Mother Teresa addressed thousands of political leaders, including the President of the United States, Bill Clinton. It seems to me no one can listen to Mother Teresa and not be moved to believe that this small, frail, and humble woman, in her stands a very powerful message of peace and hope and of love. She looked directly at the President of the United States and said, ''Please don't kill the child. I want the child,'' she went on. ''We are fighting abortion with adoption, by care of the mother and adoption of her baby.'' Mother Teresa said, ''The greatest destroyer of peace today is abortion, because it is a war against the child, a direct killing of an innocent child.''

She also went on to point out during her very lengthy comments that ''there is a linkage between abortion and other forms of violence. Any country that accepts abortion is not teaching its people to love, but to use violence to get what they want.'' That is why ''the greatest destroyer of love and peace,'' according to Mother Teresa, and I fully agree, ''the greatest destroyer of love and peace is abortion.''

Mr. Chairman, abortion is violence. I tried yesterday to point out to some of my colleagues the we need to strip away all of the euphemisms, all of the cover and the cloaking that is done, all of the clever marketing that is done by the abortion industry to conceal the compelling reality, the awesome and gruesome reality of abortion on demand.

Mr. Chairman, abortion methods include dismembering innocent children with razor blades and suction devices or injections of chemical poisons that are designed to kill the child. There is more research being done by some of the pharmaceutical companies to find stronger and more lethal doses, not healing, not chemicals that will provide healing for children, but those that will do the deed more efficiently by killing the unborn child.

Abortion on demand, and this, the Hoyer amendment, facilities abortion on demand, treats pregnancy as a sexually transmitted disease, as a tumor, a wart, a piece of trash to be destroyed. Yet, if any one of us have ever watched an unborn child's image on an ultrasound or a sonogram screen, you cannot help but be awed by the miracle of human life, by the preciousness of a child's being, and moved to pity by the helplessness and the vulnerability of that child. To see an unborn child turning and twisting, kicking and sucking his or her thumb while still in utero, it shatters the myth that the abortion industry so cleverly markets that we are merely removing some tissue or the products of conception, or some of the other dehumanizing words used to describe the unborn child. Peel away the euphemisms that sanitize abortion, and the cruelty to children and their mothers becomes readily apparent to anyone with an open mind.

Mr. Chairman, I have worked for 15 years as a Member of Congress on human rights. I worked with the gentleman from Maryland [Mr. HOYER] on the Helsinki Commission, I am chairman of that commission, for religious freedom, trying to get dissidents out of prisons. I have been all over Europe, the People's Republic of China and other captive nations, but I would submit that the human rights issue of our time is the unborn child, the protection of those children, boys and girls who are routinely killed, some 4,000 each and every day in this country, and many millions more around the globe.

Before this amendment was in place, the U.S. Government paid for 17,000 abortions under the Federal Employees Health Benefits Program. Then the Congress wisely moved in and said ''No, we ought not to be doing that. We ought to be protecting life, not taking it,'' and the language went in and was renewed each and every year during the 1980's and the 1990's, and we stopped this facilitation and funding of abortion on demand.

Seventeen thousand children, that is a lot of kids, a lot of boys and girls who will not be playing basketball or soccer or baseball or any other sport or any other kind of activity because their lives have been snuffed out.

Government ought to care for the innocent and weak. This amendment is antichild. I urge rejection of it.

Mr. HOYER. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I thank my good friend, the gentleman from Maryland, for yielding time to me. He has fought long and hard on this issue.

Mr. Chairman, I do not know that we are ever going to permanently resolve it. I want to say to my friend, the gentleman from New Jersey [Mr. SMITH], I admire his deep-seated, sincere, emotional commitment on this issue. I wish that more people in this country felt as strongly about such an important issue as the gentleman from New Jersey does. In many ways, yes, it is a human rights issue.

However, I think the real issue that we have to face is who makes the decision. It is not really a matter of my trying to dissuade the gentleman from his strongly held views on abortion. I could not do that, because I do not particularly disagree with the gentleman from New Jersey. However, I would suggest that it is not up to him to make that decision for millions of women in this country, particularly those who are covered by the Federal employees health benefits plan.

We have already increased the retirement contribution, we have made sure that any Federal employee now has reason to feel insecure about their job, we have cut 272,900 positions, we have reduced their retirement benefits at the end, when they are ready to retire, and we are now capping their health insurance subsidy that the Federal Government provides, so it is a much worse plan than they would get in a large corporation.

Now we are saying that any woman and family who is employed by the Federal Government is going to be discriminated against in terms of their ability to make a decision with regard to the most personal, private, difficult medical conflicts that will occur in their lives. We are going to make that decision for them. There are 78 million women who have this coverage in the private sector, but because we control the Federal employees health benefits plan, we are going to take away this decision from women who work for our Federal Government.

Mr. Chairman, the American Medical Association looked at this extensively. It is the doctors who we should consult

when we make this decision. They came up with the conclusion that when you deny insurance coverage, invariably it leads to very serious complications, it causes women to have to delay an abortion when they would want to do it immediately, before a fetus is formed, but they look around for money to pay for the procedure, and then they have a procedure after the fetus is much further along, which is certainly not what the gentleman from New Jersey or his colleagues would want to happen. It also endangers the life of the woman having the procedure. That is wrong.

What we are trying to do in imposing our moral decisions on all the women who are covered by the Federal employees health benefits plan is wrong. We have no right to be doing this. There is a woman in my district, a Federal employee, she has two children. She got pregnant a third time. She had amniocentesis. It turns out that the fetus had Tay Sachs disease. She knew that that fetus, once born, was not going to live very long. Its spine would not be formed, it was going to have any number of diseases. Its brain probably would not be functioning. It would only suffer after being brought into this world.

She had to make a very difficult decision, because she is a very moral person, as all the people that we are talking about denying this coverage to are moral people trying to do the right thing. She felt it was in the best interests of that life within her body and of her family, to have an abortion. She did not want to have it. But it was the most responsible thing to do. Now, the gentleman from New Jersey [Mr. SMITH] and others would make that decision for her. She will no longer have that option. That option is foreclosed to her. That is wrong.

The view of the gentleman from New Jersey on abortion is not necessarily wrong. But it is wrong to be so intolerant of people who have different views. To impose one's moral decisions like that on others, just because we have the power of the purse, is wrong. We should not be doing it to Federal employees. We should not be doing it to women. We should be trusting women to make their own moral decisions on such profoundly important matters that will affect their bodies, their lives, and their families. I urge the Members, please do not include this in the bill, and support the amendment of the gentleman from Maryland [Mr. HOYER].

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentlewoman from the great State of Connecticut [Mrs. JOHNSON], chairman of the Committee on Standards of Official Conduct, which is a job nobody wants.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank my colleague, the gentleman from Iowa, for this opportunity to address the House on what I think is a very, very important issue.

I rise in strong support of the Hoyer amendment. Mr. Chairman, this is not about abortion, this is about equality. This is about personal responsibility. I am a Republican because I believe in personal responsibility. I believe in choice in health benefits, choice in education, work, responsibility. This is not like the Medicaid issue, where people can argue that this is 100 percent taxpayer dollars, and therefore, we have a right to say what those dollars ought to be spent on. These are wages. This is earned income.

Just as I believe every public employee can deal with spending their own earned income responsibly, I believe they can make responsible choices about what health benefit plan they want to participate in, as long as the Federal Government provides them with a significant series of choices of health benefit plans, and indeed, about half of the Federal health benefits plan include abortion and about half do not.

We are doing the responsible thing. We are providing our Federal employees the right to make the choice to invest in the health benefit plan that they choose to invest in as a result of the work they are putting in. This is part of their earned benefit. Therefore, this is not a Medicaid problem, this is an employee problem.

Let us look at the consequences of reaching into the benefit structure and Congress determining how that benefit structure ought to be shaped because there are public dollars involved. If Members vote against this amendment, the next step will be that this Congress will reach into every American's benefit plan, because there is not an American in this Nation whose benefit plan is not subsidized with tax dollars. We spend $80 billion every single year allowing employers to deduct the cost of health benefits. There is not a health benefit plan in America that is not publicly subsidized.

However, those benefit plans that are part of wage structures, where people have earned the right to have salary and benefit, those benefit plans ought to be treated differently than our involvement in Medicaid and ought not to be compromised by this body. Every employee ought to have the right to the full range of legal medical procedures without regard to whether their salary is paid or their health benefits plan is subsidized with public tax dollars. I urge strong support for the Hoyer amendment. Let us differentiate this from the larger debate.

□ 1100

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California [Ms. WOOLSEY].

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

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Hoyer amendment to H.R. 2020.

Mr. Chairman, today the Republican leadership is making yet another attempt to chip away at a woman's right to choose—the right to choose an abortion.

A few weeks ago, military women who are stationed overseas lost their right to use their own money for a safe and legal abortion in a military hospital.

Now, this appropriations bill will deny women who are Federal employees from receiving safe and legal abortions through their own insurance plans.

Who's next? I'll tell you who is next—poor women; rape victims; incest victims; women whose lives depend on access to safe and legal abortions. Mark my words, they are next.

Mr. Chairman, under the Republican majority, the right of American women to make their own decisions about their reproductive health is threatened every day. We cannot stand by and watch the rights of American women be violated.

I strongly, strongly urge my colleagues to stand up now, before it is too late, before the right to choose rings hollow for most American women. Stand up for the women who devote their lives to service in the Federal Government. Stand up for those women who look to us, Members of Congress, to protect their right to choose. Vote ''yes'' on the Hoyer amendment.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, the new regime in Congress seized power last year, claiming that the Democrats were out of touch. These Americans wanted Government out of their lives.

But, Mr. Chairman, what the new leadership is doing to a woman's right to choose is proof of just how out of touch the new regime is. The Supreme Court will not allow Congress to outlaw abortions directly, so we are faced with a proposal to prevent Federal employees from purchasing health insurance that covers abortion services.

We hear over and over again that Americans want Government off their backs. Yet today we are faced with this incredibly intrusive vision of Government. Denying abortion services to Federal employees is another knife attack on a woman's right to choose in America.

Mr. Chairman, an overwhelming majority of Americans support the right to choose. The erosion of that right in the 104th Congress defies the national will. It proves that the far right's championing of individual liberty rings hollow. I warn my Republican colleagues, make good on your own rhetoric. Support individual liberty. Protect a woman's right to choose.

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. HAYWORTH], who can play football all by himself.

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Iowa, I think, for that athletic observation.

Again we see and rejoice in the fact, Mr. Chairman, that good people can disagree on a variety of issues. Certainly there is disagreement on this issue this morning.

I rise in strong opposition to the Hoyer amendment. As we observe, there is an important and oftentimes divisive debate in this country about the morality of abortion and the sanctity of human life. It is my strong conviction that elective abortion is the taking of innocent life.

This amendment, however, goes far beyond the question of the legality of abortion. The Hoyer amendment seeks to make abortion a taxpayer-subsidized entitlement by allowing Federal employee health plans to provide abortion.

Currently, 72 percent of Federal employee health care premiums are paid by the Federal Government. It is my belief that Congress has no right to forcibly compel taxpayers, many of whom share my strong beliefs of the rights of the unborn, to pay for elective abortions.

Elective abortion is not health care. The Supreme Court has ruled that ''abortion is inherently different from other medical procedures because no other procedure involves the purposeful termination of human life.'' That finding was in 1980.

I urge my colleagues, especially those with whom I have a philosophical disagreement on this issue, do not make elective abortion a federally funded entitlement. For that reason I would ask my colleagues to join with me in opposition and ultimately to defeat the Hoyer amendment.

Mr. HOYER. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. I thank the gentleman for yielding me the time.

Mr. Chairman, I know the American public must be saying, ''I cannot believe this issue is back. They settled it last Congress. They settled it in that Congress consistent with the views of the American public. What is it doing back?''

A woman's right to choose should not depend on the vicissitudes of who is in charge. But it would appear that is the case for Federal employees. Mr. Chairman, this is not an issue about abortion. This is about discrimination. This issue is about discrimination in medical services directed at millions of Federal employees.

The other side would not have the nerve to raise this issue unless they characterized the funds involved as Federal funds. That is a transparent mischaracterization. Ask employees at IBM and AT&T whether the share of compensation that they pay for their medical is IBM's or is theirs. Don't insult Federal employees by saying to them that money they have earned, their own compensation, nevertheless still belongs to the Federal Government and is Federal funds.

Mr. Chairman, we are not talking about Medicaid. These are people who work every day, and buy their own health care. Federal employees are not on welfare. It is not up to you to tell them what to spend their health care money for. They can buy any other pregnancy-related service.

We are talking about 1.2 million women of reproductive age who happen to work for the Federal Government, and for that reason incur discrimination in health care. That is an abomination. You can only do it because you can reach your own employees and you cannot reach private sector employees.

How often does an American have to go outside of her own already paid-for health care plan to get medical care? Perhaps you have to go outside of your own health care plan to get a facelift. That is not what this delicate procedure is about.

Mr. Chairman, Federal employees have had enough. They are going through the most severe downsizing in history. They do not know whether they will get their pay raises and locality pay. They are called bureaucrats derisively, when they are risking their lives as FBI agents, or inspecting meat to make sure we do not risk out lives. You get them at work. Please do not get them in the bedroom. Stop the discrimination against Federal employees.

Mr. LIGHTFOOT. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Chairman, it is wrong for taxpayers to be forced to pay for Federal employees' abortions, but that is just what is happening today.

The work of the gentleman from Iowa [Mr. LIGHTFOOT], the chairman, on H.R. 2020 will change that, and it is about time.

Few would disagree that abortion is one of the most divisive issues in our Nation.

So why do the people of this country, many of whom believe abortion is wrong, have to help pay for a Federal employee to have an abortion?

The Lightfoot language would not apply when the mother's life is in danger. It would simply keep taxpayers from subsidizing abortion on demand for Federal employees.

Abortion advocates will call this a radical idea. I suggest that the only radical part of this debate is the current system, where people who believe life is sacred and are forced to subsidize the death of innocent children.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. I thank the gentleman for yielding me the time.

Mr. Chairman, this debate has been had over and over again as we have heard this morning. It is an attempt again to make the women of America second-class citizens and the women who work for the Federal Government third class.

It is beyond belief to me that you would say that we are using taxpayers' money, when what we are saying is that we are using the salaries of women who work legitimately for a living. There is not any other string that you put on a Federal employee's salary. Why in the world could you tell women what they can do with theirs?

We do not have any right, and we have no business prohibiting Federal employees' health care plans from offering coverage for legal abortion services to women just because they work for the Federal Government. Federal employees work hard for their salaries and benefits.

We ask a lot of the Federal employees. As the Government continues to downsize, we are asking even more. Right now, as far as pensions are concerned, they are going to be paying more and getting less.

Some of the Federal employees, like park rangers, people who work in parts of the American West, workers in the Murrah Building in Oklahoma City, face injury and death on the job. Do they not at least deserve a health benefits plan that is comparable to those offered in the private sector?

Two-thirds of all private insurers cover abortion and an even higher percentage of HMO's do. Why should Federal employees be treated like third-class citizens?

The argument that the ban on FEHBP coverage of abortions simply keeps Federal tax dollars from being used to pay for coverage is disingenuous. The Federal employee benefits are not Federal handouts. They are part of a Federal employee's wages and compensation.

I do not believe that employees of private businesses would stand for it one minute if their employer told them how to spend their salaries. Federal employees should get the same rights and respect.

Some opponents of this amendment want to use the ban on abortion coverage as one more advance in the fight against the right of American women to make their own personal choice on the abortion issue. I respect the right to oppose abortion. I urge support for the Hoyer amendment.

Mr. LIGHTFOOT. Mr. Chairman, I yield 3 minutes to the gentleman from the boot heel of Missouri, Cape Girardeau [Mr. EMERSON].

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri [Mr. EMERSON].

The CHAIRMAN. The gentleman from the show me State is recognized for 3½ minutes.

(Mr. EMERSON asked and was given permission to revise and extend his remarks.)

Mr. EMERSON. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding me the time.

Mr. Chairman, I rise in opposition to the Hoyer amendment. The Federal Government should not be in the business of funding abortions, nor should

taxpayers be forced to underwrite the cost of abortions for Federal employees.

The Federal Government currently contributes approximately 72 percent of the money toward the purchase of health insurance for its employees. Thus, taxpayers do provide a majority share of the funds to purchase health insurance for the Federal civilian work force.

If this amendment were adopted, the American taxpayers would be forced to underwrite the cost of abortion for Federal employees. In addition to taxpayer funds paying for abortions, premiums contributed by conscientiously opposed Federal employees will also be used to subsidize abortion on demand.

Abortion is not just another form of routine health care. In upholding the Hyde amendment, the Supreme Court has said that the Government can distinguish between abortion and other medical procedures.

I was glad to see the gentlewoman from the District of Columbia, in her discussion of the subject, at least distinguish between the efficacy of a facelift and that of an abortion, but a lot of people put them in the same bag. The court said abortion is inherently different from other medical procedures because no other procedure involves the purposeful termination of potential life.

□ 1115

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

Mr. EMERSON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank my friend from Missouri for yielding. I know that there are strong feelings on this issue, but the gentleman keeps saying subsidizing the abortion. The Federal employee, of course, gets a compensation package. The CBO has said there is no difference in the cost to the Federal Government with or without this. It is a choice of the employee of what policy they choose. The Federal Government does not buy the policy.

So my question to the gentleman is, the gentleman from New Jersey said this facilitates. I understand that and I think that is a valid point. All I am saying, and all that we are saying, is that the Federal employee has a compensation package. They have the opportunity to spend that. Whether this is in or out, there is no additional or less cost to the taxpayer. That is my point.

Mr. EMERSON. I understand the gentleman's point, but obviously I agree with the answer of the gentleman from New Jersey.

Mr. HOYER. On the facilitation.

Mr. EMERSON. I might also say, going a point further, we are talking about the most fundamental right, which is the right to life and the right to life should not be an elective choice. It is an entirely different thing.

Many of us in this body see it in an entirely different context than that being advanced by the gentleman from Maryland.

I agree that there is a very different, very fundamental different point of view here as to what an abortion constitutes and whether or not it should be permitted. It is very fundamental.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. I think the point whether or not CBO scores it or not is irrelevant. We are talking about a very huge investment of Federal dollars into an employee program that I am a part of, and perhaps every Member of this Congress, over which we have jurisdiction.

OPM has made it very clear, their general counsel year in and year out, that we can limit or we can provide, if the body so chose, to provide abortion on demand. We have that capability. It seems that where we can save even one life, we ought to step in on behalf of that individual, especially when we are facilitating it by tax dollars.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I thank the gentleman from Maryland [Mr. HOYER] for putting forth this amendment. Mr. Chairman, I look in front of me and I see Federal workers. No matter now raucous we get in this House, no matter how difficult the debate is, the Federal workers that I am looking at stay calm and make sure that our bills are complete, say what they are supposed to, and that every vote that is cast is recorded correctly.

Federal workers work hard. Federal workers run the Washington Monument. They run our National Parks. They staff our local Social Security offices, our veterans hospitals and your local soil conservation office, and they work hard and do good work. They work long hours. And as we have seen, obviously, Federal workers are called upon to risk their lives for the United States of America.

So why then, at this point in time, are we going to treat Federal workers as second class citizens? We are trying to deny health care coverage commonly available to almost everybody else in this country. Why should a Federal worker be held hostage to a political battle of wills that we know will take place and will continue to take place?

The answer is they should not be. The answer is we have always been proud in this country of our Federal workers. In other countries there has been problems with workers for the country, because you have to give a bribe. We never had that because we treat our Federal workers fairly and with respect.

In Communist countries, we found out when the Soviet Union fell what was happening with their workers. They were taking advantage of the people. Never in the United States of America does this type of thing happen, because the United States of America treats its Federal workers with respect and fairness.

Mr. Chairman, if we start to pick away at that, to discriminate against a Federal worker, where does it end? I thank the gentleman from Maryland [Mr. HOYER] for this amendment. This amendment says we treat Federal workers differently. That is wrong. That is absolutely wrong. Mr. Chairman, this amendment should win and I thank the gentleman for putting it forth.

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Hoyer amendment. As a Republican, as a mother of three and as a grandmother, I support it.

Mr. Chairman, I am saying today that if the Hoyer amendment fails, we are saying to Federal employees who are the victims of rape and incest that they do not have the same rights to choice and health insurance coverage as other citizens, even those who under present law are covered through Medicaid.

In other words, the Federal employees are third class citizens. I repeat, not even in cases of rape and incest can Federal employees exercise this right to health insurance under this legislation.

The illogic of this position held by many of my idealogically conservative colleagues is very clear to me. The same people who want to get the long arm of the Federal Government out of their lives, and are proposing to repeal all sorts of Government regulations on health and safety, would put the Government in control of this profound personal and moral decision.

Mr. Chairman, we should not even be debating this. This decision should be left to the woman involved, after consultation with her family, her physician, and her religious counselor.

The long arm of the Federal Government should not mandate such a profound moral decision.

Mr. Chairman, I want my colleagues to know that all the Hoyer amendment does is maintain the law as it is currently written and allow women the access to abortion in cases of rape and incest, not just when the life of the mother is in danger.

I do not think that is too much to ask. That is what we do under Medicaid coverage. Let us vote ''yes'' on the Hoyer amendment.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

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

Ms. HARMAN. Mr. Chairman, I rise in strong support of the Hoyer amendment to strike the language that prohibits Federal employees from choosing health care plans that include abortion services.

This is the latest in a series of assaults on a woman's right to choose. The consequence of this assault, like the others being pursued through the appropriations process, is to leave women's rights under Roe versus Wade hollow—effectively to repeal those rights without directly reversing the Supreme Court's decision.

Earlier this spring, the House passed a ban on privately-funded abortions in military hospitals overseas. Then came the provision preventing international family planning organizations from using their own funds to provide abortions. Now the assault continues with a ban on abortion services for Federal employees.

One ban after another—choice opponents are on their way to rolling back a woman's right to choose.

This is a discriminatory change from current policy. Choice opponents in the Congress are now singling out Federal employees to restrict a constitutional right. This is not about Federal funding—employees' own salaries are being withheld. It is about infringing upon employees' rights to bargain for their own benefits.

Congress has no place obstructing private insurance companies from offering services that are necessary to women's health. At least two-thirds of private health insurance plans currently include coverage for abortions.

Prohibiting Federal employees from choosing insurance plans that offer abortion services endangers their health. The question for our House colleagues is whether they can justify limiting Federal employees' constitutionally-protected rights and limiting their health care options simply because these women receive benefits through the Federal Employees Health Benefits Plan. I strongly believe we cannot.

Today's vote is part of a larger agenda to roll back a woman's right to choose without directly reversing Roe versus Wade. This provision hurts Federal employees, and I urge my colleagues to vote for equal rights and health services for Federal employees and their dependents.

Mr. LIGHTFOOT. Mr. Chairman, I yield 3 minutes to the gentlewoman from the State of Washington [Mrs. SMITH], a new Member of our body.

Mrs. SMITH of Washington. Mr. Chairman, I was in my office listening to this debate, and it always gets really confusing, because it comes back to the fact that we are always hearing the argument: It takes a woman's choice away.

This does nothing, nothing, the current bill, with the woman's right to choose. Women can still choose to terminate the life of their unborn baby. They can still terminate the life of their unborn baby clear through, in many States, the day before the birth as long as the woman decides she does not want that baby to take the first breath.

In another bill we will be discussing late term abortions, but that is not the issue here. The issue here today is whether or not American taxpayers, through their tax dollars, should fund a very controversial issue of taking away the life of a baby through the performance of an abortion. Abortion just means taking away the baby's life and deciding that baby will not grow up to be an adult.

Mr. Chairman, these folks still can use their adequate public salaries to buy this procedure from any doctor who will perform it throughout the 9 months of the baby's life, the first 9 months of the baby's life. It just says that people of conscience, including public employees, do not have to have their hard-earned dollars used for this procedure.

I think one thing that is clear in this controversial issue in America is that Americans do not believe their tax dollars should be used for taking a baby's life. Whether they believe that should be legal or not, they do not support taxpayer-funded abortions.

The bill as it came out of committee just says we will go on with the will of the people and we will not use the taxpayers' money to fund abortions. Very simply put: vote against this amendment. You will guarantee a woman's right to choose.

We are not talking about poor women. We are talking about public employees who are substantially, in many cases, and in most cases funded through salaries and should they want to choose to terminate the life of their baby, they can do it from their own money and not the taxpayers'. Vote no on this amendment and yes on the bill.

Mr. HOYER. Mr. Chairman, I yield 2 minutes and 40 seconds to the distinguished gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, I rise in support of the Hoyer antidiscrimination amendment because that is what this amendment is about; discrimination against young women who serve this country as public employees.

We are talking about the young park ranger who is the victim of rape. We are talking about the young nurse at a VA hospital who is the victim of incest. And what does this appropriations bill say to those young women? You cannot have the health care procedure that you and your physician think you should be able to have. That is discrimination, pure and simple.

We know that some 70 percent of the health maintenance organizations and the vast majority of private insurance companies in this country provide to those in the private sector the right to choose the procedure that they and their doctor think is appropriate.

But this bill, which fortunately the gentleman from Maryland [Mr. HOYER] has come forward and attempted to amend through an antidiscrimination provision, says do not consult your doctor, do not consult your family, do not consult with your minister or your rabbi, talk to your Member of Congress.

Mr. Chairman, that is outrageous. It involves the government in the most private of decisions that a young woman might choose to make, and that is wrong and that is discrimination against one group of our population, and that is the young women who serve this country so ably in public service.

Health care benefits are only a form of compensation. They are just like salary. What is the next thing going to be? The same kind of extremist views coming to the floor of this Congress and saying not in the future, not in the future do we want our Federal employees to spend their wages to get an abortion?

That is the same thing that is being done here. A form of compensation is being cut off from these young women, and the next step is to tell them how they are going to spend their Federal wages because those are tax dollars also, and yet they would be permissible under the current bill, but not under the next step.

This provision is harmful to women's health in this country. It suggests they cannot follow their physician's direction. It is unfair treatment. It has nothing to do with tax dollars being spent. It has everything to do with discrimination and the rights of young women.

□ 1130

We hear plenty these days from the political commentators about angry white men. I would say it is time to hear a little more about angry young women of all ethnic origins who should be angry about having this personal decision interfered with by this Congress.

Support this Hoyer antidiscrimination amendment.

Mr. LIGHTFOOT. Mr. Chairman, I yield 3½ minutes to the always calm and quiet gentleman from California [Mr. DORNAN].

Mr. DORNAN. Well I am a happy warrior Mr. Chairman, and I am in the minority. The world is 53 percent female, and I am not a WASP. I am a white Celtic Catholic, although I associate with mostly WASP's in this House of both genders.

But as a minority male, 47 percent on the globe, let me set history straight here a little bit. People speak about Roe-Wade on the other side of the aisle and a few on this side with reverence. Roe-Wade was a fraud. Roe, Norma McCovey, has never had an abortion. She has three daughters around this country. Each one, she wanted to kill them singly at the time. She never did succeed, thanks, to in the last case, the laws of Texas, and her daughters are all estranged from her, and they say, ''When you are through fighting drugs and/or alcohol, mother, will you stop telling the world you wished you had killed us, and then we will reconcile with you.'' That is the Norma McCovey story.

Roe-Wade is Dred Scott.

Now, for those of you who have, and I understand this, we have got to be

civilized in this debate, for those of you that see slavery as the God-awful demonic thing it was, beating and stealing the sweat off the brow of people throughout their whole life and breaking up families, if you cannot equate that with killing them, lynching them in the womb, then, of course, we have a basic disagreement.

The thing you say about choice is if a prospective mother, and my daughter-in-law is now pregnant with our 10th grandchild in the second month; this is when most abortions happen. She is looking forward to movement and quickening. This will be her third and Sally's and my 10th grandchild. I have lived through five of my own and now a 10th, with daughters and son and granddaughters and grandsons, I mean, daughter-in-law and sons-in-law, we are talking about life here.

If a woman says, ''I am going to have the baby,'' she suddenly becomes pro-life. If they choose death, then that is what the pro-choice thing is. It is death or life, and if this is an extremist position, well, I feel your pain because we are going to win this.

It is a funding issue, and those of us who equate it with slavery, who equate it with death, who equate it with flattening a brainwave with sucking brain tissue out, the thing that drives some of you crazy in subcommittee, and it will soon be on the floor as it was on the Senate floor, the partial birth abortion, where you take brain tissue out and kill the child in the birth channel, that is going to be a heck of debate later in this year; for those of you that do not equate it with snuffing out a life, every abortion stops a beating heart. I feel sorry for you because we are in the majority now. On stopping abortions for Federal workers in uniform in military hospitals, I remind you the vote was 230 to 196.

So, when George Bush broke his tax pledge, which had nothing to do with this issue, nine seats shifted in the House, and then a daughter replaced the father. That made 10 votes shift on this issue by sheer terrible coincidence; that was 20 up, 20 down. We shifted to the pro-abortion or pro-choice, if you want to use that term, side. Now, with every pro-lifer at the gubernatorial, Senate and House level winning in the country and 40 pro-abortion either retiring or most of them were defeated, it shifted. 230 was not on funding. This is on funding. Watch us go up to 240.

I repeat, I feel your pain. We will win Mr. Chairman.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Chairman, I rise today in strong support of the Hoyer amendment to the fiscal year 1996 Treasury Postal appropriations bill. Once again, legislation before this Congress threatens women's health and a woman's right to choose—a right guaranteed by the Constitution.

This is an issue of fairness. Women who work for the Federal Government deserve the same quality of care that women in private sector America enjoy. Furthermore, Federal employees should be allowed to use their health insurance to pay for a legal medical procedure.

Federal employees, like their counterparts in the private sector, currently can choose a health care plan that provides coverage for reproductive health services. Two-thirds of private health care plans provide such coverage for their beneficiaries. The Hoyer amendment preserves that right for the 1 million women enrolled in the Federal Employee Health Benefits Program.

Earlier this year, this House voted to prohibit servicewomen stationed overseas from using their own personal funds to obtain abortion services at military hospitals. This bill extends this discrimination another step by singling out women just because they work for the Federal Government.

It is clear that some in this Congress want to take away the right to choose for all women. To those who wish to overturn Roe versus Wade, I say have the courage of your convictions and schedule a vote to do so. This stealth campaign against a woman's right to choose—a right guaranteed by law—is deliberate and it's wrong.

American women have the right to choose. The Hoyer amendment simply reaffirms this right for the million women who work for the Federal Government. I urge my colleagues to support it.

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. GUTKNECHT], another member of our outstanding freshman class.

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me this time.

You know, this is a very difficult, divisive issue, and I think there are strong opinions on both sides.

I respect the people on both sides of this issue. I happen to believe that life is a sacred gift from Almighty God, and I do believe that we have a moral responsibility to stand up and speak out on the things we believe deeply in.

But having respect for that, I understand there are differences, but there is no difference on this, and that is that 72 percent of the funds, of the money that goes toward the purchase of health insurance, comes from the taxpayers of the United States of America. And it is interesting because that 72 percent represents about what you consistently see in the national polls of the American people that say that whether you believe abortion should be legal or illegal, over 70 percent believe that Federal funds should not be paid, used to pay for them.

So the issue here today is not necessarily whether you are for abortion or whether you are against abortion, whether you believe life is sacred or whether you believe it is not sacred. The issue is: Are we going to be used to pay for them?

I think I speak on behalf of the majority of the people in my district; I know I speak for the majority of all American people, whatever they happen to believe on that other issue, that taxpayers' funds should not be used to pay for them, and that is the issue before us today. That is the issue we are going to vote on in a few minutes, and that is why I hope that my colleagues will join me in opposing the Hoyer amendment.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER], who has been such an outstanding spokesperson for human rights and civil rights in this country.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Maryland for yielding, and I rise proudly in support of his amendment. The gentleman from Maryland is absolutely correct.

One of the prior gentlemen, speaking on the other side, says, ''We will win, we will win.'' Well, guess what, women will lose. American women will lose if this amendment does not pass.

Why? You hear on the other side people saying, well, conscience, conscience, that we do not want Federal taxpayers, who are paying Federal employees to have to have any of their money go for any of these benefits. Well, if you really want to apply that, then people who do not think the Pentagon should be spending so much money for B–2 bombers should not have to pay their taxes for that percentage, or people who do not believe in blood transfusions should not allow Federal employees to be able to get that done with their health care insurance, and on and on and on.

Is it is not interesting we do not apply this theory of conscience or anything to anything other than women? When it comes to women, we cannot dictate enough to them in this body, and this 104th Congress is ripping up Roe versus Wade every way it can.

It is saying to Federal employees, if we do not pass this amendment, If you are raped, if one of your children is the subject of incest, if you become pregnant and the pregnancy goes amiss and your health is in danger, oh, sure, you can get health treatment for it, but, guess what, you pay. You pay. You cannot have the health care coverage that the Supreme Court says you are entitled to. You are not given the same rights as people in the private sector.

I do not know when we are going to decide that we can lower the boom enough on women. When you look at the beginning of this century, women finally walked into first-class citizenship after working very hard to get that vote. We will soon be celebrating their having had that vote for 75 years, and let me tell you, if this Congress keeps doing what it is doing, we are going to finally learn how to use that vote and say to people we insist on

being treated the same as any other citizen and are tired of this.

Vote for the Hoyer amendment.

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. HOSTETTLER].

(Mr. HOSTETTLER asked and was given permission to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Chairman, I have come to the floor today to express my strong opposition to the gentleman from Maryland's amendment to strike the very reasonable provision in this appropriations bill to restrict abortion coverage in the Federal Employees Health Benefits Program.

We have heard arguments that the prohibition to deny abortion insurance coverage to Federal employees would mean that Congress would violate a woman's right to choose an abortion. This is simply incorrect. Individuals who wish to purchase abortion insurance coverage are free to do so in the marketplace and individuals who wish to end the life of their unborn child can also do so, but at their own cost. Americans should not be required to subsidize abortion on demand.

We are responsible for how we spend every tax dollar that the Federal Government collects from the American taxpayer. And from these tax dollars, the Federal Government currently contributes approximately 72 percent of the money toward the purchase of health insurance for its employees. Thus, taxpayers pay a majority of the funds to purchase health insurance for the Federal civilian work force.

This plan is not like any other health plan. This is the health benefits plan for the employees of the Federal Government and therefore, the American taxpayer needs to be considered as it is their money we are spending. This is not about discrimination, this is not about a woman's right to choose. This is about protecting American taxpayers from paying for something that violates their very core values and beliefs.

I firmly believe that killing an unborn child cannot be compared to every other medical procedure. Unfortunately, ending a pregnancy by an elective abortion may be an option that is available to every woman in this country. This fact does not in any way require that the American taxpayer be forced to finance these morally objectionable procedures. This is not health care. I would contend that this is anything but and I urge you to oppose this amendment.

Mr. LIGHTFOOT. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Chairman, I rise in opposition to the Hoyer amendment.

I wish colleagues will listen carefully to this.

It gets a little complicated. Basically, if we do not speak up against this, the Hoyer amendment is going to delete two paragraphs within the bill, which will allow abortion on demand.

The Federal Government pays a portion of the Federal employee benefits program; the premium that we all pay, the Government pays a portion of it. Nine million Federal Government employees, their dependents and retirees are covered under this plan.

Should the American taxpayers have an interest in the health care coverage of Federal employees? Absolutely. You bet. Most Americans, even if they can accept the idea of abortions, do not want to pay for them. Asking anyone to subsidize abortions is offensive enough; asking the American taxpayers, whose hard-earned labor pays for the Government employees' salary to underwrite elective abortions is just plain wrong.

