CORRECTIONS CALENDAR

The SPEAKER pro tempore (Mr. CAMP). This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

REPEAL MEDICARE AND MEDICAID COVERAGE DATA BANK

The Clerk called the bill (H.R. 2685) to repeal the Medicare and Medicaid coverage data bank.

The Clerk read the bill, as follows:

H.R. 2685

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

SECTION 1. REPEAL OF MEDICARE AND MEDICAID COVERAGE DATA BANK.

(a) IN GENERAL.—Section 1144 of the Social Security Act (42 U.S.C. 1320b–14), as added by section 13581(a) of the Omnibus Budget Reconciliation Act of 1993 (in this section referred to as ''OBRA–93''), is repealed.

(b) CONFORMING AMENDMENTS.—

(1) MEDICARE.—Section 1862(b)(5) of such Act (42 U.S.C. 1395y(b)(5)), as amended by section 13581(b)(1) of OBRA–93, is amended—

(A) in subparagraph (B), by striking the dash and all that follows through the end and inserting ''subparagraph (A) for purposes of carrying out this subsection.'', and

(B) in subparagraph (C)(i), by striking ''subparagraph (B)(i)'' and inserting ''subparagraph (B)''.

(2) MEDICAID.—Section 1902(a)(25)(A)(i) of such Act (42 U.S.C. 1396a(a)(25)(A)(i)), as amended by section 13581(b)(2) of OBRA–93, is amended by striking ''including the use of'' and all that follows through ''any additional measures''.

(3) DATA MATCHES.—Section 552a(a)(8)(B) of title 5, United States Code, as amended by section 13581(c) of OBRA–93, is amended—

(A) by adding ''or'' at the end of clause (v),

(B) by striking ''or'' at the end of clause (vi), and

(C) by striking clause (vii).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] and the gentleman from California [Mr. STARK] will each be recognized for 30 minutes.

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

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

Mr. Speaker, I rise today in support of H.R. 2685, a bill I introduced to repeal the so-called Medicare and Medicaid coverage data bank. This particular bill was favorably reported by the Committee on Ways and Means last November by a unanimous voice vote.

Mr. Speaker, this bill is particularly well suited to be considered here under the corrections procedure as we are doing today. Under the Medicare secondary payer program a person's employer based insurance may be the primary payer in certain cases. In other cases, it may not be.

The 1993 budget reconciliation bill created a data bank to identify Medicare secondary payer cases. In principle, this was, I guess, at the time a good idea. However, its implementation was misguided and heavy-handed.

Under the 1993 law, employers were required to submit health insurance information on all their employees, not just those subject to the secondary payer provisions. Health and Human Services also said this was to begin in 1994.

Many employers voiced strong opposition to this cumbersome requirement, in large part because employers were required to report information which they did not routinely collect, and what started out as a good idea became, in part, a hunt for information which was not then currently asked for or even needed in the system.

In response to these objections, a fiscal year 1995 Labor, Health and Human Services appropriations bill directed that no funds be used for the implementation of the bank. In addition, the General Accounting Office issued a report in May 1994 which found that the data bank would create burdensome and unnecessary paperwork for both the Health Care Financing Administration and employers and would achieve little or no savings. As the witness from the GAO testified on February 23, 1995, ''The proposed data bank would create an avalanche of unnecessary paperwork for both HCFA and employers and will likely achieve little or no savings while costing millions.''

It is also believed that the data bank would cost the private sector as well as Government that money, that burden not being solely on one group or the other.

H.R. 2685 puts an entirely appropriate final nail in the coffin by repealing the underlying data bank law. The data bank notwithstanding, the idea of making sure that the Government paid only its fair share was a misplaced idea from the start.

I am pleased to be able to help send it to its final resting place here today. This is a relatively straightforward bill. It has very narrow scope of subject matter. There is, I believe, universal support for the repeal of this Medicare-Medicaid coverage data bank law, and I urge its swift adoption.

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

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

I, too, support this legislation. It is a provision of 1993 which the House reluctantly accepted in conference as part of a package from the other body, and at the time, then-chairman of the Committee on Ways and Means predicted we would be back repealing it at some later point, and it is appropriate that we are doing so today.

In addition, the administration has been unable to implement the law, and the administration also supports the repeal as a necessary correction.

It is interesting that we are here today to talk about data banks, because the data bank is, Mr. Speaker, a record, just so that my colleagues understand; this is very arcane computer talk, and this gentleman from California is no expert, but I understand that a data bank is a record, a record not unlike this Congress under the Republican leadership which has passed no legislation. That is a data bank, and I am sure that it is one that the Republicans would like to repeal at some point so they do not have to run on the data bank that they have established in this Congress.

There are lots of data banks that perhaps are needed, and I hope that none of my colleagues will feel that doing away with this data bank, we should forego all data banks in the future.

Somebody a while ago mentioned nails in a coffin. Now, I would like to have a data bank on how many coffins will be nailed shut by the Republican Medicare plan, how many poor people would be denied.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from California yield for a parliamentary inquiry?

Mr. STARK. Certainly.

Mr. THOMAS. I fully understand the intent and purpose of the gentleman from California, and all of us, I think agree that we come here not to praise data banks but to bury this particular one, and I know he must, because of the rules of the House, walk a very fine line in talking about the subject matter in front of us. I would urge him that I would not want to continually ask this parliamentary inquiry.

But were the gentleman's statements referring to any data bank, including data banks collecting information about the record of this Congress, germane to the subject matter in front of us?

The SPEAKER pro tempore. The gentleman must maintain a nexus between the subject being debated and the bill.

Mr. THOMAS. My parliamentary inquiry is: Is mentioning the word ''data bank'' and then talking about what you want to put in any data bank you so conceive, is that an appropriate and parliamentary nexus?

The SPEAKER pro tempore. At this point the Chair will simply remind the Members that discussions should remain relevant to the bill under consideration.

