The General Accounting Office conducted a review of these programs and found that a Connecticut program could reduce new HIV infection among participants by 33 percent in 1 year. A 1997 consensus panel of the NIH was emphatic on the possible benefits of needle exchange programs, stating they do not increase needle injecting behavior among current drug users, do not increase the number of drug users, and do not increase the amount of discarded drug paraphernalia.

I encourage my colleagues, do not take away the Secretary's discretion on the needle exchange program today.

COMPARING PUBLIC EDUCATION TO COMMUNISM

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

Mr. GREEN. Mr. Speaker, here we go again. After the Civil War, we had radical Republicans trying to punish the South. Now we have latter day radical Republicans attacking public education, and yesterday we had a Republican colleague compare public education to a Communist legacy.

Public education is a local responsibility; State and school districts, especially parents. To compare public education to communism does a disservice to the millions of students, teachers, and parents who work hard every day to educate their children.

Mr. Speaker, 75 percent of Americans support public education. It is unconscionable to equate support for public education with communism. Communism and public education? Not in our United States.

EXTREMISM

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

Mr. KINGSTON. Mr. Speaker, I want to get this correct. I just heard the Democrat Party say that the Republicans who freed the slaves in the Civil War were radical extremists. I just want to make sure we got that right in the RECORD. The Republicans who led the fight against slavery were radical extremists? Very interesting concept.

I thought that that chapter of our Nation's history was a sad one, but unfortunately a necessary one.

I think it is a real mischaracterization when you try to say because someone is saying the Government does not have all the answers, that you say that that means that they are extremist.

Look at the Washington, DC, school system. Washington, DC, schools are not even open. In fact in our office, we have a student from Washington, DC, because she cannot go to her school because the inept, incompetent, overspending, potentially corrupt government system run by the U.S. Congress to a large degree in Washington, DC, cannot even open.

I think you can balance out the best of government and the best of the private sector and do what is best not for political parties but for the children of America and education.

CAMPAIGN FINANCE REFORM NOW

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

Mr. DEFAZIO. Mr. Speaker, remember the handshake, the handshake between Speaker GINGRICH and President Clinton, June 11, 1995? The agreement that would go forward with campaign finance reform in this country at least?

Eight hundred and twenty-two days ago, $2.5 billion ago, untold scandals ago, they shook hands. Now what does the Speaker say? The Speaker says there is not enough money in the system; we should undo the few remaining reforms and protections we have.

The Republicans want to focus only on the Democrats' problems. The Democrats have problems. I admit it. The system is corrupt and corrupting for both sides of the aisle. That is true. But remember Simon Fireman, the vice chairman of Mr. Dole's Committee on Finance, was convicted of money laundering. He received a $6 million fine, pled guilty to 74 counts of laundering illegal contributions for the Republican Presidential candidate, and was sentenced to 6 months in jail. This is a problem on both sides of the aisle. We need campaign finance reform action now.

EDUCATION

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

Mr. LAHOOD. Mr. Speaker, I come to the floor today to express, in part, my agreement with the gentleman from Texas who says that local people want to have control over their local school boards. That is why we have local elected board members, to run the schools so that they can hire the administrators and the teachers to do that.

Yet, here in Washington, we have people at the White House and other agencies wanting bureaucrats to tell local boards what kind of test scores they should have, what kind of standards they should have.

Mr. Speaker, local people do not want to be told what the standards should be. They know what the standards should be. They do not want bureaucrats in Washington dictating to them what kind of standards should be set. That is why they get elected.

I would encourage those people who are trying to persuade local elected officials that people in Washington know more about it is just absolute nonsense. We should discourage that and give people back the opportunity to run their schools the way they should be run.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the further consideration of H.R. 2264, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2264.

□ 1042

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. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. LAHOOD, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, September 10, 1997, the bill was open for amendment from page 78, line 12, through page 78, line 22.

Are there any amendments to this portion of the bill?

The Clerk will read.

The Clerk read as follows:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $227,547,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communication Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2000, $300,000,000: *Provided,* That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further,* That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against,

on the basis of race, color, national origin, religion, or sex.

AMENDMENT NO. 28 OFFERED BY MR. CRANE

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mr. CRANE: Page 79, strike lines 8 through 21.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 30 minutes and that the time be divided 15 minutes for the gentleman from Illinois [Mr. CRANE], 5 minutes for myself, and 10 minutes for the gentlewoman from Connecticut [Ms. DELAURO].

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

There was no objection.

The CHAIRMAN pro tempore. The amendment will be considered for 30 minutes. The gentleman from Illinois [Mr. CRANE] will be recognized for 15 minutes, the gentleman from Illinois [Mr. PORTER] will be recognized for 5 minutes, and the gentlewoman from Connecticut [Ms. DELAURO] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. CRANE].

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

CPB is funded by a 2-year advance appropriation, and this year Congress will provide CPB funding for the fiscal year 2000.

In the 104th Congress, the House Committee on Appropriations provided only $240 million for CPB in fiscal year 1998. However, $10 million was added back in conference, and now in the 105th, the Committee on Appropriations has increased funding for CPB in fiscal year 2000 from $250 to $300 million.

The CPB funding bill has come before the floor during this week and I have reintroduced my amendment to terminate funding for CPB. At a time when we are trying to balance the budget, we must eliminate agencies like the CPB, and I am not exclusively targeting CPB. We must reduce or eliminate much of the Washington bureaucracy.

□ 1045

For the past 4 years the Republicans have continually reduced funding for CPB. For fiscal year 1996 the appropriation was $275 million; 1997, $260 million; 1998, $250 million.

I have with me the report from the Committee on Appropriations from the 104th Congress and it notes that the bill provides $240 million for the Corporation for Public Broadcasting for fiscal year 1998, a decrease of $20 million below the comparable 1997 funding level and $56,400,000 below the President's request.

This level of funding will continue the process of graduating the CPB from annual Federal appropriations with the goal of achieving independence from the Federal Government that was the goal of the Republican-controlled 104th Congress. And now, as I say, we are looking at reversing what we made a commitment to do and escalating the expenditure levels for CPB.

Federal spending is a small percentage of public broadcasting's revenue. Of public broadcasting's $1.9 billion budget in 1995, only about 15 percent of that comes from Federal appropriations. The functions of public broadcasting, education, entertainment, diversity, are now duplicated in other entities, such as cable, direct satellite, VCR's, and public access shows.