I ask all of my colleagues, regardless of what position you are on this, we cannot strike those two paragraphs, because then we will have abortion on demand in the employee's Federal benefit health program.

□ 1145

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I really appreciate the gentleman, the chairman of the subcommittee, yielding this time to me, and I certainly appreciate the leadership that has come from the ranking minority member of that subcommittee for his leadership with regard to this amendment which I think is so important.

Mr. Chairman, I do not understand why we are doing this. With regard to Federal employees we are downsizing, we are increasing their retirement fees that they will be paying, and now we are taking away something else that has been part of their benefits package, their opportunity to choose for their health care.

Currently two-thirds of private fee-for-service plans and 70 percent of health maintenance organizations provide this abortion coverage. To not allow the FEHBP to provide this health service is harmful to women's health, and it discriminates against women and, certainly, Federal employees.

The Federal Employees Health Benefit Plans should be comparable to those that are offered in the private sector which, as I mentioned, overwhelmingly provide the full range of reproductive health services. They are part of the total compensation package earned by Federal and postal employees and thus should cover the full health needs of the employee. Arbitrarily banning any benefit effectively reduces earned wages.

Mr. Chairman, this is a promise made; it should be a promise that is kept.

The inequity of this measure is magnified by the fact that the Federal health care plan pays for other pregnancy-related services. If the funding ban goes into effect again, the approximately 1.2 million women of reproductive age who rely on the FEHB program must either pay with their own private funds or continue with an unintended pregnancy of major dimensions. The restriction would be put in place despite the fact that Federal workers do have a portion of their health premiums deducted out of their own paychecks.

Mr. Chairman, I ask this body to be sensible and to vote for the Hoyer amendment.

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes to the gentleman from the great State of Illinois [Mr. HYDE], our good friend and colleague.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I just wish to weigh in as strongly as I can with great respect to my good friend, the gentleman from Maryland [Mr. HOYER], in opposition to his amendment. If abortion is a good thing, or even a neutral benign thing, and one really believes that, then, as my colleagues know, they should support Mr. HOYER'S amendment. But if they believe that abortion is the purposeful killing of an unborn child, a little life that is on its way to enjoying citizenship, then it is wrong. It is a rejection, a repudiation, of the notion that one should be responsible for one's acts. It is an act not of compassion and of love, but of selfishness and coldness, and abortions are just a bad thing.

Mr. Chairman, that is my conviction. I do not take a gun to anybody's head and say, ''You have to think as I think,'' but I would appeal to the common sense and the logic of people who realize that abortion is really so abhorrent that we hardly use the word. We use ''pro choice.'' We use ''reproductive rights.'' We use all sorts of euphemisms to avoid confronting the fact that abortion is the deliberate killing of a life that has begun and a mother who should be the natural protector of her child suddenly its adversary.

Mr. Chairman, I resent that if my money is paying for this extermination of this pregnancy. It is not a termination. All pregnancies terminate at the end of 9 months, but this is an extermination of a little life that has begun and is entitled in simple justice to at least have that right to life, which is an endowment which the Creator, according to our Declaration of Independence, respected.

Now I say to my colleagues, 72 percent of the costs for these premiums is Federal money, your money and my money, and people say, ''Get the Government out of the bedroom.'' Well, get the Government out of our pockets paying for this heinous activity called abortion.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, this is a difficult debate, and, as has been correctly pointed out, the majority of Americans do not like abortion, but what is equally important to point out is that even a greater majority of Americans do not want the Government to make these kinds of decisions for American families.

I had an opportunity to make this decision. I was a mother at 18 under circumstances that were not optimal, but I made the decision that many people on the other side would want to see me make. I kept my baby. But the choice was much harder, much more difficult, and the life that it created was of a degree that I could have never anticipated. I had never guessed that I would find my self in a job market without skills, that I would be without health insurance, that I would not be able to buy a home, that I would get my education in a piecemeal way. That is what an early pregnancy means in real-life terms, and that is why it is important to let each and every family involved make these decisions for themselves.

I would never, having lived through it, force that kind of a decision on another human being. But the question here today is whether or not we will take away a perfectly legal and constitutionally protected choice for 1 million women simply because they work for the Federal Government. Whether or not we will allow the good burghers who populate Congress to decide the private decisions of American families, nothing could be so antithetical to the individual freedoms that the majority in this House preach in every other arena we discuss. They talk about returning to traditional values; well, let's go back to one that is basic to America: ''Mind your own business.''

The CHAIRMAN. The Chair wishes to inform the Committee that the gentleman from Iowa [Mr. LIGHTFOOT] has 8½ minutes remaining and the gentleman from Maryland [Mr. HOYER] has 7 minutes and 50 seconds remaining.

Mr. LIGHTFOOT. Mr. Chairman, I yield an additional 2 minutes to the gentleman from Illinois [Mr. HYDE].

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, in response to the gentlewoman's remarks which are common argument against our position, that we should ''mind our own business,'' that brings up a most interesting question:

Whose business is it when a member, tiny little member, of the human family is about to be killed? Is it anybody's business? Is it a matter of privacy only between the doctor and the pregnant woman, or is society involved?

I would remind the gentlewoman of the words of the great English poet, John Donne, who said ''Every man's death diminishes me for I am involved in mankind.''

Does society have any responsibility for the taking of an innocent human life? Mr. Chairman, she obviously says, ''No, turn your back, walk away,'' and I say, oh, no, we have a responsibility toward fellow human beings to protect them in the most basic right, which is the right to life.

I have seen animals protect their young with a compassion and tenderness that is very instructive. I have seen a crocodile scoop up eggs and carry them down to the waterside with a gentleness that was almost poetic, and then, when I think of the abortion mills, or reproductive health clinics, pardon me, churning out death, it is more than ironic. I say government exists to protect the weak from the strong, and the gentlewoman's party, political party, more than my party, has always been for the ones that are left out, left behind, the forgotten ones, but they sure ignore the unborn, and I take pride in the fact that my party looks to the unborn and will protect that unborn when the mother becomes its deadly adversary.

Ms. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from Michigan.

Ms. RIVERS. One of the issues that I see take place on a regular basis or strategy——

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

Mr. HYDE. The gentlewoman from Michigan can get time, Mr. Chairman, and we can have our colloquy.

Mr. HOYER. Mr. Chairman, I yield 50 seconds to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, the strategy that I see going on here is one that is used regularly, which is to argue this debate as if this decision will decide whether or not this choice will be available to American women. I say to the gentleman, ''You have lost that argument.''

Mr. HYDE. So. far.

Ms. RIVERS. The Constitution makes it very clear. This is about who will decide for 100 million women who work for the Federal Government whether it should be families involved making a decision within the law of the land or people here who want to operate in very paternalistic, intrusive, invasive ways in basic decisions. That is where we differ. That is what this issue is not, whether this should or should not happen. It is who should make the decision under the law, and I suggest, and the gentleman argues eloquently in every other area, that the Government is not the best entity to make these decisions.

Mr. HYDE. Mr. Chairman, will the gentlewoman let me say something? Will the gentlewoman yield?

Ms. RIVERS. I yield exactly the amount of time the gentleman yielded to me, which I think was about 8 seconds.

Mr. HYDE. Mr. Chairman, I think Roe versus Wade ranks right us there with Dred Scott as a terrible decision.

Ms. RIVERS. And the gentleman has the right to that opinion.

Mr. LIGHTFOOT. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. STEARNS].

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Chairman, I just want to ask or I want to respond to the gentlewoman from Michigan when she said it is the law of the land. I want to read to her what the Supreme Court of the United States has said, that Government can distinguish between abortion and, quote, other medical procedures. In upholding the Hyde amendment the Court said, quote, abortion is inherently different from other medical procedures because no other procedure involves the purposeful termination of a potential life.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. I see the distinguished gentleman from Illinois [Mr. HYDE] leaving the room, and I just want to say to the distinguished gentleman that I have great respect for the gentleman. We work together on many issues. In fact, on my committee I have been a strong advocate for the Adoption Opportunities Act, and I do think we have to encourage those who choose to have a child, and we want to help those mothers and those families protect that child and take care of that child, and that is why I am such a strong supporter and I have always advocated funding for that act. I just want to comment on a few things the gentleman said when we talked about the fact that we believe abortion is a good thing.

I am a mother of three beautiful grown children. I have been married for 34 years. I try to teach my children, and I hope some day I will have grandchildren, and, yes, I agree with the gentleman, to teach responsibility, to teach responsibility for one's own actions. I think we agree on that. But I do not think anybody in this room, or any woman I know who had to face that very difficult decision, would say that abortion is a good thing. When a woman has to make the very difficult decision with her religious counselor, her family, her doctor, or with whom she chooses to make that decision, it is very difficult.

My distinguished colleagues, are we going to say to people who are victims of rape, ''Victims of rape, you have to carry that rapist's child''? Are we going to say to victims of incest, to Federal employees who are victims of incest, ''You have to carry that person's child''? That seems to me to be uncommon indecency.

So I would like to say it is unfair for us to treat Federal employees with discrimination, and, in fact, why should we be taking women backward?

□ 1200

Mr. LIGHTFOOT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, obviously this is a difficult debate. The gentlewoman from New York [Mrs. LOWEY], who just spoke, made comments as far as what a woman faces, and I am sure those are difficult. But I stand here today as a product of an orphanage, and someone did not make the decision to have me terminated when I was a fetus, as the law describes it.

So I think there is a lot more to this than just what one individual thinks. In fact, personally, to my knowledge, there has only been one Immaculate Conception, and I think in this whole issue of unwanted pregnancies, we have too long overlooked the responsibility that the man has in the process as well. I think that is something that we should address. This is not the place to do it here today, but I believe it is part of the problem.

What we did with our subcommittee language was basically take the bill back to language that has existed for nearly 10 years, starting back in 1985. We are talking about an elective procedure, an abortion. It is as elective as getting a facelift, it as elective as getting a hair transplant.

We heard the gentleman from Texas [Mr. DOGGETT] refer to it a moment ago as a health care benefit. I have a little difficulty putting this kind of a procedure under a definition as a health care benefit. We look at a health care benefit as something to cure disease. It is a way to pay for cutting out a cancer. It is a way to repair someone that has been damaged in a car wreck or by abuse on our city streets, which brings me to an interesting point as it relates to abortion.

Under the law of the land, if a pregnant woman is en route to an abortionist to have an abortion and is involved in a car accident and the child she is carrying is killed as a result of that accident, the individual responsible for driving the other car is charged with murder. However, had she been allowed to continue that trip to the abortionist, it would have been considered a health care procedure.

Now, there is something very wrong with that picture. That is why I have stayed out of what is a very emotional debate, because it is difficult not to get emotional when you get into this. But I think because it is such a controversial issue, that the majority of the taxpayers, including those who believe that having an abortion is the right way to go, believe we just should not be using any Federal money to promote, to pay for the process.

I know there are a lot of emotional debates that can be made on either side of the argument. But, again, I would just ask my colleagues to look at this from the perspective as it is in our bill, as purely a funding issue we are talking about, and not the merits of it, and would again urge a no vote on the amendment of the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise on this issue as a father, and I want to point out that there has been a lot of emotional debate here. Let us stick to the facts. The facts are stated on page 63 of the bill, line 22. They say, no funds appropriated by this act shall be available to pay with any health care plan, any health care plan.

Now, in the Federal Government we go to the private sector and we ask the private sector to offer health care plans to our employees. Mr. Chairman, in the State of California that you and I represent, companies like Aetna, Cigna, Foundation Health Care, HealthNet, Blue Cross and Blue Shield, Met Life, Kaiser, and Maxicare, on and on, all offer health care plans not only to Federal employees, but to the 6,000 governments that exist in California, all those local governments, school governments, fire departments, water districts, all of those people that have public employees who are also paid by the taxes that pay the Federal Government.

So this issue before us is not the emotional one that you have been hearing debated. It is a contract issue, and it is a discriminatory issue. It essentially says, and this gets back to my point as a father, I buy a plan for my family. My daughter, 16, 17 years old, just became 17 years old, if she visits me here in Washington, gets raped in Washington, what this plan says is the health care plan I buy cannot cover the medical emergency procedures she would need to terminate a pregnancy caused by rape.

That is absurd. That is discriminatory. It does not just discriminate against women, it discriminates against fathers. It discriminates against people who give their life to come work for the Federal Government. And if this were really what you wanted to do, then you would prohibit States, you would prohibit local governments, you would prohibit everybody in the public sector from having such plans. Mr. Chairman, I urge the support of the Hoyer amendment and reject the bill.

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

Mr. Chairman, we have had a debate, and we have talked about an emotional, wrenching issue. Previously, the gentlewoman from Michigan [Ms. RIVERS] said we have a legal medical procedure. You can refer to it however you want. It depends upon your perspective. This is not a taxpayer's issue. CBO says we will pay the same thing for insurance policies with or without this coverage. Our contribution will be the same. The taxpayer will not be asked to pay one additional nickel.

Yes, the taxpayer pays for the Federal health benefit, but the taxpayer also pays for the salary. Who rises here to say that a Federal employee may not spend their salary money as they see fit on legal objectives in this country? Who here rises to say that?

Apparently, Mr. Chairman, nobody rises to say that.

The fact of the matter is, employees, as I said at the beginning of this debate, have a compensation package. It is composed of three parts: Salary, health benefits, and retirement. Who rises here to say that the retirement of a Federal employee, because it comes, obviously, from taxpayers and the Federal Treasury, cannot be spent except in the way that we tell them to do on legal objectives?

That is what this issue is about, the denigration of Federal employees as employees and as citizens of this country. That is what this debate is all about, Mr. Chairman.

The issue of abortion would be raised if we precluded that from being purchased by anybody, Federal employees or others. But that is not what this issue says. It says if a Federal employee is raped or becomes pregnant as a result of incest, that their health care policy cannot cover that. Who here rises to say that that is a policy that we ought to pursue?

Mr. Chairman, I would hope that we could step back from the passion of this issue, of the strongly held convictions and what I believe to be absolutely justifiable perspectives that Members on both sides of this issue have. It is a difficult issue for Government to deal with.

But I think it is not a difficult issue to say that Federal employees will be in the same position as every other American when they purchase a health care policy. Their employer will pay a portion of the premium, they will pay a portion of the premium, and they will select a policy of their choice.

I would hope that we would expunge this language from the bill.

Mr. LIGHTFOOT. Mr. Chairman, to close debate, I yield the balance of my time to the gentleman from New Jersey [Mr. SMITH].

The CHAIRMAN. The gentleman from New Jersey is recognized for 3 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, why all these abortion votes and debates on appropriations bills? It is precisely because unless we affirmatively and explicitly prohibit funding for abortion in a myriad of Federal programs, like the Federal Employees Health Benefits Program, abortion will be paid for with tax funds. The simple fact of the matter is that the abortion industry is like a lamprey, a leech, draining taxpayer funds from the Federal Treasury unless specific language precludes its use.

The underlying bill language offered by the gentleman from Iowa, Chairman LIGHTFOOT, halts the flow of taxpayer funds for this program, and I congratulate him for his courage and very sensitivity to women and children in doing this.

Two earlier speakers suggested that this debate is not about abortion, but surely it is. However, that line of argument has been used in the past when the Hyde amendment was up, it was about economic equity for poor women vis-a-vis rich women. When the D.C. bill came up, it was the home rule question. When the DOD bill comes up, it is military health care.

Mr. Chairman, this amendment is about abortion. Prior to its inclusion back in the early 1980's, the Federal Employees Health Benefits Program paid for 17,000 abortions. That is a lot of children who have died.

Mr. Chairman, children are not property. Children are not objects. I applaud the feminists when they say women should not be treated as objects. But where is the consistency when the pro-abortion feminists turn around and say unborn children can be reduced to per sona non grata, to someone who can be killed, boys and girls, at will?

The Hoyer amendment would fund the deed of abortion, and that is why I think it is so crucial to realize that we are part of that. We are actually paying for the deed if Members were to support the Hoyer amendment. And the abortion methods are gruesome, literal dismemberment of an unborn child, chemical poisoning of children, injections of poisons. Not injections of medicines that are designed to safeguard, help, and nurture the child, but poisons that have only one intent—destroy the baby, bring on labor, and produce that child.

Some years ago I met a young lady, my wife and I, by the name of Nancy Jo Mann, that is her real name, from Iowa. She had a perfectly legal abortion at 5½ months. She talked about it at great length before a House committee. She said, ''Once they put the saline in, there is no way to reverse it. For the next hour and a half, I felt my daughter thrash around violently while she was being choked, poisoned, burned, and suffocated to death. I did not know any of this was going to happen. I remember telling my baby, I didn't want to do this. I wished that she could live, and yet she was dying. And I remember her very last kick on her left side. She had no strength left. I tried to imagine us dying that kind of death, a pillow put over us, suffocating. In 4 minutes we would pass out. We would have the fight of passing out. It took her an hour and a half to die.''

The Hoyer amendment, make no mistake about it, will fund chemical poisonings like the one that killed Nancy Jo Mann's baby. That is what this is all about, funding the deed. I urge rejection.

Ms. FURSE. Mr. Chairman, we had a bill on this House floor just a month ago that discriminated against women who are serving in our military by denying them the full range of medical services at military hospitals overseas. Now we have another bill before us that discriminates against our women Federal employees.

Women serving the Federal Government deserve the same civil rights as the vast majority of American women whose private insurance plans cover the full range of reproductive health services.

This Treasury/Postal Service appropriations bill contains a discriminatory policy that represents another step in the anti-choice campaign to take away health insurance coverage for abortion for all women. With this bill, anti-choice Members of Congress are attempting to deny comprehensive insurance coverage to more than 1 million women who work for the Federal Government.

Men who work for the Federal Government are able to get the medical services they need. Unfortunately, this bill treats women like second-class citizens.

Singling out abortion for exclusion from health care plans that cover other reproductive health care is harmful to women's health and discriminates against women in public service.

I urge the House to reverse this unfair and unwise decision and move women forward, not down the road to the back alleys.

Mr. TORKILDSEN. Mr. Chairman, I support the Hoyer amendment.

While I oppose Federal funding of abortion, I strongly take issue with the argument that this bill, in fact includes Federal funding. The benefits package offered to Federal employees is the compensation that they received for public service. If we follow the same logic used by those opposed to this amendment, this Congress will soon be dictating how Federal employees spend their paychecks, because their paychecks are—of course—Federal funding. Voting against this amendment will set a dangerous precedent of congressional encroachment into the personal lives of this Nation's employees. Next, we will be mandating that Federal employees buy only domestic consumer goods, or deny them the option of sending their children to private or parochial schools. These edicts are as ridiculous as the one embodied in this bill.

Frankly, I am shocked that the bill's language does not even include a caveat for victims of rape and incest. Where is the language embodied in the current Hyde amendment? It is absolutely unconscionable that this bill does not provide coverage for those who were forced against their will to engage in sexual intercourse. I thank Chairman LIGHTFOOT for expressing the same concern, but I don't feel this House should just leave this issue up to the Conference Committee. Victims of rape and incest deserve the same coverage that beneficiaries of Federal entitlement programs. It is a fundamental matter of fairness.

Ms. NORTON. Mr. Chairman, I rise in strong opposition to the Packard/Dornan amendment to HR 2020, the Treasury, Postal Service, and General Government Appropriations Bill for fiscal year 1996, and in strong support of the Lightfoot substitute amendment. The Packard/Dornan amendment, in seeking to redress a few well-publicized abuses in a few isolated Federal employee training programs, employs a shotgun approach that would preclude Federal employees from receiving potentially lifesaving information regarding the transmission of HIV/AIDS.

HIV/AIDS is the leading killer of Americans age 25–44. Under the Federal Work Place HIV/AIDS Education Initiative, Federal employees are provided with accurate and comprehensive information on how HIV/AIDS is, and equally important in the work place, is not transmitted. This vitally important initiative is protected under the Lightfoot substitute amendment; it is eviscerated under the Packard/Dornan amendment.

Supporters of the Packard/Dornan amendment would lead people to believe that the Federal Government, in offering such HIV/AIDS training, is acting in an extreme or unusual manner. This is not the case. HIV/AIDS prevention and education training is supported by the Centers for Disease Control and Prevention and the American Red Cross. Likewise, a sizable number of Fortune 500 companies such as AETNA Life Insurance Company, RJR Nabisco, Eastman Kodak, IBM and employ HIV/AIDS training in their work places.

I urge my colleagues' strong opposition to the Packard/Dornan amendment and ardent support for the Lightfoot substitute.

The CHAIRMAN. Under the unanimous consent agreement, all time has expired.

The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER].

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

RECORDED VOTE

Mr. HOYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 235, not voting 11, as follows:

[Roll No. 526]

AYES—188

Abercrombie	Filner	Longley
Ackerman	Flake	Lowey
Baesler	Foglietta	Luther
Baldacci	Foley	Maloney
Barrett (WI)	Frank (MA)	Markey
Bass	Franks (CT)	Martinez
Becerra	Franks (NJ)	Martini
Beilenson	Frelinghuysen	Matsui
Bentsen	Frost	McCarthy
Berman	Furse	McDermott
Bishop	Ganske	McHugh
Boehlert	Gejdenson	McInnis
Bonilla	Gephardt	McKinney
Boucher	Gibbons	Meehan
Brown (CA)	Gilchrest	Meek
Brown (FL)	Gilman	Menendez
Brown (OH)	Gonzalez	Meyers
Cardin	Gordon	Mfume
Castle	Green	Miller (CA)
Chapman	Greenwood	Miller (FL)
Clay	Gunderson	Mineta
Clayton	Gutierrez	Minge
Clyburn	Harman	Mink
Coleman	Hastings (FL)	Molinari
Collins (IL)	Hefner	Moran
Condit	Hilliard	Morella
Conyers	Hinchey	Nadler
Coyne	Horn	Neal
Cramer	Houghton	Obey
Davis	Hoyer	Olver
DeFazio	Jackson-Lee	Owens
DeLauro	Jacobs	Pallone
Dellums	Jefferson	Pastor
Deutsch	Johnson (CT)	Payne (NJ)
Dicks	Johnson (SD)	Payne (VA)
Dingell	Johnson, E. B.	Pelosi
Dixon	Johnston	Peterson (FL)
Doggett	Kelly	Pickett
Dooley	Kennedy (MA)	Pomeroy
Durbin	Kennedy (RI)	Porter
Ehrlich	Kennelly	Pryce
Engel	Klug	Ramstad
Eshoo	Kolbe	Rangel
Evans	Lantos	Reed
Farr	Lazio	Richardson
Fattah	Levin	Rivers
Fawell	Lewis (GA)	Rose
Fazio	Lincoln	Roukema
Fields (LA)	Lofgren	Roybal-Allard

Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stokes
Studds
Tanner
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOES—235

Allard
Archer
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonior
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Forbes
Fowler
Fox
Frisa
Funderburk
Gallegly
Gekas
Geren
Gillmor
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McIntosh
McKeon
McNulty
Metcalf
Mica
Mollohan
Montgomery
Moorhead
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
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
Tucker
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Andrews
Armey
Bryant (TX)
Collins (MI)
Crane
Ford
Hastert
Moakley
Myers
Reynolds
Stark

□ 1236

The Clerk announced the following pair:

On this vote:

Mr. Andrews for, with Mr. Armey against.

Mr. MARKEY changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Chairman, on rollcall vote No. 526, I was unavoidably detained. Had I been present, I would have voted ''no.''

Mr. HOKE. Mr. Chairman, I move to strike the last word to engage the chairman of the committee in a colloquy.

Mr. Chairman, as we know, the Congress has doubled the IRS' budget over the past 10 years, and the agency has actually increased its employment by 20 percent. Yet there are grave concerns that it remains inefficient, mistake-ridden, and is not up to present commercial practices that are being used in private commercial industry today. Few Americans can really say they are impressed by the IRS and that they believe that the agency deserves the raises it has received in recent years.

In fact, on February 16, 1995, the GAO testified before the gentleman's Committee on Appropriations during a hearing on the IRS' tax system modernization program. The GAO outlined many fundamental problems that would prevent the IRS from implementing that TSM, the tax system modernization system.

Among the glaring problems that were found out are a lack of sufficient technical and management expertise and skills to implement it, an inability to take into account changes during the development of TSM, and a lack of development priorities, performance measures, or technical guidelines.

My understanding is that our budget does in fact cut certain aspects of the IRS' budget for the next year, including some of the more invidious, invasive, and frankly, very difficult regulatory processes that they use to torment Americans. Yet, we are increasing the tax processing area of the budget.

What I would like to know, Mr. Chairman, from the chairman, is what exactly is he doing to make sure that the IRS is not going to abuse the trust that we are putting in them with respect to improving their tax processing methods?

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

Mr. HOKE. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, I thank the gentleman for yielding.

In fact, Mr. Chairman, one of the provisions that the gentleman will find within the bill relates to tax system modernization. I would even suggest that the gentleman from Maryland [Mr. HOYER] has been interested in this issue as well. What we are basically doing, we are fencing off any money to be used for TSM until the IRS implements a specific plan that follows the recommendations of the General Accounting Office, which has been very critical of the past actions of IRS, and until such time as that plan is submitted with GAO approval, that money is fenced off. They will not get it this year, so it is off limits until they comply.

I also, when we meet with our Senate counterparts, will carry the gentleman's concerns as well as a lot of the other's with us to that particular meeting, and hopefully keep their feet to the fire until we get the bang for the buck, so to speak.

Mr. HOKE. If I can continue with one other line of thinking, Mr. Chairman, and I thank the gentleman for his input on that, another area that is of a great deal of concern to Members and particularly to me has to do with collections, and what we are doing in that area. We have, I believe, a great deal to learn from what other local and State municipalities have done in this area around the country. The fact is that we have, as I understand it, over $100 billion in uncollected funds. It seems to me that the IRS has exemplified a kind of a top-down buldgeon approach to its collection efforts, as opposed to the sorts of efforts that have been very effective in the private sector.

What are we doing here in the Congress to deal with that problem, and are we doing anything that is going to get into privatizing the collection process so that we are not using this kind of overwrought and heavy-handed Federal and law enforcement type of approach?

Mr. LIGHTFOOT. If the gentleman will continue to yield, in the area of tax collections the figure is closer to $400 billion, rather than $100 billion, which could make a huge hole in the deficit, if we could collect that fund. Quite frankly, the tax systems modernization problem feeds into the problem of not collecting the taxes, because the IRS is working with 1950's and 1960's technology out of cardboard boxes, so it all works together.

Mr. HOKE. People who when handling the House Finance Office were also advising the IRS, would the gentleman say?

Mr. LIGHTFOOT. I am not sure of that connection, but what we are providing in the bill is a pilot project wherein we will allow private collectors to go after some of these legitimately owed taxes, but with all the protections that are necessary to protect the taxpayers and the taxpayers' bill of rights, so there is plenty of protection there.

Mr. HOKE. I am glad to hear that, and I thank the gentleman for the colloquy.

Mrs. MORELLA. Mr. Chairman, I move to strike the last word to enter into colloquy with the chairman of the committee.

Mr. Chairman, would section 528 of the bill, I would ask the chairman, alter the current definition of training in chapter 41 of title V in the United States Code? I ask, because this definition places emphasis on training which will improve individual and organizational performance and assist in achieving the agency's mission and performance goals.

Mr. LIGHTFOOT. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. I would like to inform the gentlewoman that it would not, Mr. Chairman. I share her concerns. I think it is important that agencies continue to use their strategic plans and missions as a framework for conducting their training.

Mrs. MORELLA. I am pleased to hear that, and I thank the gentleman.

Ms. NORTON. Mr. Chairman, I move to strike the last word to engage in a colloquy with the gentleman from Iowa.

Mr. Chairman, I rise to express my concern that the Committee on Appropriations has failed to fund the IRS compliance initiative. The House bill calls for a $139 million cut. According to the IRS, this would result in a loss of 8,000 to 10,000 FTE's.

□ 1245

Last year Congress approved a 5-year initiative at a cost of $405 million annually to hire 5,000 compliance personnel at IRS. The IRS predicted that this initiative would bring in $9.2 billion in revenue that would otherwise go uncollected. The IRS has hired or in many cases reassigned the personnel, and CBO and GAO have indicated that the revenue projection targets are on track.

If this compliance initiative is not fully funded this year, IRS employees may have to be RIF'd and revenue owed the U.S. Government will go uncollected. Such shortsightedness would not be tolerated in the private sector, and should be rejected by us as well.

Mr. HOYER. If the gentlewoman will yield, I want to tell the gentlewoman from the District of Columbia that I share her concerns.

Ms. NORTON. I understand that when the bill goes to conference, the gentleman from Maryland [Mr. HOYER] hopes to provide some additional funding for this program.

Mr. HOYER. If the gentlewoman will yield further, very definitely I will seek additional funding for this program. I plan to work with the administration officials, with the gentleman from Iowa [Mr. LIGHTFOOT], the chairman, and the House and Senate conferees in increasing the funding for this initiative.

As the gentlewoman has observed, by cutting the funding for this initiative and stretching it out, we will collect less funds. The reason last year we put this off-budget was because CBO and, in a bipartisan fashion, the Committee on the Budget agreed that this was a moneymaker, not a moneyloser, so that if we do not invest these funds, we will lose in terms of collections.

I share the gentlewoman's view and I will be pursuing that objective in conference.

The CHAIRMAN. Are there any further amendments to title V?

If not, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—GOVERNMENTWIDE GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SECTION 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1996 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided,* That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided,* That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further,* That the limits set forth in this section may not be exceeded by more than five percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further,* That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–24.

SEC. 606. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975, or (6) nationals of the People's Republic of China that qualify for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided,* That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further,* That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further,* That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further,* That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention and recycling programs as described in Executive Order 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive Order.

(2) Other Federal agency environmental management programs, including but not

limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided,* That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. Any department or agency to which the Administrator of General Services has delegated the authority to operate, maintain or repair any building or facility pursuant to section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended, shall retain that portion of the GSA rental payment available for operation, maintenance or repair of the building or facility, as determined by the Administrator, and expend such funds directly for the operation, maintenance or repair of the building or facility. Any funds retained under this section shall remain available until expended for such purposes.

SEC. 612. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided,* That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 613. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 614. Funds made available by this or any other Act to the ''Postal Service Fund'' (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 615. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 616. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal year ending on September 30, 1996, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 617 of the Treasury, Postal Service and General Government Appropriations Act, 1995, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1996, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 617; and

(2) during the period consisting of the remainder of fiscal year 1996, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1996 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1996 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1995 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1995, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1995, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1995.

(f) For the purpose of administering any provision of law (including section 8431 of title 5, United States Code, and any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 617. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. For the purposes of this section, the word ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 618. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

SEC. 619. (a) No amount of any grant made by a Federal agency shall be used to finance the acquisition of goods or services (including construction services) unless the recipient of the grant agrees, as a condition for the receipt of such grant, to—

(1) specify in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and

(2) express the amount announced pursuant to paragraph (1) as a percentage of the total costs of the planned acquisition.

(b) The requirements of subsection (a) shall not apply to a procurement for goods or services (including construction services) that has an aggregate value of less than $500,000.

SEC. 620. Notwithstanding section 1346 of title 31, United States Code, funds made available for fiscal year 1996 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. 621. Notwithstanding any provisions of this or any other Act, during the fiscal year ending September 30, 1996, and hereafter, any department, division, bureau, or office may use funds appropriated by this or any other Act to install telephone lines, and necessary equipment, and to pay monthly charges, in any private residence or private apartment of an employee who has been authorized to work at home in accordance with guidelines issued by the Office of Personnel Management: *Provided,* That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.

SEC. 622. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a

position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 623. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1996 shall obligate or expend any such funds, unless such department, agency or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 624. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: *Provided,* That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designee(s), persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 625. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

SEC. 626. (a) Beginning in fiscal year 1996 and thereafter, for each Federal agency, except the Department of Defense (which has separate authority), an amount equal to 50 percent of—

(1) the amount of each utility rebate received by the agency for energy efficiency and water conservation measures, which the agency has implemented; and

(2) the amount of the agency's share of the measured energy savings resulting from energy-savings performance contracts

may be retained and credited to accounts that fund energy and water conservation activities at the agency's facilities, and shall remain available until expended for additional specific energy efficiency or water conservation projects or activities, including improvements and retrofits, facility surveys, additional or improved utility metering, and employee training and awareness programs, as authorized by section 152(f) of the Energy Policy Act (Public Law 102–486).

(b) The remaining 50 percent of each rebate, and the remaining 50 percent of the amount of the agency's share of savings from energy-savings performance contracts, shall be transferred to the General Fund of the Treasury at the end of the fiscal year in which received.

SEC. 627. Notwithstanding any other provision of law, there is hereby established a Commission which shall be known as the ''Commission on Federal Mandates'' (hereafter referred to as the ''Commission''): *Provided,* That the Commission shall be composed of nine Members appointed from individuals who possess extensive leadership experience in and knowledge of State, local, and tribal governments and intergovernmental relations, including State and local elected officials, as follows: (1) three Members appointed by the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives; (2) three Members appointed by the majority leader of the Senate, in consultation with the minority leader of the Senate: and (3) three Members appointed by the President: *Provided further,* That appointments may be made under this section without regard to section 5311(b) of title 5, United States Code: *Provided further,* That in general, each member of the Commission shall be appointed for the life of the Commission and a vacancy in the Commission shall be filled in the manner in which the original appointment was made: *Provided further,* That (1) Members of the Commission shall serve without pay; (2) Members of the Commission who are full-time officers or employees of the United States may not receive additional pay, allowances or benefits by reason of their service on the Commission; and (3) Each Member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code: *Provided further,* That the Commission shall convene its first meeting by not later than 15 days after the date of the completion of appointment of the Members of the Commission: *Provided further,* That the Commission shall report on Federal mandates as specified in sections 302 (a), (c), (d), (e), and (f) of Public Law 104–4: *Provided further,* That the Commission shall have all authorities specified under section 303 of Public Law 104–4: *Provided further,* That the term ''Federal mandate'' shall have the same meaning as specified in section 305 of Public Law 104–4, notwithstanding sections 3 and 4 of that law: *Provided further,* That the Commission shall terminate 90 days after making the final report identified above.

AMENDMENT OFFERED BY MR. DUNCAN

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

The Clerk read as follows:

Amendment offered by Mr. DUNCAN: Page 84, after line 17, insert the following new section:

SEC. 628. The amounts otherwise provided in this Act under the heading ''General Services Administration—Federal Buildings Fund—Limitations on Availability of Revenue'' for the following purposes are each reduced by $65,764,000:

(1) Aggregate amount available from the Fund.

(2) Total amount available from the Fund for construction of additional projects.

(3) Amount available for new construction, Maryland, Montgomery and Prince George's Counties, Food and Drug Administration, Phase II.

(4) Amount in excess of which revenues and collections accruing to the Fund shall remain in the Fund.

Mr. DUNCAN (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 Tennessee?

There was no objection.

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 30 minutes, with the time being equally divided between the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Maryland [Mr. HOYER].

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

There was no objection.

The CHAIRMAN. The gentleman from Tennessee [Mr. DUNCAN] will be recognized for 15 minutes, and the gentleman from Maryland [Mr. HOYER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

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

Mr. Chairman, I rise today to offer an amendment that will strike $65 million from the General Services Administration for the purchase of 100 acres of land and for the design and new construction, or at least the beginning thereof, of yet another building for the Food and Drug Administration.