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

Mr. STARK. My pleasure. I will try and keep my nexus in focus. I am not sure I know what a nexus means, either. But I will do my best.

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

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

Mr. THOMAS. Perhaps we could have a data bank collecting nexus. Then we could examine them.

Mr. STARK. I thank the gentleman for his suggestion. In all seriousness, the collection of health data has been an important facet in the Medicare Program, which has been the perhaps leading social legislation since 1965, when Lyndon Johnson and a Democratic Congress and Senate enacted Medicare. And we have kept much in

the way of health data. We have talked about outcomes research, which is a data bank which will not, I believe, he repealed in this bill. That is good.

But we do need a data bank to see, as I mentioned, nails in coffins, we passed nursing home legislation some years back. We have records of data banks, if you will, of the number of——

PARLIAMENTARY INQUIRY

Mr. THOMAS. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman yield for an inquiry?

Mr. STARK. I will be happy to yield.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. THOMAS. The gentleman has now moved from a data bank to records, and I believe the statement will show that he is now talking about records in the context of a data bank, if you will.

Does moving from a data bank, the specific subject matter of this bill, to records which are akin to a data bank suffice for the Speaker to continue to allow for this direction? Is that a sufficient nexus, in the Chair's opinion?

The SPEAKER pro tempore. The Chair is of the opinion that the gentleman has maintained a sufficient nexus or connection.

Mr. THOMAS. He is doing a good job.

Mr. STARK. I thank the gentleman. It is this data bank or collection of records that will tell us how well we have done with regulating nursing homes and the data bank will illustrate for us the number of lives that have been saved, the number of senior citizens that are no longer medicated into being zombies, the number of senior citizens in nursing homes in various States who are living in unhealthy conditions, and this data bank will illustrate for us what will happen if we were silly enough to pass the Republican Medicare plan.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, I am constrained to ask a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman yield for an inquiry?

Mr. STARK. I will be glad to yield one more time.

Mr. THOMAS. This gentleman is at a complete loss, having read the legislation in front of us, with no reference to nursing homes whatsoever, how a discussion of nursing homes and legislation or desired legislation surrounding nursing homes has any nexus whatsoever with the subject matter in front of us, and Mr. Speaker, I would like you to rule on the nexus of a discussion of nursing homes and data or records collected around the nexus of nursing homes and how that has a relationship to the legislation which we are supposed to be discussing on the floor.

Mr. PALLONE. Following up on that parliamentary inquiry——

The SPEAKER pro tempore. The gentleman is not recognized at this time. The Chair is prepared to respond.

Mr. PALLONE. Could I ask on that point if the gentleman from California [Mr. STARK] could yield to me?

The SPEAKER pro tempore. The Chair is prepared to respond.

The Chair is prepared to give the gentleman from California the opportunity to establish that connection between data banks covered by the bill and nursing homes.

Mr. THOMAS. The parliamentary inquiry was to the legislation in front of us, not to data banks in general and nursing homes, but to the Medicare-Medicaid data bank and nursing homes.

The SPEAKER pro tempore. The Chair is willing to allow the gentleman the opportunity to establish that connection.

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

Mr. STARK. Mr. Speaker, will the Chair tell me how much time I have consumed in establishing my nexus?

The SPEAKER pro tempore. The gentleman has consumed 8½ minutes.

Mr. STARK. I thank the Chair.

The important issue is that if we were to even consider doing away with the data bank, we could not have the records to support the fact that we ought not to do away with nursing home regulations as the Republican Medicare bill would suggest.

☐ 1430

Mr. STARK. Now, there are other data banks. We keep data banks on the income of seniors who qualify under QMB. That is a poor senior with low income.

POINT OF ORDER

Mr. THOMAS. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore (Mr. CAMP). The gentleman will state his point of order.

Mr. THOMAS. QMB's, who are qualified Medicare-Medicaid beneficiaries, are seniors. We are dealing with legislation that deals with people who are employed by employers to collect data for purposes of determining primary and secondary payers, and I believe the gentleman's statements are not germane.

The SPEAKER pro tempore. The gentleman from California [Mr. STARK] must confine his remarks to the subject of the bill.

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

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

Mr. DOGGETT. Mr. Speaker, I wanted to inquire whether any of the data bank information that would be affected by this legislation would relate to complaints of patient abuse in nursing homes, the kind of violation of Federal standards. I am referring to the standards that the Gingrichites propose to just eliminate entirely in their proposal last year and deny our seniors any kind of safety in nursing homes. Would that be affected by this legislation?

POINT OF ORDER

Mr. THOMAS. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. THOMAS. Mr. Speaker, is the question propounded by the gentleman from Texas germane to this legislation and therefore a question that should be answered?

Mr. DOGGETT. Mr. Speaker, I would like to be heard on the point of order.

The SPEAKER pro tempore. The gentleman will be heard.

Mr. DOGGETT. Mr. Speaker, surely it is permissible in the course of one of these debates, and I can understand the gentleman's desire not to get into this destruction to the health care of our seniors across the country by raising this issue, but surely it is appropriate under the rules of the House to make an inquiry of someone who is opposed to this legislation as to what the legislation affects. That is all I have asked, is whether or not the seniors in America are going to be affected by changing this data bank to seniors who would lose out if there are no standards to protect them in nursing homes.

Mr. THOMAS. Mr. Speaker, may I be heard on the point of order?

The SPEAKER pro tempore. The gentleman from California.

Mr. THOMAS. The gentleman from Texas is at a disadvantage. He arrived on the floor not hearing the gentleman from California's opening statement, in which the said he was not opposed to this legislation. There is no opposition to this legislation.

In addition, Mr. Speaker, I would be more than willing to engage in a discussion of the shortfall of the Medicare fund, which was not adequately reported by this administration in any form that allows us to understand it. But that is a debate that will take place at another place and another time.

The purpose of this debate under the rules is to discuss the matter in front of us, and all this gentleman from California is trying to do is to maintain decorum and order in the house and request that the Speaker enforce the Rules of the House so that we may have an orderly debate and not traverse the countryside in any and all directions by any individual who may have an honest and earnest attempt to discuss this issue or may be motivated by other reasons.