PBS has a nondisclosure agreement with the producers of Barney. However, the last figures from a 1995 Wall Street Journal article reported that despite Barney's $1 billion gross revenues and Barney's founder Sheryl Leach's $84 million earnings, almost nothing goes to CPB. After public broadcasters provided exposure for Barney, Barney has become an institution.

Barney was created by the Lyons group. Founder Sheryl Leach and her partner were listed as one of Forbes Magazine's highest paid entertainers with 1993–94 earnings of $84 million.

CPB discriminates in its distribution of money. It sends money to the stations with the most powerful signals and the largest measured audiences and shies away from financing more than one outlet in a single market. However, many public TV stations themselves are now redundant. CPB estimates that 58 percent of Americans receive two or more public TV stations. Chicago gets three; New York, four, Washington, DC, three; Kansas City, two.

Public broadcasting funds should go to rural stations where the need for access and diversity is most acute. If CPB were truly the philanthropic organization it claims to be, cuts in its budget would not lead to the end of small stations; instead it would end big stations where consumers have a number of choices. Small stations, where there are limited alternatives, would be the last to go.

Finally, if private cable channels, such as Arts & Entertainment, C–SPAN, ESPN, and the History Channel are all private and successful, if CPB were privatized it could do well.

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

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

Let me begin by saying that the gentleman from Illinois, my colleague in the Eighth District, is exactly right; that when I became chairman of the subcommittee 2½ years ago, we did begin the process of downsizing CPB with the intention of phasing out all appropriations. We came down from a high of $315 million, to $275, then $260, then $250 million, which is the funding level now.

The leadership of the House suggested that CPB ought to become independent and that it ought to graduate from dependence upon public funds; a goal that I strongly supported. We did the downsizing of the advanced appropriation for CPB with the express objective of putting pressure on that process in order to bring about an independent status for CPB and a funding source outside of the Federal Treasury.

Last year, former Representative Fields, then chairman of the authorizing committee responsible for reporting the legislation necessary to make CPB an independent corporation, ended that process. In our subcommittee last year we reported out a bill that reduced CPB funding from $250 to $225 million, but before we got to the full committee, Chairman Fields issued a public letter indicating that we should not approve any further downsizing of the Corporation for Public Broadcasting, that we would not reach the goal of ending appropriations.

That letter came as a great surprise to me, and under the circumstances, I was forced to restore funding to the CPB budget. This year we have a new authorizing chairman, the gentleman from Louisiana [Mr. TAUZIN], with whom I have discussed the future of CPB. It is my understanding that he will not be able to report out legislation to graduate CPB from Federal funding at this time.

Mr. Chairman, given that we have changed our policy on the Corporation for Public Broadcasting, I believe that we cannot leave it dying on the vine. If the policy is to transition CPB to independence, I will, as I have, support it, but a reasonable timeframe to allow public broadcasting to continue on its own seems now to be our policy.

If our policy is to continue CPB as a Federal enterprise, however, and former Representative Fields and the gentleman from Louisiana [Mr. TAUZIN] have made it clear that that is our policy, then we must provide sufficient resources to make the system work. It is for that reason that I have added funding again to this account.

I am and continue to be a very strong supporter of public broadcasting, which I think adds immeasurably to our society; and for those reasons I would strongly oppose this amendment.

I might note for the Members that the same amendment was offered on the fiscal year 1996 bill when it failed by 150 votes, 136 to 286; and Members should be advised that they have previously voted on exactly the same amendment.

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

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

Mr. Chairman, immediately after the Republican revolution, Speaker GINGRICH told the American people that he would never permit a bill to come to the floor with funding for public television. What happened? Quite frankly, the Speaker failed, but the American public spoke out. People who had never written to their Members of Congress

before, had never telephoned their Members of Congress before, started writing and calling in droves.

Piles of letters started building up in congressional offices, literally feet deep, defending public broadcasting. Parents whose children had grown up with Ernie and Bert and Big Bird and Grover and with Snuffleupagus; parents who preferred their children to be learning gentle lessons of life from Mr. Rogers and Barney, rather than ''Cops'' or soap operas; men and women of all income levels who watch Wall Street Week with Louis Rukeyser or ''Mystery'' or ''This Old House''; men and women of all income levels whose drives to work are made more tolerable by National Public Radio.

Public television reaches 90 percent of American households. The American public does not view the Corporation for Public Broadcasting as waste, fraud, and abuse.

Public broadcasting's children's programming helps prepare our kids for school, teaching them about the world around them. It teaches the ABC's, the 1–2–3's, and it teaches about neighborhoods and sharing and right and wrong. It provides instructional broadcasting for elementary school kids, with shows that teach about geography, such as ''Where in the World Is Carmen San Diego''; and teaches about science, such as ''Dan, Dan the Science Man''.

Four out of five teachers in this country used television in their classroom during the 1990 and 1991 school year, serving close to 24 million students. Three of the five most used programs cited by teachers and 6 of the top 10 were initially broadcast by public television.

Public television stations air nearly 1,900 hours of children's programming every single year. Almost 50 percent of the television programs for children which are aired each year is funded by CPB, quality, noncommercial, nonviolent television.

If we ask any mother whether she would rather her children watch Mr. Rogers or cartoons interspersed with advertising for toys and sugar cereals, is there any doubt in anyone's mind which she would choose?

More than three-quarters of the country's public television stations offer for-credit adult courses at various levels, in addition to instructional videos for teachers and classroom use and informal educational television that millions of adults watch at home on any given night. None of this would be possible without public funding.

Federal funding represents a small percentage of public broadcasting's income, about 15 percent, but it is a stable source which makes it possible for public broadcasting to leverage other private funds. For every $1 of Federal funding, public broadcasting raises more than $5 from other sources, and by law, 89 percent of the Federal funds allocated to CPB go directly to communities.

Public television cannot raise all of the funds it needs to operate public television stations. While the license holders of characters like Barney make a profit off of the sales of Barney stuffed animals, for example, the Corporation for Public Broadcasting and public broadcasting stations do not benefit from those sales because they do not own the rights to those characters.

The appropriation in this bill is still $62 million below what it was when the Republican majority took control of the Congress, and it is still below the President's request of $325 million. The Federal investment represents only $1 per taxpayer. Is $1 too much to ask for the television station which has educated so many of us, our children and our grandchildren?

My colleagues, this amendment tries to do what Speaker GINGRICH could not do, and that is to eliminate the Corporation for Public Broadcasting. I urge my colleagues to oppose this amendment.

Mr. Chairman, I yield 5 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in strong opposition to this amendment which would eliminate the appropriation for public broadcasting in this bill.