The Citizens for a Sound Economy have strongly endorsed this amendment in a letter that I sent to all of my colleagues yesterday. This amendment is also endorsed by the National Taxpayers Union. The Citizens Against Government Waste so strongly opposes this project that they have announced that they will score this amendment as a key vote for their 1995 congressional ratings.

I serve, Mr. Chairman, on the Subcommittee on Public Buildings and Economic Development, and we did not authorize this building. It has never been in front of our subcommittee.

The main point I want to emphasize is, this could turn out to be a very, very expensive project. Not only will this amendment save $65 million now, but it will also help stop what potentially could involve over $1 billion for a project in Maryland which has been referred to as a Taj Mahal complex.

In 1990, the FDA requested appropriations for a new complex of buildings. The original cost estimates from the GSA and the FDA for these buildings was $1.3 billion. In response to great concern over lavish and excessive Federal construction, the GSA reduced this estimate to somewhere between $810 and $890 million.

I believe, Mr. Chairman, that we are starting down a very slippery slope here. In a few years we could well be reading articles about the billion dollar FDA boondoggle, and Members would wonder how in the world we ever got into such a thing. Well, this is the start.

If we really want to save money, we need to put a stop to this project right now. The FDA already has 2.1 million total square feet of office space. The original plans for the new FDA complex of buildings called for 3.4 million square feet in size, a 1.3 million square footage increase, a 60-percent increase at a time when the entire Federal Government is supposed to be downsizing.

Recognizing that so much change is going to take place at the FDA in the near future, and because this body viewed the original proposed FDA complex as excessive and wasteful, Congress wisely rescinded over $220 million from their plan to build this complex in the rescissions bill. Now we come to the floor today to debate $65 million for a new building toward a defunded complex that is wasteful and fiscally irresponsible at a time when Congress is trying to downsize the Federal Government.

This is $65 million, Mr. Chairman, on top of the $64 million that was left in the rescissions bill to complete the construction of facilities for a brand new FDA Center for Veterinary Medicine, also in Prince Georges County. We have already left in one $64 million, and now here we are with another $65 million.

There have never been hearings held on this building in the Committee on Transportation and Infrastructure. A prospectus has never been submitted to tell us how big the building will be, how much it will cost or even the exact location. This project can turn out to be a very, very expensive item. I strongly believe that any new construction should be gone over with a fine-toothed comb before it is approved, but it has not been done in this case.

A series of hearings has been held in the Committee on Commerce addressing some of these very serious problems. Later this summer, the Committee on Commerce is planning to debate an FDA reform bill that should fundamentally reform the way this agency operates. I understand that our colleagues in the Senate are working on a legislative package to reform the agency, as well.

The FDA's workload and mission could change substantially if FDA reform is enacted as expected. The taxpayer, though, could be stuck with some new and expensive buildings in Maryland, without an agency to fill them, if the agency is downsized and reformed and its mission is changed.

At a time when the Federal Government is downsizing, you would think that all agencies would be decreasing their requests. This request should outrage every taxpayer in America.

The FDA should be greatly reformed. It should be greatly downsized. It should stay where it is, certainly until a thorough review of the agency can be done. With the national debt approaching $5 trillion, Mr. Chairman, we should not be spending exorbitant amounts of money like this to build plush headquarters for FDA bureaucrats.

I know, Mr. Chairman, that our gigantic unelected Federal bureaucracy is by far the most powerful branch of our Federal Government. They get most of what they want. In the end they will probably get all of these new buildings. But this is one time we should stand up for the taxpayers, Mr. Chairman, and we should stand up to the bureaucrats and we should say ''no'' for this proposed new construction. I urge passage of my amendment.

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

AMENDMENT OFFERED BY MR. GILCHREST TO THE AMENDMENT OFFERED BY MR. DUNCAN

Mr. GILCHREST. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. GILCHREST to the amendment offered by Mr. DUNCAN: In the matter proposed to be inserted by the amendment, add at the end the following:

The preceding provisions shall not apply if a prospectus has been approved pursuant to the Public Buildings Act of 1959 for the project described in clause (3).

Mr. GILCHREST (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. The gentleman from Maryland [Mr. GILCHREST] will have to get time from the gentleman from Maryland [Mr. HOYER] or the gentleman from Tennessee [Mr. DUNCAN] under the unanimous-consent agreement.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I understand what the gentleman from Tennessee is trying to do and I understand why he is trying to do it. I believe that my amendment will serve the gentleman's goals, but I do not believe that we should kill the FDA consolidation program at this point because that in the long run will cost much more money.

My amendment will prohibit any outlays from the Public Buildings Fund until such time as a prospectus for the FDA project is passed. I am aware that the Committee on Commerce intends to exercise its oversight functions over the FDA, and that the committee may decide to change FDA in such a manner that the campus consolidation will no longer be necessary.

As the chairman of the Subcommittee on Public Buildings and Economic Development, I would have no intention of scheduling a markup on such a prospectus until the Committee on Commerce has had time to review the FDA consolidation. The gentleman from Tennessee, who is a member of the subcommittee, will have ample opportunity to make himself heard on this subject and on the effect of the prospectus.

As the gentleman knows, our subcommittee and the full committee have decided to get tough on public buildings. We have already established a moratorium on courthouse construction and we will be looking at the cost of construction on other projects.

If the prospectus for the FDA project in Maryland indicates that we are building a Taj Mahal, then I will work with the gentleman to modify the prospectus or to outright kill the project. But if we want FDA to function more efficiently, and I think we all want that to happen, then it makes sense to consolidate its functions.

We have all heard complaints about how long it takes for the FDA to process an application. Is it any surprise that an agency which is scattered over 22 separate locations is inefficient? If we do not consolidate the FDA, then we will continue to waste money on aging and inadequate leased space. Here is something else: The Federal Government will save money if we own the land and own the building instead of continuing to lease inefficient buildings and costly space.

The other thing is, there is a strong possibility that we will save, if we continue to move forward, large sums of money with the base closing of White Oak, a naval facility in Maryland. The FDA consolidation can move most if not all of these new buildings to the White Oak area, which is what the FDA is looking for, 150 acres.

White Oak will save us millions of dollars, and we will own the land if we move forward now.

I agree with the gentleman, while the FDA consolidation is technically authorized, it is wrong that our subcommittee has never been given the opportunity to exercise its oversight of public buildings and grounds on this project.

If the Duncan amendment goes through, if it is successful, the Committee on Transportation and Infrastructure will never be able to rule on a prospectus for the FDA.

I promise the gentleman from Tennessee that our subcommittee will exercise rigorous oversight of the project and that the Committee on Commerce will have a chance to exercise their oversight as well.

I encourage people to vote for the amendment to the amendment.

Mr. DUNCAN. Mr. Chairman, I understand that we are supposed to debate both my amendment and the Gilchrest amendment at the same time.

Mr. Chairman, I yield 4 minutes to the gentleman from Kentucky [Mr. BUNNING].

(Mr. BUNNING of Kentucky asked and was given permission to revise and extend his remarks.)

Mr. BUNNING of Kentucky. Mr. Chairman, I rise today in support of the Duncan amendment to eliminate

the funding for Kessler's Clarksburg castle. The FDA lacks many things but it does not lack office space.

Testimony before the Treasury/Postal Subcommittee clearly indicated that the FDA does not need a new campus to carry out its mission.

Accordingly to the testimony, the FDA has added 23 new buildings to its inventory since 1987. But the FDA argues that it needs more new facilities to further inter-center communication.

Give me a break. Maybe David Kessler hasn't heard of the Internet but Congress has already provided the FDA with state-of-the-art computers that allow its scientists to talk with each other on the net.

The fact of the matter is that Dr. Kessler is the stereotypical out-of control Washington bureaucrat who is certain that he knows better how to spend the taxpayers' money than they do. After all, he has been dubbed ''The National Nanny''.

The FDA even used the stereotypical studies to decide that they absolutely had to have this campus.

FDA turned down a 400-acre site near Rockville which already has a Metro station and it rejected a similar-size site near the FDA headquarters in Germantown.

Their studies showed that the cost would be between $300 million and $500 million of the taxpayers' dollars and now the cost has grown to $810 million.

To paraphrase Lady Margaret Thatcher: David Kessler has the bureaucrat's disease; he has run out of other people's money to spend.

Well, Mr. Chairman, this is real money that Dr. Kessler wants. And, it comes out of the pockets of the hard-working American taxpayer.

Fortunately, the Appropriations Committee did not fully fund the cost of this project; it provided only the seed money.

But, to the extent that it is funded at all, the more likely it is that we will ultimately end up paying the full inflated cost for this boondoggle.

We all know the routine. Make the initial investment and then it becomes impossible to stop the project even if it isn't justified.

Once we start, we have to keep spending under the guise of protecting our investment.

In Washington logic, even if we don't need Kessler's castle, it would be a waste of money to stop the project after we have purchased land, drawn up plans and maybe even broken ground.

Outside of Washington they think differently. They call this type of foolishness by its real name: waste, throwing good money after bad.

I for one don't buy the Washington logic. We need to practice a little common sense around here.

Unfortunately, the Kessler-led FDA has not been accused of committing common sense on this project.

Any funding of Kessler's castle just does not make sense.

As Dr. Edward Hudgins, the director of regulatory studies at the Cato institute, said in his testimony before the Appropriations Committee:

> The further the plans proceed for this new FDA facility, the tighter fiscal waste and bad policies will be locked into place, even if cuts and reforms are called for.

Let's do the smart thing. Vote to eliminate funding for Kessler's castle. Support the Duncan amendment.

□ 1300

Mr. HOYER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in support of the Gilchrest amendment to the Duncan amendment. Mr. GILCHREST is the chair of the subcommittee that has jurisdiction over this project. The gentleman said that it was technically authorized. I do not know what ''technically'' is, but it is authorized, but it has not had a prospectus. I support the gentleman's amendment.

Let me say something about the Taxpayers Union, let me say something about waste to the gentleman from Kentucky [Mr. BUNNING], my friend. The fact of the matter is that this consolidation was approved by the Bush administration, proposed by an appointee of President Bush's administration, not by Democrats.

Mr. Chairman, I support their proposal and I would ask the gentleman from Tennessee [Mr. DUNCAN] to listen to this, because I believe the gentleman from Tennessee must know that this proposal, long-term, saves the taxpayers at least a billion dollars.

The fact of the matter is that this consolidation is bringing together two components. This money deals with the component I suggest to my friends from Tennessee and Kentucky, that is not controversial. The testimony that the gentleman referred to before our committee by C. Boyden Gray, the former counsel to the previous Republican administration, said that this matter was not controversial. The Cato Institute also said that. Why? Because it is the drug component with which this money really does not deal that is the controversy.

The food component was determined to be in Prince George's County because of its proximity to the Beltsville Agricultural Research Center, the premier agricultural research center in the world. And it made sense to put in proximity the food research scientists and the food safety scientists and so that is what they proposed.

What the Gilchrest amendment says is, Mr. DUNCAN's point was made, our committee ought to look at this. I agree with Mr. GILCHREST. That is correct.

But let there be no mistake, the Taxpayers Union may score this and they will be wrong. They will be wrong because to consolidate FDA saves at least, over the next 30 years, at least $1 billion. This is a savings. I urge my colleagues to vote for the Gilchrest amendment and against the Duncan amendment.

Mr. DUNCAN. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from North Carolina [Mr. BURR].

(Mr. BURR asked and was given permission to revise and extend his remarks.)

Mr. BURR. Mr. Chairman, like the gentleman from Maryland [Mr. HOYER], I would like to consolidate FDA, but I would like to do it in a different way; through reducing the number of employees in an agency that is a misguided agency. It has grown well beyond its established limits under the Federal Food, Drug and Cosmetic Act. It is unconscionable that we would consider funding $64 million toward a new building to encourage continued growth of an agency that brags about the fact that it is ''getting new regulations out faster than ever before.''

Under Commissioner Kessler, the FDA has all but abandoned its core mission, the timely approval of drugs and medical devices. Earlier this year they admitted to a congressional subcommittee that they are still sitting on food additive petitions filed as early as March of 1971, for reasons nobody knows. The law requires that these petitions must be reviewed in 180 days or less.

The FDA is requesting additional user fees and funding dollars. At the same time, their average drug approval time is an outrageous 14.8 years. Many medical devices take more than twice as long to approve in the United States then in the United Kingdom—hardly a country known for unsafe product approvals.

The FDA's funding has increased by 237 percent since 1970. Their employment levels have increased by 106 percent. Meanwhile, in the past 5 years the review of 510(k) device applications takes 156 percent longer yet the number of applications they have received has only increased by 12 percent.

So how is Dr. Kessler spending the taxpayer's money? He is seizing orange juice clearly labeled as made from concentrate, just because its brand name included the word ''fresh.'' He has also sent his inspectors to lead police on a raid against sellers of vitamins and health food supplements. He has conducted a campaign against letting doctors and researchers know how drugs might be used for treatments not specifically mentioned on the label.

At a time when we are addressing the need for comprehensive reform and overhaul of the FDA, it seems inconsistent and irresponsible to even consider appropriating funds for a new FDA building. This is an agency that needs to be reigned in—not build up. Let's wait to see what the new and improved FDA looks like after we pass comprehensive reform legislation before we spend $64 million on a new FDA building.

I urge strong support of the Duncan amendment, Mr. Chairman, don't encourage the FDA to live any larger.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I rise to concur with and support the Gilchrest amendment to Duncan. I think it makes good sense.

Here is what we know. No. 1, leasing space is expensive. This proposal by the gentleman from Tennessee [Mr. DUNCAN] could cost us almost $2 billion more than the proposal that we have before us. By obtaining space, we actually save money.

Second, FDA does a lot of important functions. Now, I have heard the term ''bureaucrat'' thrown around with derision. I take exception to that, because these are scientists that perform vital functions. And while apparently some of my colleagues have a real problem with Dr. Kessler, I would submit that the consumers are very interested in maintaining a high quality FDA.

This consolidation makes sense. There have been revisions to reduce the cost. There is now a new option in Montgomery County to consider the White Oak facility previously owned by the Navy. That would further reduce costs. We have reduced the acreage in this proposal. We have reduced the square footage in this proposal. We have reduced the total dollar cost. We can do this efficiently and save the taxpayers money.

Mr. DUNCAN. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. BOEHNER], the distinguished chairman of our conference.

Mr. BOEHNER. Mr. Chairman, let me say that on November 8, the American people said pretty clearly that they want this new Congress to reduce the size, scope, and cost of Government here in Washington, DC.

At a time when we are going to do that, we have been doing it all year and we are going to keep doing it, why do we want to invest more money in building facilities that are, frankly, never going to be used?

We are not going to need some of these buildings here in town. As we go through this downsizing over the next couple of years, we will have ample room for the FDA, what is left of it, to be consolidated in some other empty buildings. We should not be investing money in buildings we are never going to use.

Mr. DUNCAN. Mr. Chairman, I yield 30 seconds to the gentleman from Oklahoma [Mr. COBURN], a medical doctor.

(Mr. COBURN asked and was given permission to revise and extend his remarks.)

Mr. COBURN. Mr. Chairman, I rise to support this amendment. I think the FDA is an example of a Government agency totally out of control, with lack of responsiveness to the oversight functions of Congress. We do not get appropriate answers. We do not get answers to the questions we ask when we inquire of them, and I am part of a faction, a group of new freshmen who plan to see a completely different FDA in the next 2 or 3 years.

It is ridiculous to spend money on a building that we are never going to allow the FDA to occupy, and I stand to oppose this. I think it is important that we look at what the FDA is going to look like after this time.

Mr. HOYER. Mr. Chairman, I yield myself 30 seconds.

The building that the doctor refers to, with all due respect to the doctor, there is not a ''the building.'' There is, I think, a real controversy, and the gentlewoman from Maryland will perhaps discuss this, about a building that was proposed in Montgomery County. Most of this money does not go there. Most of this money goes to a building for the food component of FDA.

I would hope that my colleagues would get their facts straight before opposing the gentleman's amendment.

Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

(Mr. HAYWORTH asked and was given permission to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Tennessee for this time to speak on behalf of his amendment and say with all due respect to my friend from Maryland [Mr. HOYER] that, no, now is not the time for a prospectus.

You see, Mr. Chairman, there has been a long period of time where prudent study could have been done of this building. And just to amplify what my friend from Tennessee said, the prospectus was never done during the course of this time to answer the most basic questions: How big this building was going to be; how much it would cost or even the exact location. Today we are hearing some information on this, and then we heard all about consolidation.

My other friend from Maryland talked about the fact that it might save a billion dollars over the next 30 years. Mr. Chairman, we have had funding estimates on this consolidation. They have ranged from $500 million to $1.3 billion. The cost is now estimated at $810 million. Mr. Chairman, let me emphasize the word ''estimated.'' We do not know. The cost will probably go higher.

Mr. Chairman, it is time for the FDA to perform its core mission. It does not need any further facilities. Yes to Duncan, no to Gilchrest.

Mr. HOYER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would say to my friend from Arizona, that may sound good, but it is not accurate, and I would be glad to discuss it with the gentleman. The fact of the matter is this is a Bush administration-Reagan administration initiative. So we understand one another, this is a previous Republican administration initiative. The fact of the matter is, this figure has gone up and down under both administrations.

Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Chairman, I rise in support of the Duncan amendment.

Mr. Chairman, the FDA is having a terrible time just taking care of its business. Drugs and lifesaving devices take longer to be approved than they did 30 years ago. I think it is time to support taxpayers for a change. You know, people have died because they could not outwait the FDA.

Now we have before us a $65 million appropriation for a new FDA campus. Even more frightening, the latest estimate for the consolidation of this fine agency has risen from $388 million to more than $800 million.

The FDA has already added two dozen new buildings since 1987. Its budget has risen about $600 million to nearly $800 million.

My colleagues have supplied plenty of other details about this agency run amok. There are plenty of them.

Mr. Chairman, the size, cost, and intrusiveness of big government is finally beginning to shrink. People will soon be able to keep more of their own money. Now is not the time to reward an incompetent, arrogant, agency with a brandnew 500-acre campus.

□ 1315

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me this time.

You know, I care about the taxpayers and, frankly, if you care about the taxpayers, you are going to vote for the Gilchrest amendment, simple as that.

Food and Drug Administration has a unique and a vital mission. The FDA regulates products which impact virtually every aspect of our lives from cosmetics to canned vegetables to lifesaving drugs. It oversees the Nation's blood supply, monitors over-the-counter painkillers, tests products from pocket-sized pacemakers to $2 million imaging scanners.

Currently, my friends, FDA is scattered over 37 buildings in 13 separate locations in Montgomery and Prince Georges Counties and in Washington. It leads to great inefficiencies.

Also, many of the lab facilities are unsafe and antiquated. As a matter of fact, there have been a series of stories years ago on this which indicated some very dilapidated labs, even rat-infested, that would not pass OSHA reform measures. This is where these tests are taking place.

I want you to know this consolidation is a long time in coming, much longer than many of the Members who are in this House of Representatives, because, frankly, it started in 1989, when there was a consolidation feasibility study which indicated the need for consolidation, and then it went on. The Revitalization Act did an authorization, and in 1991 the decision was

made to do it on two campuses, Prince Georges County and Montgomery County.

What it indicated is the site in Prince Georges County would be the center for veterinary medicine, research facilities that already began construction, and it would be the center for food safety and applied nutrition. In Montgomery County would be the center for drug evaluation and research, devices and radiological health, the center for biologics evaluation and research, and the office of the Commissioner, very modest.

I want you to know, my friends, that actually the plan of FDA and GSA would actually save taxpayers in excess of $3 billion to $4 billion over a 30-year period, making the investment in new facilities a very sound economic choice. It will provide the appropriate laboratory space, modestly presented for these efficiencies to take place.

The management of the agency staff and programs will be less complicated. Resources will be easier to manage. Centralization functions, such as warehousing, libraries, EDP equipment, animal care, et cetera, will save money, greatly improve efficiency.

Ground has already been broken for Prince Georges County. The Montgomery County plan is intact. It will save money. It is going to help with what is most needed, and that is the Food and Drug Administration able to make these decisions.

One final point is: I do understand there is concern of those who called for FDA reform saying there is a belief the agency should be less burdensome, et cetera. These need to be addressed, but not here. We are talking about consolidation of the equipment.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Chairman, does the gentleman from Tennessee have the right to close on his amendment?

The CHAIRMAN. No; the gentleman from Maryland has the right to close because he is representing the committee's position.

Mr. HOYER. Mr. Chairman, I yield 1½ minutes to my friend, the gentleman from Maryland [Mr. GILCHREST], chairman of the authorizing committee.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to give an analogy here as to what we are doing and people saying we are saving money or we are not saving money. Try to imagine that you have a 1965 Chevrolet pickup, eight cylinders, that you are renting, you are leasing. You do not own it. It is 1995, and you are having all kinds of problems. You are running on seven cylinders instead of eight cylinders, you have bald tires, you have a leaky engine with oil, and you name it, and you are going to keep it and you think you are going to save money with fuel and repairs. It does not work that way.

The FDA is operating out of buildings that were old chicken houses. They are operating in 22 different facilities that are breaking down.

If we want to save money, if we want to do something about the scatter of buildings, then it is time that we consolidate it in a state-of-the-art facility rather than use the 22 old buildings.

I would encourage people to understand that if we continue the way we are going now, we are throwing good money after bad. We are wasting taxpayers' dollars.

If we want to save tax dollars, then we ought to let the authorizing committee decide whether or not FDA's program is good, not run this thing through the appropriations. Let us do it in the authorizing committee.

If we want a food advocate petition to go through faster, we need the consolidation. If we want medical applications processed faster, we want a new consolidation. If we want to own the property that costs less rather than continue to lease property which costs more, we need to consolidate. Think about the 1965 Chevrolet pickup and a new one.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. LIGHTFOOT], the chairman of the subcommittee.

Mr. LIGHTFOOT. Mr. Chairman, I thank the gentleman for yielding.

You hate to get into the middle of one of these where you are in it between two friends who have very legitimate disagreement over something. I share many of the concerns expressed by my colleagues over FDA. I think FDA has overreached and has done a lot of things it should not do. It has become an extreme burden, especially to small businesses in labeling. We can go on and on. That is an issue, that is a policy issue.

There is a difference here. This is the Appropriations Committee. We deal with dollars, and it ought to be settled, I think, in the authorizing committee.

The language offered by the gentleman from Maryland [Mr. GILCHREST], quite frankly, goes along with the policy that we have adopted in this committee. Nothing is in the bill that is not authorized or subject to authorization. If it never gets authorized, it does not happen, which I think puts a little bit of honesty back into the system.

I support my friend, the gentleman from Tennessee [Mr. DUNCAN] and his proposal in principle and what he is trying to do, and will certainly work with him in any way possible to downsize, scale back, diminish FDA, but at this juncture I rise in support of the amendment offered by the gentleman from Maryland [Mr. GILCHREST].

Mr. DUNCAN. Mr. Chairman, I yield myself 1 minute, the remainder of my time.

Mr. Chairman, I am pleased that we have had groups from all over this Nation, such as the National Taxpayers Union, the Citizens Against Government Waste, Citizens for a Sound Economy, all come out strongly in favor of my amendment. I am pleased we have had speakers from all over this Nation speak in favor of my amendment.

I have noticed that the only real speakers in favor of the project have been from Maryland, because I believe this is purely pork for Maryland.

People would be shocked, Mr. Chairman, if they knew we were approving buildings that we do not have prospectuses for, we have not held hearings on, we do not know the total square footage, we do not know the exact cost, we do not even know the exact location.

The amendment offered by the gentleman from Maryland [Mr. GILCHREST], and I have great respect for my friend, the gentleman from Maryland [Mr. GILCHREST], but this amendment is a strategy, a device, a subterfuge designed to ensure this building is built.

My amendment would save $65 million. It would stop this project in its tracks. It would do something for a change for the taxpayers.

The gentleman from Maryland [Mr. GILCHREST] said it would mean the building could never be built. That is not true. The building could be built when we can afford it. With a $5 trillion national debt, we cannot afford this building.

I urge a ''no'' vote on the Gilchrest amendment and a ''yes'' vote on my amendment.

The CHAIRMAN. The gentleman from Maryland is recognized to close debate.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Chairman, we have limitation on debate. I have 2½ minutes left. Is that correct?

The CHAIRMAN. The gentleman has 2½ minutes remaining.

Mr. HOYER. We have a limitation. If a subsequent amendment were to be offered after the determination of the amendment offered by the gentleman from Maryland [Mr. GILCHREST] would there be debate time?

The CHAIRMAN. Under the unanimous-consent agreement there would be no time remaining for debate.

Mr. HOYER. Mr. Chairman, I yield myself 1½ minutes.

I am not going to comment on the courthouse in Tennessee that was in this bill under my chairmanship. I know the gentleman from Tennessee would not want to talk about that pork.

This was a Reagan-Bush initiative. It was an initiative to save money, to consolidate, to cut lease costs, as the gentleman says, to buy a new car that is not costing you a lot of money, that you own, not lease.

The Gilchrest amendment speaks to the substance of making sure the authorizing committee controlled by the majority party, the Republicans, makes a determination that this building is a correct initiative, and what the Gilchrest amendment says is that no money is going to be spent unless a prospectus is approved.

Ladies and gentlemen of this House, you ought not strike this money, because if you do, the Taxpayers Union, the Citizens Against Waste, and all of those groups are going to end up seeing that this is going to cost the taxpayers they allegedly are trying to protect more money out of their pockets.

The reason the Reagan and Bush Administrations, under whom the FDA, by the way, did all of these awful things, suggested this was to save money, make it more efficient. If you eliminate it, fine, we do not build the building, because the committee will not approve the prospectus.

Vote for the Gilchrest amendment. It makes sense for the taxpayer, and it makes sense for good government and the safety of the American public.

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Maryland [Mr. HOYER] has 1 minute remaining.

Mr. HOYER. Mr. Chairman, I reserve that time. I have no further debate on the Gilchrest amendment.

The CHAIRMAN. The gentleman yields back the balance of his time?

Mr. HOYER. No. We have an amendment pending to the Duncan amendment. We have time limitation. I have a minute left to go.

The CHAIRMAN. The gentleman reserves the balance of his time.

Mr. HOYER. I would move the previous question.

The CHAIRMAN. It is not in order in the Committee of the Whole to move the previous question.

The Chair will put the question on the Gilchrest amendment.

The question is on the amendment offered by the gentleman from Maryland [Mr. GILCHREST] to the amendment offered by the gentleman from Tennessee [Mr. DUNCAN].

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

RECORDED VOTE

Mr. GILCHREST. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2, rule XXIII, the Chair will reduce to 5 minutes the time for a recorded vote, if ordered, on the Duncan amendment without intervening debate or business.

The vote was taken by electronic device, and there were—ayes 185, noes 240, not voting 9, as follows:

[Roll No. 527]

AYES—185

Abercrombie
Ackerman
Archer
Baldacci
Barcia
Bartlett
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bishop
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Castle
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Conyers
Coyne
Cramer
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Dooley
Durbin
Ehlers
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gonzalez
Gordon
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Horn
Hoyer
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Knollenberg
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schroeder
Schumer
Scott
Serrano
Skaggs
Skeen
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

NOES—240

Allard
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klug
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (KY)
Linder
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Young (F L)
Zeliff
Zimmer

NOT VOTING—9

Andrews
Armey
Bryant (TX)
Collins (MI)
Crane
Ford
Moakley
Reynolds
Volkmer

□ 1349

Messrs. TANNER, PACKARD, FAWELL, MINGE, MCINNIS, BONO, CONDIT, and ALLARD, Mrs. ROUKEMA, and Ms. DANNER changed their vote from ''aye'' to ''no.''

Mr. SKEEN and Mr. LEWIS of California changed their vote from ''no'' to ''aye.''

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] has 1 minute of time remaining for debate on the Duncan amendment.

Mr. HOYER. Mr. Chairman, I yield myself 1 minute.

The Chairman, I appreciate that the chairman of the Committee on Appropriations and the chairman of the subcommittee voted for the Gilchrest amendment. That, I think, made sense, and made this appropriation subject to a prospectus. But it is clear that the level of hostility directed at the Food and Drug Administration is very high. There is a high level of hostility, suspicion and lack of trust in the FDA.

But, Mr. Chairman, this amendment will not save money. If you at some point in time strike all the FDA, then obviously we will not proceed on this. But the fact of the matter is, this is a savings amendment. This money is in here for the food component essentially, not the drug component, which is the most controversial, but this is for the food component of FDA. Located in proximity to the BARC, the

Beltsville Agricultural Research Center; the synergy of those scientists has been put together. It makes sense. But I understand we are not talking about that. The gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Iowa [Mr. LIGHTFOOT] were voting for that, but it is clear we are not doing that. I would urge the rejection of the Duncan amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. DUNCAN].

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

RECORDED VOTE

Mr. DUNCAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 278, noes 146, not voting 10, as follows:

[Roll No. 528]

AYES—278

Allard
Andrews
Archer
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dingell
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (KY)
Lincoln
Linder
Lipinski
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Sensenbrenner
Shadegg
Shays
Shuster
Sisisky
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
Thornberry
Thornton
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—146

Abercrombie
Ackerman
Baldacci
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Cardin
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Conyers
Coyne
Davis
DeLauro
Dellums
Deutsch
Dicks
Dixon
Durbin
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gonzalez
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
Knollenberg
LaFalce
Lantos
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Livingston
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Rahall
Rangel
Reed
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Shaw
Skaggs
Skeen
Slaughter
Spratt
Stark
Stokes
Studds
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

Armey
Bryant (TX)
Collins (MI)
Cox
Crane
Ford
Moakley
Reynolds
Seastrand
Volkmer

□ 1411

The Clerk announced the following pair:

On this vote:

Mr. Armey for, with Mr. Moakley against.

Mrs. JOHNSON of Connecticut changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title VI?

If not, the Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Treasury, Postal Service, and General Government Appropriations Act, 1996''.

AMENDMENT OFFERED BY MR. PACKARD

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

The Clerk read as follows:

Amendment offered by Mr. PACKARD:

Page 84, after line 17, insert the following new section:

SEC. 628. None of the funds made available in this Act may be obligated or expended for any employee training when it is made known to the Federal official having authority to obligate or expend such funds that such employee training—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988;

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or

(6) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

Mr. PACKARD (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 California?

There was no objection.

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent that all debate on this amendment and any amendments thereto close in 40 minutes, the time to be equally divided.

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

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. PACKARD] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. HOBSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. PACKARD].

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

Mr. Chairman, this is an extremely important amendment.

My amendment prohibits funding for all nontechnical Federal employee training.

Under the pretense of promoting diversity and AIDS awareness, the administration has been sponsoring mandatory training sessions that go far beyond employees' professional responsibilities. These sessions promote a

very controversial cultural agenda in a manner that many people consider offensive.

It is highly inappropriate for the Federal Government to use taxpayers' money to subject Federal employees to attacks on religious teachings and other forms of social engineering.

The Clinton administration forces Federal workers to submit to some of the most offensive training I have ever seen. This administration-mandated instruction includes such things as cult indoctrination into ''new age'' religious beliefs and how-to sessions on condom use and sex techniques.

I first became aware of this kind of training 2 months ago during Transportation Subcommittee hearings into FAA training. Frankly, their testimony was among the most disturbing I have ever heard in all my years in Congress. Employee after employee recounted horrifying incident after incident.

Let me give you a sense of what I heard. One FAA employee explained how he was forced to walk through a gauntlet of his female coworkers. Trainers compelled the females to grope their male coworker's private parts. Horrified, the FAA employees asked their trainers why they had to endure such a humiliating experience. The instructors told the male FAA employee, ''Now you know what it is like to be sexually harassed.''

If that does not shock you, listen to this story. One FAA employee testified how she was forced to strip to her underwear and tie herself to a male colleague—also clad only in his underwear. They remained this way for at least 24 hours. They had to shower together, sleep together, and use toilet facilities together—all this while tied together, undressed.

□ 1415

I looked into the matter and found a variety of appalling training regimens Federal employees must endure. For instance, the Clinton administration mandates AIDS and HIV training, which includes topics ranging from anal sex for birth control methods, how-to lessons on things like condoms, sex techniques, and even the proper way to clean needles in order to shoot up intravenous drugs. Why the Government is involved in teaching people how to use illicit drugs and how to be involved in aberrant sex techniques is beyond me.

What is worse, if an employee refuses to take the training, or complains about certain techniques and aspects of the training, it jeopardizes their jobs or their job promotion. It reflects negatively on their job evaluation files.

My amendment puts an end to all this lunacy. I urge my colleagues to support my efforts to protect Federal workers and ensure that taxpayer dollars fund only those things vital to the functionings of Government and to the workplace. I think most hard-working American taxpayers would agree that training Federal employees to use illegal drugs or to use condoms properly or to have sex techniques taught to them in forced and required training mechanisms is absolutely wrong. If President Clinton is going to require all Federal employees to take training, it had better be job related and noncontroversial.

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

AMENDMENT OFFERED BY MR. HOBSON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. PACKARD

Mr. HOBSON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. HOBSON as a substitute to the amendment offered by Mr. PACKARD: Page 84, after line 17, insert the following new section:

SEC. 628. None of the funds made available in this Act may be obligated or expended for any employee training when it is made known to the Federal official having authority to obligate or expend such funds that such employee training—

(1) does not upgrade employee productivity and effectiveness;

(2) does not meet identified needs for knowledge, skills, and abilities bearing upon the performance of official duties;

(3) is inappropriate to the workplace;

(4) is designed to change participants' personal values or lifestyle outside the workplace;

(5) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; or

(6) does not provide an acceptable alternative for those employees articulating a religious or moral objection to participating in an HIV/AIDS training program.

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. The gentleman from Ohio [Mr. HOBSON] is recognized for 20 minutes.

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

Mr. Chairman, my substitute amendment would require that any Federal training be, first, related to employee productivity and effectiveness; second, be appropriate for the workplace; third, provide advanced notification of the content and methods to be used in the training; and fourth, grant employees an opt-out if they raise religious or moral reasons for the training. The Packard-Dornan amendment reacts to methods and abuses in training programs that I agree with, but I think it goes too far.

It is so restrictive that it results in incomplete information being presented Federal employees that they need. One person could kill an entire program. Let me be clear that my substitute addresses these legitimate concerns about abuse in training programs and prevents them in the future. However, instead of prohibiting certain types of information, my substitute allows it, provided that it meets certain strict qualifications. First, it must be workplace specific, and second it must improve the effectiveness of the Federal employees, two requirements which should be the centerpiece of any Federal training programs.

In the Ohio Senate I sponsored a bill that established a lot of health care protocols for treating persons who were affected with the AIDS virus. A big part of that piece of legislation was education. I believe education is very necessary in the prevention of the transmission of certain diseases. From this experience, though, I also learned and understand the intense emotion that surrounds this issue, but this is a health issue that we need to discuss and not hide from.

Just because there has been abuse in training programs, we should not use that as leverage to penalize people by not allowing appropriate education. We should not use that as leverage to withhold training, and we should not use that as leverage to prevent health care education.

I think the pendulum is swinging too far, certainly. Training abuses were part of a pendulum that swung too far in the wrong direction. I think the Packard-Dornan amendment swung too far in the other direction. I think my substitute stakes out a responsive middle ground tradition. Let us not narrow training programs so far that important information is prohibited, but let us narrow them, one, so they are workplace specific and, two, improve the effectiveness of Federal employees.

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

Mr. PACKARD. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, my amendment permits training to prevent the transmission of AIDS and HIV virus. It does virtually all the things that the substitute wants to do, except that my amendment prevents the very sensitive and very, very objectionable, to many people, parts of the training that gets into the details of sex education and condom education and a variety of other issues that I think should have no place as required government-mandated training.