The SPEAKER pro tempore. The gentleman has made his point of order. The Chair is prepared to rule.

The question is relevant to the extent of coverage of the data bank under this bill, and the gentleman from Texas may inquire in order.

Mr. THOMAS. Mr. Speaker, continuing my point of order, it is for employees only. The question is about nonemployees. How can it be germane?

The SPEAKER pro tempore. The Chair will ask the gentlemen from Texas and California to proceed in order.

Mr. DOGGETT. Mr. Speaker, I appreciate the opportunity to ask a question as to what this legislation does, because whether you were here at the

very beginning of the debate or at the very end of the debate, whether the gentleman is opposed to or for this legislation, it should be proper, as the Speaker has ruled, for a Member of this House to be able to determine whether the legislation will have an adverse effect by changing this data bank on the seniors of America.

Now, does this legislation have any impact on all this proposed Gingrichite repeal for standards of health and safety in nursing homes across this country?

Mr. STARK. Mr. Speaker, reclaiming my time, in response to the question of the gentleman from Texas, this legislation will have no effect. The Gingrich-Thomas legislation will so destroy nursing home regulations that even if it did have an effect, it would not make any difference, because the nursing home regulations would be tossed out the window by the Republicans and it would be moot as to whether this does. But the legislation does not.

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

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

Mr. PALLONE. Mr. Speaker, I just wanted to make the point, I understand that the gentleman favors this bill in the sense that he thinks that the data bank at this point in this particular case perhaps does not make sense, but my concern is over the whole issue of data banks.

In other words, we know that the Republican leadership proposes to cut back on Medicare, to cut back on Medicaid. Some of the changes they are now advocating under the guise of health care insurance reform essentially are going to make some major changes for our health care system. For example, when you talk about Medicaid, the Medicaid proposal that the Republican leadership has put forward I believe, because it block grants money to the States, will have a lot of people simply not eligible for Medicaid and not having any kind of health care anymore.

So I am a little concerned that when we talk about eliminating data banks, we may need some of these data banks if some of these Republican proposals go forward, because I would like to know how many people are not going to be eligible for Medicaid anymore, how many medigap recipients will not be able to take advantage of it.

POINT OF ORDER

Mr. THOMAS. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. THOMAS. Mr. Speaker, the items that the gentleman is ticking off on his finger have no relationship to the information to be collected in this data bank, or any other data bank.

Mr. PALLONE. Mr. Speaker, I would like to be heard on the parliamentary inquiry.

Mr. Speaker, I am concerned that that in fact is not the case. The fact of the matter is when you talk about the data bank, which I understand for this specific purpose is linked to how many employees receive private health insurance as opposed to Medicare and what the impact of that is going to be, we have the same thing now with the proposal by Senator KASSEBAUM and Senator KENNEDY and the gentlewoman from New Jersey, Mrs. ROUKEMA, where we are trying to get passed on the House floor health care insurance reform that will eliminate preexisting conditions and that will allow for portability. The Republican leadership, from what I can see, will not allow it to come to the floor.

The SPEAKER pro tempore. The Chair will again rule that the gentleman from New Jersey's remarks must be confined to the bill at hand.

Mr. STARK. Mr. Speaker, could I inquire whether the time for these points of order come out of my time?

The SPEAKER pro tempore. The Chair would state that argument on points of order do not.

Mr. PALLONE. Mr. Speaker, if the gentleman will yield further, if I can just ask the gentleman from California, the way I understand this data bank, it was set up to gather information about whether or not someone who was employed privately and had private health insurance, how that would relate to Medicare coverage.

Mr. STARK. Mr. Speaker, reclaiming my time, the gentleman is quite correct in his presumption. That was the initial suggestion or intent created by the other body in establishing this legislation.

Mr. PALLONE. Mr. Speaker, I would ask the gentleman, is not that type of information possibly valuable in terms of this ongoing debate on the Kennedy-Kassebaum bill as to whether or not insurers are covering people whether or not they have preexisting conditions or whether or not they could carry their health insurance with them to another job?

Mr. STARK. Mr. Speaker, the gentleman is quite correct, because as the number of layoffs continue and as the Republicans continue to do nothing to provide health insurance for the unemployed or extended COBRA benefits, which cost no one anything, except the Republicans do not like it because it would be a Federal involvement, we do not have the data.

This data would not be useful to fulfill what I believe the gentleman has in mind, and that is how can we, as the Democrats would like, assure people who would pay for their benefits and be cut off by the Republican indifference, how can we insure that people could continue their health insurance even if they were willing to pay for it? Without the data, and I think it is important that we emphasize that this bill repealing this one limited data bank should in no way prejudice the establishment of a data bank as the number of people, for example, climb from some 37 million to now almost 45 million uninsured, you have not heard one mention of that out of the Republican presidential candidates or certainly from that side of the aisle in this house. They do not care about the uninsured in this country. they only care about the rich and the big insurance companies. That is who is getting protected.

This data bank that we are repealing would not be helpful in following our democratic precept of assurance that people have a fair chance to purchase insurance at a fair price.

Mr. PALLONE. Mr. Speaker, if the gentleman will yield further, that is the only point that I was trying to make, which is, and I think the gentleman from California said it well, that we may very well need data banks like this in order to ensure that more people are not taken off the rolls or be able to move from one job to another or denied health insurance because of preexisting conditions.

So that whatever happens here today under the corrections day calendar will not somehow get out into the general public as something that we will not need for other purposes, because we are determined as Democrats that we want to bring this Kennedy-Kassebaum bill to the floor and eliminate preexisting conditions as a reason for health coverage and also allow people to be able to carry their health insurance with them when they lose their job or go from one job to another.