My colleagues who were here in the 104th Congress will recall that we fought and won the battle over Federal funding for public broadcasting. Members of the majority party attacked funding for public television and radio on several occasions, but when the American people learned of this attack, they expressed their sentiments loud and clear and the result was a win for public broadcasting and a victory for the American people.

I will never forget that fight because, although we were privileged to be here in the House, to be on the committee, to stand up for the importance of public broadcasting, I can remember the thousands and thousands of letters, all the people from every part of this country, large cities, small cities, people who listen to the radio in the garage stations, seniors who stayed home listening to the television and the radio, everybody was concerned; and it is the thousands and thousands of people who won that vote and won that battle.

Mr. Chairman, ''Sesame Street'' and other federally supported educational programs reach at-risk children in the home and help our teachers in the classroom. News programs such as the ''Lehrer News Hour'', those on NPR, inform our citizens. The cultural programs enrich and make more humane all our lives. A failure to adequately fund educational television and radio would be an abandonment of the public's trust.

My colleagues, the $300 million appropriation for public broadcasting in this bill is still below where it was prior to the start of the Republican Congress and it is still below the President's request of $325 million.

□ 1100

The notion that Federal funds for public broadcasting do not make a difference to local communities is absolutely false. Some 87 radio and 61 TV stations around the country rely on Federal funds for one-quarter or more of their budgets. These stations, many of which are in rural areas, are often harmed the most when we cut back on Federal support for public broadcasting.

Let us remember that the funding we provide is an incredible value. Every Federal dollar that public television stations receive from CPB is used to generate $6 in non-Federal funds. Let us also remember one of the prime audiences of public television, children.

I know that many of my colleagues share with me a concern about violence in society. We know that children, if not on their streets, then in their living rooms are bombarded by violent acts and violent images. We also know that most children spend a lot of time in front of the television. As a mother, we might wish that children spent more time reading or engaged in other activities. The fact of modern society is children watch television. Thankfully, they can turn to public television for nonviolent educational programs.

Eighty-three percent of preschoolers watch public television. What we need to do is expand funding and expand programming for public broadcasting so that older children can have the same array of high quality programming. The charge that public broadcasting is just for the so-called elite elements of our society is blatantly false. Sixty percent of regular viewers of public television come from households with incomes of less than $40,000 a year.

Mr. Chairman, I will repeat what I have said time and time again in the last Congress. The American people overwhelmingly support Federal funds for public broadcasting. We have a responsibility to listen and I strongly urge my colleagues to vote against this amendment.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Louisiana [Mr. TAUZIN], the chairman of the authorizing committee.

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

Mr. TAUZIN. Mr. Chairman, I thank the chairman of the appropriations subcommittee for yielding me this time. Let me first of all concede that the authors of the amendment have made some valid points, that public broadcasting is indeed in need of reform. Duopolies exist that spending the kind of money that we are going to need to move public broadcasting into the digital age will be a very expensive proposition and that we will need to reform the whole concept of public broadcasting to make it work in the digital age.

Let me also concede that there is something wrong in public broadcasting, and I think part of it is our own

fault because we have chartered public broadcasting as a public entity to do public-type broadcasting and yet condemned it to act like commercial broadcasters, to go out into the private sector and seek commercial-like advertising for its products and to compete with commercial broadcasters for commercially viable products.

That was not the concept behind public broadcasting. We need to return to the right concept. We need to fund public broadcasting correctly. We need to reform out the duopolies, move it into the digital age and make this thing work, but let me urge my colleagues to resist this amendment, as the gentleman from Massachusetts [Mr. MARKEY] and I have urged them in a ''Dear Colleague'' letter this week.

We are currently working on those reforms at the subcommittee level. The Subcommittee on Telecommunications, Trade, and Consumer Protection is right now drafting a set of reforms to make public broadcasting indeed public broadcasting and to set up a trust funding mechanism for the exercise of the public broadcasting function. We will be resisting the efforts of some to make commercial broadcasters look like public broadcasters, just as we will be resisting the effort to eliminate public broadcasting or to make it look like commercial broadcasting.

It is time we have this debate, but to simply cut the funding now when we are in the process of actually enacting these reforms, devising them and setting out the proper funding mechanism for public broadcasting is a severe mistake. Public broadcasting is very sacred to America. We need to preserve it. But we need to reform it. The place to do it is at the authorizing committee. I urge Members to reject this amendment.

Mr. HEFLEY. Mr. Chairman, if all the speakers are finished, I am prepared to yield back the time of the gentleman from Illinois [Mr. CRANE]. I am sitting in for him. I have an amendment which will follow, which will just hold the funding level.

The CHAIRMAN pro tempore [Mr. LAHOOD]. The gentlewoman from Connecticut has 30 seconds remaining.

Mr. HEFLEY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Chairman, I would just conclude on this amendment that I think it does not take us in the right direction. We ought to continue the effort. What we should not be willing to do is to eliminate public broadcasting, which in fact has helped to educate a generation of Americans. We ought to continue this program for the good of this country.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois [Mr. CRANE].

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

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

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, further proceedings on the amendment offered by the gentleman from Illinois [Mr. CRANE] will be postponed.

AMENDMENT NO. 25 OFFERED BY MR. HEFLEY

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. HEFLEY: Page 79, line 13, after the dollar amount, insert ''(reduced by $50,000,000)''.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes, and that the time be divided 15 minutes for the gentleman from Colorado [Mr. HEFLEY], 7½ minutes for myself, and 7½ minutes for the gentlewoman from Connecticut [Ms. DELAURO].

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Colorado [Mr. HEFLEY] will control 15 minutes, and the gentleman from Illinois [Mr. PORTER] and the gentlewoman from Connecticut [Ms. DELAURO] will each control 7½ minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume. What this amendment does is not do away with public broadcasting. I am not trying to do away with public broadcasting. What I am trying to do is to do away with the $50 million increase in public broadcasting that is in this.

For the life of me, I do not understand how we get to this kind of a point, kind of the business as usual that we just dump more money into every program every year. In the past few years, and I think the gentleman from Illinois [Mr. PORTER] explained it very well on the last amendment, the Federal Government has appropriated less and less money each year to the public broadcasting.

Let me give colleagues a little history on this. We all know that public broadcasting is funded by 2-year advance appropriations. For example, in 1993, Congress provided $275 million for public broadcasting to use in fiscal year 1996. Since then, we have reduced the yearly appropriation for public broadcasting down to $250 million, appropriated last year for fiscal year 1999.