The substitute allows people to opt-out if they have objections to the training, but that is not adequate. My amendment prevents the objectionable part of the training, whereas the substitute literally perpetuates the objectionable training. There has been very similar language in the existing law as what is in the substitute as it relates to AIDS and HIV.

Mr. HOBSON. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. VISCLOSKY], a member of the subcommittee.

Mr. VISCLOSKY. Mr. Chairman, I rise in strong support of the Hobson substitute and in opposition to the Packard amendment. HIV–AIDS is now

the leading killer of Americans ages 23 to 44, who are the core of our work force. Employees' fears about contracting HIV and working with HIV-positive employees undermine productivity in the workplace. That is why companies like RJR Nabisco and IBM provide AIDS education for their employees. However, the Packard amendment would essentially shut down AIDS education in the Federal Government. Under the Packard amendment, a single employee who found AIDS education to be offensive could shut down the program for all employees.

I do not think any employee should have to sit through training they find offensive. That is why I support the Hobson substitute, which allows employees with a moral or religious objection to any training to receive an alternative which is acceptable to them.

The Packard amendment limits HIV-AIDS training to the medical implications of HIV-AIDS and the workplace rights of HIV-positive employees. That means that educators cannot provide medically accurate, appropriate information about how HIV is and is not transmitted.

Under the Packard amendment, all educators could do is to tell people the medical implications of HIV, how sick they will be if they catch the disease, and tell them not to discriminate against people with HIV. The effect of the amendment is to create more fear and discrimination and not less. If an employee asks ''Can I get AIDS from a telephone? Can I get AIDS from a hug? If my co-worker is bleeding to death, how can I help without getting sick?'' the Packard amendment would prohibit AIDS educators from answering these specific questions.

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

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

Mr. PACKARD. Mr. Chairman, I would say to the gentleman, that is really not true. My amendment does not prohibit instructions on how to avoid the transmission and the acquiring of AIDS or HIV. It allows all of that kind of training, but it does not permit the very sensitive part of training, such as how to put on a condom.

Mr. VISCLOSKY. My understanding is if an employee objects based on the curricula that is involved and the trainer that is involved, he essentially shuts down that process.

Mr. PACKARD. Only for that one employee. The training still goes on, but that employee can walk out. History has shown that would be a black mark on that employee's record.

Mr. VISCLOSKY. Reclaiming my time, Mr. Chairman, talking about sexually transmitted diseases is never easy or comfortable, but this is a sexually transmitted disease. We cannot provide accurate information about this epidemic and how it is spread if we leave that information out. Properly trained experts can present that information.

Mr. PACKARD. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Texas [Mr. DELAY], our majority whip.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in very strong support of the Packard amendment, and in very strong opposition to the amendment of my good friend, the gentleman from Ohio. I am going to try to explain why. I understand the intent of the gentleman from Ohio, but I think what he is doing is keeping the status quo, because as I read his amendment, nothing really changes in what we are trying to get at.

The Packard amendment would prohibit taxpayer dollars from being spent on shocking and offensive so-called non-technical employee training programs. I am appalled, not only at what we are forcing Federal employees to engage in, but that these outrageous activities are being funded by the hard-earned tax dollars of our constituents.

As the gentleman from California [Mr. PACKARD] has explained, this issue arose during hearings of the Subcommittee on Transportation of the Committee on Appropriations, of which I am a member. FAA employees testified about how they were forced to walk through large groups of female coworkers who were instructed to grope and fondle the participants. The unbelievable justification for these activities by the FAA was that this was a method to show men how it felt to be sexually harassed.

Another FAA employee testified about how, during a training session, she and her colleagues were forced to strip to their underwear and tie themselves to a coworker of the opposite sex for periods exceeding 24 hours. They were forced to eat, sleep, bathe, and use toilet facilities while tied together.

Mr. Chairman, I cannot believe there are any Members of this body that could support these kinds of activities, much less go home and tell their constituents that they voted to spend their money for this damaging and ill-conceived program. This amendment, the Packard amendment, will also address the so-called AIDS-HIV awareness training that the Clinton administration mandates on all Federal employees, where they are forced to endure how-to sessions regarding condoms, sexual techniques, and devices.

Let me just read what the administration's rules are for AIDS instruction, and what they tell their trainers. They tell their trainers to avoid certain terms, such as—outrageous things, terms such as ''husband and wife''; avoid such terms as ''homosexual men,'' ''promiscuous,'' ''sexual preference,'' and ''addict.'' The trainers are to deflect homophobic comments during a training session, saying, ''there is some division of opinion on that point.''

Trainers are to watch out for troublemakers among the pupils. A Federal worker who takes an intransigent point of view, in their words, on condom distribution in schools, or needle distribution, is pegged as a partisan. A heckler is someone who expresses disbelief, disgust, or scoffs at content and process. I am quoting from the manual.

Mr. Chairman, what does this have to do with Federal workers doing their job? One Federal worker recently recounted how she was offended when an instructor of one of these training sessions began talking about her grandmother's likely sex practices. This is going on in our Federal Government right now. A Defense Department employee who walked out of a session said:

> I do not believe I should sit next to a female and be told how to do intercourse. I do not want to be in mixed company and talk about a lifestyle I'm not involved in, that I do not approve of. I do not care to be instructed by Big Brother in things that I avoid.

If we do not defeat the Hobson amendment, we will never get the opportunity to vote for the Packard amendment. With all due respect to my friend, the gentleman from Ohio, his amendment does not change the status quo in any significant way. We need to stop these kinds of politically correct nonsense. We need to vote against the Hobson amendment and for the Packard amendment.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI], a member of the committee.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me. I particularly want to thank him for his leadership in bringing this very intelligent approach and solution to the problem to the floor.

I certainly identify with the concerns that the gentleman from California [Mr. PACKARD] has expressed. We all do. It sounds ridiculous. It is hard to imagine how the Bush administration could have mandated those activities in the FAA that were referenced in Mr. PACKARD's remarks. I say that because some of the examples that he used have nothing to do, absolutely nothing to do with the AIDS education program. That is, indeed, part of the Clinton administration initiative on prevention in order to make people more aware of how AIDS is transmitted, and to end discrimination in the workplace to people affected by HIV–AIDS.

□ 1430

The Hobson amendment, which was originally authored by the gentleman from Iowa [Mr. LIGHTFOOT] but is being carried today by the gentleman from Ohio [Mr. HOBSON], differs from the Packard language in a very substantial way. It is a substitute on how AIDS education is addressed.

The Packard amendment would not allow information that is appropriate to be presented on how HIV is transmitted and how it is not transmitted.

It is really a gag rule. In fact, in answer to one question that we had about what would be the answer to an employee who wanted more information about how AIDS is transmitted, the answer is, ''We are going to give him or her an 800 number to call.''

Under the Hobson substitute, all employees must be notified of the content and methods to be used in any training, including AIDS training. If the individual employee articulates a moral or religious objection, then the agency is required to offer an alternative to the training program which is acceptable to the employee.

The Hobson approach is far more reasonable than a total ban on HIV information. It addresses the problem without ending a program which has contributed to the prevention of AIDS.

Mr. Chairman, our colleagues, the gentleman from Texas [Mr. DELAY] in particular, have addressed our taxpayers' money being spent. The best taxpayers' dollars that can be spent should be spent on AIDS prevention.

Mr. PACKARD. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Chairman, I rise in opposition to the Hobson amendment. I have great respect for the gentleman from Ohio and his skills as a legislator, but let me point out to my colleagues, first of all that we need to understand a little background on this amendment.

The gentleman from California [Mr. PACKARD] sits on the Subcommittee on Transportation where there were hearings on this matter. Mr. PACKARD did not come to his understanding by accident or because of some political pressure or some special interest groups came up to the gentleman from California [Mr. PACKARD]. His legislation came about because he had a strong emotional feeling, a mental feeling, about this after listening to the hearings in the Subcommittee on Transportation.

This identical language that he has offered has already passed the Subcommittee on Transportation. He thought the Subcommittee on Transportation would be voted on first. But, no, we have got Treasury and Postal first so now we are talking about it and it is being amended by Mr. HOBSON.

How long has the Hobson amendment been in the offing and studied? The gentlewoman from California [Ms. PELOSI] says it started with the gentleman from Iowa [Mr. LIGHTFOOT]. The gentleman from Iowa [Mr. LIGHTFOOT] did not want to do it. Then we had the gentleman from Maryland [Mr. HOYER]. He did not want to do it. Then we had the gentleman from Ohio [Mr. HOBSON]. He wanted to do it.

The thought that went into their amendment does not compare with the amount of thought that has gone into the amendment of the gentleman from California [Mr. PACKARD]. Others have talked about it in certain ways, but the bottom line is there has been an abuse by the FAA in instructing people on new age and human potential philosophy which has disturbed all of us.

If we go about amending the Packard amendment with the Hobson, we are going to change it—Mr. Packard's amendment—whole intent. I urge my colleagues to think about the history of this amendment, that basically it is the same amendment that came forward in the Transportation Subcommittee and was agreed on completely. It is in the transportation bill now. But now we have a last-minute effort by the gentleman from Ohio [Mr. HOBSON] to amend it. He is amending it in a way that is not appropriate or in a suitable way that reflect what were the results from the hearings.

I urge defeat of the Hobson amendment.

Mr. HOBSON. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. GILMAN].

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I rise in support of the Hobson amendment to H.R. 2020 and to commend the gentleman from Ohio for his efforts to reform and maintain AIDS education programs in the Federal workplace. Similar educational programs have effectively educated Federal employees on the prevention of HIV transmission and the accommodation of people with AIDS in the workplace. It is important to note that similar programs have been successfully utilized by major corporations in the private sector such as. IBM, RJR Nabisco, and Eastman Kodak.

I understand that this type of education may cause some Government employees to confront issues that may make them uncomfortable. However, I believe that the Hobson amendment provides safeguards which will allow Government employers to disseminate information required to manage the situation where a fellow employee is struck with this tragic disease, while providing safeguards requiring that the educational program directly relate to job performance and productivity. In addition, this amendment addresses the religious and moral concerns of individual employees who raise objection to this type of training by requiring the Government employer to provide an alternative program which is acceptable to that individual employee. Accordingly, Mr. Chairman, I urge my colleagues to support the Hobson amendment.

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, the amendment of my good friend, the gentleman from Ohio [Mr. HOBSON], is nice, it is very nice, but it does not get the job done.

It is designed, and you can tell by the groups supporting it—he may not be aware of this—it is designed to have gigantic loopholes in it that you can drive a Mack truck through.

Everybody on this side and a handful on my side are saying this is the Packard-Dornan amendment that Hobson is supposed to wipe out. No, it is not. Mine was tougher than the amendment of the gentleman from California [Mr. PACKARD] by three words, ''in the workplace.''

There should only be taxpayer dollars spent, and that is all the people watching this Chamber, Mr. Chairman, about a million and a quarter, and a full gallery watching what is going to happen to their tax dollars.

Teaching people about colored condoms and sex toys and filthy talk out there in every single Federal position across this country, about stuff that does not happen in the workplace? I did not know people had sex in the workplace. They are not supposed to. They are not supposed to. And we are not supposed to be spending taxpayers' dollars lecturing people about what they do in their private time.

It is supposed to be about sensitivity to people who are HIV positive, that you are not going to get it at the water cooler, by a handshake, by a hug. You treat them with respect and decency. There but for the grace of God goes someone I love or maybe even precious to me.

I am not against this training, but we should not be teaching bisexuality is normal to every other lifestyle, and here is how you switch-hit and go AC/DC. You do not do that stuff on taxpayer money in the workplace.

If Packard had been perfected the way I testified by rules, but forgot to have it pre-published the day before, it would have said no taxpayer money to teach anybody off the job, eating up thousands of man-hours paid for by the taxpayer—excuse me, person-hours—and teaching them about things that have nothing to do with safety or sensitivity in the workplace.

I hope in conference we will add, and the gentleman from California [Mr. PACKARD] agrees, the words ''in the workplace.'' Dornan was the right way to go. Packard is 99 percent there. We should get in the words ''in the workplace.''

Hobson is well-meaning, nice, but has gigantic loopholes. That is why you are going to see people who support homosexuality—and pardon me for smiling, bisexuality, what is that? Nobody even knows what bisexuality is. It used to be called lust and not caring who you are with if the lights are out.

No, we are way off base wasting taxpayers' dollars on this issue. I do not mind teaching some sensitivity about scary plagues sweeping across, not the land, but pandemic, raging out of control worldwide. I say defeat Hobson, support Packard, and perfect it with 3 words: ''In the workplace.''

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, I rise in support of the substitute amendment offered by the gentleman from Ohio [Mr. HOBSON] and in strong opposition to the Packard amendment.

The Hobson amendment is a clear and practical approach to the HIV/AIDS prevention training and other government-wide training initiatives. It would allow for the delivery of highly effective training which benefits the organization and its workers while not compromising the beliefs and values of employees.

In that, it contrasts the amendment of the gentleman from California [Mr. PACKARD], which would limit access to HIV/AIDS awareness training, even to those employees who wish to attend the training. The Packard amendment would render the AIDS training initiative useless, would put an entire work force and their children at risk. My understanding is that the Packard amendment would prevent discussions of how HIV/AIDS is transmitted.

I ask, if you attended an HIV/AIDS awareness training course, and you left not knowing how HIV/AIDS is transmitted and whether you were at risk, what would you think of the training? You would think it was ineffective and irresponsible, and you would be right, particularly in light of the fact that so many young Americans are dying in the prime of their lives.

I could give statistics that AIDS is the principal cause of death for Americans between 25 and 44 years of age, and approximately 50 percent of permanent full-time civil servants are in this age group. The workplace where most adults, including young adults, spend time every day is a logical point of access for prevention education to a significant proportion of the Federal work force.

The Hobson amendment would protect the principles of HIV/AIDS education and personnel management outlined by President Reagan. President Reagan understood that you cannot separate AIDS issues from organizational performance and bottom-line results. President Reagan encouraged American businesses to examine and consider adopting education and personnel management policies addressing AIDS.

Business leaders have embraced that recommendation, not just because it was the right thing to do but because it also made business sense.

We had a hearing in my Subcommittee on Civil Service where we had representatives from the business community who commented on how effective good HIV/AIDS training is for morale, for productivity, for the well-being of Americans.

I ask for support of the Hobson amendment.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. I thank the gentleman from Ohio for yielding me the time.

Mr. Chairman, I rise in support of the Hobson substitute and in opposition to the amendment offered by the gentleman from California [Mr. PACKARD] and supported by the gentleman from California [Mr. DORNAN].

The Packard-Dornan amendment tells Federal employees that there is a killer out there but that the Federal Government is not going to let them learn how to stop it. Right now, with AIDS being in the crisis it is, if you want to talk about prevention of AIDS, you have to talk about condoms, and you should give employees the right to learn about condoms if they wish to.

The Hobson amendment allows any employee to opt out of training and also requires advance notice of what is going to be mentioned in that training program, so those members or those employees who have an objection on moral or religions grounds can opt out of any training program under the Hobson amendment.

It has been proven that HIV/AIDS prevention programs save lives and that the American people overwhelmingly support these programs. A recent poll showed that 72 percent of Republican voters would support maintaining or even increasing funding for AIDS prevention and education.

These programs are so widely supported because nearly every American family can somehow relate to the tragedy of losing a friend, a loved one or a child. AIDS kills without regard to gender, age, race, or life-style. Beyond the enormous human tragedy involved, AIDS education is also cost-effective and practical. Would we rather spend a small amount of money now on prevention programs or much more later on costly medical bills?

Vote ''no'' on the Packard-Dornan amendment and vote ''yes'' on the Hobson substitute.

Mr. HOBSON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to point out that there is a lot of misapprehension and misunderstanding about what this amendment does.

First, I would point out to some of the speakers after they have spoken that we do have the ''inappropriate in the workplace'' language.

If Members will read the Packard amendment, I believe the Packard amendment leaves out the ability to discuss how the AIDS virus is transmitted, and I think this is a very important discussion that should go on.

□ 1445

I agree with the fact that under the Bush administration, and under this administration, there appear to have been inappropriate training sessions. These should not have been approved and should not have gone on and I do not disagree with that at all.

But I think we should not get away from the appropriate way to take care of that. I think we should allow these people to have these and to stay in them if they want to stay in them.

I think, on the other hand, if they do not want to go, then they do not have to go. And if they do not want to go, they should not be able to kill the program for everybody else that wants to go.

Mr. PACKARD. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia [Mr. WOLF], chairman of the Committee on Transportation of Infrastructure, the committee that heard the first experiences on this issue.

Mr. HOBSON. Mr. Chairman, I yield 15 seconds to the gentleman from Virginia [Mr. WOLF].

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. Mr. Chairman, I rise in opposition to the Hobson amendment. It is vague. It cannot be implemented, and the Hobson amendment puts great pressure on the Federal employee, and as a former Federal employee, we ought not put this pressure on them.

Let me tell my colleagues, put this back where it was. We had hearings. There was New Age training going on in the Department of Interior. Let me tell my colleagues what the hearings said.

One person came before us, we had Federal employees, they said, ''I thought the topics unusual and the confrontations between students and the trainers somewhat unsettling, particularly in the use of abusive language and obscenities directed toward the students.'' He, the instructor, mentioned that 66 percent of psychotherapy patients are Catholics or Jews; that religion was fear-inducing and repressive. He characterized religion as more farfetched than the Flat Earth Society.

He discussed the arrogance of Christianity. He said that evil exists only as a function of the mind. Another one talked about post-traumatic stress that she went through. It has ruined their life and they have had to leave because of this training.

An air traffic controller, a person said he was forced to walk through a gauntlet of females, not unlike the Navy's Tailhook scandal, where he was groped and partially undressed by a group of females. He described how this affected his life. Listen to this. This is what the man said that Federal training did to him.

He said, ''During the next few weeks, I would wake up in the middle of the night to find my wife sobbing. She became depressed and bitter. She would tell me she knew that I had done nothing wrong, but it was obvious that she didn't look at me in the same way. Our marriage had started to suffer as a result. She began to see a psychiatrist,'' his wife. And then, ''Things are still no better. We both feel that our marriage still suffers as a result of the FAA training.''

The stories went on. And what the Packard language does, it says that

this will not go on anymore. And, second, in the area of AIDS let me make it clear, the Packard language would permit the understanding of AIDS.

I think there ought to be that type of language. I think there ought to be training. I think there ought to be education. We should explain to somebody that if somebody has AIDS, that is okay. We can sit next to them. We can talk to them. We can touch them. We can be friends. This is not the way that it has been explained that I heard.

The hearings that we held, and if you watched them on Nightline, and if you read the IG reports, it pitted person against person. It devalued a man and woman's religion. No Federal funding, no Federal funding, no taxpayer dollar ought to be why we destroy a man and a wife and their religion whereby people have to go and get psychiatric care. Read the IG report.

Mr. Chairman, I strongly oppose the Hobson amendment. I know the gentleman from Ohio is a good Member. If he could have sat through these hearings, and heard how this has destroyed people's lives, and it happened under the Bush administration too, as well as sometimes under the Clinton administration. I strongly support the gentleman and I salute the gentleman for offering the amendment.

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

Mr. WOLF. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, during the Reagan and Bush administration is when, of course, this occurred. I just wanted to make clear that nobody on the committee, and you did hold extensive hearings in the Committee on Transportation and Infrastructure of what happened at FAA during that era, nobody on the committee, Republican or Democrat, countenanced that kind of training.

But I think it is very clear, if the gentleman would permit me a moment to just say we think, on our side of the aisle and I hope on yours, that education about HIV is extremely important. A lot of us understand that AIDS happens to be the leading killer now of all Americans between the ages of 25 and 44. Every 17 minutes an American dies of AIDS.

Mr. WOLF. Mr. Chairman, reclaiming my time, we could still have the training that the gentleman from Texas said, and I think it is appropriate that we have it, under the Packard amendment. I hope the Packard amendment will stay in, otherwise we will just destroy these Federal employees and it is inappropriate that we do it.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL].

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, the Hobson amendment is a very sensible amendment. I want to commend him, and I also want to commend my good friend from California [Mr. PACKARD]. The gentleman is a fine man and a fine Member, but his amendment is a bad one.

Mr. Chairman, I want to make it clear that this is not a new issue. The question of handling of awareness meetings and courses of that sort did not begin with President Clinton. As a matter of fact, it took place first under Mr. Bush in 1990.

That program was clearly and patently offensive. It also was granted on some rather sweetheart terms. It was terminated by this administration, and the individual at NTSB who started it went on a sabbatical. It would have been more appropriate that he had left the Federal service in its entirety, but that was not the case. In any event, the practices about which I complained when I was Chairman of the oversight subcommittee were brought to a halt, and they are no longer practiced.

The big differences between the amendment offered by the gentleman from Ohio and the gentleman from California are, and there is only one, and that is whether you can explain to Federal employees in an intelligently run and responsible program what are the causes of HIV. Under the amendment offered by my good friend from California, you cannot do that.

Now, if you will look at what goes on in Europe and in other countries around the world, they have recognized that dealing with HIV is something that can be dealt with only by education. And you have to talk about some nasty things to explain to people how they expose themselves to an absolutely incurable and hopelessly fatal disease.

Mr. Chairman, I would urge my colleagues to recognize that the amendment offered by my friend from California is offered about 4 years late.

PREFERENTIAL MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. DINGELL moves that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] is recognized for 5 minutes in support of his motion.

Mr. DINGELL. Mr. Chairman, it is time that we recognize that this country should join the rest of the world in an intelligent effort to alert our people to not only the peril of AIDS, which is the largest killer now of young Americans up to the age of 45, but is also a hopeless, fatal, and incurable disease.

I would urge my colleagues to recognize that there is no vaccine. All the billions that we have spent on it will do nothing. The only defense at this moment which this country possesses against that is education.

Education is not pretty, because you have to talk about some pretty ugly, nasty things. But they are things which have to be discussed if we are going to prevent and to reduce the threat of AIDS to Americans of all races, of all creeds, of all colors, and of all ages, because, remember, it is incurable, it is fatal, and people are going to die of it and the number of people who are going to be exposed is going to continue to grow.

Now, if that does not concern you, then contemplate, if you please, the situation which is going to exist under the current state of affairs with regard to the incredible economic costs that it is going to impose upon this country, upon industry, upon the health care system, and upon everything else that we depend upon for the economic well-being of this country.

I would point out to you that it can break Medicare and Medicaid. It can break Blue Cross and Blue Shield. It can break the private health insurance plans, and it can break the employer-operated plans.

Mr. Chairman, this amendment would preclude the Federal Government from participating in that by banning the instruction in what might cause AIDS.

Now, to come back to the whole question that is before us, the only basic difference between the two amendments, the amendment offered by my dear friend from California and the amendment offered by my dear friend from Ohio, is the AIDS instruction and prevention of AIDS cannot be conducted under the amendment offered by the gentleman from California [Mr. PACKARD] but can be offered under the amendment which is offered by the gentleman from Ohio [Mr. HOBSON].

That is strong enough argument alone for defeating the amendment that is offered by my dear friend from California. But I would have the committee know something else, and that is the question here is not has Clinton gone wild and begun to have some kind of wild employee awareness programs and programs of that sort taught and enforced against an unruly band of Federal employees.

That was done under the Bush administration. It is not done under this administration. It was terminated in this administration in 1993. It was one of the first acts that was done by President Clinton in response to complaints that were raised by the Subcommittee on Oversight and Investigations and the Committee on Commerce.

I like my good friend from California. He is one of the best Members we have around here and I respect him more than I can tell, but the fact of the matter is his amendment is a bad one and it ought not to be adopted.

The amendment offered by the gentleman from Ohio is one which accomplishes all of the purposes. If there are abuses here, and I discern none and I have watched them very closely since President Clinton terminated the Bush program, if there are abuses or if they are likely to recur, they can be dealt with under the amendment that is offered by the gentleman from Ohio.

Given that, Mr. Chairman, I would urge my colleagues to recognize if abuses are in existence, they ought to be dealt with, and they can be dealt with, even though they do not exist at that time, under the amendment offered by the gentleman from Ohio.

But the gentleman from California, perhaps through some drafting misfortune, has given an amendment that says that your cannot conduct any instructional program which will warn or which will reach about the perils and how to avoid them of AIDS and all of the evils that are associated with that.

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

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

Mr. WAXMAN. Mr. Chairman, I think the gentleman from Michigan [Mr. DINGELL] has set out the case extremely well. In all the hearings we have had over the years about the AIDS epidemic, we have come to one clear conclusion. We ought to be honest with the American people, give out the facts that are scientifically based and let people know the information.

Now, if someone as an employee is squeamish, as I understand the substitute amendment by the gentleman from Ohio, they need not be participating in these instructions. They ought to make the decision. Government should not be squeamish in giving honest facts to the people.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent to vacate my preferential motion.

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

PARLIAMENTARY INQUIRY

Mr. PACKARD. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PACKARD. Mr. Chairman, do I get 5 minutes on his motion?

The CHAIRMAN. If the gentleman objects, he is entitled to 5 minutes in opposition to the motion.

Mr. PACKARD. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The gentleman from California [Mr. PACKARD] is recognized for 5 minutes.

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the chair of the full Committee on Appropriations.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Chairman, I have heard the arguments on the other side in favor of the amendment by the gentleman from Ohio.

I would just like to say that I think that the argument is far more eloquent and emotional than it is factual. But I have looked at both amendments, and I ascertain that the amendment by the gentleman from California permits AIDS training, AIDS awareness sessions, but seeks strictly to prohibit Federal funds going for training that involves these gauntlets that have been performed by some Federal agencies and departments in the last several months, in which Federal employees are called to sessions whether they wish to go or not, instructed and embarrassed and perhaps even touched and fondled for causes that not only do not concern them, but in some instances violate their religious principles, violate their moral beliefs, and are contrary to their fundamental outlook on life.

□ 1500

Now, it strikes me as absolute common sense to adopt the gentleman from California's amendment and to reject any modification, any watering down of that amendment, which, in fact, is what the amendment, the well-intentioned amendment offered by the gentleman from Ohio, in my estimation, seeks to accomplish.

I might also say that there have been statements on the floor that this is an attempt to be honest with the American people. Look, folks whether you like it or not, the whole subject of AIDS escapes honesty with the American people. I am not seeking to get into an area from which I cannot extract myself, but the fact is AIDS is a communicable disease. Yet it is not treated like any other communicable disease in modern times. It is capable of being passed from one human being to another, and we do not attempt to deal with it as we do other diseases. That has to be faced up to, if you are going to be totally honest with the American people; you have to understand how AIDS is transmitted through blood or otherwise.

I think the entire medical community has to reexamine how we deal with AIDS. I do not have the magic bullet. I do not have a way to resolve the question. I certainly do not have a cure for AIDS. I wish I did. I wish that this Nation did. But this Congress is appropriating massive amounts of money for the purposes of seeking, of finding that cure, to eliminate the suffering and the pain and the anguish and the death that results as this disease gets passed from one AIDS patient to another.

Now, that being said, we have to also understand that hysteria and emotionalism simply is not the answer to this problem.

Let us deal with it forthrightly and not force our Federal employees to do things they should not be doing.

Mr. PACKARD. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from California for yielding me the time.

I rise in opposition to the amendment offered by our friend, the gentleman from Ohio, for a number of reasons.

But, No. 1, Mr. Chairman, here we go again, taking a question of grave medical concern and turning it into a question of political concern. Is AIDS a terrible disease? Yes. Should people have education on the disease? Yes.

But what is reasonable and what is rational and what is appropriate, that is the question we confront today. Why not quite simply, Mr. Chairman, have pamphlets, pamphlets for Federal employees that they may read at their desks in their work stations with numbers to call if they have more questions? Is that not a reasonable and rational way to deal with the problem, or does it presume that Federal employees are illiterate and somehow that is inappropriate? No, it is commonsensical. That is what we have to do here to, yes, get out the information, disseminate that information, but not transform a dread disease into a vehicle for training in the workplace that is altogether inappropriate.

Much has been said about the mandate of November 8. Some have called it a revolution. I never tire of saying, ''Call it a revolution if you will, but understand this, it is a revolution built on what is reasonable and what is rational.''

The amendment by my good friend, the gentleman from Ohio, is the wrong approach.

''No'' on Hobson, ''yes'' on Packard, common sense and proper education is the proper role in the Federal workplace to deal with this dread disease.

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

The CHAIRMAN. The question is on the motion offered by the gentleman from Michigan [Mr. DINGELL] unless the gentleman from Michigan [Mr. DINGELL] chooses to withdraw his motion.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent to withdraw the motion.

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

Mr. HOYER. Mr. Chairman, reserving the right to object, the gentleman has made some good points under his motion, and I ask the gentleman, in the——

Mr. PACKARD. Regular order, Mr. Chairman.

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

Mr. HOYER. I believe the gentleman from California spoke under his reservation, and if that is what we continue to do——

The CHAIRMAN. No, the gentleman is mistaken. The gentleman from California had 5 minutes to speak in opposition to the motion.

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

There was no objection.

Mr. HOBSON. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I rise in favor of the Hobson amendment and in opposition to the Packard amendment.

First of all, let me speak to the Packard amendment. But, ladies and

gentlemen, I want to speak to all of these made-known amendments. What the Packard amendment says is that none of the funds made available in this act may be obligated or expended for any employee training when it is made known to the Federal official having authority to obligate or expend such funds that such employee training, et cetera, et cetera, made known by whom? Somebody on the street who calls up the official and says, ''Hey, this training is inappropriate?''

Under the ruling of the parliamentarian, ladies and gentlemen of the House, you ought to understand this, you cannot offer such amendment if it requires the Federal official to take any affirmative action. You cannot impose additional duties, which means that the Federal official has no ability to even decide whether this is some crazy person making it known to them.

The fact of the matter is this is a wrong process. This procedure makes no sense, and we ought to stop it.

Now, this is consistent with previous parliamentary rulings. But I would suggest to my friends on the majority side we ought to stop this by rule, because it makes no sense. What if an amendment passed saying, as to the Secretary of Defense, none of the funds appropriated in this bill can be expended if it is made known to the Secretary of Defense that the funds are being inappropriately used against the citizens of ''X'' country? What does ''inappropriately'' mean and ''made known''? By whom?

The gentleman from California [Mr. PACKARD], I defy you or anybody else to tell me: ''Made known'' by whom? Anybody with any responsibility? Anybody with any brains? Anybody with any knowledge? It does not say. We do not care, apparently. Just ''made known,'' by anybody who may pick up the phone and call and say, ''Hey, this is a problem,'' or some employee disgruntled with the Secretary or the official who wants to disrupt the process, fax them, send them a note, whatever? This is irrational.

That does not mean that the House will not do it. I understand that. But it is irrational.

The Hobson amendment tries to come to grips with a very serious problem in a serious way. That is why I rise to support the Hobson amendment, because what we have, as the gentleman from Michigan indicated, is a very serious problem, and we ought to solve it in a serious way.

Mr. HOBSON. Mr. Chairman, I yield myself 1½ minutes, the balance of my time.

First of all, under my amendment, the course must be workplace-specific, it must improve the effectiveness of the Federal employees. I do not want to lose sight of that. That is, I think, a common ground that needs to be addressed here.

What I think is also important is that in the opt-out provision, each individual that wants to can opt out without killing the program for the rest of the people who may wish to get the training.

I think the Packard amendment is deficient in the fact that it does not allow the training or the understanding of how this disease is transmitted. I think that is a very important message that needs to be sent across this country to save people's lives.

This is a design to treat all people the same, and it is designed to try to save lives. It is trying to get to the people that need the appropriate training.

I do not believe that the Packard amendment, however well meaning it is, does that. I think I agree with those who say that there have been wrong programs in this and wrong things have been done, and I applaud the gentleman from California [Mr. PACKARD] for trying to get at that, and I voted for his original amendment.

But after looking at it, I thought it was deficient and this was a better way to go about it, and that is why I put up this amendment with this type of language in it so that we can save people's lives and see that they get the appropriate training.

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

Mr. PACKARD. Mr. Chairman, I yield myself the balance of my time, which I believe is 1½ minutes.

Let me just very succinctly now say what is in my amendment and what I think is deficient in the Hobson substitute.

The technical and health risks can still be included in the training in my amendment. Transmission and the spread of AIDS will remain in the training program. My amendment does not preclude that. The workplace risks and rights can still be included in the training.

What we do not think is appropriate AIDS training is how to use drug needles so that we can use illicit drugs more easily, how to put condoms on, how to have sex and the techniques of sex, and so forth. I do not believe that that is necessary for adult workers, Federal workers. These are not the role of the Federal Government.

A vote for the Hobson amendment will prevent a vote to stop bizarre training. There will not be a vote on the Packard amendment if the Hobson amendment passes.

We think the Members of Congress should have a vote on the Packard amendment, and we urge a strong ''no'' vote on the Hobson amendment and a ''yes'' vote on the Packard language.

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. HOBSON] as a substitute for the amendment offered by the gentleman from California [Mr. PACKARD].

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

RECORDED VOTE

Mr. PACKARD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2, rule XXIII, the Chair will reduce to 5 minutes the time for a recorded vote, if ordered, on the Packard amendment, without intervening debate or business.

The vote was taken by electronic device, and there were—ayes 201, noes 223, not voting 10, as follows:

[Roll No. 529]

AYES—201

Abercrombie	Gillmor	Murtha
Ackerman	Gilman	Nadler
Andrews	Gonzalez	Neal
Baldacci	Gordon	Oberstar
Barrett (WI)	Goss	Obey
Bass	Green	Olver
Becerra	Greenwood	Ortiz
Beilenson	Gunderson	Owens
Bentsen	Gutierrez	Pallone
Bereuter	Harman	Pastor
Berman	Hastings (FL)	Payne (NJ)
Bilbray	Hefner	Payne (VA)
Bishop	Hilliard	Pelosi
Blute	Hinchey	Peterson (FL)
Boehlert	Hobson	Peterson (MN)
Bonior	Horn	Pomeroy
Borski	Houghton	Porter
Boucher	Hoyer	Pryce
Brown (CA)	Jackson-Lee	Quinn
Brown (FL)	Jacobs	Ramstad
Brown (OH)	Jefferson	Rangel
Cardin	Johnson (CT)	Reed
Castle	Johnson (SD)	Richardson
Chapman	Johnson, E. B.	Rivers
Clay	Johnston	Roemer
Clayton	Kanjorski	Rose
Clement	Kaptur	Roybal-Allard
Clyburn	Kelly	Sabo
Coleman	Kennedy (MA)	Sanders
Collins (IL)	Kennedy (RI)	Sawyer
Condit	Kennelly	Schiff
Conyers	Kildee	Schroeder
Coyne	Kleczka	Schumer
de la Garza	Klink	Scott
DeFazio	Klug	Serrano
DeLauro	Kolbe	Shays
Dellums	LaFalce	Skaggs
Deutsch	Lantos	Slaughter
Dicks	LaTourette	Smith (MI)
Dingell	Leach	Spratt
Dixon	Levin	Stark
Doggett	Lewis (GA)	Stokes
Dooley	Lofgren	Studds
Durbin	Lowey	Stupak
Edwards	Luther	Tejeda
Ehlers	Maloney	Thomas
Engel	Manton	Thompson
Ensign	Markey	Thornton
Eshoo	Martinez	Thurman
Evans	McCarthy	Torkildsen
Farr	McCrery	Torres
Fattah	McDermott	Torricelli
Fawell	McHale	Towns
Fields (LA)	McKinney	Tucker
Filner	Meehan	Upton
Flake	Meek	Velazquez
Flanagan	Menendez	Vento
Foglietta	Mfume	Visclosky
Forbes	Miller (CA)	Ward
Frank (MA)	Miller (FL)	Waters
Franks (NJ)	Mineta	Watt (NC)
Frelinghuysen	Minge	Waxman
Frost	Mink	Williams
Furse	Molinari	Wise
Gejdenson	Mollohan	Woolsey
Gephardt	Moran	Wyden
Gibbons	Morella	Yates

NOES—223

Allard	Bartlett	Brownback
Archer	Barton	Bryant (TN)
Armey	Bateman	Bunn
Bachus	Bevill	Bunning
Baesler	Bilirakis	Burr
Baker (CA)	Bliley	Burton
Baker (LA)	Boehner	Buyer
Ballenger	Bonilla	Callahan
Barcia	Bono	Calvert
Barr	Brewster	Camp
Barrett (NE)	Browder	Canady

Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ewing
Fields (TX)
Foley
Fowler
Fox
Franks (CT)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Goodlatte
Goodling
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Knollenberg
LaHood
Largent
Latham
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Portman
Poshard
Quillen
Radanovich
Rahall
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Traficant
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bryant (TX)
Collins (MI)
Crane
Fazio
Ford
Matsui
Moakley
Reynolds
Rush
Wynn

☐ 1533

Messrs. STUMP, HOLDEN, FOLEY, HALL of Ohio, and DAVIS, and Mrs. LINCOLN changed their vote from ''aye'' to ''no.''