Mr. DOGGETT. Mr. Speaker, if the gentleman will yield further, sharing the concern with the gentleman from New Jersey about those who lack health insurance, let me ask the gentleman about this particular bill, about this data bank which has been brought to the floor under an unusual procedure never used before by this Congress, that by the very nature of the procedure bringing it to the floor, we are as Members denied an opportunity to amend this bill to address some of these very real problems that relate to the health care and the lack of access to insurance that affect millions of working families across this country.

Mr. STARK. Mr. Speaker, reclaiming my time, if I may respond, the gentleman makes a very good point. These particular bills are brought to the floor under a euphemism referred to as ''correction day.'' Now, I think we need a correction week. As a matter of fact, for some folks we might need a correctional institution. The fact we are ignoring this piddling little data bank, which somebody had to fuss around to find to make into a bill to bring to the floor today, is not the important issue.

Data banks contain tremendous amounts of information. They contain information, for example, on quality in hospitals. A nonpartisan group of experts the other day, PROPAC, said that maintaining updates as low as the Republicans would do in their Medicare bill would have a severe impact on hospitals.

POINT OF ORDER

Mr. THOMAS. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point or order.

Mr. THOMAS. Mr. Speaker, I rise to this point of order with the understanding that apparently Members are no longer held to the rule of germaneness. The current dialog is nowhere near the intersection of nexus with the legislation, in this gentleman's opinion. I would ask a ruling of the Chair.

The SPEAKER pro tempore. The Chair would remind the Members that on November 14, 1995, the Chair sustained a similar point of order where a Member was unable to maintain a constant connection or nexus between the subject of the bill and his remarks on health care generally. The Chair would ask the Members to proceed with that in mind.

Mr. STARK. Mr. Speaker, I thank the chair for his admonition, and would request my colleagues to join with me in joining in the spirit of his request.

Mr. DOGGETT. Mr. Speaker, if the gentleman will yield further, in other words, this is a so-called corrections day bill, but it does not correct any of the real problems that affect the American families that are out there struggling to make ends meet.

Mr. STARK. Mr. Speaker, in the spirit, I happen to agree with the gentleman's statement, but I think that I cannot find the nexus for the gentleman of Texas's question.

Mr. DOGGETT. Mr. Speaker, if the gentleman will continue to yield, as far as the nexus, is there any nexus between this bill and any other bills that are pending there in the committee from whence this bill came that do deal with the very real problems of American families? Or is this just an isolated correction of some problem that is not really a problem?

Mr. STARK. Mr. Speaker, reclaiming my time, quite frankly, the committee that deals with this topic has not met, and it is responsible for Medicare, and it does nothing except worry and tell us that Medicare is going to go broke. It is in fact fiddling with this type of data bank, when the major data bank, which is the trust fund, is not being corrected. So there is a great deal of blame to justly be placed on the administration of the health committee under its current leadership.

□ 1445

Mr. DOGGETT. Well, I thank the gentleman for trying to put some perspective on the little bit that is being done here and the whole lot that is not getting any correction at all.

Mr. STARK. The other issue of data banks, Mr. Speaker, is in the field of insurance regulation. This data bank was designed to find a correlation between private insurance that an employee might have and Medicare.

We have further need for a data bank that would deal with the question of selling insurance that is duplicative. This is a rule that we have had to protect seniors, and it is being eliminated by the Republican Medicare bill.

The sales rules are also being eliminated. Now, without keeping a data bank on the unscrupulous sales practices of health insurers who sell Medigap, and allowing these duplicative policies to reappear, we will have no way of knowing how much harm is being done to the seniors. We estimate that several billions of dollars were paid prior to our passing the bill which eliminated duplicative Medigap sales to seniors, but we have not kept that data bank, assuming that those rules would be affected.

Without any prejudice to the ability to reinstate a data bank, I think it is necessary to point out that these seniors will need protection from the unscrupulous insurance agency and this bill——

POINT OF ORDER

Mr. THOMAS. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore (Mr. CAMP). The gentleman will state it.

Mr. THOMAS. Mr. Speaker, this gentleman is constrained once again to request that the Speaker, in this gentleman's opinion, understand that the simple mention of a data bank does not make the discussion germane to the bill in front of us, to the extent that it would allow the gentleman from California [Mr. STARK], who quite rightly is pushing the envelope as he is trying to do, to discuss the sales of Medigap policies and potential unscrupulous salesmen who might sell these products.

If, in fact, the Chair rules that that is germane, then these rules have no meaning at all, in the opinion of the gentleman from California.

The SPEAKER pro tempore. Would the gentleman from California [Mr. STARK] like to respond to the point of order?

Mr. STARK. Mr. Speaker, I certainly would, only to suggest to the Chair that in whichever way the Chair sees fit to rule, the Chair certainly understands the issues and has been extremely fair, and I would have no quarrel with him in any event.

The SPEAKER pro tempore. The notion of data banks generally and the notion of data banks as contained in the bill are not necessarily the same issue. Again, the Chair would ask the gentleman from California [Mr. STARK] to confine his remarks to the legislation at hand.

Mr. STARK. The Speaker's admonition is well received.

Mr. Speaker, I would like to return to the issue of the data banks collected by employers. Part of the reasoning behind repealing this data bank was the feeling that it was overly intrusive; that the Federal Government requiring an employer to do something for the common good is something that the Republicans find antithetical, requiring employers to obey OSHA rules or good labor relations is somehow overburdening them.

Thusly, this data bank was considered as intrusive and something difficult for the employers to maintain.

By the same token, there has been a resistance to say a COBRA extension. I would submit, Mr. Speaker, that the issue of collecting this health data in the data banks in H.R. 2685 was probably three or four times more expensive than keeping data for COBRA extensions for workers who have been laid off or disabled.

It is difficult for this gentleman to be enthusiastic about moving limited amounts of restrictions on employers when, as under COBRA, we have over 30 million Americans who have had their health insurance extended because we did that, and we have perhaps as many as 4 million, as we speak today, who have their health insurance under COBRA because we required those employers to maintain a small data bank.