Reduced funding, even zero funding and privatization of public broadcasting was a priority of this House just a very short time ago. In fact, let me quote the House Committee on Appropriations report from the first session of the 104th Congress. Recall that this report was written in the year 1995 when $250 million was ultimately appropriated for public broadcasting. The committee report actually states, ''This level of funding will continue the process of graduating public broadcasting from the annual Federal appropriations with the goal of achieving independence from the Federal Government.''

Mr. Chairman, in 1995, the Committee on Appropriations of the House of Representatives was on the right track. Now I would like to know what happened. After all of that hard work to begin weaning public broadcasting from the Government, why are we now taking a turn to increase, enormously increase funding for this agency? It simply makes no sense to me. The Corporation for Public Broadcasting uses taxpayer money to fund programs which make millions of dollars for private companies and individuals. A single celebrated public broadcasting children's program generates more annual revenues than the National Hockey League. Yet none of these millions are shared with taxpayers who fund the shows.

We have had this debate before. We were on the right path to reduced Federal funding of the Corporation for Public Broadcasting. But somewhere along the line this year our course was changed and the appropriation for the Corporation for Public Broadcasting was increased to $300 million. I do not understand this increase. I certainly do not agree with it. Therefore, I offer this amendment to reduce the recommended appropriation for the CPB by $50 million. That is the amount of the increase, thus keeping the funding for the agency level with last year's appropriation of $250 million.

Mr. Chairman, some of my colleagues have asked me how will you use this $50 million? What is the offset you propose? My answer to this is simple. I just remind Members that we do not have this money to spend in the first place. Furthermore, because the CPB is funded with 2-year advance appropriations, we are discussing money to be spent in 2000. Therefore, an offset is not needed.

Our country is operating with a deficit that needs to be reduced. In our strenuous attempts to reduce Federal spending, we have taken pains to scrimp and to save. The funding for many other Government agencies and programs has been reduced this year. So why should the Corporation for Public Broadcasting receive a $50 million increase? If I am not mistaken, breast cancer research did not receive a $50 million increase this year. Maybe they did. Literacy did not receive it. Alzheimer's research did not receive it. I cannot tell my colleagues what we could do for the quality of life for our people in the Armed Services that in some cases are living in Third World conditions around the world in our Army bases, on the committee that I chair, if we had $50 million extra. But we are putting it not into these things,

we are putting it into an increase in public broadcasting.

Again, my amendment will reduce the committee's proposed funding for the CPB by $50 million so that the Corporation for Public Broadcasting ultimately receives the same amount of money that was appropriated for it last year. Please join me in supporting this level funding for the Corporation for Public Broadcasting.

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

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

Mr. Chairman, I oppose this amendment. As I said earlier, I am a strong supporter of public broadcasting. I would say to the gentleman this is not an item that is off-budget. It is simply an appropriation for the year 2000 and charged against the allocation for the year 2000 when we come to it.

As I said before, we have dramatically reduced the budget for the Corporation for Public Broadcasting from a high of $315 million down to $250 million. At the time we asked the Corporation to undertake major initiatives to downsize and to become more efficient. They did exactly what we asked. By 1996, CPB had reduced its own staff by 25 percent. In this bill, we have asked all administrative staffs to be cut, but I do not know of a single agency that has made the dramatic reduction that CPB has made.

In our hearings, we learned that over 70 percent of households in this country receive more than one public television signal. In some markets, households receive as many as 11 TV signals. We asked CPB to address that problem. The Corporation for Public Broadcasting does not have the legislative authority to unilaterally fix this problem, but under the very strong leadership of Ambassador Richard Carlson, an appointee of both the Reagan and Bush administrations, CPB led the public television industry to adopt a one grant per market policy. This new policy assures that where there is signal overlap, where there is duplication, CPB will stop awarding multiple grants and make only one grant per market.

The system has already achieved much greater efficiency and has reduced duplication. I will continue through the appropriations oversight capacity to ensure that these initiatives are preserved and advanced. But I think the Members should recognize that we have cut funding below a level commensurate with the efficiencies we have required of CPB.

We were on a path to zero funding, and that policy has now been changed. The funding level in this bill is lower than the funding level we provided in the fiscal year 1994 bill, I would say to the gentleman from Colorado. If one considers inflation, the funding the committee is proposing is below the fiscal year 1993 level.

□ 1115

So this appropriation that the committee is recommending for the year 2000 recommends a freeze, as compared to the amount provided in the fiscal year 1993 bill. Few other agencies of this Government can make this claim.

Mr. Chairman, the recommended level, I believe, is a good one. It ensures that CPB continues to be efficient and reduce duplication, and it ensures that the public broadcasting system has sufficient resources to operate sufficiently. I would urge Members to oppose the amendment.

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

Ms. DELAURO. Mr. Chairman, I rise in opposition to this amendment and yield 4 minutes to the gentleman from New York [Mr. ENGEL], who has been a champion of the Corporation for Public Broadcasting.

Mr. ENGEL. Mr. Chairman, I thank the gentlewoman from Connecticut for yielding me this time.

Mr. Chairman, I rise strongly in opposition to this amendment. There is no reason to have any kind of an assault on public broadcasting when public broadcasting has been so successful and it is a public-private relationship that works.

We talk a lot about eliminating wasteful Government programs. I think we are all for eliminating wasteful Government programs. But when we have a program that works, when we have a program that is not wasteful, when we have a program that reaches so many millions upon millions of Americans, why would we want to do anything to harm it? It seems to me that these are the kinds of programs that we ought to be pumping more money into, because they have been successful; not trying to pull money away from it or trying to kill it.

Public broadcasting is a private-public partnership that works. It is a success story that demonstrates what the Government and the private sector can do when we work together.

CPB funds serve as seed money for new programs and station support. For every Federal dollar invested, public broadcasting raises $6 additional. This Federal seed money is crucial to public broadcasting stations, especially to those in underserved and rural areas of the country, because it provides the fund-raising base needed to sustain noncommercial programming. Ending this partnership or diminishing this partnership will only hurt the children and families who rely on public broadcasting as their source for news and education.

We all know access to public television is free. Many households in this country cannot afford to pay $300 or $600 per year for cable TV. This provides a service for those people.

Eighty-eight thousand adults per year get GED certificates. Two million adults have gotten GED certificates as a result of public broadcasting. Why would we want to stop that?

The American people see and know the positive results and the quality and integrity of public broadcasting. Further cutting CPB will mean that CPB will have to pander to the monetary and rating concerns of commercial broadcasting.