Messrs. HINCHEY, HORN, and SMITH of Michigan changed their vote from ''no'' to ''aye.''

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. PACKARD].

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

RECORDED VOTE

Mr. UPTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 283, noes 138, not voting 13, as follows:

[Roll No. 530]

AYES—283

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Upton
Vento
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—138

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bilbray
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Foglietta
Forbes
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Green
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson, E.B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Kolbe
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Maloney
Manton
Markey
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Reed
Richardson
Rivers
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Yates

NOT VOTING—13

Bryant (TX)
Collins (MI)
Crane
Fazio
Flake
Ford
Martinez
Matsui
Moakley
Oxley
Reynolds
Rush
Wynn

☐ 1542

Mr. KLINK and Mrs. KELLY 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. RUSH. Mr. Chairman, because of my attendance at an engagement off the Hill today I was unavailable to cast my vote for rollcall Nos. 529 and 530.

Had I been present I would have voted ''aye'' on the Hobson substitute amendment, rollcall No. 529, and I would have voted ''nay'' on the Packard amendment, rollcall No. 530, to H.R. 2020, Treasury-Postal Service-General Government appropriations for fiscal year 1996.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we had a needless blowup here Thursday night for a variety of reasons, which I am not going to go into. I would very much like to see that not happen again. But if we are going to have outrageous pieces of garbage like this peddled by individual Members of this House at the door

which smear the reputation of individual Members, then I think we ought to have a rule that requires every Member who circulates something like this to have their name on the sheet.

We just had an amendment offered by a Republican, the gentleman from Ohio [Mr. HOBSON], a distinguished and honorable Member of this House, and yet the scandal sheet that was distributed at the door reads, ''Defeat the Hoyer substitute; Hoyer equals illegal drug use; Hoyer equals sex training; Hoyer equals new age cult training; Hoyer equals condom training; Hoyer equals religious indoctrination.''

□ 1545

These are five dirty lies. I want to know which Member of the House takes responsibility for bringing this garbage to the House floor. We have to treat each other with respect. It would be kind of nice if at least you had the right name on the sheet. I would also suggest that there is not a single Member of this House who would want to see the things happen that this sheet allegedly describes.

Whoever did this ought to be ashamed of themselves.

The CHAIRMAN. Are there further amendments to the bill?

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:

Amendment No. 12. Page 84, after line 17, insert the following new section:

SEC. 628. None of the funds appropriated by this Act may be used for salaries or expenses of any employee, including any employee of the Executive Office of the President, in connection with the obligation or expenditure of funds in the exchange stabilization fund.

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 60 minutes and that the time be equally divided between the gentleman from Vermont [Mr. SANDERS] and a Member in opposition.

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

Mr. SANDERS. Mr. Chairman, I object. There are a lot of Members who have waited about 7 months to discuss this issue and have never had that opportunity. I do not want to deny any Member the opportunity to speak on it.

The CHAIRMAN. Objection is heard.

Mr. LIGHTFOOT. Mr. Chairman, would the gentleman compromise on an hour and 15 minutes?

Mr. SANDERS. Mr. Chairman, an hour and 20 minutes.

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 1 hour and 20 minutes, the time to be equally divided.

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

There was no objection.

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] will be recognized for 40 minutes, and the gentleman from Iowa [Mr. LIGHTFOOT] will be recognized for 40 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, this is a simple and straightforward amendment which should be supported by progressives, by conservatives, by moderates and everybody else.

It should, in fact, be supported by every Member of Congress who is concerned about the proper separation of powers as defined by our Constitution and who cares about fiscal responsibility.

This amendment prevents the President of the United States, Bill Clinton, or any future President, from appropriating money from the Exchange Stabilization Fund to bail out Mexico or any other country without the approval of Congress.

In January of this year, the President announced that he felt it necessary to bail out the Mexican economy as a result of the devaluation of the peso. He initially indicated that he wanted congressional approval for his bailout and, in fact, won early support from congressional leaders of both parties. However, it soon became clear to the administration that they did not have the support for this bailout from a majority of the Members of Congress or from the American people. Poll after poll showed overwhelming opposition to the bailout, and more and more Members of Congress, Republicans, Democrats and the Independent, voiced disapproval of the bailout.

Mr. Chairman, understanding that he did not have the votes in Congress to go forward with this proposal, President Clinton acted unilaterally and provided Mexico with a minimum of $20 billion in loans and loan guarantees, $20 billion.

Mr. Chairman, this amendment is not about the wisdom or the folly of President Clinton's action in January or how successful or unsuccessful it might have been. That is an important discussion but not the main focus of my amendment.

This amendment deals with one fundamental issue, one fundamental issue, and that is whether the Congress of the United States accepts its responsibility under the Constitution to appropriate funds or whether it will continue to abdicate that responsibility to the executive branch. That is the issue under discussion.

If Members of this body support the $20 billion loan and loan guarantee program developed by the President for Mexico, they have every right to get on this floor to fight for that funding and to win a majority of the Members. Maybe they can and maybe they cannot. I do not know. But I do know that it is cowardly, irresponsible and probably unconstitutional for the Congress to abdicate its responsibility on this issue and not vote on the matter.

Mr. Chairman, during the last several weeks, we have been having heated debates on the floor of the House about whether to appropriate $2 million for this program or $20 million for that project. Debates have gone on hour after hour, and some of them have been extremely heated. In every case, the final decision was made by a vote in this body in which every Member participated, and that is the way it is supposed to be.

Mr. Chairman, how can we spend hour after hour debating a $5 million appropriation but not have any debate, not have any votes when we are talking about putting at risk $20 billion of taxpayer money as was the case with the bailout for Mexico? How can we ask our constituents back home to put up all of this money when we have not cast a vote on it?

It seems to me to be absurd that we have dozens and dozens of votes for small appropriations but no vote for a $20 billion appropriation which puts at risk so much of our taxpayers money.

I might add for the Members that if they think this issue is past history, they are wrong. The Treasury Department has already indicated, in a public hearing, that there is a possibility that they may be back for more money for the Mexican bailout in fiscal year 1996. Will the Congress cop again? Or will we have the guts to accept our responsibility?

Mr. Chairman, this legislation should be supported in a bipartisan fashion, and I am delighted that we will have Members from both parties speaking in support of this amendment. This amendment should also not be considered as an attack on President Clinton, because it will apply to all presidents from here on in.

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

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent to yield myself half of my time, 20 minutes, to the gentleman from Maryland [Mr. HOYER], and I ask that he may control that 20 minutes.

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

There was no objection.

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

On behalf of our side, I would like to offer an apology to the gentleman from Maryland [Mr. HOYER] over the incident that the gentleman from Wisconsin [Mr. OBEY] brought to the floor. I totally agree with Mr. OBEY. It was totally uncalled for, and that sort of thing should not happen in this House.

I do not know who did it, but I would offer my apologies to Mr. HOYER in lieu of anyone else.

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

Mr. LIGHTFOOT. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I want to thank the gentleman.

My colleagues, the issues with which we deal are emotional. There are a lot of strong feelings on both sides of the issues. We are different parties and sometimes antagonistic to one another's interests, and we are protagonists in debate. But the distribution of materials which are false, which are misleading and, in this case, totally inaccurate in undermining of the comity that we ought to have in this body.

I try to treat every person in this body with respect. In return, I expect to be treated with respect. I do not think I need to say more, but to want to say that the gentleman from Iowa [Mr. LIGHTFOOT] is one of those Members who I most respect and for whom I have a great deal of affection. I very much appreciate his comments.

Mr. LIGHTFOOT. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Chairman, I would begin by saying I have the deepest respect for my distinguished friend from Vermont. This is a very profound issue. There will be bipartisan support. There is also going to be bipartisan opposition.

Here let me express some of my concerns about the amendment of the gentleman. In the abstract, all of us are concerned about one or another Federal program or agency. For some it might be national security. For others agriculture, health care or the arts. That does not mean it is appropriate for Congress to single out parts of agencies in this kind of hamstringing way. The precedent that is established in this kind of approach is very troubling for this body to manage.

But in the specific, and much more importantly, the gentleman from Vermont and others in both parties evidenced such powerful opposition to the Mexican initiative that was considered in February and January and March that it became a factor in this House refusing to deal with the issue. And so this House looks at this issue from the perspective of refusing to deal rather than having taken an active position of either consent or opposition.

I may have differed with the gentleman then and now. But, with the understanding that bad news could always break out at any time, it is clear that to date the Mexican initiative appears to be working. The Chairman of the Federal Reserve Board, for instance, testified this morning before the committee that both the gentleman from Vermont and I sit on, that it is working maximally. This Member believes it has probably moved from a 60- to 70-percent likelihood of success to an 80- to 90-percent likelihood of success.

□ 1600

Indeed, from an American perspective, the embarrassment could be that we will be making a great deal of money on the loans and loan commitments we have made, with our lending charges being almost twice the cost of borrowing from the Federal Treasury. Here, let me stress, not only, if the program works, will we be making money, but we will be avoiding socially diversive consequences in the country of Mexico, which could have precipitated massive flows of illegal immigrants which would have been costly to the United States taxpayer and to our own system of governance.

The irony is that this amendment, as it is brought before this body, disallows the United States of America from using the Exchange Stabilization Fund to defend the dollar. The irony also is that we might be precluded from actually receiving a profit on the risk we have taken with the Mexican initiative. Both of these are counterproductive circumstances.

Those are not the only ironies that are troubling, Mr. Chairman. For a Congress that favors, presumably, stability in the world, we by this approach would be introducing a new, massive element of instability in exchange rates. For a Congress that wants to be cohesive, we make it very difficult to be credible if we attempt to seek punitive actions against those responsible for policy the leadership of this Congress signed off on. By the leadership, I mean the leadership of both parties.

Mr. Chairman, I recognize we have an honest difference of opinion on the Mexican policy, but this approach has the effect of standing as much as a vote of no confidence against the Speaker and the majority leader and minority leader as it does the President of the United States.

Mr. Chairman, let me also stress that if we look at the Mexican issue, it strikes me this administration gets pretty good marks for how it handled the crisis once it developed. The marks, if one is taking a historical perspective, if one is bent on criticizing the administration, that are less than good relate to the reasons that the crisis was precipitated in the first place. On those grounds, the administration, particularly in 1994, could come under a reasonable criticism. However, for what has been done in 1995, in my judgment, there is an excellent chance this will be considered one of the great successes, not failures, of this administration.

Let me also say that I think it is important to look to the future. As we look to the future, it is self-apparent that the international community did not have at its disposal the right kinds of equipment and capacities to deal with a crisis of this nature. We marshalled, maximally, a $50 billion worldwide system of support, 40 percent of which came from the United States.

It is clear that this war for economic stability in Mexico stretched the resources of the international community. We do not have the capacity to fight in tandem two stabilization wars, or three or four of similar magnitude. The challenge for this body is, instead of sniping at a past decision—which in my belief represented an act of extraordinary courage from a President reeling with weakness, from this Congress which was new, and from a presidency in Mexico which was also new and that responded collectively with surprising wisdom; the challenge for this body is to develop ways for the international community to share in the kinds of obligations that come into place when this kind of crisis emerges in the future.

Instead of sniping, what we ought to be looking at are constructive efforts to improve both international law and international institutions to take the burden off the publics of individual countries. While the risk in the Mexican initiative was put disproportionately on the United States public, it looks, at this point, as if it was well merited and as if it is going to produce a profit.

Mr. Chairman, I would only say to my distinguished colleague from Iowa, this amendment should, respectfully, be defeated.

Mr. SANDERS. Mr. Chairman, I yield 6 minutes to the gentlewoman from Ohio, Ms. MARCY KAPTUR.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding time to me. I want to rise in very strong support of the Sanders amendment.

To my good friend, the gentleman from Iowa [Mr. LEACH], I would say what is going on has nothing to do with sniping, it has nothing to do with a new President, nothing to do with a new leadership in the Congress. It has everything to do with the establishment of precedent in a republic that is over 200 years old.

I want to commend the gentleman from Vermont [Mr. SANDERS] for forcing us to meet our constitutional responsibilities. If any Member believes it is wrong that the Government of the United States, by the agreement of perhaps six men, decided to send billions of dollars to Mexico to bail out their investments, without a vote of Congress, without a vote of Congress, if members believe that was wrong, as I do, they will support the Sanders amendment.

The backdoor use of an obscure fund in the Treasury called the Economic Stabilization Fund, a fund that the Clinton administration essentially raided, with the collusion of about four leaders in this House and a few over in the Senate, is unprecedented in both magnitude of the dollars involved, the purposes for which the fund was originally established several decades ago, and also the duration and risk attached to what has been done.

Mr. Chairman, I really respect my colleague, the gentleman from Iowa, as a staunch defender of our Constitution. Thus, it surprises me a bit to hear him

argue in the way he has argued this afternoon. Our country has never extended loans to a foreign country on a medium- or long-term basis from this fund, never $20 billion and more of commitment. This particular commitment was 20 times as large as any prior use of this fund. Never has it been the will of this Congress to provide the executive branch with unlimited authority of this sort.

Mr. LEACH. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, I would only make one modest point. I think several of the points of the gentlewoman are correct. On the point of precedent, though, I would say that the fund was set up for this purpose. It has been used for this purpose in the past, but never at this magnitude. The magnitude is unprecedented. That is the unprecedented point. However, the legal authority is there. We have carefully reviewed that legal authority, so as a constitutional issue, I would beg to differ with the gentlelady.

Ms. KAPTUR. If I might reclaim my time from the gentleman, Mr. Chairman, this is where the nub of the argument really lies, in terms of the Constitution. When this fund was established, the purpose was to prop up the dollar, not the peso, but the purpose of the fund was for short-term currency exchanges, not medium-term loans, not long-term loans, for another government, for another government to refinance its investors, those people that had speculated in that market.

I think that the gentleman, being a party to the agreement, obviously would want to defend it, but I think that when we have a backdoor form of foreign aid, this is not healthy. This is not healthy for our country, it is not healthy for the confidence of Members here, nor of the America people. We should have a debate.

Mr. Chairman, what is so troubling about this particular matter is we have never been allowed to have a full debate on the floor of this Congress. It has been bottled up by the committees of jurisdiction. Our efforts to get discharge petitions signed have been very interesting to watch, to move this bill to the floor in other forms, but I think the gentleman's point is incorrect. In fact, this fund was established to prop up the dollar, not any foreign currency.

Mr. LEACH. Mr. Chairman, if the gentlewoman will continue to yield, the gentlewoman is precisely correct on what the fund was set up to do under original law, but the law was changed in 1977 under the Gold Reserve Act. It was precisely changed to allow greater flexibility in usage of these funds, and they have been used for this purpose many times since 1977, with full concurrence of the Congress of the United States.

Ms. KAPTUR. Mr. Chairman, let me just say that historically the fund was never used either for this magnitude, this duration, or this purpose. What has happened during the 1980's, and this is why I call this a backdoor form of foreign aid, if this was necessary to prop up the political environment of this continent and of this hemisphere, then that is what the debate ought to be about, but the fact is we took over $20 billion of our taxpayers' money and put it at risk. It is still at risk.

The long-term debt of Mexico, and if we look at what is happening with the internal dynamics of that country, with its private banks, with the loans that are owned by the private sector, this is not over, as my good friend knows, probably as well as anyone in this institution. This is not the way to do it. This is not the way to do it. I think the gentleman is creating a real paradox inside for Members who may wish to have an open debate on the merits of how we relate to Mexico, but I think this completely erodes that confidence.

Mr. HOYER. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me start out by saying that it would be nice if we could go back to a time where we could live within out borders, trade within our borders, our economy would remain within our borders, and we would not have to worry about what goes on in other countries. However, that time has long passed. The problem with this amendment is that it tries to take us back to where we cannot go. It guts our policy as a nation to intervene in the world currency markets, and in particular, to defend the dollar. That would be a big mistake. We must not tie the hands of any administration to protect the dollar.

In the last 18 months we have seen dramatic drops in the value of the dollar, and we have seen some efforts where the dollar has starteed to stabilize. To do this today would undermine those efforts. Then the result would be a continuing fall of the dollar, a rise in interest rates, a rise in mortgage rates, and that would be detrimental to our economy, which I think would be contrary to what the proponents are trying to accomplish.

Second of all, let us talk a little bit about Mexico. I do not disagree with the proponents wanting to come down and debate the issue of Mexico. I am more than willing to come down and debate it. However, let us talk about a couple of facts with regard to Mexico. No. 1, it is our third largest trading partner. Those facts will not change.

No. 2, we know that exports are down to Mexico, in part because of the economic situation that has gone on there. However, we have to remember that if we had not taken care of the situation, that exports would have been way down in Mexico, and we would have had an economic collapse on our hands. There are 80 million people who live there. They are not going anywhere. They are not going to move anywhere. They are going to be there along the border, a 2,000-mile border with the United States, so we have no choice but to face up to the situation and deal with it.

I would agree with the distinguished chairman of the Committee on Banking and Financial Services, that the policy does appear to be working. I would argue that the figures are not exactly correct, because it appears to this point that we have issued loan guarantees and Treasury swaps in the range of about $10.5 to $11 billion, not $20 billion. However, the policy does appear to be working. Mexico has been able to reenter the capital markets, it has been able to have more capital inflow into the country, and that will work to our benefit.

Let me address another issue that I think is a myth that has been out there. There are a lot who believe that our policy was geared primarily to the benefit of Wall Street investment bankers, but the fact of the matter is that over 50 percent of the bonds, the Mexican Treasury bonds which would have defaulted, were held by United States institutional investors. United States institutional investors are not one or two people who reside on Wall Street. They are pension funds, they are people like you and me, who invest in 401(k)'s and our savings and our retirement.

Mr. COX of California. Mr. Chairman, will the gentleman yield?

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

Mr. COX of California. Mr. Chairman, is the gentleman speaking of the tesebonos?

Mr. BENTSEN. Yes.

Mr. COX of California. The gentleman is aware that the tesebonos were payable in pesos rather than in dollars. Why does the gentleman believe they would have defaulted?

Mr. BENTSEN. Reclaiming my time, Mr. Chairman, I believe they would have defaulted if there was a collapse, if we had not stepped in, if we had allowed the Mexican economy to collapse. I think they would not have been able to make their payments.

Mr. COX of California. If the gentleman will continue to yield, does the Mexican Government not have the sovereign capacity to issue pesos to repay their sovereign debt?

Mr. BENTSEN. The Mexican Government does have the ability to do that.

Mr. Chairman, let me finish my statement quickly by saying this amendment is misguided. I understand the gentlewoman's concern on the policy, and I would be glad to debate that, but this is a straitjacket on our policy to intervene in the currency markets, which any nation, particularly this Nation, should have the ability to do. It is a mercantilist policy. It is misguided.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. BENTSEN. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I will just say, that is exactly what we want. We want a debate on the merits of the policy and the precedent being established.

□ 1615

Mr. BENTSEN. Reclaiming my time, that is fine, but let us not tie the hands of any administration to intervene in the currency markets to defend the dollar.

Ms. KAPTUR. Let us do it under the law.

Mr. SANDERS. Mr. Chairman, I yield 5 minutes to the gentlewoman from Missouri [Ms. DANNER].

Ms. DANNER. Mr. Chairman, I rise in support of the Sanders amendment to suspend funding for disbursing exchange stabilization funds to Mexico.

Because I know everyone here is aware of the origins of the $48 billion Mexican bailout package, I will not review it again. However, I want to be sure that we all remember that, despite the size of this bailout, Congress has never directly voted on whether or not to approve it.

Mr. Chairman, while this amendment will not immediately cut off funding, it will show that Congress is unwilling to relinquish our control over the Nation's spending.

Mr. Chairman, I think the House should also be aware that as the year has progressed, unappropriated money has continued to flow to Mexico. In fact, by late May, Mexico had already borrowed the maximum amount the Treasury Department allowed to be dispersed before July 1. On June 29, Mexico announced they will draw down an additional $5.5 billion of the $10 billion which became available July 1. In addition, the United States backed IMF has loaned the Mexican Government $8 billion.

Where has the bailout money gone? Well, of the $17 billion Mexico has borrowed through the bailout package, they have spent $6 billion to redeem dollar-denominated bonds, $3 billion to pay off other public debt, $4 billion to pay off dollar deposits withdrawn from Mexican banks and $2 billion to enable Mexican companies to redeem foreign debts.

This money did not go to the Mexican people, it went to foreign investors who made a bad investment decision, and are now being spared the consequences because the United States taxpayer is paying for their mistakes.

I know that this amendment will not bring back the money which has already gone to Mexico, and it will not immediately stop additional taxpayer dollars from flowing to Mexico. However, it will allow Congress to reclaim the constitutional role in controlling the spending of taxpayer's money for the next fiscal year, and that is certainly the least we can do.

I urge all Members to support the Sanders amendment.

Mr. LIGHTFOOT. Mr. Chairman, I yield 6 minutes to the gentleman from Texas [Mr. DE LA GARZA].

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. DE LA GARZA].

The CHAIRMAN pro tempore (Mr. WALKER). The gentleman from Texas is recognized for 6½ minutes.

Mr. DE LA GARZA. Mr. Speaker, listening to the distinguished chairman of the Committee on Banking and Financial Services, I was very happy that he mentioned the facts, and gave an accurate description of what this fund is all about.

What I am going to very respectfully and quite reluctantly have to explain is that this is no more, no less than Mexico bashing. We are still fighting NAFTA. We did not fight Canada. Oh, no. But are still arguing about Mexico.

Let me give some facts. Mexico is not going to be swallowed by the ocean. It is going to be there forever. The border is not going to change, they will be our neighbors always. What we do with Mexico to stabilize the peso is for my side of the river, for the American side of the river. When the peso is weak for whatever reason, it is McAllen and San Antonio and Dallas and Houston that suffer.

But what disturbs me the most is that in the debate on NAFTA, and I hate to go back to it, we got to a Mexico-bashing binge. I share blood with the Mexican people. And when you insult them, you insult me.

They discussed the environmental issues, that Mexico would not fulfill the obligations incurred by NAFTA. I am going to put in the RECORD later a story about how United States companies are complaining how harshly Mexico is treating them about cleaning up the environment.

United States companies are saying the Mexican Government has closed 28 factories in the State of Tamaulipas, they have sanctioned about 80, but here we are still saying, ''Oh, they're not cleaning up the environment.''

Mexicans have died for the United States of America. There is a Medal of Honor winner from Mexico. They are our brothers. They are our neighbors. They will not go away. They will not be swallowed by the ocean they will remain our southern border.

Yes, we should correct, but I doubt that there is any—I do not know what word to use—integrity in any argument about the fund, when we know what motivates the problem with the fund and how much money that would go to Mexico.

My side of the river is suffering. They are asking me, ''Can you get us SBA loans because we are losing all this business that is not coming from Mexico?''

Mexico has been our stern ally politically, socially, and economically. Let me tell you, the best interests of the United States of America and our very national security demands a stable Mexico, socially, economically, politically.

That is why we at times intervene in Mexican affairs, rightly or wrongly, to try and make them more equal to us. But the bottom line, my dear friends, is that we, the United States of America, took two-thirds of the territory of Mexico in a way that has yet to be explained: Texas, New Mexico, Arizona, California. But now we are on an alien-bashing binge, in California, in the Northeast, anything that does not look like us—blond, blue-eyed, tall.

Would you believe I have Irish blood? I have Italian blood. My children have, through my wife, German blood. My family came when it was Spain, they lived there when it was Mexico, they lived there when it was Texas, they lived there when we were Confederates, but we are citizens of the United States of America and proud of it. But anyone who for any other reason than fact demeans the Mexican people, I resent, because I share blood with them.

It is unfortunate that this issue has been brought up. I have no question about the seriousness of the gentleman who offered the amendment. But it is being used for all the other purposes.

We hear, ''we want the Vietnamese out of California, we want the Salvadorans out of California, we do not want the Mexicans anymore, we want no aliens. They are getting into our political grounds, they are getting our social services, they are coming to get aid'' and so forth.

Mr. Chairman, that should not be the issue. Every one that is here, with the exception of probably my dear good friend, the gentleman from Iowa [Mr. LIGHTFOOT], and Senator CAMPBELL, everyone that is here, came, or their ancestors came, as aliens. You demean your ancestry when you now say, ''Oh, the aliens are taking over our country.'' My friends that is what we are all about.

We should stick to the facts. But I cannot, because I see behind the eyes of the debate and the speaking of the debate. I see bashing Mexico. That is not correct. That is not proper. The best interests of the United States of America demand a stable Mexico. Anything that we do, the stabilizing of the Mexican peso was done for the States of Texas and Ohio and Indiana and all the people that sell in Mexico or sell to our Mexican friends who come to our country, specifically in the border States.

Mr. GONZALEZ. Mr. Chairman, if the gentleman will yield, I wanted to ask the gentleman to yield to identify with him. We are fellow Texans and we have a very similar, almost identical background. I identify with him.

Just to clarify the point that I have often and repeatedly said when I have been called an Hispanic, I say, ''No, I am not Hispanic, I am just a plain old Mexican.'' The fact that where we come from and what we identify with, and up in these sections of the country the history that is ignored, I thank the gentleman for recalling it.

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

Mr. Chairman, the speech from the gentleman from Texas was very moving and interesting but totally irrelevant to what we are talking about right now. I bitterly resent the gentleman's suggestion that anyone here is Mexico bashing.

The issue is whether the taxpayers of the United States were put at risk $20 billion without one word of discussion or one vote on the floor of the House. If the gentleman disagrees with me, then he should participate in that debate on the floor of the House. Maybe he will win. Maybe he will not. But that is the way democracy works and that is what the Constitution mandates.

Mr. Chairman, I yield 8½ minutes to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Chairman, I thank the gentleman for yielding me the time. I thank him for bringing this amendment to the floor. I am happy to rise in support of it.

I would like to go through a little bit of what we have heard on the floor thus far and respond to it.

First, my distinguished colleague from Iowa has said that Congress is to blame for refusing to deal with the issue of the Mexican bailout. I beg to differ. Along with my colleague, I worked on a task force appointed by the Speaker of the House.

Mr. LEACH. Mr. Chairman, will the gentleman yield on that point? The gentleman used my name.

Mr. COX of California. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, I said in the background of this debate was the failure of the Congress to act. I did not use the verb ''to blame.''

Mr. COX of California. I do not know that I heard the gentleman say anything different than that. What I said was that I heard the gentleman to say that Congress refused to deal with the issue. I beg to differ. I do not believe that Congress is at fault for refusing to deal with this issue.

As I was about to say, I served on a task force with the gentleman from Iowa and negotiated with the administration on their proposed legislation, on their proposed plan for what became the Mexican bailout. I worked with Larry Summers from the Department of the Treasury. We worked with representatives from the White House.

It became clear after the legislation took shape that there was not much support for it in the House of Representatives or in the Senate. The response of the administration was, therefore, to pull the bill. That is why Congress did not have an opportunity to vote on it before anything else could happen, even though Congress at the behest of the Speaker and the majority leader in the Senate, and in very bipartisan fashion, this task force had Democrat and Republicans on it, were working to put together a proposal that could come to the floor.

Before that could happen, the administration announced that they were going to seek to do this unilaterally without congressional authorization, that they were going to seek to commit $20 billion in U.S. resources unilaterally. That is what happened. It is not the case that Congress refused to deal with this issue. Rather, President Clinton pulled the bill because he did not have the votes. Those are the facts.

Second, we have heard several people talk about the policy, whether or not it is working, whether or not it is a success. I would say, if I had more time, that there is much economic data to suggest that the conditions that have been imposed along with the loan guarantees by international organizations have done as much if not more harm than good to Mexico.

□ 1630

But we ought not be debating the policy. We had a chance, as members of the task force, to do that. We would have had a chance to do so on the floor the House and on the floor of the Senate, if there had been a vote, but that never happened.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. COX of California. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I am just puzzled by the gentleman's view of who controls the legislative schedule. If the Speaker of the House of Representatives wanted to present the bill, he could have presented it. Does the President have the right to pull any bill? Because if he does, if any time the President says, ''Pull the bill,'' the Speaker is going to comply, I will go get the list right now and we can be out of here for recess in about an hour.

Mr. COX of California. Mr. Chairman, reclaiming my time, the gentleman from Massachusetts [Mr. FRANK] headed up the Democratic task force that was drafting the legislation that would have come to the floor, if the President had not acted unilaterally.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman would continue to yield, if the Speaker had wanted it to come to the floor, it would have come to the floor. The gentleman should not make this a partisan issue, when it is not. There was a joint consultation. The suggestion that the President unilaterally can stop this House from acting on legislation that the Speaker wants to bring forward is nonsensical.

Mr. COX of California. Mr. Chairman, reclaiming my time and yielding no further, because I only have a finite amount, the rest of the story, which the gentleman from Massachusetts conveniently leaves out, is that we came back to the floor after the President unilaterally acted and deprived us of the opportunity to vote.

The gentlewoman from Ohio was especially active in the Banking Committee drafting a resolution that I would be surprised if the gentleman from Massachusetts did not vote for. We did schedule a vote, although the President presented us with a fait accompli.

We said, ''All right. At the very least provide us with documents. Show us what it is that you think justifies your acting unilaterally, because Congress does not intend simply to abandon its responsibility and give up the power of the purse.''

There was a deadline that the President did not observe. He did not provide the documents in response to the overwhelming vote of this House. Perhaps somebody can tell me precisely what the vote was, but it was more than 300 of us who voted, out of 435, to require that by a date certain in March the President send up those documents.

When the President did not do so, we acted again in Congress. We passed the Mexican Debt Disclosure Act. It was a statute signed into law by the President. He did not have any choice, even though he did not like it, because it was attached to the Defense supplemental appropriations bill. Under that statute he was required to turn over documents.

That statute required that the President turn over all of the requested documents and that the President certify that all of those documents had been provided. The President has yet to make that certification, long after the deadline in the statute. The President, according to the opinion of the general counsel of the House of Representatives, is now violating the law in that respect.

So, Mr. Chairman, do we have the right to come to the floor and say that even though some of us are strong supporters of Mexico. Some of us who live in California and share a border with Mexico believe that nothing is more important than our relationship with our closest neighbor in terms of our foreign trade, our international security and so on, that even though we support that relationship and believe very strongly in friendship with our Mexican neighbors, that we think before we give anyone $20 billion in U.S. resources, we ought to vote on it first in Congress.

Mr. Chairman, I am a strong supporter of Israel. We had a nationwide debate on whether to give $10 billion, half the amount, in loan guarantees to Israel. It was a tough vote. I voted in favor of it. Some Members voted against it, but that is the way these decisions should be made.

Never in American history has $20 billion been extended through the Exchange Stabilization Fund, or any other piggy bank of the President of the United States, to some foreign government without the assent of Congress.

What is our entire foreign aid budget this year? $11.5 billion. Roughly double that is the amount the President committed without checking with this Congress. The gentleman from Vermont would now have us vote on a very simple amendment and I would like to

refer to the text of that amendment, because it is different than described by some of the opponents.

What it says is that we cannot spend appropriated moneys under this act on the Exchange Stabilization Fund if the purpose is to bolster a foreign currency. We can continue to do it without checking with Congress at all if the purpose of it is to defend the dollar in international exchange markets.

So, yes, we could even use the Exchange Stabilization Fund to defend the foreign currency if the President would check with the Congress first. And for that reason, I urge all of my colleagues to vote for this amendment.

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

Mr. COX of California. I yield to the gentleman from Texas.

Mr. BENTSEN. Mr. Chairman, let me ask a question. Does the gentleman from California [Mr. COX] think that it is proper for the U.S. Government to join with other central banks to intervene in the foreign currency markets to affect the price of other currency which will, therefore, affect the price of the dollar?

Mr. COX of California. Mr. Chairman, of course I agree. And this amendment is not about our central bank, which is the Federal Reserve. Let me respond. I only have a moment left. We are not talking about our central bank here. We are talking about the Exchange Stabilization Fund, which is set up by statute for the purpose of defending the dollar. It is clarified in the amendment by the gentleman from Vermont [Mr. SANDERS] and I think it is a very sound amendment.

Mr. Chairman, I am one who believes in energy in the executive. Before I served in Congress, I worked in the White House counsel's office. When Bill Clinton is in that White House, I want Bill Clinton to be a strong, energetic executive, because that is what America needs.

I support executive powers. I support the line-item veto. I support repeal of the War Powers Resolution. I was down here a few days ago arguing in behalf of that. I support revising the 1974 Budget Act to put the President back in the process.

But that is not what this is about. This is about the power of the purse, which under any reading of the Constitution belongs here in Congress. We are here on this vote to reclaim it. Vote ''yes'' on the Sanders amendment.

Mr. HOYER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, first, with regard to stabilizing the currency, the notion that you stabilize one currency without looking at others is a little bit odd. As a matter of fact, my recollection is that when the Mexican crisis was averted, we can debate for how long, that was good for the dollar. The dollar was threatened by this. So as a matter of fact this did have the effect, I recall, of bolstering the dollar in the short term.

I am opposed to the amendment. I think what the President did was reasonable. It has so far succeeded, compared to the alternative. People forget the eternal wisdom of one of the great commentators on the human condition, Henny Youngman: The important issue is always compared to what? Having not done this, and having had the collapse in Mexico that would have occurred, would have had very negative consequences.

But I also want to address the rather extraordinary history that we just heard from the gentleman from California [Mr. COX], a member of the Republican leadership.

We have been reading about the strong Speaker and the strong leadership. It now turns out that the Speaker of the House and the majority leader of the House and the Republican leadership will not bring a bill to the floor if the President does not want them to. No one knew that before.

The Speaker, as I recall, supported what the President did. Now, I just read in the paper yesterday that the Speaker made a statement about Taiwan. Henry Kissinger called him up and he changed his mind. Did the Speaker change his mind? The Speaker supported this action of the President. Did Henry Kissinger call him and make him change his mind again? Maybe we will have to read tomorrow's New York Times.

The notion that the President of the United States stopped this House from voting, when control of the legislative agenda is in the Republican hands, is nonsense. Did Senator DOLE refuse to bring it to a vote in the Senate because of consideration for the President?