Now, it escapes reason, or it does to this gentleman, why the Republicans should oppose extending COBRA. it costs no one anything. No Federal cost; no cost to the employer; no cost to the insurance company. It has been offered at 110 percent of the previous premium instead of the 102, and the data bank collection for that is so much simpler.

I do not want to see this correction take on a life of its own and be considered as a policy to remove any responsibility from employers when they are required by minor Federal regulations to do something that is in the public interest, something that would be for the good of all people.

Now, with these layoffs that are coming left and right, American Telephone laying off 40,000 people or whatever, and I am not about to suggest that the Republicans are responsible for that. I imagine the CEO's are Republicans but I do not blame that on the party.

But what I am suggesting is that underlying this bill, the unsung agenda is that there is something wrong with the Federal Government requiring an employer, or anybody, to do the right thing. That is wrong, Mr. Speaker.

The Federal Government, for example, provides Social Security. It has provided, happily, Medicare, and we do require some businesses or employers to keep records for that to make sure they are not stealing from us. That is a data bank. Under no circumstances would I like to have this bill considered as a precursor for removing other restrictions on collecting data.

For example, we are finally starting, this was a bipartisan bill when we used to have bipartisan Medicare bills, to collect outcomes research, a data bank. We are requiring hospitals, even profit hospitals, and physicians to begin to build a data bank about how health policy or health procedures work after 5 or 10 years. That is a vital part of health research, and in no way should that get mixed up with this kind of a data bank, which was not well conceived in the beginning. We have data banks that are useful.

There are other areas that, if I just might mention, as I suggested, the

Medigap rules, the question of block granting seniors without knowing if we do not have data banks, and somebody says, gee, this is intrusive, we may miss a chance to protect those seniors and those poorer citizens who do not have the option of being covered under major policies by their employers.

What I am suggesting is that this correction is worthy of taking care of. I am not sure it is worthy of spending as much money as we have assumed here today in printing costs. But I do think that it is a potential danger, that we ought not to let it set a standard that says just because we are asking private citizens or private businesses to collect information, do we feel that that is not something that could be useful.

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

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

Mr. DOGGETT. Mr. Speaker, I have just received a copy of the House Republican National Strategic Plan for 1996, and I am wondering if the gentleman has an opinion as to how this piece of legislation, which I believe is the first piece of legislation dealing specifically with any aspect of Medicare, might fit into that plan, which I will tell the gentleman specifically calls and says, and I quote, not you and me of course, but the Republicans ''will pursue a targeted inoculation strategy on Medicare.'' Does this bill have relevance to that targeted inoculation strategy on Medicare?

POINT OF ORDER

Mr. THOMAS. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS. Mr. Speaker, the Speaker knows well my point of order. It is the subject matter and the content of the bill and the question propounded by the gentleman from Texas [Mr. DOGGETT], which has no relevance or germaneness, as we say in our rules, to the subject matter before us.

Mr. DOGGETT. Mr. Speaker, may I be heard on the point of order?

The SPEAKER pro tempore. The gentleman has propounded a point of order to the relevance of the matter at hand.

Mr. STARK. May I be heard on the point of order Mr. Speaker?

The SPEAKER pro tempore. The Chair will allow the gentleman from California [Mr. STARK] to respond.

Mr. STARK. Mr. Speaker, on the point of order, before you restate it, it is beyond the capacity of this gentleman to explain Republican strategy and whether or not it is germane. I would choose not to answer the question, because I am sure it is one of those mysteries of the universe that deny intelligent response.

However, inoculation is germane to this because many of these employers kept records or were to keep records of who was paying for the inoculations in the Republican Medicare plan, so many people will be denied inoculations. It is, in fact, very important that we point out that the inoculations they are talking about are not the same inoculations that little children are not going to get when the Medicaid cuts come down from the Republicans.

The SPEAKER pro tempore. In response to the point of order, the Chair cannot respond to the rhetorical nature of the question stated by the gentleman from Texas [Mr. DOGGETT] by necessarily ruling it irrelevant.

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

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

Mr. Speaker, the gentleman from Texas, apparently within the rules, propounded a question about the fact that this bill is being brought up under a procedure that we did not have in previous Congresses. Apparently it is clearly within the scope of germaneness, as ruled by the Speaker, for me to indicate that there are a lot of things that we are doing in this Congress that we did not do in previous Congresses.

For example we are auditing the books in this Congress. That was not done in previous Congresses. We have placed Members of Congress under the laws that apply to everyone else. That was not done in previous Congresses, and so there are a lot of things that we are doing in this Congress that were not done in previous Congresses.

Mr. Speaker, I do want to say that the gentlewoman from Florida [Mrs. FOWLER] has been very interested in this subject matter, and were it not for the primary in her State and district, the gentlewoman would be with us today.

Mr. Speaker, I yield 4 minutes to the gentleman from Indiana [Mr. MCINTOSH], someone who has had an interest in this for a long time.

Mr. MCINTOSH. Mr. Speaker, I am pleased to rise in support of the bill of the gentleman from California [Mr. THOMAS] to repeal the Medicare-Medicaid data bank requirement. As cochairman of the Speaker's Advisory Committee on Corrections, I want to commend the gentleman and his committee for their work on this very good corrections bill.

Before I describe the bill and the reason the Corrections Committee supports it, let me pause for a moment and say the real issues here is one of jobs. Jobs, jobs, jobs.

The reason is that what we are doing is getting rid of an obsolete, unnecessary paperwork requirement that makes it more expensive for businesses, particularly small businesses, to create new jobs. It is the Republican hope, along with many Democrats who have supported this bill, that we will be able to help small businesses create jobs by passing this bill, eliminating unnecessary redtape and paperwork.

Now, this bill does just what a corrections bill should do. It eliminates a government-imposed paperwork burden that is not achieving any conceivable intended result.