Why would we want to put them in that category? The whole reason for public broadcasting is not to have just another commercial broadcasting station, where they have to worry about ratings and have to worry about selling things and all these seedy commercials and seedy things that go on.

We do not want that. We want a better quality of television, and public broadcasting provides that better quality of television.

I have three children ages 3 to 16. My kids were all raised on public broadcasting. I like to listen to public broadcasting, my wife does as well, and my family. There are literally millions upon millions of Americans in all walks of life who rely on public broadcasting.

Public broadcasting has an average of 5.5 hours per day of instructional television, which is used by 1.8 million teachers to teach 29 million students in 70,000 schools in the United States. Why would we want to hurt that?

Eliminating support for public broadcasting would result in the demise of quality shows, like the MacNeil-Lehrer News Hour Report, Mr. Roger's Neighborhood, and even William F. Buckley's Firing Line. It would increase the emergence of shows like Hard Copy and Jenny Jones, without the presence of viable alternatives like those on public broadcasting.

It is a myth to say we have increased funding, because if we look at the current fiscal year 1999 appropriation, $250 million, it actually provides 18 percent less buying power than in the fiscal year 1990 appropriation.

The report bill's increase in funding for CPB is less than the inflation adjustment from the fiscal year 1990 funding level. Let us also remember that CPB lost $99 million in rescissions in the 104th Congress. So rather than an increase, we are really behind what we would have been.

Public broadcasting is one of the Federal Government's most cost-effective expenditures, just costing 98 cents per year for every citizen. According to a national poll, public television ranked second and public radio ranked third on a list of Government programs that can provide the best value for the dollar.

Again, why would we want to cut this? The American people have been very outspoken in their support of public broadcasting, and understand its benefits and the quality and integrity of the programming.

Public radio and television are among the top five values in return for tax dollars spent, according to a recent poll conducted by Roper Starch Worldwide. Let us fully support CPB funding and vote against this ill-thought amendment.

Mr. Chairman, public broadcasting is a private-public partnership that works:

This is a success story that demonstrates what the Government and the private sector can accomplish when they work together.

CPB funds serve as seed money for new programs and station support: For every Federal dollar invested, public broadcasting raises $6 more.

The Federal seed money is crucial to public broadcasting stations, especially to those in underserved and rural areas of the country, because it provides the fund raising base needed to sustain noncommercial programming.

Ending this partnership will only hurt the children and families who rely on public broadcasting as their source for news and education.

Access to public TV is free. Many households cannot afford to pay $300 to $600 per year for cable television.

Eighty-eight thousand houses per year get GED certificates—[MADULO]. The American people see and know the positive results in the quality and integrity of public broadcasting.

Further cutting CPB will mean that CPB will have to pander to the monetary and ratings concerns of commercial broadcasting.

If support for public broadcasting is severely cut or eliminated, the quality of programming and the educational value it provides will suffer as a result.

Eliminating support for public broadcasting would result in the demise of quality shows like The MacNeil-Lehrer News Hour, Mister Rogers Neighborhood, and, yes, William F. Buckley's Firing Line.

Children average 5½ hours per day of instructional television used by 1 to 8 million teachers to teach 29½ million students in 70,000 schools. It would increase the emergence of shows like ''Hard Copy'' and Jenny Jones without the presence of viable alternatives like those on public broadcasting.

The bill provides a proper amount of funding and should be retained.

HOUSE OF REPRESENTATIVES
Washington, DC, September 5, 1997.
DON'T CUT CPB

DEAR COLLEAGUE: We urge you to oppose amendments to the Labor-HHS-Education Appropriations bill that could reduce funding for your local public broadcasting stations through the Corporation for Public Broadcasting (CPB).

The Appropriations Committee approved a $300 million advance allocation for CPB in FY 2000 with bipartisan support. However, amendments may be proposed that would either cut or eliminate funding for CPB. Funding provided through CPB is vital to local public television and radio stations throughout the nation and must be continued.

Public broadcasting is a private-public partnership that works. It is a success story that demonstrates what the government and the private sector can accomplish when they work together. Weakening or ending this partnership will only hurt the children and families who rely on public broadcasting as their source for news and education.

The American people have been very outspoken in their support of public broadcasting and understand its benefits in the quality and integrity of the programming. Public radio and television are among the top five values in return for tax dollars spent according to a recent poll conducted by Roper Starch Worldwide, Inc. Let's fully support CPB so the American people can continue to receive the quality programming they deserve.

Sincerely,

ELIOT L. ENGEL,
NITA M. LOWEY,
TOM LATHAM,
Members of Congress.

CORPORATION FOR PUBLIC BROADCASTING

Hefley amendment would cut the CPB FY 2000 appropriation in the bill by $50 million, to provide level funding with the FY 1998 and 1999 appropriations. The bill contains a $50 million increase from $250 million in 1999 to $300 million in 2000. (CPB is advance funded two years ahead the normal fiscal year in the appropriations bill.)

The current FY 99 appropriation—$250 million—provides 18% less buying power than did the FY 90 appropriation. The reported bill's increase in funding (to $300M) for CPB is less than an inflation adjustment from the FY 1990 funding level.

CPB lost $99 million in rescissions in the 104th Congress.

Public broadcasting is one of the federal government's most cost-effective expenditures, just 98 cents per year for every citizen.

According to a national poll, public television ranked 2nd and public radio ranked 3rd on a list of government programs that provide the best value for the dollar.

APPROPRIATION HISTORY
[In millions of dollars]

	Original appropriation	Rescission	Current appropriation
Year:			
1995	292.6	−7	285.6
1996	312.0	−37	275.0
1997	315.0	−55	260.0
1998	250.0	.....	250.0
1999	250.0	.....	250.0
2000	300.0	.....	300.0

Approximately 87 radio and 61 TV grant recipients rely on CPB funds for 25% or more of their budgets. These stations are at the greatest financial risk of financial insolvency should federal support be frozen at $250 Million through FY 2000.

A continued real-dollar decline in federal support would increase the pressure to commercialize and threaten the non-commercial nature of public broadcasting—an essential part of its character and identity.

Although less than 17% of public radio funding is received from federal sources, this funding source is vital as ''seed money'', enabling public radio to leverage 5–6 dollars in other funding for every dollar in federal funding.

Since 1995, CPB has worked to institute many of the changes Congress expressed concern about. They reduced their own overhead (which was already less than 5%) and created a new grant program to fund consolidation and cost-cutting projects.