Let us not debase this with that kind of partisanship. There was, in fact, joint consultation. It was one of the most bipartisan things that has been done all year. The chairman of the Committee on Banking and Financial Services was taking a very responsible decision. People might agree or disagree. He was trying to work it out. I disagreed with him on some specifics, but there was joint bipartisan leadership consultation to do this.

So the notion, particularly from a member of the Republican leadership, that this was a Democratic thing thwarted by the President is really not a useful way to debate this. It really does a disservice to the Speaker. Is the Speaker some helpless child? He is tied up somewhere and he could not bring this bill to the floor?

If the Speaker wanted the bill to be brought to the floor, he could have brought it to the floor. I think the Speaker would have said this was as important as rhinoceroses and tigers, and he got a vote on rhinoceroses and tigers and he probably could have sneaked this one in. So, let us not have that kind of unfair mischaracterization.

Now, as far as the legislation is concerned, it is relevant to the stabilization of our currency in the broadest sense. And I believe if my colleagues will go back and check, that the dollar, in fact, benefited from the announcement of this deal. And that, in fact, let me put it this way, if we learned tomorrow that this was falling apart and that Mexico was going to be in serious trouble, I do not think that would be good for the dollar. I think that, in fact, that would destabilize the dollar. So in the broader sense, this, I think was useful.

These are difficult questions. I am not happy with the internal situation in Mexico. I was not ready to vote for the legislation, because I wanted more conditions dealing with labor rights in Mexico. But it is because of the interconnection of our economy and theirs that I wanted those.

As, in fact, things deteriorate in other countries, that has a negative effect on us in two ways: A negative competitive effect, because an implosion standards there has a downward pull on standards here; and it means they do not buy as much.

Given the difficult situation with bipartisan consultation, the President did, I think, something that was courageous and has worked well. But to have a member of the Republican leadership make that kind of partisan attack, inaccurately suggesting that the President somehow kidnaped the Speaker, kidnaped the majority leader, hornswoggled the Senate, and kept this from being voted on is simply wrong.

Mr. LIGHTFOOT. Mr. Chairman, I yield 7 minutes to the other gentleman from Iowa [Mr. LEACH]. There are only two of us.

Mr. LEACH. Mr. Chairman, I thank my distinguished and good friend for yielding, and, as an aside, I want to thank him for his kind comments that related to the comments of the gentleman from Wisconsin [Mr. OBEY].

Let me make one minor correction to the statement, virtually all of which I agreed with, of the distinguished gentleman from Massachusetts [Mr. FRANK]. The real power in the House on that issue rested with the gentleman from Massachusetts, not the President. The reason the Speaker did not bring a bill up was that we could not get majority support in either party, as symbolized by some of the concerns of the gentleman from Massachusetts.

But I also think from a historical perspective, to be fair to the President, it is important to point out that a point was reached 4 months ago in which the leadership, which was working on the issue, came to the conclusion that majority support was unlikely to be achieved on a timely basis and this information was conveyed to the President with the recommendation, given the significant diceyness of the day, that he act utilizing executive authority at that time.

So the recommendation came on a timing basis from the Congress of the

United States, from the leadership of the Congress, recognizing that Members, like the gentleman from Vermont and the gentleman from California and the gentlewoman from Ohio did not support the legislation, and that Executive initiative that we believed, after careful legal review was legal and was constitutional, should be taken.

But I want to make the distinction between ESF and certain appropriated programs. The Exchange Stabilization Fund was established, I believe, in 1934. The original appropriation, and my understanding is the only appropriation, was about $200 million.

It now has resources of about $42 billion, which relate to earnings in the fund in interventions and defense of the dollar and other currencies. So we are talking about a fund that was built up 95-plus percent outside the appropriations process.

Mr. Chairman, I would also stress that the Exchange Stabilization Fund allows us the capacity to quickly intervene. If we unilaterally disarm our capacity to defend the U.S. dollar, overnight we will precipitate a weakening of the dollar. In macroeconomic terms, this will cause a rising of interest rates, which will be to the disadvantage of the United States of America.

I would also state that it will weaken the United States capacity to maintain a principal role as a major reserve currency. That role allows seniorage, which earns us a great deal of money every year and is also a stabilizing influence for American business. A gyrating dollar is not in the interest of the United States commerce.

I would also stress that in many regards the Mexican crisis represents the first issue of a new financial order. In that crisis, in a bipartisan way, the President of the United States worked with the new leadership of another party in the Congress, and came up with an ad hoc bipartisan approach which also provoked bipartisan criticism.

I would say to the gentlewoman from Ohio and the gentleman from Vermont that there are two parts of your argument I totally agree with. It would have been vastly preferable for Congress to have acted. It is also true that this is an unprecedented usage of these funds in terms of magnitude, although not in principle. Having said that, I personally believe the President of the United States is to be credited. The Speaker of the House is to be credited. The minority leader is to be credited with working to try to constructively come up with an arrangement which is legal—although with unprecedented aspects—and which fits the times.

Mr. Chairman, nothing could be more ironic, that after what appears at an early stage to be an extraordinarily successful program, we were to undercut that program and at the same time, in the same way, weaken the capacity of the United States to work in traditional ways with the Exchange Stabilization Fund to defend the dollar in the future.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, the gentleman used the term ''arrangement'' to describe what has occurred in our country on this particular issue. He said the reason a bill could not be brought up on the floor here is perhaps there would not have been a majority of votes.

Would the gentleman agree this is not a parliamentary system, this is not a monarchy, this is a Democratic republic?

Each of us does have a right to express our views and in this instance, yes, an arrangement was made by a handful of individuals in this Government, and we have not met our constitutional responsibilities. Would the gentleman agree this is not a parliamentary system or a monarchy?

□ 1645

Mr. LEACH. Certainly this is a constitutional arrangement. This arrangement was constitutional, although it would have been preferable for this body to have acted on its own, but the legal authority was there for the President to act.

Mr. BENTSEN. Mr. Chairman, will the gentleman yield to me?

Mr. LEACH. I yield to the gentleman from Texas.

Mr. BENTSEN. The distinguished Chairman of the Committee on Banking and Financial Services, the way this amendment is written, do you believe it would prohibit the Treasury Secretary from being able to intervene to support the dollar by buying or selling foreign currencies, whether it is the deutsche mark or the yen?

Mr. LEACH. Without doubt, this is an amendment as written that has that effect, and it should be on those grounds alone, however one stands in the Mexican issue, defeated.

Mr. SANDERS. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, perhaps a little review of the debate over the adoption of NAFTA would be in order at this point.

There were many of us who stood on the floor and bitterly opposed the adoption of NAFTA, and one of the many points we made was that it was clear in the oligarchy that runs Mexico that they had artificially overvalued the peso in order to make them look a more attractive trading partner with more buying power.

Now, we were wrong. We were wrong. I admit it. We said the peso was overvalued by 25 percent. The markets say the peso is at least overvalued by 40 percent, probably more, except the United States intervened in a bailout to save it.

Now the free market would have found a value for the peso. This is free trade. Why do we not let free markets work? I suspect it is because of a whole heck of a lot of large investors on Wall Street. The 50 percent that are institutional, are not institutional, whichever it is, had billions of dollars on the line. They had only been making 40 and 50 percent interest.

I can understand that the taxpayers should bail them out. These poor investors, 40, 50 percent interest. All my constituents are accustomed to getting that return in their savings account, and if their savings alone went down, they would expect to get bailed out if they had been getting 40 or 50 percent. Get all their capital back. Right? Right? No. Did not happen here. Should not happen there.

We do not know who was invested in Mexico because Mexico will not tell us, and the United States government will not tell us. We are bailing them out with $20 billion of our taxpayers' money, and we are not entitled to get a list of the recipients.

The New York Times had a really interesting graphic. They showed the flow of the money. The money went from the U.S. Treasury in Washington to the Federal depository institution in New York, and it went from there to the brokerage houses in New York, and it went from there offshore to the Bahamas into tax-free accounts.

Who owns those tax-free accounts? Average Mexicans? Average Americans? People with their pension funds? No. Special interests, big investors, big-time Wall Street folks, international investors, and others. This is who we are bailing out.

Nothing has changed. We had a Republican revolution. Nothing has changed. Nothing. Those same people are dictating the trade policy of this country, and when they could not jam a bill through the House of Representatives, even with the support of the Speaker of the House, they then pressured the administration and got them to cut a back room deal. And we still do not have the documents and the disclosure.

What else would we spend $20 billion on without a vote, without the documents, without the disclosure, without knowing who the beneficiaries are? I do not think there is anything else that could go through this House.

We spent hours debating the elevator operators' salary on this floor. $20 billion, colleagues. If you vote no on this amendment, there is one thing the people of your district will know. You have voted to endorse the back room deal, the bailout of Mexico.

A vote no on this amendment is a vote to send the dough to Mexico with no accountability on the part of this House or on the part of the administration and no accountability to the taxpayers. Just remember that.

If you vote yes, you are asking for accountability, and you are saying these sort of things should not happen without a vote of the elected representatives of the people.

We do not commit our taxpayers' funds to bail out big investors and foreign interests without the consent of the duly elected representatives of the United States, or we should not. Vote for this amendment. Vote no, and you are voting to endorse the bailout.

Mr. HOYER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. LEVIN].

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Chairman, with some reluctance, out of respect for the author, I rise in opposition to the amendment.

I do not think, by the way, it is fair to say that he is bashing Mexico. I think that is, if I might say, very unfair. We ought to be able to talk on the floor of this House without saying that someone who disagrees with us is bashing this or that. I think reasonable people can differ.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, very respectfully, and I tried to be respectful, but it is always whenever anything related to Mexico is brought up, it is basically the same people. So what deduction can we get from that, regardless of the mainstream issue?

I thank the gentleman, appreciate his comments.

Mr. LEVIN. I just think we have to be careful about our deductions sometimes, and I am on the gentleman's side on this one, but I do not think the people who disagree with me are bashing Mexico. I was with them on NAFTA, and I was not bashing Mexico, and I would still vote against NAFTA if it came up today. I think the jury is out.

But, look, this amendment is not a wise amendment. First of all, it is much too broad. It would prohibit, in essence, any use of the fund to bolster any foreign currency.

Now, we have done that 90 times in the last decade, 90 times. Are we going to insist there be a congressional vote every time the fund is going to be used for stabilization? Now, this is 90 times to bolster a foreign currency. That is what I understand from Treasury.

Now, this is not wise. Sometimes bolstering a foreign currency is in the advantage of the United States of America. It better be, or else we should not be bolstering that foreign currency.

We should have bolstered the yen 15 years ago. We would have been much better off without a strong dollar.

So this amendment is much, much too broad, and I think sometimes these broad swings are going to be misunderstood, and in this case, I think it would be.

Let me also point out, this is not the use of $20 billion like foreign aid. This is a loan guarantee, in essence, and so no one should misunderstand that we appropriated $20 billion to go to Mexico. That is not what happened.

Now, third, let me say just a word about what has happened in terms of Mexico and U.S. economic relationships.

I am concerned about the trade imbalance that is growing, but if the Mexican economy had collapsed, if you want to put it this way, NAFTA might have turned out even worse. The trade imbalance could have become even more serious.

It was important for the United States that the peso collapse be addressed. That is why we did it. And it was not only for a few small big investors. There were pension funds that had large-scale investments in Mexico. Average Joe and Jane Public had their money at stake here.

So I say to the gentleman from Vermont [Mr. SANDERS], it is useful to discuss this rather unusual case of using the ESF on a long-term basis. That is somewhat unique in its history. But taking the ax to the ESF is not a wise approach. Let us raise this problem. Let us do it in an intelligent, in an intelligible way. Let us not cut off our nose to spite our face. I oppose this amendment.

Mr. SANDERS. Mr. Chairman, could I inquire as to how much time is remaining?

The CHAIRMAN pro tempore (Mr. WALKER). The gentleman from Vermont [Mr. SANDERS] has 11 minutes remaining, the gentleman from Iowa [Mr. LIGHTFOOT] has 2 minutes remaining, and the gentleman from Maryland [Mr. HOYER] has 7 minutes remaining.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MILLER].

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

Mr. MILLER of California. Mr. Chairman and Members of the House, I would hope that we would support the Sanders amendment because it does violate the relationship between this House and the people we represent and the President of the United States. When we make an expenditure of $20 billion, we ought to have the right to vote on it.

The notion that somehow this is the instrument, these are the tools of the new financial order, is to suggest that we are the lender of last resort and there will be no risk for hot money on Wall Street. We cannot hide this problem behind the pension funds that were there. Maybe they should not have been there.

The financial problems and the risk in the Mexican market were discussed in business journals across this country and across this world. If you read the Wall Street Journal, if you read Forbes, if you read Fortune, if you read Barrons, everybody was commenting on how fraudulent the system was in support of its peso many months before.

The night that Mr. Greenspan came up here and Mr. Rubin and others, they said that this was a surprising development, and then when they laid out what happened, they said it was perfectly predictable.

We ought to have some say in that. And the other part of this is, we ought to know who we are paying off.

Orange County is going through serious problems. They are going through what potentially could be a bankruptcy, if not a full-blown bankruptcy. The fact of the matter is, they are negotiating with their creditors. A lot of this money was simply hot money that was looking for returns far beyond what they could expect. They stood to lose 70, 80 percent of their investment had we not intervened.

Could we have delayed the payoffs? Could we ask for time? Could we ask for terms? Could we have negotiated with the Fidelity people who overextended their investors into this operation? Could they wait like school districts are waiting in Orange County? Could they wait like water districts, like cities and counties are having to wait for payments?

But we never got to a point of discussing that. We never had to make that because we do not know where the money went. That is the term. That is what you should be doing.

People ask you all the time, ''Why don't you run it like a business?'' Nobody would have done this. Nobody would have handed out $20 billion with no terms and no disclosure, and we should not have allowed it to happen in the names of our constituents.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the problem with the Sanders amendment is that it really deals with the symptom. It is not a cure.

It is a little bit like going to your doctor and saying you have got a hangnail, a sore toe, and he says, we are going to take your leg off above the knee. That really is not the answer to the problem, and that is certainly what we are doing here. Trying to take away the Economic Stabilization Fund or the operation of the Economic Stabilization Fund is certainly not the answer.

I know it is argued that this is sending a message, we are trying to send a signal here, but this is not the right one. What I think this has demonstrated is that the institutions that we have are not working very well. The institutions that were developed at the time of Bretton Wood a generation and more ago are not working very well.

The Economic Stabilization Fund was used in this instance, basically, as it was intended to be used, in a much larger degree than I think anybody had ever anticipated that it would.

Should we in Congress have more control over that? Should we exercise more authority over that? That can reasonably be argued. But I think it cannot be argued, at least it has not in

any court been argued, that it was not within the law that Congress had passed. And I think what is abundantly clear is that the institutions we have today are not working in this age of electronic fund transfers where in a nanosecond money can be transferred around the world a dozen different times.

Now, we have heard here on the floor a lot about bailing out big Wall Street investors. That is not the case. What is different about this financial crisis in Mexico that has never been replicated, we have never seen before in the world, is this is the first mutual fund crisis that we have seen.

□ 1700

Literally tens of thousands, hundreds of thousands, even millions of investors are involved through mutual funds. It is not the case as it was in 1982 where one could go to the bank and say to the banks, ''You deal with this problem in Mexico.''

So finally, Mr. Chairman, the question is, Is this working? Well, the jury is out; that has been said already here. But what is the alternative? Clearly what we are seeing in Mexico with the Mexico peso crisis was greater instability in financial markets all over the world from places as remote as South Africa, Thailand, and of course in our own hemisphere, in Argentina. A very critical problem was developing in Argentina. We needed, the world needed, to act, and we did not act unilaterally in this regard because our allies were involved in this as well.

We acted, and we acted correctly. The solutions are not good, none of them were good at the time, but under the circumstances it is my view that it was the right choice. Now it is time for us, in a cool, detached way for the Banking Committee and the other relevant committees of this Congress, to take a look at what should be the long-term solution. But, Mr. Chairman, the Sanders amendment is not the answer, and I hope this body will vote ''no.''

Mr. SANDERS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. STOCKMAN].

Mr. STOCKMAN. Mr. Chairman, I think what we have done here is we have abdicated, we have abdicated our responsibility to the Constitution, and we should be ashamed in this body. We sit here and duck our responsibility. That is what we did here. We were given the job of controlling the money. That is where this comes from, from this body. But when it came time for our job to be voted upon, we slipped out and slithered out and allowed the administration to do it for us. That is wrong.

Currently the banks in Mexico are under a great deal of financial strain, and they are predicting they may collapse, and the reason they are collapsing is because of the strings that were attached to this bailout.

Let me repeat that. The banks are on the verge of collapsing in Mexico. They are charging these little campesino bankers, these little campesino people, 90 percent interest. That is not compassion. I do not think that is compassion. I do not think anybody in this body would consider that compassion. They cannot make those interest-rate payments because we up in this country are telling them, dictating to them, what banking rates they should be charged. So they cannot fulfill their obligations.

Mr. Chairman, when they cannot fulfill their obligations, they cannot pay the banks, and when they cannot pay the banks, the banks do not collect the money, the banks will fall.

Mr. Chairman, there is no financial expert that says the Mexican banks are in better status today than they were before the bailout. Those are facts that cannot be denied. All we have done is made a situation which was OK worse.

We are fooling ourselves. We are just rolling this money over, and in a short time we will be at this same situation. Mark my words, we will be doing it again.

I am for loan guarantees. I would have voted for loan guarantees for Israel, but we never had an opportunity to vote on that, and I am glad that the gentleman from Vermont has stuck up for the American taxpayer and has stuck up for the campesino in Mexico, and to sit here and say it is a racist thing or anything else is an outright lie. If anything, it is more compassion and more feeling.

Mr. Chairman, those people have been under the boot of a very repressive government, and it is wrong for us to sit here in silence and duck our abilities. We were elected here to do something, and I think the gentleman from Vermont, I owe him a great deal. I say to the gentleman, ''You are wonderful, and I think that we need to support this amendment, and it is wrong for us to duck our responsibility, and thank you for bringing it to the floor so we can show exactly where we stand.''

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding this time to me, and let me sum up by saying nothing is more important in this debate than the integrity of our Constitution and meeting our constitutional responsibilities in this body. We have never had a chance to vote on the merits of this issue. The economic stabilization fund has never been used for this purpose.

I say to my colleagues, You can try to slide around it, but the point is $20 billion is at risk, and we have not been able to vote on it, 20 times more than that fund has ever been used for in the past only to defend the dollar, and now to prop up the currency of another government.

A few years ago in the Committee on International Relations, and I commend my colleagues to read it, there was a magnificent hearing in which the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] talked about the dangers of this economic stabilization fund and the fact that we should not be permitting the kind of intended interventions that were being contemplated even back then but were not permitted in the case of Poland, and they said the money should be put on budget, we should not be doing back-door foreign aid through the economic stabilization fund. So Poland could not get help. It was discriminated against through that fund, but in this instance the policy was executed against the best wisdom of the highest ranking people at the U.S. Treasury Department. They advised against that years ago.

So let me say to the gentleman from Vermont, I commend you on your amendment. No Member of Congress can hide under a rock on this one.

Stand up for the Constitution. Stand up for our responsibilities. Support the Sanders amendment.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Chairman, does the gentleman from Iowa have the right to close?

The CHAIRMAN. The gentleman is correct.

Mr. HOYER. Do I have a right to be before him in the order? Is there a precedence of order in closing in light of the fact he and I agree? We are both representing the committee on obviously the majority and minority side.

The CHAIRMAN. There is no prescribed way of proceeding here. It is at the discretion of the Chair.

The Chair thinks, for the purpose of symmetry, that it would probably be better to allow the gentleman from Vermont [Mr. SANDERS] to precede the gentleman from Iowa [Mr. LIGHTFOOT], but there is no prescribed order.

Mr. HOYER. I do not know whether the chairman of the Committee on Banking and Financial Services desires any further time as we end this debate. If he does, I would be willing to yield him some time.

Mr. LEACH. Mr. Chairman, I appreciate the gentleman's offer, but I do not.

Mr. HOYER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, much has been said about the utilization of the economic stabilization fund recently by the President. It is clear that when we talk about constitutional responsibility, it does not mean that the Congress has to act in every instance. It is, I think, not accurate to say that, because the Congress has the ability or power to do something, that it must do something. In point of fact what we all know happened is a majority of the Congress decided that they would just as soon have

the President, in concert with the leadership of both parties in the House and the Senate, proceed to address this crisis.

Now we do that on many occasions. We do it in committee when we know there could be amendments offered, but we decide not to offer amendments, or we decide not to bring bills to the floor. I suggest to my colleagues that in a fact that is what has happened in this instance.

Now, as it relates to the amendment itself, I would reiterate that the amendment has the, I think, very sincere flaw, not because the gentleman wanted to have that flaw, but because from a parliamentary standpoint it was necessary for him to include the made-known language if his amendment was to be in order, but, my colleagues of the House, what does this mean that no funds can be spent for any employee, including any employee of the executive office, in connection with the obligation or expenditure of funds in the—stabilization fund when it is, quote, made known to the Federal official to whom such amounts are made available in this act that such obligations or expenditures is for the purpose of bolstering any, not Mexican, any, foreign currency?

What does that mean? Does it mean that one Member out of 435 from the Congress can call up the Secretary of Treasury and say this is being used for the purposes of bolstering a foreign currency? And then preclude that official from taking further action because nothing in here says that the public official must be convinced that that is the fact. Why? Because if that report was required, the amendment would be out of order. Nothing in this amendment requires that the informer who makes it known needs to be credible or that the informer who makes this known need have any information whatsoever on this issue.

Mr. COX of California. Mr. Chairman, will the gentleman yield?

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

Mr. COX of California. Mr. Chairman, I would observe only that under the status quo, speaking of legal technicalities, the President of the United States was able to commit $20 billion in taxpayer resources and claimed to be doing so within the language of the law because they stretched it so far. I would prefer if the law were changed.

Mr. HOYER. Reclaiming my time, the gentleman begs the question. The amendment, the substance of the amendment, and the gentleman is a law professor, a very erudite individual, Member of this House; the amendment is simply frankly, in my opinion, unenforceable, or in the alternative, if enforceable, almost impossible to have any rational application of, because there is no, no standard or criteria in here as to the Secretary or other official having it made known on what basis of credibility information or status.

So I would hope that this House in an amendment that could have very serious consequences, very serious consequences on which there has been no hearing, on which there has been this limited debate, would reject this amendment, not because my colleagues agree or disagree with what was done, not because my colleagues voted for or against NAFTA, not because my colleagues would vote for or against similar legislation in the future, and not because, as some would interpret, that they have a motivation to allow the President to do anything he wants, but on the sole criteria that this legislation is inappropriate on this bill and is a dangerous piece of legislation in this context.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. I say to my colleagues, ''This is going to be the vote on whether your support the bailout of Mexico.'' Make no bones about it. If you're against the bailout of Mexico, you should vote to support Mr. SANDERS. You know time and time again we get on the House floor, and we say what is this amendment about. Let me just take a few moments to read the first two or three sentences of this amendment because too many people come on this floor and don't know that the amendment is about.

Well, this is it:

No amount made available in this Act may be used for the salaries or expenses of any employee, including any employee of the Executive Office of the President, in connection with the obligation or expenditure of funds in the exchange stabilization fund when it is made known to the Federal official to whom such amounts are made available in this Act that such obligations or expenditure is for the purpose of bolstering any foreign currency.

Now, my colleague from Maryland says where does he get the idea of Mexico. Read the bill. We did a $25 billion bailout of Mexico. So I am saying to the House, my colleague from Vermont is just trying in this small way to say, ''Let's have a vote on this floor on the bail out,'' Vote ''yes'' on the Sanders-Cox amendment.

□ 1715

Mr. SANDERS. Mr. Chairman, I am delighted to yield 1 minute to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Sanders amendment. Congress, as has been said today over and over again, has never given the opportunity to vote on the Mexican bailout. Leaders in this House simply knew that a majority of Members of Congress were troubled about the bailout, had questions that people did not want to answer, and the administration and people supporting NAFTA or supporting the Mexican bailout in this institution did not want to answer those questions. Congress, as you recall, a year-and-a-half or so ago barely passed NAFTA. The public opposition to this bailout was even greater than the public concern and opposition to NAFTA. The questions about the bailout ranged all over the board about what kind of collateral there was going to be, what happens if there is default, how much money is committed, why are we doing this bailout, who benefits from the bailout, do the Mexican people benefit, do the American people benefit, do people in Wall Street benefit, where are the benefits of this bailout? None of those questions was answered in this institution, in this body, because we never had a vote. A ''no'' vote, Mr. Chairman, on this Sanders amendment, is a stamp of approval for the bailout.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, we have been told that this is a success that has bolstered the dollar. Actually, if you remember, the dollar reached record lows versus the German mark and the Japanese yen about a month and a half ago, and many of the pundits said that there were three reasons. First was NAFTA, second was our U.S. deficit, and third was our international deficit. But they emphasized NAFTA. They said, we have inextricably, through the bailout, linked the U.S. dollar to the peso, we have linked our currency to the currency controlled in secret by an oligarchy, one that has been known to profit and artificially benefit billionaires in its own country and oppress its own people. The standard of living of the people of Mexico has dropped 40 percent since December.

This is not a success. It is simple. If you are against the Mexican bailout, vote yes on Sanders. If you want to implicitly or explicitly take the only opportunity you will be offered this year to vote on this, if you want to endorse the bailout, vote no.

Mr. LIGHTFOOT. Mr. Chairman, before closing, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH], for a unanimous-consent request.

Mr. LEACH. Mr. Chairman, based on the fact that two Members, one from each side, have read an amendment that is not the amendment under consideration, I ask unanimous consent that the Clerk read the amendment that is under consideration before this body.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS.

Amendment No. 12: Page 84, after line 17, insert the following new section:

SEC. 628. None of the funds appropriated by this Act may be used for salaries or expenses of any employee, including any employee of the Executive Office of the President, in connection with the obligation or expenditure of funds in the exchange stabilization fund.

POINT OF ORDER

Mr. SANDERS. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SANDERS. Mr. Chairman, the amendment that was given to the Chair reads differently than what the Clerk has read.

The CHAIRMAN. The Chair wishes to inform the Committee that the amendment that was just reported by the Clerk is the only amendment that was provided to the desk.

Mr. SANDERS. That is not correct, sir.

The CHAIRMAN. The Clerk has reported the amendment that was provided to the desk.

Mr. SANDERS. Mr. Chairman, we have a problem. We absolutely gave the amendment that was here to the Clerk.

The CHAIRMAN. Does the gentleman ask unanimous consent to withdraw the amendment which was just reported by the Clerk and submit another amendment?

Mr. HOYER. Mr. Chairman, I ask unanimous consent that the gentleman from Vermont [Mr. SANDERS] be given the opportunity to withdraw the amendment that apparently is at the desk and substitute the amendment which reads after ''stabilization fund'', ''* * * when it is made known to the Federal official to whom such amounts are made available in this Act that such obligation or expenditure is for the purpose of bolstering any foreign currency.''

Mr. Chairman, this will provide a degree of comity. The gentleman from Vermont clearly thought that was the amendment, and, very frankly, what he thinks was the amendment is what I have in front of me.

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

Mr. LEACH. Mr. Chairman, reserving the right to object, I would only suggest that a moment be given to the gentleman from Vermont [Mr. SANDERS] to explain the meaning of his amendment. I have read both amendments. They have a similar objective and are dissimilarly flawed, but, nonetheless, flawed, but I think the gentleman ought to be given the right to explain the difference.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. SANDERS. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. SANDERS

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

The Clerk read as follows:

Amendment offered by Mr. SANDERS: Page 84, after line 17, insert the following new section:

SEC. 628. No amount made available in this Act may be used for the salaries or expenses of any employee, including any employee of the Executive Office of the President, in connection with the obligation or expenditure of funds in the exchange stabilization fund when it is made known to the Federal official to whom such amounts are made available in this Act that such obligation or expenditure is for the purpose of bolstering any foreign currency.

The CHAIRMAN. The gentleman from Iowa [Mr. LIGHTFOOT] has 2½ minutes remaining and is entitled to close the debate, and the gentleman from Vermont [Mr. SANDERS] has 1½ minutes remaining.

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

Mr. Chairman, I have great respect for my friend, the chairman of the Committee on Banking and Financial Services, the gentleman from Iowa [Mr. LEACH], and the other Members who have risen in opposition to this amendment. But in all due respect, what this amendment is about is one very, very simple fact. That is, whether the Members of the House of Representatives will exercise their constitutional responsibility and vote on issues of enormous consequence to the people of this country.

It makes no sense that we debate endlessly on $1 million appropriations, and then absolve ourselves of the responsibility of debating and voting on legislation and on an appropriation that could cost the taxpayers of this country $20 billion.

What this amendment is about is that when we go home, we will tell our constituents that we have the guts to deal with the tough issues; we will have the guts to say that if another bailout is requested, we vote it yes or we vote it no, but we did not duck the issue.

So for all of those people in the House who think that we have got to stand up and be counted, I urge a ''yes'' vote.

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

The CHAIRMAN. The gentleman from Iowa is recognized for 2½ minutes.

Mr. LIGHTFOOT. Mr. Chairman, I rise in opposition to this amendment. Not because of the debate we have had here today; it has been an interesting debate. We have talked about a lot of different things. People are characterizing this as a vote on the Mexican bailout. It is anything but that.

The reason that we oppose the amendment is quite simple. We do not have jurisdiction over this particular agency in this committee. We have not held any hearings on the subject. The exchange stabilization fund does not have an appropriation. It was first funded, I believe, back in 1934, I wasn't alive then, and it has lived off its own assets and interest ever since. In effect, this amendment stops the exchange dead in its tracks, and, as a result, I think we create some very perilous waters for this committee and for the country.

The fact of the matter is, the law gives the Secretary of the Treasury the authority to operate the fund in any manner that he sees fit. Maybe that is too much authority. If it is, this is not the place to debate it.

This is the Appropriations Committee. I do not know how many times we are going to have to say it to get it through people's minds, there is a difference between policy and appropriation. We do not do policy here. Maybe we did abuse it in the Mexican case. But the way to change this is to change the law, not to put a rider on an appropriations bill, another gimmick, that says the Congress really did not mean anything with the law that it already passed.

Mr. Chairman, I would also like to point out that the purpose of this fund is to defend the value of the dollar in foreign exchange markets. If international investors hear that the United States cannot defend its own currency, there is a potential we could see the value of our own money fall. I do not believe we want that situation in place in our country today.

I very strongly urge a no vote on the Sanders amendment, again, for the simple reason, it does not belong in this bill. We have no jurisdiction over it. There is not an appropriation for it. If you want to debate this issue, it needs to be taken up in the correct policy committee.

The CHAIRMAN. All time has expired under the unanimous consent agreement.

The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

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

RECORDED VOTE

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 245, noes 183, not voting 6, as follows:

[Roll No. 531]

AYES—245

Abercrombie	Bilirakis	Callahan
Ackerman	Bliley	Calvert
Allard	Blute	Chabot
Andrews	Boehner	Chambliss
Armey	Bonior	Chapman
Bachus	Bono	Chenoweth
Baesler	Brewster	Christensen
Baker (CA)	Browder	Chrysler
Baker (LA)	Brown (OH)	Clement
Barcia	Brownback	Coble
Barr	Bryant (TN)	Coburn
Barrett (WI)	Bunn	Collins (GA)
Bartlett	Bunning	Combest
Bass	Burr	Condit
Bevill	Burton	Conyers
Bilbray	Buyer	Cooley

Costello
Cox
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeFazio
Dellums
Deutsch
Dickey
Doolittle
Dornan
Doyle
Duncan
Durbin
English
Ensign
Evans
Everett
Ewing
Fields (LA)
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Frisa
Funderburk
Furse
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hinchey
Hoke
Holden
Horn
Hostettler
Hunter
Hutchinson
Inglis
Istook
Jacobs
Johnson (SD)
Jones
Kaptur
Kasich
Kennedy (RI)
Kildee
Kim
Kingston
Kleczka
Klink
Klug
LaHood
Lantos
Largent
LaTourette
Lewis (GA)
Lewis (KY)
Lincoln
Lipinski
Livingston
LoBiondo
Lucas
Luther
Manzullo
Martinez
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKinney
McNulty
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moorhead
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Oberstar
Owens
Packard
Pallone
Paxon
Peterson (MN)
Petri
Pombo
Pomeroy
Poshard
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stark
Stearns
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thurman
Tiahrt
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Visclosky
Waldholtz
Wamp
Ward
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wise
Wolf
Wyden
Young (AK)
Young (FL)
Zimmer

NOES—183

Archer
Baldacci
Ballenger
Barrett (NE)
Barton
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bishop
Boehlert
Bonilla
Borski
Boucher
Brown (CA)
Brown (FL)
Camp
Canady
Cardin
Castle
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Coyne
Davis
de la Garza
DeLauro
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Farr
Fattah
Fawell
Fazio
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gonzalez
Goss
Green
Greenwood
Gunderson
Gutierrez
Hamilton
Hefner
Hilliard
Hobson
Hoekstra
Houghton
Hoyer
Hyde
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kelly
Kennedy (MA)
Kennelly
King
Knollenberg
Kolbe
LaFalce
Latham
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lightfoot
Linder
Lofgren
Longley
Lowey
Maloney
Manton
Markey
Martini
Matsui
McCarthy
McDade
McDermott
McKeon
Meehan
Meek
Menendez
Miller (FL)
Molinari
Moran
Morella
Murtha
Myers
Nadler
Nussle
Obey
Olver
Ortiz
Orton
Oxley
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Porter
Portman
Pryce
Quillen
Richardson
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Spratt
Stenholm
Studds
Tejeda
Thomas
Thompson
Thornton
Torkildsen
Torres
Vento
Volkmer
Vucanovich
Walker
Walsh
Watt (NC)
Waxman
White
Williams
Wilson
Woolsey
Wynn
Yates
Zeliff

NOT VOTING—6

Bryant (TX)
Collins (MI)
Crane
DeLay
Moakley
Reynolds

Mrs. COLLINS of Illinois and Messrs. NUSSLE, HILLIARD, and FRANKS of Connecticut changed their vote from ''aye'' to ''no.''

Messrs. MICA, PACKARD, TOWNS, and YOUNG of Alaska changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the last word, in order to engage in a colloquy with the gentleman from Iowa.

Mr. Chairman, the report on this bill, H.R. 2020, includes language that provides $7.5 million for antiterrorism activities for the Bureau of Alcohol, Tobacco and Firearms. I would ask the gentleman, does this include resources for activities to be authorized under the President's antiterrorism legislation that has not yet been brought to the House floor?

Mr. LIGHTFOOT. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, the answer is absolutely not. The $7.5 million in the bill is for the chemists, the investigators who specialize in explosives investigations working on the Oklahoma City bombing. As the gentlewoman is aware, that bombing occurred after the President submitted his budget.

Mrs. CHENOWETH. Mr. Chairman, am I to understand that this colloquy will become part of the legislative history of this bill and clarifies the language of the report?

Mr. LIGHTFOOT. Absolutely, yes.

Mrs. CHENOWETH. Mr. Chairman, am I correct that any changes to ATF's authorities are not within the jurisdiction of this Committee, and there are no such changes in this bill?

Mr. LIGHTFOOT. Again, the gentlewoman is absolutely correct.

AMENDMENT OFFERED BY MRS. CHENOWETH

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

The Clerk read as follows:

Amendment offered by Mrs. CHENOWETH: Page 84, after line 17, insert the following new section:

SEC. 628. None of the funds made available by this Act may be used to provide bonuses or any other merit-based salary increase for any employee of the Bureau of Alcohol, Tobacco and Firearms.