The Medicare-Medicaid data bank was established in 1993 with good intentions, to compile data on secondary insurers for Medicare subscribers, to help identify those cases in which an employer-based insurance company should be the primary insurance provider rather than Medicaid. That is to say, if somebody needs additional coverage from the Medicare coverage they are receiving, should the government pay for it through Medicaid or should the employer pay for it through their primary insurance coverage for their employees?

□ 1500

Potentially this could have saved the government a great deal of money by identifying those cases where the government, under the Medicaid Program, would not need to pay for that secondary insurance. Unfortunately it has not, and will not, work. The Government Accounting Office has testified regarding this data bank that, and I will quote from their statement:

> Enormous administrative burden the data bank would place on the Health Care Financing Administration, known as HCFA here in Washington, and the Nation's employers likely would do little or nothing to enhance the current efforts to identify those beneficiaries who have other health insurance coverage, * * *

That is to say the health care Medicare-Medicaid data bank has not been able to do what it was supposed to do, which is streamline the process and make it less costly for the government.

There are several reasons to be against this program and the need for this bill. The first is it is a burden on the government itself. The Health Care Finance Administration has itself stated that the costs involved in collecting the information will outweigh the costs that may be recovered by the data bank. That is to say it frankly does not save the government any money whatsoever.

Second, it is a burden on citizens, particularly small businesses that have limited resources. They are currently required to compile the names and Social Security numbers of all of their employees and their immediate family and report this not only to the IRS, but also the HCFA. Now gathering and reporting this information takes time and money, and many small companies, quite frankly, just do not have it in their budgets to be able to do that. It is more redtape and does very little good.

And the third reason is that this system is a burden for the taxpayers. But at least Congress has had the wisdom, up until today, to make sure that we did not fund it. Given that wisdom, I think it is important that today we take the next step and repeal the requirement altogether.

Now the bill of the gentleman from California [Mr. THOMAS] will do away with the Medicare data bank, his bill will save employers across the Nation and the Federal Government time and money; as a corrections bill it is one of

the best that I have seen, and I want to commend the gentleman for his hard work and urge all of my colleagues to support H.R. 2685.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. HOUGHTON], a member of the House subcommittee of the Committee on Ways and Means.

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

Mr. HOUGHTON. Mr. Speaker, I am really at a loss of words because so much of what I wanted to say has already been stated. Maybe I can approach this from somebody who has been in business for a long time and understands what this Congress is trying to do is to extract the Government from onerous administrative tasks, which is hardly in keeping with what we are trying to do to relieve people and businesses to be able to create more jobs.

I have been around business a long time, and I know what data collection is; it is important. But when we take a look at this particular issue, clearly the data collected is highly expensive. The GAO has estimated that to create a data bank like this, it would be over $100 million. That is certainly not the intent of Congress, it is not something which is good for business, it is not something which is really good for the employees, and when we take a look at a variety of different businesses that have been contacted, they all agree that this is not necessary, that the administrative burden is onerous, it opens the door to tax retirees on values received, and so why report this?

As a matter of fact, I think we all agree with this. As a matter of fact, I do not think that there is any argument when we are talking about this issue, H.R. 2685. It is a good issue; we all agree it is a bipartisan approach. Where we get off the tracks is when we start getting political and we start messing around in this whole field of health reform.

We all are citizens of this country, we all want to do the right thing. It is not a Republican or a Democratic issue. It is something which we all ought to be concerned about. But today the narrow issue really is this data bank. I agree with the proposition, I think it makes a great deal of sense, it will reduce enormous administrative overburden, and it will save the Federal Government and the taxpayers of this country over $100 million.

Therefore, I support with the greatest strength I can H.R. 2685. We are not talking about health insurance reform, we are not talking about nexuses, we are not talking about inoculations, we are not talking about strategic plans. We are talking about this particular data bank issue, and I think it is a good one, and I support the resolution.

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

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

The gentleman from New York touched on an issue which I think it important. It is true that we will save employers a piddly little amount of money by doing away with this data. What the employer has to do is keep track of an employee's insurance other than Medicare. But if my colleagues want to talk about a cost to employers and a data bank that will choke the horse of business, talk about the data bank that the Republicans are requiring business to keep if they pass these silly MSA's. Under a medical savings account a business would be required in a data bank to keep track of every medical expenditure, it would be required——

POINT OF ORDER

Mr. THOMAS. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore (Mr. CAMP). The gentleman is recognized for a point of order.

Mr. THOMAS. Notwithstanding his elegant eloquence, I believe the gentleman from California [Mr. STARK] has once again strayed from the germaneness under the rules of the House.

Mr. STARK. If I may be heard? I am talking about data base requirements by an employer, an issue raised by the previous speaker, and I believe it is quite germane as it deals with the requirements that employers may be faced with in keeping medical data banks as required by the Federal Government.

Mr. THOMAS. May I be heard on the point of order Mr. Speaker?

I thought the Speaker had already ruled that a discussion of data banks in general as a concept for collecting data is not necessarily germane to a specific data bank which is the subject of this bill.

The SPEAKER pro tempore. The gentleman is correct. The Chair will state again that on November 14, 1995, the Chair sustained a similar point of order where a Member was unable to maintain a constant nexus between the subject of the bill and the subject of health care generally. The Chair has at least three time today, and does again, sustain that point of order.

Mr. STARK. Mr. Speaker, I will confine my remarks to employers collecting data for a data bank that relates to Government insurance and private insurance, which I believe is specifically what the bill and I am suggesting; that while we are eliminating this, we are on the other hand creating an even bigger data bank, and perhaps we should prohibit data banks for things like MSA's which, by the way, exist without any new legislation.

MSA's are there today. It is, if we require the employer to keep track of who collects the money for an IRS exemption, he will then have to keep track of each specific payment to a doctor, and it has been estimated that it will cost the Government $4 billion to have these MSA's. Not only will it cost the employers, the gentleman from New York is concerned about more money, it is going to add $4 billion in costs.