According to a Department of Education study, 71.5% of preschool children from households earning $25,000 or less watch public broadcasting educational programming (Sesame Street, Barney, Mr. Rogers, or Reading Rainbow) at least once a week.

75% of Americans ranked children's programming aired on public television higher than children's programs available from other sources, such as broadcast networks and cable.

Access to Public TV is free. Many households cannot afford to pay $300–$600 per year for cable TV.

69% of teachers report using PBS programming for educational purposes in the classroom at least once a month—more than double the next most frequently used source.

GED on TV enables 88,000 adults per year to obtain a GED certificate. Over 2 million adults have received a GED certificate through this program since its inception.

Public television stations broadcast an average of 5½ hours per day of Instructional television (ITV) used by 1.8 million teachers to reach 29.5 million students in 70,000 schools.

Public television's Adult Learning Service (ALS) is used by ⅔ of the nation's colleges. Over the past 15 years, over 4 million adults have participated in ALS with 400,000 working adults using the service each semester.

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

Mr. NADLER. Mr. Chairman, public broadcasting plays a crucial role in our culture. It makes available to all Americans important programming which may not be commercially viable and certainly not available to those who cannot afford cable TV. For a relatively small investment by the Federal Government, Americans are able to have access to thought-provoking programming which, without public broadcasting, would go unseen.

Public broadcasting not only adds richness and texture to the lives of Americans nationwide, it provides an important service in educating and enlightening both children and adults.

Constituents, thousands of them, call me and write me and tell me how important the public broadcasting station is to their families and how much they enjoy and benefit from its programming. From ''Sesame Street'' to ''Mr. Roger's Neighborhood,'' the Corporation for Public Broadcasting has a long tradition of providing quality children's educational programming that parents trust.

The CPB has also helped broadcast a wide variety of cultural programs, including dance and musical performances, ''Masterpiece Theater,'' and the popular series on the Civil War. The CPB also helps fund National Public Radio, which millions of Americans have come to depend on for information and news.

Mr. Chairman, we ought to fully fund the CPB and reject efforts to cut its funding. I urge Members to oppose and reject this amendment.

Mr. Chairman, I rise to oppose the Hefley amendment to cut funding for the Corporation for Public Broadcasting [CPB].

Public broadcasting plays a crucial role in our culture. It makes available to all Americans important programming which may not be commercially viable and certainly not available to those who cannot afford cable TV. For a relatively small investment by the Federal Government, Americans are able to have access to thought-provoking programming which, without public broadcasting, may go unseen. Public broadcasting not only adds richness and texture to the lives of Americans nationwide—it provides an important service in educating and enlightening both children and adults.

In my own district, the CPB helps fund Channel thirteen, which offers diverse educational and cultural programming that is highly valued by the people of New York. Every year, I receive numerous letters from my constituents expressing their appreciation for the services that Thirteen provides. They tell me how important the station is to their families and how much they enjoy and benefit from its programming. From ''Sesame Street'' to ''Mr.

Roger's Neighborhood,'' the CPB has a long tradition of providing quality children's educational programming that parents trust. The CPB has also helped broadcast a wide variety of cultural programs, including dance and musical performances, ''Masterpiece Theater,'' and the popular series on the Civil War. The CPB also helps fund National Public Radio which millions of Americans have come to depend on for information and news.

We ought to fully fund the CPB and reject efforts to drastically cut its funding. I urge my colleagues to oppose the Hefley amendment.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina, [Mr. PRICE].

Mr. PRICE of North Carolina. Mr. Chairman, I rise in strong opposition to the Hefley amendment. The gentleman from Colorado has pointed out in a letter to our colleagues that funding for the Corporation for Public Broadcasting has decreased over the last 4 years and was moving toward zero, and then he notes this year's appropriation would increase funding slightly, he should have said, to a level of $300 million and then he asks what happened.

I think we know what happened. What happened is that Congress has realized the value of this funding. What happened is a poll this year done by Roper Starch Worldwide indicates the public rated public radio as the second best use of Federal dollars out of a whole range of public programs. What happened is the American people have spoken up and defended public radio and television.

Mr. Chairman, even at $300 million, CPB will be funded below the fiscal 1997 level before rescissions. If every Government program could do as well as this one has, leveraging $5 for every Federal dollar appropriated, we would have balanced this budget long ago.

In North Carolina, we realize the value of this funding. We have a weekly viewing public of 2.5 million for our public television stations, and our people have spoken resoundingly for continuing this investment, even as we balance the Federal budget. They have given generously, about $3 in viewer contributions for every Federal dollar received. Public Broadcasting is a sound and productive investment, and we must reject this misguided attempt to cut this appropriation.

Mr. Chairman, the argument that viewers and corporate sponsors will fill the gap misses the point. This is a partnership. Federal seed money does not replace or restrict private giving, but stimulates it. In North Carolina, CPB funding provides only 9 percent of the our public television budget, but it is a crucial base of funding and it helps bring forth participation from State government, the university system, corporate sponsors, and thousands of loyal viewers.

Public broadcasting is a unique resource. Only PBS does programming like ''Sesame Street.'' The networks run often violent cartoons as their children's programming.

Federal funding is necessary to ensure the continuation of educational programming which allows students in rural areas, where attending a university to participate in lifelong learning is physically impossible, to improve their skills. In North Carolina more than 10,000 students have enrolled intelecourses for college credit and more than 8,000 North Carolinians have obtained their GED's because of our public television station, WUNC.

In the mountains of western North Carolina often the only over-air station for households is North Carolina Public Television. These are the people that we have to ensure have access to national news. Not everyone can afford satellite dishes.

I hope my colleagues understand what has happened. Congress attempted to cut this funding and the people said no. The people said we do not mind spending $1 a year for public radio and television programming. Even as we balance the budget, we must make investments in our future and the Corporation for Public Broadcasting is one of the best investments that our Federal dollars can buy.

Ms. DELAURO. Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, there has been some wonderful changes around the House of Representatives in the last 3 years, and I applaud those changes, but as I sit here and listen to this debate, it is amazing to me how even though changes occur, how much things stay the same in many respects.

Only here in the House of Representatives would we say that it is a myth to say that we are raising funding when we raise funding by $50 million. But it is a myth, based upon some kind of a measurement back in the past of what we did in another era, and we are trying to get away from that era with the changes that have occurred. It is a myth that we are raising the funding for this. It is a myth to say that if we do not do this, if we do not do this $50 million, that we are cutting public broadcasting.

Things change, but things stay the same.