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes, and the time be equally divided.

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

Mr. HOYER. Reserving the right to object, Mr. Chairman, I do not think this is a particularly complicated amendment. I would suggest that we reduce the time to 10 minutes.

Mrs. CHENOWETH. Mr. Chairman, I object.

The CHAIRMAN. Pending is the unanimous-consent request of the gentleman from Iowa [Mr. LIGHTFOOT] that 20 minutes of time be allotted for the Chenoweth amendment and all amendments thereto.

Mr. HOYER. Mr. Chairman, I withdraw my reservation of objection.

Mr. DURBIN. Mr. Chairman, reserving the right to object, I would just like to ask the gentleman from Iowa to clarify whether the 20-minute limitation, 10 minutes to a side, also applies to any amendments to this amendment.

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

Mr. DURBIN. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, I would tell the gentleman from Illinois that that is correct. That is why we wanted the 20 minutes.

Mr. DURBIN. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

The gentlewoman from Idaho [Mrs. CHENOWETH] is recognized for 5 minutes on her amendment.

Mrs. CHENOWETH. Mr. Chairman, this amendment provides a strong statement about an agency that is now under investigation and going through hearings in the House because of the events at Waco and at Ruby Ridge in Idaho. It prevents any member of ATF from receiving any bonuses or salary rewards this year until the Waco and the Ruby Ridge and other investigations have been concluded.

Mr. LIGHTFOOT. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, I have looked at the gentlewoman's amendment and reviewed it, and have no objection to it. I am ready to accept the amendment.

Mrs. CHENOWETH. I appreciate that, Mr. Chairman. Mr. Chairman, the BATF has been involved in some activities, some very serious activities

that are of great concern to the American people. Among those is tolerating and promoting racism in their good old boys parties. They have bungled the Waco, TX, raid and the entrapment of Randy Weaver. They are accused of abusing the rights of ordinary Americans, and its own employees.

Mr. Chairman, we need to take a hard look at this agency whose roots began in only 1791, but the purpose of this was simply to collect Federal taxes on distilled spirits. However, on July 1, 1972, the agency, formerly located within the IRS, became a separate bureau within the USDT. Although Ronald Reagan wanted to abolish the agency in the early 1980's, BATF not only survived, but received new legal responsibilities in the latter part of this decade, to the point that they had become one of the largest and one of the most invasive agencies in this Nation.

I think we were all shocked to read in the Washington Times that the ATF got 22 planes to aid in surveillance. I may ask, when was the ATF authorized to do this activity? Mr. Chairman, these planes would have been equipped, and they also were modified to carry one sidewinder missile under each wing, a snake-eyed bomb, firebombs, and cluster bombs. Mr. Chairman, I ask, when did this agency receive this kind of authorization?

I want to make it clear, and I agree with the chairman, the gentleman from Louisiana [Mr. LIVINGSTON], that there are very good cops in the BATF, but as Time magazine has pointed out in their cover page story, there is something deeply wrong in this agency, and I think the Congress needs to assure the American people that we are prepared to take decisive action.

Mr. BARTLETT of Maryland. Mr. Chairman, I move to strike the last word.

Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, I had two fundamental problems with the report language in this bill.

□ 1800

The first of those problems was I believe taken care of by the colloquy which made it very clear that to continue anti-terrorism activities that were initiated after the Oklahoma City bombing was meant to refer only to the involvement of ATF in the use of their experts in explosives in the continuing investigation of the Oklahoma City incident. This was not meant to authorize any other activity on the part of ATF.

My second problem is addressed by this amendment. This amendment if one looks at it sends a relatively mild message that the Congress is less than enthusiastically happy with ATF leadership and Bureau performance. The death of over 20 innocent children at Waco and the recent Good Ol' Boy Roundup are just two reasons we need to send this message. Support the Chenoweth-Bartlett amendment. Send the message.

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 20 minutes with the time to be equally divided.

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

There was no objection.

The CHAIRMAN. Under the unanimous-consent agreement, the gentlewoman from Idaho [Mrs. CHENOWETH] will control 10 minutes of the time, and a Member in opposition to the amendment will control 10 minutes of the time.

Mr. HOYER. Mr. Chairman, I rise in opposition and claim the time.

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, I rise in strong support of the Chenoweth-Bartlett amendment to cut this BATF funding. The fact is that the BATF is a law enforcement department within the Federal structure that has not had enough oversight over the term of its existence. We have the same problem with the BATF today that we had with the FBI in the 1960s.

It can be seen in a spectrum of outcomes that have been very obvious on the front pages of the paper as well as outcomes that have not been so obvious. I want to talk about two of them.

One is this probe of the conduct of agents that has been publicized in the Washington Post as well as in the Washington Times, in the New York Times, and every newspaper in the country.

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

Mr. HOKE. I will not yield. I have a very short time. The gentleman has his own time. I will yield on the gentleman's time if he wants.

Mr. HOYER. The gentleman has more time on his side than we have.

Mr. HOKE. I will not yield. I have 2 minutes.

Mr. Chairman, this is an article that describes a Good Ol' Boys Roundup in rural Tennessee, that officials acknowledge that this was something that was done for members of the BATF.

The fact is there is not enough oversight, there is not enough accountability. It is a bureau that needs to be reined in, it needs to be given a strong signal. That is exactly what this amendment does.

Particularly I want to illustrate one other thing that happened in my district, in Parma, OH, not 3 weeks ago, where BATF surrounded a single house all night long, it cut off the electricity to all the surounding homes in that neighborhood, and finally because it had an insufficient search warrant, it completely abandoned what it was doing.

It is a bungling agency that needs to be reined in.

PARLIAMENTARY INQUIRY

Mr. ENGEL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ENGEL. Mr. Chairman, I understand that there are 10 minutes allocated to each side. Does the 10 minutes on the side in favor of the amendment include the 6 minutes that they had previous to the allotment of the 10 minutes each?

The CHAIRMAN. The Chair wishes to inform the gentleman that there was no unanimous-consent agreement during the first 6 minutes of debate. The unanimous-consent agreement was struck after consultation between the two sides.

Mr. ENGEL. It hardly seems fair that one side should get 16 minutes and the other side 10 minutes.

The CHAIRMAN. The unanimous-consent agreement was 10 minutes per side as they proceeded.

Mr. ENGEL. Mr. Chairman, would it be in order to ask unanimous consent to modify the agreement so that each side could have the same amount of time?

The CHAIRMAN. By unanimous consent, a modification to the agreement can take place.

Mr. BURTON of Indiana. Mr. Chairman, I do not think anybody on our side would object.

The CHAIRMAN. Has the gentleman completed his parliamentary inquiry?

Mr. ENGEL. Yes.

Mr. Chairman, I ask unanimous consent that each side would have the 16 minutes; that the side in opposition would also have the additional 6 minutes.

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

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, I would just like to make this comment. I believe that this side would not object to each side having an extra 5 or 10 minutes should they want to do that. But to use time that has already expired I think would be something that is not fair. I would not object and I do not think anybody on our side would object if they wanted an extra 5 minutes on each side. But to include time that has already been consumed I do not think would be acceptable.

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

Mr. BURTON of Indiana. Further reserving the right to object, I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, we originally had asked for an agreement on 20 minutes. There was objection to that. As the Chair knows, we went ahead with the Chenoweth amendment

under the 5-minute rule. I believe the Chair said 6 minutes was consumed in that process while the objection was overcome on the other side.

Mr. Chairman, how many minutes do we have left on both sides combined?

The CHAIRMAN. The gentlewoman from Idaho [Mrs. CHENOWETH] has 8 minutes remaining and the gentleman from Maryland [Mr. HOYER] has 10 minutes remaining. The gentleman from Maryland [Mr. HOYER] has the right to close as he represents the committee position.

Mr. LIGHTFOOT. Mr. Chairman, if we could get a unanimous-consent agreement to give the gentleman from Maryland [Mr. HOYER] an additional 5 minutes, would that work to keep everybody happy? Then it is equal on both sides. We have already had 6 on our side. I am trying to get it equal on both sides. I am not playing the role of one side or the other. I want it equal.

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

Mr. HOYER. Mr. Chairman, reserving the right to object, if the gentleman would make it 3 additional minutes that we would have. You had 6 additional minutes. If we just have 3 additional minutes.

Mr. LIGHTFOOT. I am sorry. Three minutes would make it correct.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa that the gentleman from Maryland [Mr. HOYER] have 3 additional minutes?

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, if you make it equal on both sides, I will not object. But if you are going to do that, I will object.

The CHAIRMAN. Objection is heard.

The gentleman from Maryland [Mr. HOYER] is recognized for 10 minutes.

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

Mr. Chairman, I have not come to the well before. I have spoken from there. I want to impress upon the Members, I think this is a very important and perfidious amendment.

The House better come to its senses, those of us who are new and those of us who have been here. Ladies and gentleman of the House, this is serious business we are about. The American public sent us to do serious things. The American public expected of us responsibility. The American public expected us to think about what we are doing.

It is quite obvious that we, yes, have a new group elected that wants to have a revolution and does not like certain agencies in the Government of the United States. I understand that. That is a fair thing to come to Washington with, and it is fair to act to do away with those agencies. But let me tell you what is not fair: to come and attack those people who have been working on behalf of the policies this Congress adopted.

The gentleman from Ohio [Mr. HOKE] spoke earlier and made a totally inaccurate representation. He flashes around a paper. He would not yield to me. Yes, 6 to 12 AFT individuals. And he said it was for ATF. In fact the majority of people there were local law enforcement people from the South.

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

Mr. HOYER. No, I will not yield.

Mr. HOKE. If you are going to attack me, you are not going to yield?

Mr. HOYER. I did not attack you. I said you were wrong. There is a difference.

Mr. HOKE. Will you yield?

Mr. HOYER. No, I will not yield.

Mr. HOKE. You will not yield even though you used my name?

Mr. ENGEL. Mr. Chairman, regular order.

The CHAIRMAN. The gentleman from Maryland controls the time.

Mr. HOYER. The fact is, if he will read the newspaper that he waved around, it said approximately 6 to 12 ATF folks, some Secret Service, some Customs, some DEA, and mostly local law enforcement officials from throughout the region.

The fact of the matter is that I think some people did something wrong. They should not have done it. There are over 1,000 employees who will be affected by this amendment. In this amendment, we say none of the employees of ATF, none of the money may be used to provide bonuses or any other merit-based salary increase for any employee of the Bureau of Alcohol, Tobacco and Firearms.

Is there one person on this floor who can honestly say that one or two or three of the folks who work at BATF are not employees who are deserving of merit increases, of bonuses, of recognition for heroic action, just because there are some who do not act in the manner that we would want, or because the agency for which they work has a mission with which some of us or maybe many of us do not agree?

Ladies and gentlemen of this House, this is an ax where a scalpel may be needed. Let us think about what we are doing. If you want to do away with ATF, you have that opportunity. That is the way it should be done, not to say to the employees who work at ATF, at our request, the overwhelming majority of whom are trying to do the best job they know how, that none of the funds in this bill can be used to give them a merit increase or a bonus for heroic behavior or any other behavior.

Ladies and gentlemen of this House, as I said earlier, we have significant and strong differences of opinion, but that does not mean we need to act irrationally. I frankly was opposed to the last amendment because I thought the message that the sponsors wanted to send about the bailout of Mexico was affected by an amendment which may affect many, many nations and may affect the stabilization of our dollar and of other currencies. Another meat ax approach to important, serious issues.

I ask the House to reject this amendment. In voting to reject this amendment, not to in any way be interpreted as sanctioning bad activity at ATF or adopting the premise that ATF is an agency that you want to support, but an action that says, ''I am a responsible Member of the House, of 435 people, who is going to support or oppose amendments or proposals based upon their merit and their impact and their accomplishment of objectives that I support.''

□ 1815

I ask every Member of this House to reject this amendment.

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

Mr. HOYER. I yield to the gentleman from New York.

Mr. ENGEL. Mr. Chairman, I thank the gentleman and I could not put it any better. To me this amendment is simply an amendment, frankly, to pander to the militias and to pander to people who have loony conspiracy theories about Waco and the Weaver case in Idaho. I do not think we need to bash Federal employees.

If there are Federal employees that did something wrong, then those Federal employees ought to be drummed out or prosecuted, but do not tarnish a whole group of people because there may be a few rotten apples. It is like saying if a Member of Congress does something wrong, does that cast negative views on all 435 Members of Congress? Why penalize people who were not there?

The underlying attitude here of somehow conspiracy theories or somehow we have to pander to the militias I think is very, very dangerous. This is a dangerous amendment and it ought to be rejected.

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

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. OBEY moves that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes in support of his motion.

Mr. OBEY. Mr. Chairman, I want to say that as one citizen of this country, I think there is a lot that is wrong in the BATF. I am also concerned about some of the things that have happened in the FBI.

I think that just as I was outraged when anti-war demonstrators were treated in a way not consistent with their civil liberties during the Vietnam war, I am also outraged when individual citizens, it does not matter whether they belong to the militias or anything else, have their civil rights violated by any agency in today's America. I think we need to be equally outraged about that.

But having said that, I simply want to read the language of this amendment. It says, ''None of the funds made

available by this act may be used to provide bonuses or any other merit-based salary increase for any employee of the Bureau of Alcohol, Tobacco and Firearms.''

What that really says is that if the general at the top of the agency screwed up, that it is the PFC at the bottom who pays the price. I did not know that was the kind of fairness meted out by the House of Representatives. I thought we could do better than that.

What it says is that if a Member of Congress does something stupid, their employee should be penalized. An awful lot of employees would be penalized unjustly if we allowed that principle to govern.

Mr. Chairman, I would simply say that what this amendment does, clumsy as it is and misguided as it is, is it simply shoots the troops in the field for the mistakes of people running the agency.

If there are mistakes in the agency, get them fixed. If there are mistakes by people higher up in the agency, correct them. Under this language, an individual employee could blow the whistle on their own agency for misconduct and they could not be rewarded by their government. Does anybody really think that makes sense? I doubt it. I hope not.

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

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

Mr. DURBIN. Mr. Chairman, let me tell my colleagues what this amendment is all about. This amendment is inspired by the gun lobby, the National Rifle Association and their associate groups, which would like to see the BATF and its activities regulating criminal firearms trafficking disappear.

This amendment is the kind of political effort which makes extremist militias stand up and cheer. This punishes the BATF, the very agency which closely monitors the activities of these extremist paramilitary groups. This amendment is disgraceful. And let me tell my colleagues, it is without precedent.

When the Federal Bureau of Investigation was found guilty of discrimination in employment, did we decide then to sanction every agent of the FBI? No.

When Operation Tailhook occurred to the shame and embarrassment of many in this Chamber and in the Pentagon, did we sanction all of the pilots serving in the U.S. Navy? No.

When one CIA employee was found guilty of treason, did we decide to sanction every employee of the CIA? No, because simple elemental justice tells us that is wrong.

The amendment by the gentlewoman from Idaho [Mrs. CHENOWETH] says that every employee of BATF shall be punished, because some may have transgressed the law. Consider for a moment these employees, some 4,000 strong, who literally put their lives on the line for every American family, every day, suppressing illegal gang activity, working on drug trafficking, trying to stop the criminal trafficking of firearms.

This morning they got up and put on their uniforms and their vests and went out and put their lives on the line, I tell the gentlewoman from Idaho. And despite an act of heroism by one of them that might have saved someone's life, the gentlewoman is saying, unequivocally, no recognition, no bonus. Why? Because someone else in the agency offended her sense of justice or sensibility.

That is so basically unfair, it really should not be considered seriously by this Chamber. If someone is guilty of wrongdoing in this agency, let them answer for it and let them pay the price. Do not punish all the employees in this agency.

The CHAIRMAN. Is there a Member who rises in opposition to the motion of the gentleman from Wisconsin [Mr. OBEY]?

The gentlewoman from Idaho [Mrs. CHENOWETH] is recognized for 5 minutes.

Mrs. CHENOWETH. Mr. Chairman, I rise in opposition to the motion, and I yield 2 minutes to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, I stand in opposition to the motion and I think it is important that we understand what is happening procedurally in this debate. We are debating a motion to rise and to basically strike the enacting clause of the bill which would kill the bill. The real purpose of the motion, though, is to stop debate on this issue and to move us ahead without getting resolution of the question.

It has been argued that we do not need to take this type of action to address the concerns about the ATF. What is not apparent, however, is that there were efforts to look at other parts of the bill which have been halted by not getting the kind of support that is necessary on the floor; efforts to look at the enforcement funding at the ATF; the kinds of issues that would be much more credible in terms of attacking the problems that many of us see with the handling of ATF issues around the country, but those efforts have been stopped.

Certainly, it is possible that a better-crafted approach to this can happen, but this is this bill that we are talking about and this is the type of approach that we have been able to move forward on. I am sure that as we move forward on the debate on this bill, and on other bills, we can find more effective ways to do it. But this is an opportunity to send a message and to make a start in terms of telling the American public that we are now having debate, we are now having a hearing, and we are now looking at finding answers to questions about what happened at Waco and what happened at Ruby Ridge and what are we going to do in the future to deal with it?

In this Congress, we use the vehicles we have to raise those issues and to make our points. I think we would all agree that as we address them, we will ultimately need to refine the approach that we take until it is pinpointed and it is effective. But today, this is the vehicle we have and this is the motion that we have and I think we ought to reject the motion of the gentleman from Wisconsin [Mr. OBEY] that we rise.

Mr. OBEY. Mr. Chairman, I ask unanimous consent to withdraw my motion.

Mrs. CHENOWETH. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The gentlewoman from Idaho is recognized.

Mrs. CHENOWETH. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STOCKMAN].

Mr. STOCKMAN. Mr. Chairman, it is interesting that the other side, when I was running against the former chairman of the Committee on the Judiciary, he stated, and I quote, ''Burning to death was too good for them. I prefer a slower method.''

What do we have? Is there a threshold of conscience on the other side that we have found out now that there is racism rampant in the department? Where do we rise and say that this is wrong? Do we stay silent? Now it is coming out on ''Nightline'' and ''20/20,'' other news shows, other credible mainstream shows, saying ''What is going on? There is something wrong,''and they do not want to talk about it.

Mr. Chairman, I think the other side should be ashamed. We need to talk about this and this motion to rise is a fraud and an unrealistic motion. We need to vote this motion down, but I ask the other side: At what point do you say we have to to stand up and say what is going on is wrong?

I do not criticize the gentlemen that are in the front-lines. One of the boys that passed away, was shot at Waco, was a camp counselor just near my home; one mile. He died. But I think in his memory we need to preserve freedom. And freedom is what this country is about and we are being denied the access to discuss this issue by this cheap motion.

Mrs. CHENOWETH. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I thank the gentlewoman from Idaho [Mrs. CHENOWETH] for yielding me time and welcome the opportunity to speak against the motion of the gentleman from Wisconsin [Mr. OBEY]. The fact is, it is our constitutional prerogative to act at this juncture, because through the appropriations mechanism, we do have a chance to send a clear signal and to establish sound policy.

Mr. Chairman, I rise to fully associate myself with the comments of the gentleman from Idaho. Yes, the process can be reformed at some juncture, or

refined I should say, but this is our opportunity to say ''no'' to the mysterious new air force of the BATF; to take a serious look at what has transpired in recent days; and to say enough is enough. It is time to rein in this agency and we do it through the appropriations mechanism.

Mr. CHAIRMAN. The question is on the preferential motion of the gentleman from Wisconsin [Mr. OBEY].

The motion was rejected.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, I have a lot of good friends on this side of the aisle, but yet I am in opposition to my friends today. I think as we step back and look, as the gentleman from Maryland [Mr. HOYER] said, this is an ax. We need a scalpel. I think this is a shotgun. I think this is messy.

I get mad at the USDA frequently, but does that mean that I think that the local ASCS officers should be penalized for those decisions? I get mad at the Post Office a lot. Should my personal mail carrier have his pay frozen because of what goes on in Washington? I get mad at the mayor. Do I want to penalize the clerk at city hall?

That is what we are doing. We are talking about freezing the salary of secretaries, mechanics, janitorial personnel, for things that they have absolutely no control of.

I have got problems with BATF. I have concerns about this air force; I think we should look into the 22 airplanes. I think an amendment to reduce their funding may be a good idea. Investigating the ''Good Ole Boys'' networks, that would be something good. Investigating Waco, that would be good. Investigating the Randy Weaver involvement, that is good.

But what we are talking about doing is because of managerial decisions, we are going to penalize secretaries and mechanic's pay raises for the next year.

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

Mr. KINGSTON. I yield to the gentleman from Ohio.

Mr. HOKE. Mr. Chairman, my understanding is that this is only for merit pay and bonuses and the whole purpose is it will not freeze salaries.

Mr. KINGSTON. Mr. Chairman, reclaiming the time, if a secretary is on merit pay, he or she will not get a salary increase. And if they do a good job and are entitled for discretionary bonus, we are talking about none.

I believe that what we should do is deal with BATF in a broader picture. Let us not get mad at them for what happened in Waco and then do the same thing in a different way on them here. Let us be a little more above the fray of what you are saying is their own management style. Let us go in there and say, ''Cut the funding.''

Mrs. CHENOWETH. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Chairman, this is not about the NRA or some militia group. This is about good behavior and bad behavior.

When I go back into my district they say, In a free society, if you have some actions that you want to approve of, you reward it and if you have some actions you do not want to approve of, you do not reward it.

We have some actions that we do not approve of. In fact, there are two agencies that the people in my district say they are afraid of. One is the IRS and the other is the ATF.

□ 1830

So when we are to reward good behavior, we should not do it by giving money for things that we do not agree with.

Now, we have got the investigation going on about the good old boy retreat down in Tennessee and allegedly, allegedly it is anti-Semitic, it is sexist, it is racist, some romp in the woods. If that is true, then none of us should agree with it, none of us on both sides. We should disapprove of that type of activity, and all this is doing, it is not like we are starving the people out here at the ATF. In the last rescission, we added in an additional $34,823,000. We have been handing money over to them.

What we are trying to do is send a message there is some kind of behavior, as a Congress, we do not approve of. It includes Waco, where we had over 80 people that were terminated by this government without a trial, without a judge, and without a jury, and we have the incidents in Ruby Ridge, where, again, a 14-year-old-boy, and Randy Weaver's wife, and I do not agree with him politically, I do not agree with him, but he does not deserve what he got; again, without a trial, without a judge, without a jury, human life was taken. We must not reward this type of behavior.

I think this sends that message. It does not say there is a salary freeze; it says there is no merit increase. We are sending a message to them we are not going to reward this kind of behavior.

So I think this is a good way for us to send this message to them. We certainly do not want to encourage anyone who disregards human life.

I just encourage those of us to vote in favor of the amendment.

Mrs. CHENOWETH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, this amendment is not perfect, and there will be other opportunities to approach this issue, but if I may quote the bard, ''The problem, dear Brutus, is not in the gentlewoman's amendment. It is in yourselves.''

You should have had hearings on this in 1993. There was another disgrace.

Mr. HOYER. Mr. Chairman, if the gentleman will yield, we had hearings.

Mr. DORNAN. No.

Mr. HOYER. I do not have them here.

Mr. DORNAN. Oh, no.

Mr. HOYER. Oh, yes.

Mr. DORNAN. Not the type of hearings we were asking for on our side.

I reclaim my time.

There was another issue where you had no hearings at all. That is similar, and that is the brutal death of 19 young Americans, our special ops and rangers, men in Somalia, no hearings, and that was in October. Back in April when this happened, there was so much lying and coverup and confusion, none of it excusing the atrocity and mass murder at Oklahoma City.

I do not care about the militia, militias. Of 10 presidential candidates, only one was not spooked by that issue, me. I said, ''Get a life or join the Guard if you are young, or teach a Little League team or soccer team, if you are older.''

I flew in the Guard with a Minuteman on the tail of my aircraft. I thought I was in the militia. That is how much I knew about militia. I thought it was the National Guard or the Air Guard.

None of this has to do with them. It has to do with things like this photograph. Who is the ATF to run up a flag before the bodies of 24 children are removed from the ashes? Some of them died choked to death on CS gas.

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

Mr. DORNAN. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. There has been a lot of reference made to news reports and so on. I said I was going to accept the gentlewoman's amendment. I am about to change my mind, because that is exactly the kind of garbage that is being distributed, the flag——

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. LIGHTFOOT. Would the gentleman from Maryland [Mr. HOYER] yield me 30 seconds?

PARLIAMENTARY INQUIRY

Mr. DORNAN. Mr. Chairman, parliamentary inquiry. How much time do we have on each side?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. DORNAN. You did not hear me. I asked a parliamentary inquiry. I asked how much time is on each side.

The CHAIRMAN. The gentleman from Maryland has 2 minutes remaining, and the gentlewoman from Idaho has 4 minutes remaining.

Mr. DORNAN. If my friends would like 30 seconds from that side, I would like 30 seconds from our side.

The CHAIRMAN. Who yields time?

Mrs. CHENOWETH. Mr. Chairman, I yield 30 additional seconds to the gentleman from California [Mr. DORNAN].

Mr. LIGHTFOOT. Mr. Chairman, if the gentleman will yield, I will try and give some of it back.

Mr. DORNAN. That was to me?

Mrs. CHENOWETH. I yield 30 seconds to the gentleman from California [Mr. DORNAN].

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

Mr. DORNAN. I yield to the gentleman from Iowa, but do not take it all, Mr. Chairman.

Mr. LIGHTFOOT. The flags in that photograph, hold it up again, this is typical of what has been done. If you notice the picture is cut off right at the top of the American flag. Those flags were at half mast as a memorial to the Americans that died at Waco, the Texans that died there, and the ATF agents that died. That is not a celebration of victory, as you said.

Mr. DORNAN. No; no. Reclaiming my time, there are four gold stars on there for the young agents sent to their death by the worst leadership I have seen in any agency, domestic agency, in recent history. My heart goes out to the four gold stars, not to the idiots who sent them into combat.

Mrs. CHENOWETH. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I would like to put it in perspective, because the Tailhook example was brought up on the other side and said that all members had not been chastised, and I would like Members to know that even as we sit here today, those members in the United States Navy that were commanders are still waiting after a year to be selected as captain because of Tailhook, and so they were chastised, and they were penalized. We took and fired the Secretary of the Navy, the chief of naval operations, two flag officers, and I want to tell Members on both sides, whatever the issue is, that all Navy people are not bad, all ATF agents are not bad, and I agree with that.

But we need to send a message to the Navy, which we did, and I think we need to send a message not only to the AFT but to the committee that is holding the hearings to hurry these things through.

When my daughter is bad, or daughters, I do not increase their allowance. Now, they can always prove themselves, but I would also ask, you know, the gentlemen on both sides of this issue that when we take a look at these kinds of issues, we do need to go after the people that are responsible, and I would say if you fire the Secretary of the Navy and you fire the chief of naval operations and all the other flag officers, then maybe you ought to look at the top, Janet Reno, who is responsible for this issue, and be consistent.

Mrs. CHENOWETH. Mr. Chairman, I yield 30 seconds to the gentleman from Iowa [Mr. LIGHTFOOT], the chairman.

Mr. LIGHTFOOT. Mr. Chairman, I thank the gentlewoman for yielding.

The gentleman from California [Mr. CUNNINGHAM] I think hit on a key issue we need to address. The top management in ATF tried to discipline people in Waco, and many of his decisions were overturned, and through the Fair Labor Standards Act and the Federal Employees Protection Act, these agents were made to go back to the agency against the wishes of the Director.

He currently is under a situation with an agent who he fired for behavior unbecoming a law enforcement officer, but yet through this hearings appeal panel board, he is forced to take this individual back, give him a gun and put him on the street. That issue has to be addressed. Management has to be able to function. They have to be able to weed out people that are not beneficial to the agency.

Mrs. CHENOWETH. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, first of all, let me say this: That does not affect cost-of-living increases. It is only merit pay and bonuses, and the purpose of the amendment is to send a very strong signal to the BATF that we do not want innocent women and children or anybody else killed because somebody makes a big mistake, because they do not think these things out well.

At Ruby Ridge and at Waco, Americans were killed unnecessarily because of bad judgment, because of mistakes that were made, and that needs to be changed. We need to send a very strong signal that that needs to be changed.

No American should be killed by a Federal agent of any agency because of bad judgment, because they made a mistake and, therefore, signals have to be sent.

I cannot understand why the BATF now has an Air Force. It makes no sense to me. Why do they have weapons of that type? That is for the military, not for the BATF.

Let me say one more thing real quickly. At this good old boys network that my colleagues are concerned about racism, there are members of these agencies that they have on videotape with tee shirts depicting the Reverend Martin Luther King in gunsights' crosshairs, with black boys in hoods straddling across police cars. These are people from these agencies, the BATF. A signal needs to be sent that that kind of situation, that kind of thing should not be tolerated, and that is what this amendment is all about.

Mr. HOYER. Mr. Chairman, I yield 60 seconds to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I am extremely impressed with the newfound consciousness about racism that is being displayed here this afternoon. I do not wish the actions of the ATF, which some of us are certainly going to deal with and must be dealt with, to be used as a shield for those who want to protect the actions of the militia and other kinds of things.

I would say to this body that it does not make good sense to punish secretaries and mechanics, et cetera, et cetera, for the actions of a few, maybe at the top, and I do not want my colleagues to be fooled to think that some of us who work on this business of racism day in and day out are going to be fooled or sucked in on these kinds of arguments.

I ask you to vote against this senseless amendment. It does not do any good to take away the bonuses of innocent people to get at what they care about, and I say let us deal with racism in a real way at some point in time on this floor.

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

Mr. Chairman, following some of these incidents, there were at least five hearings. We had days of hearings, the gentleman from Iowa [Mr. LIGHTFOOT] and I. The fact of the matter is that the director resigned under pressure. The head of the law enforcement side of ATF, after Waco, resigned. The fact of the matter is they are gone. The agents to which the gentleman from Iowa [Mr. LIGHTFOOT] referred were disciplined. They are not in law enforcement.

But the fact of the matter is this is painting with a very broad brush everyone who serves us, everyone whom we ask day in and day out to go out and risk their lives to make this country safer.

Do some transgress? Yes. Rodney King was a transgression. But we did not damn the entire police force of Los Angeles nor cut their salaries because we knew it was critical for the safety of our streets and our country and our democracy that we maintain law and order in this country.

Ladies and gentlemen, do not, with a broad brush damn everybody who serves this country so well.

Reject the Chenoweth amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Idaho [Mrs. CHENOWETH].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 111, noes 317, not voting 6, as follows:

[Roll No. 532]

AYES—111

Allard	Cooley	Herger
Armey	Cox	Hilleary
Baker (CA)	Crapo	Hilliard
Barr	Cubin	Hoke
Bartlett	DeLay	Hostettler
Barton	Dickey	Hunter
Boehner	Doolittle	Hutchinson
Bonilla	Dornan	Johnson, Sam
Bono	Dreier	Jones
Brownback	Duncan	Kelly
Bunn	Emerson	Kim
Bunning	English	LaHood
Burr	Ensign	Largent
Burton	Everett	Latham
Buyer	Frisa	Laughlin
Callahan	Funderburk	Lewis (KY)
Camp	Gutknecht	Manzullo
Chabot	Hall (TX)	McInnis
Chenoweth	Hamilton	McIntosh
Chrysler	Hancock	Metcalf
Coble	Hansen	Mica
Coburn	Hastings (WA)	Moorhead
Collins (GA)	Hayworth	Myers
Combest	Hefley	Neumann

Ney
Nussle
Paxon
Petri
Pombo
Quillen
Radanovich
Roberts
Rogers
Rohrabacher
Roth
Royce
Salmon
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Skelton
Solomon
Souder
Stearns
Stenholm
Stockman
Stump
Tate
Taylor (NC)
Thornberry
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Wamp
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Young (AK)

NOES—317

Abercrombie
Ackerman
Andrews
Archer
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Calvert
Canady
Cardin
Castle
Chambliss
Chapman
Christensen
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Evans
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
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Harman
Hastert
Hastings (FL)
Hayes
Hefner
Heineman
Hinchey
Hobson
Hoekstra
Holden
Houghton
Hoyer
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Norwood
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Spence
Spratt
Stark
Stokes
Studds
Stupak
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Waldholtz
Walker
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
White
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOT VOTING—6

Bryant (TX)
Collins (MI)
Crane
Horn
Moakley
Reynolds

□ 1903

Mr. GOODLING changed his vote from ''aye'' to ''no.''

Messrs. COBLE, COLLINS of Georgia, and BARR changed their vote from ''no'' to ''aye.''

So, the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WARD

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

The clerk read as follows:

Amendment offered by Mr. WARD: Page 84, after line 17, insert the following new section:

SEC. 628. None of the funds made available in this Act may be used to issue any tax compliance certificate required under section 6851(d)(1) of the Internal Revenue Code of 1986 of any individual departing the United States, except when it is made known to the Federal official having authority to obligate or expend such funds that a system is in place to collect taxes in the manner prescribed under the provisions of H.R. 1535 (as introduced in the House of Representatives on May 2, 1995), which provides tax rules on expatriation.

Mr. WARD (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 Kentucky?

There was no objection.

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 25 minutes, with the time being equally divided.

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

Mr. WARD. Mr. Chairman, reserving the right to object, as we discussed between both sides, a 25 minute limit, it was my understanding that it was a 25-minute limit on this amendment. So I would not object to a 25-minute limit on the Ward amendment.

The CHAIRMAN. The unanimous-consent request of the gentleman from Iowa is that the 25-minute limit apply to the Ward amendment and all amendments thereto.

Mr. WARD. Would the Chair restate that? I apologize to the gentleman from Iowa. I just want to make sure, if I may, that we have the full 25-minutes.

The CHAIRMAN. The gentleman reserves the right to object and may proceed under his reservation.

Mr. WARD. With that reservation, if we can have 25-minutes on this amendment and on the issue that this amendment represents. That is what I am looking for, that is what I thought we had, and that is what I would like.

The CHAIRMAN. The unanimous-consent request of the gentleman from Iowa was that 25-minutes be allowed on the Ward amendment and any amendments thereto.

Mr. HOYER. Mr. Chairman, will the gentleman yield on his reservation?

Mr. WARD. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I do not know of any amendments to the Ward amendment. I do not know whether the Chairman does or not. But I would, if there are no amendments to it, then I would suggest that we agree with the gentleman from Kentucky [Mr. WARD] that we have 25 minutes on the Ward amendment. I do not know of any amendments, so I do not think it really affects the debate. Am I wrong? Are there amendments that the gentleman from Iowa knows of?

Mr. LIGHTFOOT. If the gentleman would yield under his reservation, would the gentleman agree to the language of the Ward amendment and all amendments thereto and we go 30 minutes? That would give the gentleman 25 minutes, and an extra 5 minutes if somebody wants to offer one.

Mr. HOYER. If the gentleman will yield further, in my discussions with the gentleman from Kentucky [Mr. WARD], he wanted and asked for 25 minutes on the Ward amendment. He was then concerned about any amendments. I said that I did not know of any amendments to the Ward amendment. There may be, but I do not know about them. If there are none, however, it seems to me that as a practical matter we can agree with the gentleman from Kentucky that it would be on the Ward amendment, because I do not think there are any other amendments.

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

Mr. WARD. Further reserving the right to object, I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, could I suggest that we word the unanimous consent request to say that we would have 25 minutes of debate on the Ward amendment and an additional 5 minutes on any that might be added thereto, therefore protecting the 25 minutes?