So, as the Republicans have done, on the one hand they say let us save a nickel here, but let us spend a million dollars if it helps our rich friends in business, and this is a perfect example of, I think, being penny-wise and pound-foolish dealing, Mr. Speaker, with a data bank which is minuscule, which requires almost no record-keeping by business, while on the other hand ignoring those data banks that are being proposed to be imposed on business and private citizens, which increase the number of insured, increase the deficit and do no good to anyone.

This, unfortunately, is the litany and the inheritance of the Republican leadership as they have shown this——

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

Mr. STARK. I yield to the gentleman from New York.

Mr. HOUGHTON. Mr. Speaker, I would just like to ask the gentleman, does he support or does he not support H.R. 2685?

Mr. STARK. I am relatively indifferent, but I can find nothing to oppose it. If it came to a vote, I would vote for it.

Mr. THOMAS. Mr. Speaker, I yield myself 10 minutes.

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

Mr. THOMAS. Mr. Speaker, I want to begin a discussion of the repeal of this data bank with an underscoring of a point that the gentleman from California made, and that is that this measure was insisted upon by the Senate. This is not a work product that originated in the House. It was contained in the budget legislation that was passed in 1993 under the majority.

I want to go back to a quote, Mr. Speaker, that I used at the beginning to frame the debate about the repeal of this proposed data bank. This data bank was never put into effect. It was proposed. We are now proposing to make sure it never goes into effect.

In testimony before the Committee on Ways and Means by Sarah Jagger on February 23, 1995, representing a GAO study, she said that this proposed data bank would create an avalanche of unnecessary paperwork for both the Health Care Financing Administration and employers, and will likely achieve little or no savings while costing millions. That statement was made in February of 1995.

The reason we have this legislation before us today is because the need to save not only employers, but the Health Care Financing Agency, money is even more critical today than it was at the time that we took the testimony, because when we took that testimony in February of 1995, we had a trustees' report, those individuals who are charged with the responsibility of overseeing the Medicare trust fund reporting to us that the Medicare trust fund was sound through the year 2002. What we have now discovered is that

based upon real data, not projections, but real data, it is no longer protected until 2002. This was what was described to us as the prospective state of the Medicare trust fund at the time this testimony was delivered, that notwithstanding the continual drop in the trust fund, the Chairman of the Board of Trustees, the Secretary of the Treasury, Mr. Rubin, signed a document saying that there is going to be a reversal of this trend, that the Medicare trust fund will have more money in it at the end of 1995 than it did in 1994. We were concerned about saving money in February of 1995, but this was the projection given to us by the Clinton appointees who are the trustees of the Medicare trust fund.

This is now March of 1996, and the projections, the, if you will, more rosy scenario, simply did not obtain, and the reason this bill is before us today to repeal the proposed data bank and save not just employers, but the Federal Government, millions of dollars is because this is actually what happened; not projected, actually what happened. We actually went minus in the trust fund account for this fiscal year. That is the first time this has occurred since 1972.

In 1972 the Democrats were in the majority. They promptly raised the payroll tax. That was a response they used nine times in response to a shortage of funds. Rather than rethinking, reconceptualizing, protecting, preserving, and strengthening Medicare they simply raised the payroll tax.

□ 1515

This is what they said was going to happen. This is what actually happened. So we have begun an examination of legislation that we could bring to the floor which would guarantee that there would be no more hemorrhaging in the Medicare Trust Fund than was absolutely necessary. That is the purpose and the substance of bringing this bill to the floor today.

Perhaps even more chilling was the testimony not of the Secretary of the Treasury in his function as the Chairman of the trustees, but the Secretary of Health and Human Services. Dr. Shalala indicated, and numbers have now been produced, that at the same time the trust fund was a minus $36 million at the end of fiscal year 1995, in the first 4 months of that year there was $3.8 billion surplus. That is, over a 12-month period, they went from a $3.8 billion surplus to a $36 million deficit. As I said, this is the first time it has happened since 1972.

So my inquiry would be, of course, if this is what we look like in the first 4 months of fiscal year 1995, what do we look like in the first 4 months of fiscal year 1996, the year we are currently in? The information that now has been reported, not projections, not rosy projections to make it look good, but actual figures for fiscal year 1996, the first 4 months, are at a plus $133 million. Remember, when the first 4 months were at $3.8 billion we wound up with a $36 million deficit, the first time since 1972 that we had a minus number. If we have only brought in $133 million in the first 4 months of fiscal year 1996, what is it going to look like in hemorrhaging red ink in the trust fund without making the kinds of changes we are contemplating?

A number of people have complained that repealing this proposed data bank certainly seems like small potatoes. It certainly is a first step. We have to make sure, first of all, that the Government does not do stupid things. This proposal that was passed by the former Democratic Congress in 1993 is now universally agreed to be a stupid thing.

What we need to do is sit down and talk about additional changes that need to be made in the system. Republicans have been more than willing to do that on a bipartisan basis. In sitting down with a number of very responsible Democrats, normally known as the self-named blue-dog Democrats, we have moved forward a proposal, which I am hopeful we will be able to announce, achieves a bipartisan majority in making sure that we preserve, protect, and strengthen Medicare.

But we ought to take every opportunity. We ought not to pass up any opportunity for making changes in the system that will guarantee that not only employers but the Federal Government does not waste money. This is one of those efforts. We chose corrections day to do it, because there was no known opposition at all. This would be an expedited way to deal with this particular question. I find it interesting that notwithstanding all of the discussion that occurred on the side of the minority, no one is in evidence who opposes this legislation.

Our goal is to work in a bipartisan way to produce legislation that will make positive change, will create a new Medicare which will preserve, protect, and strengthen seniors in a prospective fashion, once we have cleaned up the errors that are left over from previous Democratic control.

I would urge an ''aye'' vote on this particular measure in front of corrections day.

Mr. POMEROY. Mr. Speaker, I rise to offer my strong support for repeal of the Medicare and Medicaid coverage data bank. This provision of law imposed an unfair and unreasonable burden on the businesses of North Dakota, and I believe it must be eliminated.