Let me make it very clear. What I propose to do here is not do away with public broadcasting. What I propose is to hold the funding level with what it was last year.

In compliance with the intention of the Committee on Appropriations in 1995 when they said, we need to move public broadcasting, to begin to wean them off the public funding, which, as was pointed out by the other speakers, is a very small percentage anyway, to begin to wean them off the public funding and make them independent. That is all we are trying to do here. We are not destroying anything. We are just trying to hold level what we did last year.

Mr. Chairman, I yield back the balance of my time.

Mr. PORTER. Mr. Chairman, I yield such time as he may consume to the distinguished and able gentleman from Louisiana, [Mr. TAUZIN], chairman of the authorizing committee.

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

Mr. TAUZIN. Mr. Chairman, let me again thank the chairman of the Committee on Appropriations and beg the House their attention, because I believe we have begun in this appropriations process a very important debate on the nature of commercial broadcasting and public broadcasting in our society, a debate that we will have to have on this floor in a much more protracted way, in a much more detailed way, and a much more substantive way than we can have in these 30 minutes.

Let me first concede that we have a confusion of purpose among the law and the regulators in commercial and public broadcasting. As we speak, the Gore commission is right now debating what recommendations it wants to make to this body in terms of imposing new public mandates upon commercial broadcasters. To do what? To do public broadcasting. To do more educational programming, more free time for public debates by candidates or more coverage of governmental operations. On what? On commercial broadcasting, a function you would think would be designated to public broadcasting interests in this country, to public radio and public television.

On the other hand, because we have gone through a period where we seem to think that public broadcasting ought to be funded by private interests, we have more and more pushed public broadcasting to a point where they have had to go to sell commercials, to actually try to get programming on that is commercially viable, that will attract a large audience, things we never intended for public broadcasting.

We intended public broadcasting to be something different than commercial broadcasting, something very special and unique in our society, that would do educational and public-type programming in arts and culture and history and learning and what have you. We have confused the two missions. So it is important we begin this debate today.

But let me say to my friend who offered this amendment, I must rise in opposition to the amendment. I think we went in the wrong direction when we pushed public broadcasting more and more to look like commercial broadcasting, and I think the Gore commission will be wrong when it tries to demand of commercial broadcasters that they look more and more like public broadcasters.

It is time we began to really draw the lines of distinction. It seems to me that the best solution is to set up public broadcasting in the way we intended it, separately funded by a trust fund mechanism that does not necessarily rely upon so much commercial commercialization of the public broadcasting interests in America.

Second, we ought to allow commercial broadcasters to do what we authorized them to do, and that is to go out and commercially broadcast, to make a profit and to provide entertainment,

sports and information and other programming to us, recreational programming, on the basis of a profit motive.

□ 1130

Now, how do we do that? We do that by reforming public broadcasting and setting up an appropriate trust fund for that purpose. I am going to suggest that our committee is doing just that.

We are prepared now and are beginning to actually draft legislation that will reform public broadcasting and some of these duopolies that so many people complain about. Help public broadcasting enter the digital age, as we are instructing commercial broadcasters to do. If commercial broadcasters want to use their digital licenses to do more than one program of HDTV, and in fact get into other lines of business with those digital licenses, there will be, I suggest, a source of funding for a trust fund mechanism to make sure that public broadcasting remains, in fact, public broadcasting, less dependent upon taxpayers' support, but also less dependent upon the commercial world for the support of its initiatives, as this Congress declares public broadcasting's initiatives to be defined.

Let me say, I think America appreciates its public broadcasting. America, in the most recent poll, lists public television and public radio as two of the top three best dollar expenditures of the Federal Government.

As it was pointed out earlier, 93 percent of the money is shared with the local stations. A 6-to-1 return in other support for the Federal dollars we put into it indicate a great public interest and support for public broadcasting. This amendment, I think, takes us in the wrong direction.

I am urging this House to reject it, give the authorizing committee a chance to reform it, and then let us begin the good debate.

Ms. PELOSI. Mr. Chairman, I rise in opposition to amendments to cut funding for the Corporation for Public Broadcasting.

Since 1994, when our committee began cutting appropriations for CPB, which dropped 15 million from fiscal year 1996 to fiscal year 1997 and will drop 10 million more next year, the corporation has been aggressive in implementing policies to distribute its Federal funds in more efficient ways. Through administrative cuts, the phaseout of multiple base grants, a moratorium on adding new stations to grant programs, and increased fundraising effort, the CPB is making strong efforts to address the committee's concerns and make the most frugal use of its tax dollars while still carrying out its mission to provide excellence in programming.

For 30 years, the corporation has provided educational, cultural, and informational programming to the American public. Public television is available to every child and adult, regardless of family income, or geographical location. CPB is dedicated to helping learners of all ages. It provides responsible programming with a reputation for excellence, nonviolent, educational programming which teaches our children and prepares them for the classroom.

Federal support is the foundation used to leverage state, local, university, and viewer support. It is a public/private partnership that serves to benefit the widest array of Americans. It is an investment that reaps enormous benefit for us all. I urge my colleagues to oppose all cuts in funding to this important program.

Mr. BLUMENAUER. Mr. Chairman, I rise in opposition to the Hefley and Crane amendments to reduce or eliminate funds for the Corporation for Public Broadcasting. The $300 million in the bill represents a slightly more than 2 percent increase in public broadcasting's buying power over the last decade. We should be investing more in this national cultural and information resource.

I find it incredibly ironic that as we are debating whether to adequately fund one of the most critical cultural institutions of our time, we have recently simply handed over tens of billions of dollars' worth of spectrum to commercial broadcasters—are they going to use this spectrum to provide the depth and breadth of programs and services found in public broadcasting? I don't think so.

Public broadcasters can and should play a significant role in preparing our communities for the 21st century. We need to give them the tools to do so. A Federal commitment to CPB is a commitment to partnering with our communities to invest in our future.

The Nation's public broadcasting system is an outstanding example of the public/private partnership at work. Every dollar appropriated to CPB generates approximately five more from corporate donors, endowments, viewers, and listeners. That's a five to one return on the Federal investment—and the paybacks are in programs, services, and jobs all across the country. I can't think of another Federal program with such a high rate of return.

Public broadcasters are holding up their end of the partnership. In fact, the CPB appropriation represents only 14 percent of the industry's total income. While some might argue that 14 percent is easily replaceable, I believe that the Federal component of the partnership serves as critical seed money to leverage private investments in programs and services. Without the initial CPB funds, many public television, and radio stations would be unable to develop a specific program or service concept to the point where other parties would be interested in investing.