Mr. WARD. I would have no objection.

Mr. LIGHTFOOT. Mr. Chairman, then that would be the request, 25 minutes on the Ward amendment and an additional 5 minutes on any amendments thereto.

Mr. WARD. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentleman from Kentucky [Mr. WARD], the author of the amendment, will be recognized for 12½ minutes, and a Member in opposition to the amendment will be recognized for 12½ minutes.

The Chair recognizes the gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I would begin by thanking the gentleman from Iowa [Mr. LIGHTFOOT] for his understanding on the allocation of the time.

Mr. Chairman, what we are talking about here, this amendment is to close the expatriate billionaire tax loophole, a loophole that we have tried one dozen times to close. Twelve times we have attempted in this body to deal with this issue, and 12 times we have been turned back. I do not know why. I do not know what the motives of our opponents could be behind turning this back. But I can tell you that it does not make sense for us not to close a loophole, to just clean up some language in the law.

It is not a new tax. It is not changing anything but the effectiveness of the laws we have in place to close this loophole, to make it so that billionaires who renounce their citizenship pay their taxes.

Mr. Chairman, this is a group of people who have said no to America, who are turning their backs on this country. Why? To save on their tax liability. That is what we will be talking about.

The CHAIRMAN. Is there a Member wishing to manage time in opposition to the Ward amendment?

Mr. ARCHER. Mr. Chairman, I rise in opposition to the Ward amendment.

The CHAIRMAN. The gentleman from Texas [Mr. ARCHER] will be recognized for 12½ minutes.

AMENDMENT OFFERED BY MR. ARCHER TO THE AMENDMENT OFFERED BY MR. WARD

Mr. ARCHER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. ARCHER to the amendment offered by Mr. WARD: On lines 8-9, strike ''H.R. 1535 (as introduced in the House of Representatives on May 2, 1995)'' and insert ''H.R. 1812 (as reported by the Committee on Ways and Means on June 16, 1995).

The CHAIRMAN. Under the unanimous-consent agreement, 5 minutes will be allotted to debate the amendment offered by the gentleman from Texas [Mr. ARCHER].

□ 1915

PARLIAMENTARY INQUIRY

Mr. Hoyer. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOYER. Mr. Chairman, I understand the gentleman from Texas, the chairman of the Committee on Ways and Means, has an amendment. I presume that is what is going to occur at the end of the 5 minutes?

The CHAIRMAN. The Committee will proceed with debate on the underlying amendment. That is the spirit of the unanimous-consent request that we have received.

Mr. HOYER. I thank the Chair for the fair interpretation.

The CHAIRMAN. The gentleman from Texas [Mr. ARCHER] is recognized for 2½ minutes, and a Member in opposition to the amendment will be recognized for 2½ minutes.

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

Mr. Chairman, in his amendment, the gentleman from Kentucky refers to H.R. 1535, which was introduced by the ranking minority member of the Committee on Ways and Means, Mr. GIBBONS. He and I both share the view that it is important to address the issue of expatriation for tax avoidance purposes. However, we differ in our views as to how best to do it.

I have introduced legislation to prevent tax-motivated expatriation, H.R. 1812, which the Committee on Ways and Means has considered and reported favorably, rejecting Mr. GIBBONS' approach, which is part of Mr. WARD's amendment. It is our intention to bring H.R. 1812 to the floor in the near future.

H.R. 1812, as reported by the Committee on Ways and Means, is much tougher than the approach taken in H.R. 1535. The nonpartisan Joint Committee on Taxation has estimated that H.R. 1812 would raise $2.4 billion for expatriates over the next 10 years, far more than the $800 million that they estimate would be raised by the Gibbons bill, H.R. 1535, which is referred to in the underlying Ward amendment.

The approach of H.R. 1535 was considered by our committee and found to be unsatisfactory for numerous reasons, including reduced revenue, difficulty in enforcement, and questions of constitutionality.

Mr. Chairman, I urge Members to approve my perfecting amendment, which would substitute H.R. 1812, a tougher proposal than the underlying bill in the Ward amendment.

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

The CHAIRMAN. Is there a Member who wishes to control time in opposition to the Archer amendment?

Mr. WARD. Mr. Chairman, I rise in opposition to the Archer amendment.

The CHAIRMAN. The gentleman from Kentucky [Mr. WARD] is recognized for 2½ minutes in opposition to the Archer amendment.

Mr. WARD. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I had come to the floor to speak in support of the Ward amendment to prohibit the use of funds for the issuance of so-called sailing certificates pursuant to section 6851(d)(1) of the Internal Revenue Code. As those who are listening understand, sailing certificates are simply a certification seeking to say that expatriates have complied with their obligations to the U.S. Government.

Now before us we have the Archer amendment, which is an amendment to the Ward amendment. I would like to speak against that and have to oppose that, though Mr. ARCHER is my chairman. But this has come before the Committee on Ways and Means and a great deal of thought has been given to this situation.

What the bottom line continues to be with the Archer proposal is that it is a loophole. The reasons for the opposition now that I stand to oppose the gentleman from Texas [Mr. ARCHER], this country depends on the voluntary compliance of its citizens to collect its taxes. We are not arguing anywhere tonight about taxes are too high or we pay too many taxes. It is just how this Government is run, on the hard-earned taxes paid by its citizens.

In that respect, we are unique in this world. This system has worked. The willingness of our citizens to continue to voluntarily comply with our tax laws is threatened when very, very wealthy individuals can avoid that responsibility.

So to put it in the clearest language possible of why I am opposed to the Archer amendment to the amendment is this amendment to the amendment does not protect tax avoidance by expatriates who have patience. You just have to have patience.

It does not prevent tax avoidance by expatriates who plan ahead. You can do that if you have the means and you have the attorneys and you have got the wherewithal. It does not prevent tax avoidance by expatriates who have foreign assets.

So what we are talking about today is taking legislation that we have dealt with in the Committee on Ways and Means, and it simply requires millionaires to hire a higher priced lawyer and accountant to avoid paying their taxes.

The Joint Committee on Taxation Report on Expatriates clearly states that proper tax-planning techniques can be used to avoid all taxation, if you are in the right place at the right time with the right means. The Committee on Ways and Means bill proscribes only.

Mr. ARCHER. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. THOMAS], a respected member of the Committee on Ways and Means.

(Mr. THOMAS asked and was given permission to revise and extend his remarks.)

Mr. THOMAS. Mr. Chairman, I invite you to go over to the Random House Dictionary of the English Language over here, and on page 322 look up the word chutzpa. It says: unmitigated effrontery or impudence; gall.

This amendment takes a bill that never got a recorded vote in committee and substitutes it, in essence, for a bill that passed the Committee on Ways and Means. That is gall. That is chutzpah. And it ain't going anywhere.

The CHAIRMAN. All time has expired. We will now proceed with debate on the underlying amendment by the gentleman from Kentucky, [Mr. WARD].

The gentleman from Kentucky is recognized.

Mr. WARD. Mr. Chairman, I would, first, like to thank the gentleman for his compliment.

Mr. Chairman, I yield 1 minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, if you are going to characterize this amendment in the fashion that the gentleman from California [Mr. THOMAS] just did, I think you ought to take into account what is going to occur if it passes. It means that Benedict Arnold billionaires, and I do not know what page you will find Benedict Arnold, but perhaps some Member of the opposition can enlighten me. Benedict Arnold billionaires who wanted to abandon their United States citizenship are not going to be able to do it and get away with it and take their money with them.

Now, that is the bottom line. If that is what we are being characterized, if our actions are being characterized in that manner as being chutzpahs, as having some gall, it seems to me the real gall is to think that someone can renounce their citizenship, can take their money with them, and we are supposed to treat them as if they were a refugee.

I coined that phrase Benedict Arnold billionaires, and if this is going to be the thirteenth time we are going to be defeated on trying to get billionaires to pay their taxes, then let it be, and let the opprobrium fall on the opposition.

The CHAIRMAN. The Chair wishes to inform the Committee that the gentleman from Texas has 12½ minutes remaining, and the gentleman from Kentucky has 11 minutes remaining.

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

Mr. Chairman, the gentleman from Hawaii has spoken several times on the floor with great emotion. If he wishes to implement a proposal that will correct the problem he is talking about, he should vote for the Archer amendment.

The Archer amendment is far tougher, far stronger, and constitutional. It generates, as I said, $2.4 billion of revenue for the Treasury, whereas the bill that the gentleman is speaking for generates only $800 million. It clearly is a pansy approach to this problem compared to the Archer amendment.

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

Mr. WARD. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, I have yet to talk to anyone in central Texas who can even imagine renouncing their citizenship in order to avoid paying their taxes, people who have earned their sustenance in this country, in the freedom of this country, who would then renounce their citizenship in order to get the maximum after-tax benefit from the sustenance of this country.

There is a suggestion by my colleague from Texas that a way has been found to solve this problem. The way that has been found, according to the administration, is a way that leads to about $100 million in additional revenues, whereas the proposal that Mr. WARD advances and has been advanced by the ranking member, Mr. GIBBONS, would yield $1.7 billion over 5 years in additional revenues.

I think, therefore, that the arguments that the gentlewoman from Connecticut has advanced, that the Archer amendment will only allow expatriates who are patient, who hire the best-priced advisors to continue what they have been doing in the past, has great merit.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LIGHTFOOT], a respected member of the Committee on Appropriations.

Mr. LIGHTFOOT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, originally, I was going to oppose the Ward amendment for one reason. It does not belong on this appropriations bill. It deals with changing the Tax Code, and that is out in the jurisdiction of Mr. ARCHER's Committee on Ways and Means.

I would also make the argument we would not even be having this debate if we had a Tax Code that was not so dilatory that it causes people to want to leave the country because the burden has become so high. But that is a debate for another day.

If the Archer amendment is accepted, I would change my position and support the Ward amendment, because we have tried to work very closely with Mr. ARCHER in the Committee on Ways and Means whenever we are dealing with tax issues so that we did not get cross-jurisdictions.

I think it is important that we have the input now of the chairman of that committee, and if the Archer amendment is accepted on the floor, then I would vote for the Ward amendment as amended.

Again, original opposition was because it really does not belong on this bill. But since it is here, I think this would be a common sense way to deal with it.

Mr. WARD. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. GIBBONS], the distinguished ranking member of the Committee on Ways and Means.

Mr. GIBBONS. Mr. Chairman, if the Archer amendment passes, I cannot support the Ward amendment. The Archer proposal was adopted, as I recall, in the Committee on Ways and Means on a party line vote. Every Democrat voted against it.

I do not believe it will collect the money that it is advertised to collect. If you are going to collect any money from these billionaires that leave here, you have got to get it before they leave. If they get out of the country with their money, there is no way you are going to ever get it.

Any first-year tax planner can tell you hundreds of ways around the Archer amendment, and it just will not work. I repeat, I do not want to be partisan about this, but the Archer amendment passed in the Committee on Ways and Means on a strictly partly line vote. It will not work.

If you are going to get the money, you got to get it before they leave, and that is what our proposal does. If Archer is adopted, forget about Ward.

Mr. ARCHER. Mr. Chairman, I yield 1 minute to a member of the committee, the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Chairman, I rise in support of the Archer amendment.

During the conference bill when we first heard about this expatriate situation, we were criticized by the other side of the aisle for not voting for this expatriate proposal when we had 15 minutes to read about it. We said it was wrong, we should take and be patient and have hearings on this, which I commend my chairman, Mr. ARCHER, for having.

In these hearings, the nonpartisan Joint Tax Committee pointed out that the bill that the gentleman from Florida [Mr. GIBBONS] had brought forward would leave a loophole that if you inherited the money and then expatriated at that point, you could avoid paying all tax. So if there is a loophole, it is in Mr. WARD's amendment as currently stated under Mr. GIBBON's bill.

So if you want to avoid the loophole for billionaires, the Archer amendment is the amendment to support, and I encourage my colleagues to support the Archer amendment.

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

I need to say now that is chutzpa squared. To say that we are adding a loophole is just absurd.

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

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Chairman, let me read from the dissenting views of the minority on the Archer amendment so we are reminded.

It does not prevent tax avoidance by expatriates who have patience. That means they can wait it out.

It does not prevent tax avoidance by expatriates who plan ahead. They can plan and get out of this.

It does not prevent tax avoidance by expatriates who have foreign assets.

It does not prevent tax avoidance by expatriates who have U.S. assets with enough wealth to use the present loopholes.

It is not administrable.

It does little to prevent avoidance of estate and gift taxes.

The Archer amendment, more than anything else, pussyfoots on this issue. The Ward amendment would hit it directly. I urge support of the Ward amendment and that we vote against the Archer amendment.

□ 1930

Mr. ARCHER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. THOMAS], a member of the Committee on Ways and Means.

(Mr. THOMAS asked and was given permission to revise and extend his remarks.)

Mr. THOMAS. Mr. Chairman, talk about circular arguments, the gentleman from Michigan just read the dissenting views. That is the Democrats on the Committee on Ways and Means continuing to try to justify why H.R. 1535 is the bill that should be in front of us.

As a matter of fact, the Democrats had so much confidence in H.R. 1535 that they did not even ask for a rollcall vote. They refused to even put the votes up in committee. They went quietly. They went meekly. It was a reasonable effort on their part. We listened to Undersecretary Samuelson tell us that this administration had not pursued these people who were leaving. And let us get one thing straight, no one here is in favor of anyone renouncing their citizenship for purposes of avoiding taxes. No one here is in favor of that.

The question is, how do you deal with the issue? You will recall earlier in the year, when my colleagues tried to rush to judgment on that issue and we said: Wait a minute. Let us ask the responsible people. Let us take it to the nonpartisan Joint Committee on Taxation and see if they can analyze ways in which we can go after these people, not to avoid going after these people but to really go after them.

The Joint Committee on Taxation said: The approach by the gentleman from Florida [Mr. GIBBONS] on H.R. 1535 was fatally flawed. There is a loophole in the bill. When you come of age, if you have got the right tax lawyers, and these people have the money, when you have an election period there is a window of opportunity in which you can decide to cut out and lose judgment.

There is no perfect mechanism. If there was a perfect mechanism, we would not have this issue on the floor. The reason I said the gentleman from Kentucky [Mr. WARD] had an amendment that was full of chutzpah is very simple. He is trying to take a bill which was introduced, no recorded vote ever anywhere in any subcommittee or committee, and substitute that measure for the will of the Committee on Ways and Means on a recorded vote that passed H.R. 1812.

The chairman of the committee wants to take the work product of the committee, passed by a recorded vote, a majority of the committee, and substitute it for the flawed work product that the Democrats would not even bring to a vote in the committee.

It just seems to me that, when you take a look at the work product of the Joint Committee on Taxation, that produces more money, that closes more doors, that got a majority of votes, that that is the route to take. It makes no sense whatsoever to try to keep alive a flawed bill which did not even deserve a recorded vote by virtue of the Democrats in the committee. Frankly, I think we should take to heart the advice of the gentleman from Florida [Mr. GIBBONS]. Pass the Archer amendment and then in the words of Mr. GIBBONS, the Ward amendment is not worth anything and we ought to vote it down.

I say to the gentleman from Florida [Mr. GIBBONS] that he is right. Pass the Archer amendment and then vote the Ward amendment down.

Mr. WARD. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. HAYES].

Mr. ARCHER. I yield 1 minute to the gentleman from Louisiana [Mr. HAYES].

The CHAIRMAN. The gentleman from Louisiana [Mr. HAYES] is recognized for 3 minutes.

Mr. HAYES. Mr. Chairman, my dad was born in the little town of Coushatta, LA, which never dreamed of having a millionaire, much less a billionaire. He was born there in 1909. So the time that he was a young man, and whose ambition was to go to college, that was short-circuited by a national Depression. And instead of being a kid with an education, he became a kid who carried the burden of educating his family. So the only dream he had left without the opportunity to go to college was to work hard and do well. And nobody could stop him from that.

So by working hard and doing well, by the time in the 1960s, when Jack Kennedy was President, he was a 91 percent taxpayer. And never on any occasion at our dinner table did anyone ever suggest that you walk out on the country that gave him the opportunity to do that. Never on the day when only 9 cents of a tax dollar was left in his pocket did he remotely suggest that you leave the shores of this country for money.

Now, the reason that I would give this admonition to those of my friends on this side of the aisle, as I stand here as someone who voted for 9½ of the 10 items in the Contract With America, but notice the term Contract With America. That is bilateral; you have got to give as well as get. And if all you are doing is worrying about how you avoid ever giving a dime, then you ought to get what you deserve, and that is the scorn of every other hard-working American who wants part of that dream.

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

Mr. HAYES. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I find myself more in agreement with the gentleman in the well than in disagreement.

I would like to point out to the gentleman and ask him a simple question: If you had a bill that was trying to attack the same problem, one of them was scored as netting $800 million and the other was being scored as netting over $2 billion, which one do you think would have the most holes in it or the most loopholes? I am sure the gentleman would answer me, certainly the one for $800 million has a whole lot more loopholes than the one for over 2 billion.

Do the gentleman agree with that?

Mr. HAYES. Mr. Chairman, I do in part agree, but the problem is, my degree is in tax from Tulane University. I practiced law for really rich people who figured out how not to pay their taxes. I did a damn good job of it, but let me tell the gentleman something: I came to Congress for bigger and higher reasons. It is time to tell those folks, we want you to make more money, but we would kind of like you to stay around here and spend a little of it.

Mr. SHAW. Mr. Chairman, if the gentleman will continue to yield, I would say to the gentleman then that I am sure with that type of good common sense and legal background as he has that he will support the Archer substitute.

Mr. HAYES. Mr. Chairman, I wish I could.

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

Mr. WARD. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. GIBBONS], distinguished ranking member of the committee.

Mr. GIBBONS. Mr. Chairman, I know we are in a very technical discussion, and I feel sorry for all the Members of Congress who have to listen to this. And this is an honest difference of opinion. The vote that has been referred to that was taken in the Committee on Ways and Means was a party line vote. Not a single Democrat voted for the Archer bill. We did not put up a substitute because we just get outvoted and slaughtered by the Republicans in the Committee on Ways and Means. There is no chance. We have never carried an amendment in the Committee on Ways and Means since this Congress that amounted to a tinker's whatever.

And we have very professional staff. They tell us that the Archer amendment cannot work. All you have to do, if you have as much money as these people do, you do not have to make any tax moves. You have got plenty of income. And you wait for the 10 years to run out and then you cash in your chips.

Plus we have to chase these people all over the world to find them and keep up with them. The only way you are ever going to collect any money out of them is, you have to get them before they leave. You have got to get

them before they leave or there is no way to collect any money out of them.

Mr. BUNNING of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Kentucky.

Mr. BUNNING of Kentucky. Mr. Chairman, for 40 years the Democrats controlled the Committee on Ways and Means.

Mr. GIBBONS. Reclaiming my time, Mr. Chairman, I have heard that before, and I do not yield any further. I have heard that garbage for a long time.

On a party line vote, the Archer bill was adopted. If they stick it on, the Ward amendment, kiss the Ward amendment goodbye. It is not worth a hoot with the Archer bill on there. The Archer bill, when it comes to the floor, will not collect any money.

This is just a ploy. That is all it is. It is a big charade that they just put on over there. Their bill will not collect any money. If they stop and think about it, they will know that. But the bill that we had, we did not even bring it up. We have been rejected on party line votes time and time again on the Committee on Ways and Means. So If you adopt Archer, forget about the main amendment.

The CHAIRMAN. The gentleman from Kentucky [Mr. WARD] has 2½ minutes remaining, and the gentleman from Texas [Mr. ARCHER] has 5½ minutes remaining. The gentleman from Kentucky [Mr. WARD] is entitled to close the debate.

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

Mr. Chairman, I have a great deal of amity in my feeling toward the gentleman from Florida [Mr. GIBBONS], the ranking Democrat on the committee. But his argument is simply that we should not go by the official estimators. The official estimators control this body.

At times I do not agree with them. He is saying, they do not know what they are doing; pay no attention to them.

All of what we must comply with to determine what we do toward the deficit is determined by these estimates. He does not want to believe them. That is certainly his prerogative. But the reality is, the official estimators say that the Archer amendment will produce $2.4 billion and that the Gibbons proposal, which is part of the Ward amendment, will produce $800 million. They are the people that determine whether we have complied with the budget requirement or not. And they have examined this very carefully. They know that tax consultants will advise people who are recently the beneficiary of legacies of large amounts, now is the time to leave. Get out of here because you pay nothing under the Gibbons proposal.

I do not believe that is what the people of this country want. I think they want something that will have teeth in it, that those who impartially score and estimate say will produce the greatest degree of success in this issue.

He is correct, we all want to try to get at this issue. The gentleman from Louisiana [Mr. HAYES] is correct; the gentleman from Kentucky [Mr. WARD] is correct. But I would submit to my colleagues that my amendment will do a better job.

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

Mr. WARD. Mr. Chairman, I reserve the balance of my time, for the purposes of closing debate.

Mr. ARCHER. Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, I want to thank the Members of this body who are watching in their offices and who are watching here in the Chamber, because you have truly had an opportunity to see a unique debate, a debate where the Republicans are arguing with the Democrats about their proposal raising more tax revenue than the Democrats. I guess we have seen everything. I guess we have seen it all. Because really what that revenue estimate issue is about is whether you take the estimates of the Joint Committee on Taxation, the Committee on Ways and Means, whether you take the estimates of the Department of Treasury, you will find a different estimate from everybody you ask for an estimate.

What we are doing in this proposal is firmly and once and for all not creating new taxes, not increasing taxes, no. All we are doing is closing a very clear, specific, widely known tax loophole. That loophole is the expatriate billionaire tax loophole.

What it says is that if you care so much about money that you are willing to turn your back and renounce your American citizenship, you get a tax break. To me the answer is simple. The result should be clear. And I ask my colleagues for a no vote on the Archer amendment to the Ward amendment and then a yes vote on the Ward amendment.

Stand up. Be counted. Say that each of us should pay our fair share.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. ARCHER] to the amendment offered by the gentleman from Kentucky [Mr. WARD].

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

RECORDED VOTE

Mr. ARCHER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair may reduce to 5 minutes the minimum time for electronic voting, if ordered, on the underlying Ward amendment.

The vote was taken by electronic device, and there were—ayes 231, noes 193, not voting 10, as follows:

[Roll No. 533]

AYES—231

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
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
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
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
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
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
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
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—193

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
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
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

Bryant (TX)
Collins (MI)
Crane
de la Garza
Jefferson
Moakley
Neal
Reynolds
Spence
Studds

□ 2005

Mr. DIXON changed his vote from ''aye'' to ''no.''

Mr. COMBEST changes his vote from ''no'' to ''aye.''

So the amendment to 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 Kentucky [Mr. WARD], as amended.

The amendment, as amended, was rejected.

The CHAIRMAN. Are there further amendments to the bill?

Mr. BILBRAY. Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with the subcommittee chairman.

I appreciate my colleagues' courtesy and I thank the Chair. I would ask that we address a concern involving the maintaining of competitivization in the U.S. Postal Service and would ask for a colloquy.

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

Mr. BILBRAY. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. I would be pleased to engage the distinguished gentleman in a colloquy.

Mr. BILBRAY. Mr. Chairman, I understand that the distinguished subcommittee chairman has requested the General Accounting Office to compare the cost to the U.S. Postal Service of contracting for remote bar code service versus having the work done in-house.

Mr. LIGHTFOOT. The distinguished gentleman from California is correct. I understand GAO will release its report in about 1 month.

Mr. BILBRAY. I thank the chairman. I further understand that while the GAO is in the process of finalizing this report, the results will show that the Postal Service is potentially foregoing millions of dollars of savings by performing remote bar code service in-house rather than continuing to contract with the private sector.

As the chairman well knows, the Postmaster General has been making the rounds on Capitol Hill over the past several months urging Congress for support for the changes in the Postal Reorganization Act that will make the Postal Service more businesslike. Yet, when it comes to the remote bar code system, the reason why I raise this issue is the estimated savings of contracting the bar code system was $4.3 billion over the next 15 years. The Postal Service continues to terminate the private sector role in this program and adds tens of thousands of civil service employees at the time of dismembering the system.

Mr. Chairman, I obviously share your concern with the wasteful spending of the Postal Service, particularly when the bureaucratic civil service jobs are created at the direct expense of private sector companies. It is therefore my understanding, Mr. Chairman, that based on the GAO's cost comparison, you intend to proceed with an appropriate communication to the Postmaster General urging him to consider the possibility of suspending the transition of private sector remote code service contracts.

Mr. LIGHTFOOT. The gentleman is correct.

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

Mr. BILBRAY. I yield to the gentleman from Texas.

Mr. DELAY. I applaud the chairman's efforts to support greater levels of contracting out at the U.S. Postal Service. The chairman should be proud that his leadership on this issue is in direct harmony with the mandate of the 104th Congress: to shrink the Federal Government.

I find it ironic that while on the one hand the Postal Service is asking for Congress' help to make the Service more businesslike, on the other hand is eliminating the private sector's role in an information technology program that was developed specifically for private sector operation.

I urge the chairman to continue to pursue this line of inquiry with the Postal Service, and preserve the private sector's role in the RBCS program.

Mr. LIGHTFOOT. If the gentleman will yield further, I would like to thank both the distinguished majority whip and distinguished gentleman from California for their thoughts on this important issue. I agree that it makes absolutely no sense for the Postal Service to spend hundreds of millions of dollars more to do work in-house that was designed to be contracted out.

The Treasury-Postal Subcommittee will continue to monitor this issue closely and take all appropriate steps to ensure the continued involvement of the private sector in the bar coding program.

Mr. BILBRAY. I thank the distinguished subcommittee chairman for his encouraging words.

The CHAIRMAN. Are there further amendments to the bill?

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

We are at the end of this bill.

□ 2015

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

Mr. Chairman, we started this bill yesterday. In a relatively short period of time we considered the central portions of this appropriation bill. Today we have been on issues of importance, but frankly only in a few instances relating directly to the level of appropriations.

I want to say to the chairman of the committee, as I said at the beginning, the chairman has been fair, he has been open, he has conducted himself in every way as a gentleman, and for my side of the aisle, not just for me as the ranking member or the minority members of the committee, but for our staff and for all Members on this side I want to tell the chairman we appreciate his handling of this bill.

I further want to thank the gentleman from California [Mr. DREIER]. I think, while this has not necessarily been the most difficult bill, it has been a difficult one, and for our side of the aisle I want to tell him that I think he has been fair and presided with an equal hand. We appreciate that on our side of the aisle.

Mr. Chairman, I will, when we rise and come back, make a motion to recommit. I very much regret that I will not be able to support this bill. I am not going to debate at length my reasons for that. We have debated them here. I think we have inadequate resources to meet the responsibilities of law enforcement, and Customs, and some other areas, but it is not because of the chairman, in my opinion, who wanted to take that action. It is because we have squeezed the discretionary side of the budget very hard.

My colleagues, I am for balancing the budget, but I am also investing in America. I am for having this country provide the opportunity for our children and for our grandchildren that is essential if they are to enjoy the kind of good life that we have.

So, Mr. Chairman, regrettably I will be opposing final passage of this bill, but it is not because of any reason

other than the resources available to it were insufficient to allow Chairman LIGHTFOOT and the committee, the subcommittee and full committee, to recommend to this House resources adequate to fund the priorities of this bill.

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

The CHAIRMAN. Are there further amendments to the bill?

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

(Mr. LIGHTFOOT asked and was given permission to revise and extend his remarks.)

Mr. LIGHTFOOT. Mr. Chairman, I would like to insert at this point in the RECORD language concerning the Model State Drug Laws Conference:

MODEL STATE DRUG LAWS CONFERENCE

Language in the ONDCP appropriation states that funds can be used for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies. This language could include conferences held by Governors to review Model State Drug laws proposed by the President's Commission on Model State Drug laws.

Mr. Chairman, I also want to add my thanks to Mr. HOYER's to you for the great job you have done this afternoon and yesterday, and I thank the gentleman from Maryland [Mr. HOYER] and members of our subcommittee, and Members on his side of the aisle who were able to get, I think, reasonable time agreements on many of these amendments that everyone wanted to speak to in order to allow everyone to have their say-so not 435 times, but maybe only 40 times, as is the nature of this group.

I also would be very remiss if we did not pay tribute to the hard-working staff who has really made all this happen. As most of us know, we end up getting the credit, but the staff does all the work. Michelle Mrdeza, who is one of the few female clerks, on her maiden voyage has done an outstanding job along with Betsy Phillips, Dan Cantu, Jeanne Kochniarczyk, who is with us. Jenny Mummert, who is gone right now, is a brand-new mother, who brought her offspring by the office the other day, and Bill Deere on my personal staff, Terry Peel on the majority staff, and Seth Statler on Mr. HOYER's personal staff. They have been good people to work with. We have enjoyed the process, if one can enjoy that when they are doing something like that.

In closing I would only like to say to our colleagues that I am sorry the gentleman from Maryland [Mr. HOYER] cannot support the bill, but we are $430 million in outlays under last year. This is a downpayment on balancing the budget. There is pain in the bill which probably is necessary in these times. We have difficult numbers to work with, and I think we have done probably the best job we can do.

Mr. DOOLEY. Mr. Chairman, I rise today to express my support for $4.7 million for the Federal courthouse project located in Fresno, CA. Because the Committee chose not to fund any new starts, this project did not receive any funding. However, I believe that the unique circumstances surrounding the Fresno Courthouse project merit further consideration by the Appropriations Committee. I am currently working with our Senators from California to ensure that funding is included in the Senate's Treasury, Postal Service, and General Government appropriations bill.

Mr. Chairman, today there is a crisis in Fresno. The Fresno courthouse has fewer courtrooms than judges, and the court has projected that five more judges will be appointed within the next eight years. The Fresno Division of the Eastern District, which represents 2.3 million persons, has the largest population per judgeship of any U.S. District, and the Bureau of Census ranks Fresno as first among the fastest growing cities in America. The court system cannot handle its current case load with its available resources, and the only solution is to build additional courtroom facilities.

When the GSA began investigating the overcrowding problem several years ago, they sought to identify all available options. GSA came to the conclusion that it would be in the taxpayers best interest to build a new facility rather than renovate the current building or build an addition to the current building. The City of Fresno has taken a responsible approach to helping the crisis at the Fresno District Court. They have agreed to donate 4.5 acres in the downtown region, not far from the current courthouse's location. The agreement between Fresno and the GSA will save the taxpayers $4.7 million since purchasing the land will not be necessary.

I would like to stress that this appropriation would be for the design phase only and not for land acquisition as was requested in the President's budget. In addition to donating the land, Fresno will also complete all site preparation, and will build 392 new public parking spaces around the project. The environmental impact study has been completed and the last public hearings have been held (without negative reaction). Because Fresno is willing, at this time, to donate the land for the courthouse project, we need to act quickly to codify this agreement. By appropriating funds for this project now, we can save taxpayers the cost of purchasing land in the future.

Mr. Chairman, as I stated earlier, this is an unique situation. We have a demonstrated need for a new courthouse and we have the local government willing to assist this project thereby reducing the taxpayers burden to complete the Fresno Courthouse Project. This is the type of cooperative agreement the Federal Government ought to embrace, not discourage. By not appropriating funds for this project, we may not have the opportunity to enter into similar agreements in the future.

Mr. LIGHTFOOT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. GOODLATTE) having assumed the chair, Mr. DREIER, 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. 2020) 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, 1996, and for other purpose, had directed him to report 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 adopted by the Committee of the Whole? 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. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOYER. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOYER moves to recommit the bill, H.R. 2020, to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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 211, not voting 7, as follows:

[Roll No. 534]

YEAS—216

Allard	Calvert	Emerson
Archer	Camp	English
Armey	Canady	Ensign
Bachus	Chabot	Everett
Baker (CA)	Chambliss	Ewing
Baker (LA)	Christensen	Fawell
Ballenger	Chrysler	Fields (TX)
Barr	Clinger	Flanagan
Barrett (NE)	Coble	Foley
Bartlett	Coburn	Forbes
Barton	Collins (GA)	Fox
Bass	Combest	Franks (CT)
Bateman	Costello	Frelinghuysen
Bereuter	Cox	Frisa
Bilirakis	Crapo	Gallegly
Bliley	Cremeans	Ganske
Blute	Cubin	Gekas
Boehner	Cunningham	Gilchrest
Bonilla	Davis	Gillmor
Bono	Deal	Gilman
Boucher	DeLay	Goodlatte
Brewster	Diaz-Balart	Goodling
Brownback	Dickey	Goss
Bryant (TN)	Doolittle	Gutknecht
Bunn	Dornan	Hamilton
Bunning	Dreier	Hansen
Burr	Duncan	Hastert
Burton	Dunn	Hastings (WA)
Buyer	Ehlers	Hayes
Callahan	Ehrlich	Hayworth

Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Petri
Pombo
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanders
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—211

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bishop
Boehlert
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Castle
Chapman
Chenoweth
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Cooley
Coyne
Cramer
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
Fowler
Frank (MA)
Franks (NJ)
Frost
Funderburk
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Graham
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hancock
Harman
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Kolbe
LaFalce
LaHood
Lantos
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Rahall
Ramstad
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanford
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Stump
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—7

Bryant (TX)
Collins (MI)
Crane
Jefferson
Moakley
Reynolds
Studds

□ 2042

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MORAN. Mr. Speaker, during rollcall vote No. 535 on H.R. 1976 I was unavoidably detained. Had I been present I would have voted ''no.'' I ask unanimous consent that my statement appear in the RECORD immediately following rollcall vote No. 535.

GENERAL LEAVE

Mr. LIGHTFOOT. 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. 2020, the bill just passed, and that I be allowed to include tabular and extraneous material.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2058, THE CHINA POLICY ACT OF 1995, AND HOUSE JOINT RESOLUTION RES. 96, DISAPPROVING EXTENSION OF MOST-FAVORED-NATION STATUS TO THE PRODUCTS OF CHINA.

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–194) on the resolution (H. Res. 193) providing for consideration of a bill establishing United States policy toward China and a joint resolution relative to most-favored-nation treatment for the People's Republic of China, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Speaker, on Tuesday, July 18, I missed four rollcall votes during consideration of H.R. 1977, the Interior Appropriations for Fiscal Year 1996. On rollcall votes Nos. 517 and 518, I would have voted ''nay.'' On rollcall votes 519 and 525, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. WYNN. Mr. Speaker, as a result of my attendance at a funeral today, I missed two rollcall votes. Had I been present I would have voted ''yes'' on rollcall No. 529 and ''no'' on rollcall No. 530.

POSTPONING VOTES DURING FURTHER CONSIDERATION OF H.R. 1976, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1976 pursuant to House Resolution 188 the chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes.

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

Mr. DURBIN. Mr. Chairman, reserving the right to object, and I do not plan to object, but I wanted to make sure it is clear, will there be any record votes taken this evening?

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

Mr. DURBIN. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Speaker, I have a plan for this evening. If the gentleman will allow me, I would like to go ahead and run through it.

The plan of action for this evening is if this unanimous-consent agreement is agreed to, we would proceed as follows: Take a minimum amount of general debate, say 10 or 15 minutes on each side, and since we are reading this bill under the 5 minute rule, no Members' rights are denied since they can always move to strike the last word and make their statements. Then we will take up the chairman's amendment made in order under the rule for a total of 10 minutes debate, and take a record vote on this amendment only. Then we would begin to read the bill for amendments, but take no further votes this evening, and we would roll the votes until tomorrow.

Mr. DURBIN. Mr. Chairman, further reserving the right to object, I yield to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, it was my understanding that we would not proceed past the end of title I. Is that correct?