The data bank program was created to help prevent Medicare and Medicaid from paying claims that are the responsibility of an employer-based private insurer. Despite this laudable goal of saving Government funds, there have been fundamental flaws with this planned program from the beginning. First, under the program employers would be required to report information to the Federal Government which they did not routinely collect. Second, employers would be forced to report data on 100 percent of their work force even though only a tiny percentage of workers would be individuals whose claims might have been eligible for payment by Medicare or Medicaid. This is a classic example of the treatment being worse than the disease.

As can be seen, the data bank program imposes a reporting burden on employers which is far out of proportion to the Government's need for information. Such unnecessary burdens are particularly harmful to the many small businesses which dominate the North Dakota economy. This program is precisely the sort of inefficient approach which North Dakotans are demanding be eliminated from the Federal Government.

The reports from North Dakota businesses as to the anticipated burdens of the data bank program were verified in a thorough study by the General Accounting Office [GAO]. In a report issued on May 6, 1994, the GAO concluded that the data bank would create burdensome and unnecessary paperwork for both employers and the Federal Government and would achieve little or no cost savings while costing millions of dollars in administrative expense.

Mr. Speaker, at a time when many businesses too often labor under the burden of complex and sometimes unnecessary Federal regulation, the Federal Government should not add to this regulatory burden without a concrete benefit clearly in sight. While the data bank program was well intentioned, it has proven unworkable. The anticipated benefit is overwhelmed by the cost of compliance, and, consequently, the program should be eliminated. Elimination is also warranted by the harmful effect this program would have on the availability of health insurance to North Dakota's working families. When increasing numbers of families are finding themselves without health insurance, the Federal Government must not make it more expensive and difficult for employers to provide this insurance for their workers. The substantial administrative expense associated with the data bank program would have had precisely this counterproductive effect.

I urge my colleagues to join me in voting for repeal of this well intentioned but utterly unworkable program.

Mrs. FOWLER. Mr. Speaker, the Medicare/Medicaid data bank was established by the Omnibus Budget Reconciliation Act of 1993 with the intent of yielding savings to the Medicare and Medicaid Programs. Like so many big-government answers, however, it turned out that the data bank was more of a problem than a solution—impractical, inconvenient, and expensive. Had the data bank been implemented by the Health Care Financing Administration, it would have increased the administrative and paperwork burden on businesses; discouraged employers from providing health coverage to their employees; and created a bureaucratic nightmare for HCFA.

Fortunately, the enforcement of the data bank reporting requirements has been delayed, and now we have a chance to repeal it once and for all.

At first glance, it appears that the data bank law asks employers to provide routine information that is readily available. In truth, however, the reporting requirements ask employers to collect data which they could have never imagined compiling, such as the names and Social Security numbers of their employees' spouses and children.

In May 1994, the Government Accounting Office issued a report showing that the data

bank would yield little or no savings to Medicare and Medicaid. Additionally, the Health Care Financing Administration has no interest in administering the data bank. In fact, the Clinton administration estimates that the data bank would cost $25 to 30 million to operate each year.

The data bank sets a new standard for bad laws: It is bad for business, bad for workers; and even bad for bureaucrats. And it wouldn't accomplish what it was intended to do.

I want to thank Chairman THOMAS for bringing this measure to the House floor. In the 103d Congress, I introduced H.R. 4095, which would have repealed the data bank, and I reintroduced the same bill at the beginning of the 104th Congress. Recently, repeal of the data bank was also included in the Medicare Preservation Act which the President vetoed.

There are many of us who have been very disappointed by the President's unwillingness to deal with Medicare reform in a responsible manner. His veto of the Medicare Preservation Act not only threatens the long-term viability of the Medicare Program, but also means that employers still have to worry that HCFA might enforce the reporting requirements of the data bank.

This bill eliminates that concern and I hope that my colleagues will join me in support of H.R. 2685

The SPEAKER pro tempore (Mr. CAMP). Pursuant to the rule, the previous question is ordered.

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.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question as taken; and (three-fifths having voted in favor thereof) the bill was passed.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 8, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, March 8th at 10:40 a.m. and said to contain a message from the President whereby he notifies the Congress of the continuance beyond March 15, 1996, of the national emergency with respect to Iran.

With warm regards,

ROBIN H. CARLE,
Clerk.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–184)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency declared on March 15, 1995, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) is to continue in effect beyond March 15, 1996, to the *Federal Register* for publication. This emergency is separate from that declared on November 14, 1979, in connection with the Iranian hostage crisis and therefore requires separate renewal of emergency authorities.

The factors that led me to declare a national emergency with respect to Iran on March 15, 1995, have not been resolved. The actions and policies of the Government of Iran, including its support for international terrorism, efforts to undermine the Middle East peace process, and its acquisition of weapons of mass destruction and the means to deliver them, continue to threaten the national security, foreign policy, and economy of the United States. Accordingly, I have determined that it is necessary to maintain in force the broad authorities that are in place by virtue of the March 15, 1995, declaration of emergency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 8, 1996.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 11, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, March 11th at 1:30 p.m. and said to contain a message from the President whereby he submits a 6-month periodic report on the national emergency with respect to Iran.

With warm regards,

ROBIN H. CARLE, *Clerk.*

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–185)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order No. 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order No. 12959 of May 6, 1995. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order No. 12957 and matters relating to that Executive order and Executive Order No. 12959.

1. On March 15, 1995, I issued Executive Order No. 12957 (60 *Fed. Reg.* 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by U.S. persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the order was provided to the Congress on March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order No. 12959 to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States.

Executive Order No. 12959 (60 *Fed. Reg.* 24757, May 9, 1995) (1) prohibits exportation from the United States to Iran or to the Government of Iran of goods, technology, or services; (2) prohibits the reexportation of certain U.S. goods and technology to Iran from third countries; (3) prohibits transactions such as brokering and other dealing by United States persons in goods and services of Iranian origin or