From improving the livability of our communities through programs such as ''Planet Neighborhood'' to providing emergency communication services, public broadcast stations use these funds to provide a breadth and depth of critical programs and services to our communities that are unparalleled elsewhere in the broadcast world.

Public broadcasting programs and services are particularly critical for Oregon.

Without OPB, critical educational services would be lost, including: The classroom TV service, which provides instructional television to 30,000 elementary and secondary teachers; college telecourses, which have reached 80,000 students, making OPB one of the top distance educators in America; and since 1987, OPB has prepared more than 3,000 Oregonians for high school equivalency exams, making it one of the State's most highly attended secondary schools.

Public broadcasting is so important to Oregonian's that over half of OPB's operating budget comes from more than 100,000 members. OPB's television audience has the largest percentage of prime-time viewers of any American public television market.

We have the tools, infrastructure, and innovative spirit to make communities across the Nation more livable through cultural opportunities. What we need is a national commitment to improving the livability of our communities by investing in culture.

We won't be able to balance the budget by eliminating spending on our Nation's cultural heritage. In fact, the Federal Government spends only about 1/100th of 1 percent on culture. If we attempt to use our cultural investments to balance the budget, we will lose much more than we would ever gain in deficit reduction.

I urge my colleagues to recognize the long-term economic and social benefits an investment in culture convey to our communities and the Nation as a whole and oppose the Hefley-Crane amendments.

Ms. SLAUGHTER. Mr. Chairman, public broadcasting gives the American people, both young and old, exceptional programming not available on commercial television, such as the award-winning ''Civil War'' series, the ''Jim Lehrer NewsHour,'' ''Masterpiece Theater,'' and PBS' unique children's educational programming.

The Corporation for Public Broadcasting [CPB] is an asset to children and families throughout the nation and is worthy of its funding.

According to a Roper Starch Worldwide, Inc. poll from July, 1997, the American public rates public radio as the second best value in return for tax dollars spent out of 20 services.

The quality and variety of educational, informational, and cultural programming found on public broadcast stations cannot be found anywhere else on radio or television.

Public broadcast stations are among a limited selection of stations that cater to a large number of locally originated programs. In addition, public broadcast stations in rural and underserved urban areas greatly depend on Federal funds for their economic base.

CPB provides services that reach out to people of all backgrounds and ages throughout the country. For example, many public radio stations provide radio reading services for the blind. In my own district of Rochester, NY the local public broadcasting station, WXXI, helps prepare young children to learn when they enter school and provides numerous college telecourses for adult education. In fact, the national Public Broadcasting Service arm of CPB is the leading source of college telecourses in the country.

CPB plays an essential role in our educational and cultural growth as a nation. Vote against the Hefley amendment to the Labor-HHS-Education appropriations bill to cut funding from the CPB.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

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

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

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, further proceedings on the amendment offered by the gentleman from Colorado [Mr. HEFLEY]

will be postponed, and will occur prior to the disposition of the amendment offered by the gentleman from Illinois [Mr. CRANE].

The Clerk will read.

The Clerk read as follows:

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles, and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $33,481,000, including $1,500,000, to remain available through September 30, 1999, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 8701 et seq.), $6,060,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended by Public Law 102–95), $1,000,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $1,793,000.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I did have an amendment that I put at the desk, but I have talked with the leadership of both sides, I have talked with the leadership on the Democratic side, and I am going to withdraw that amendment. But I do want to speak to school construction.

Mr. Chairman, we sit in this House and talk about testing. We sit in this House and talk about higher standards. We sit here and talk about parental involvement. But we never talk about the one thing that will be the important factor in quality education, and that is an environment that is conducive to learning.

The amendment that I was to introduce would have spoken to that, and this amendment was simple. It was to speak to the whole notion of allowing our children to have the quality education through an environment that will be conducive to learning.

We know that schools have leaky roofs, they have bad plumbing, they have asbestos, they have all types of hazards around them that will not allow children to have the quality education and the environment that is conducive to learning. The buildings that our children are forced to try to learn in are the most deplorable types of buildings that anyone would ask to have anyone come into.

One-third of all the elementary and secondary schools in the United States serving 14 million students need extensive repair or renovation. Over 60 percent of the Nation's 110,000 public, elementary, and secondary school facilities need major repair.

Last year an estimated $112 billion was needed to repair and upgrade school facilities to a good condition, not an excellent one; and yet, it is amazing to me that we are talking about just $5 billion, in trying to correct the ills that will afford our children a quality education in our schools. If education is going to be a priority in this country, then we must have the environment that is conducive to the quality education that we want.

Furthermore, many schools do not have the physical infrastructure to take advantage of computers and other technology needed to meet the challenges of the next century. In my State of California, 87 percent of schools report a need to upgrade or repair on-site buildings to good overall condition. Seventy-one percent of all California schools have at least one inadequate building feature, and of these building feature problems, 40 percent are the roofs, 42 percent are interior walls and windows, and 41 percent are plumbing. Forty-one percent are also the ventilation and heating and air conditioning, and 37 percent of schools do not even have sufficient capabilities to use the computers.

We talk about high-tech, we talk about the Information Highway, but without having sufficient wiring in schools, we cannot have our children prepare for what is called the Information Highway and this whole high-tech era. As my colleagues know, it is by far the poorest communities, such as my communities, that have the most difficulty meeting the needs to maintain and improve school facilities.

So I urge all of my colleagues, as we come to this floor, not to just talk about higher learning, higher standards, we want that; not to just talk about parental involvement, we want that; not to just talk about testing, we certainly want that; but we also want an environment that is conducive to learning. That environment must include school construction that will allow us to fix and repair those schools that we ask our children to attempt to learn in.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank my distinguished colleague, the gentlewoman from California [Ms. MILLENDER-MCDONALD] for bringing this issue to our attention. The gentlewoman has been a leader on this issue, and is a cosponsor of H.R. 1104, the Partnership to Rebuild America's Schools. We currently have 113 cosponsors. The gentlewoman from California [Ms. MILLENDER-MCDONALD] has spent a great deal of time touring the schools in her district, as I have in mine. There is widespread support in this House for rebuilding our schools.

It seems to me that if we are going to put computers in each of our schools, if we are going to build bridges to the 21st century, we have to acknowledge that we cannot put computers in 19th century schools. As I have driven up to some of our schools, there was coal being delivered, plaster was falling down, large sheets of plastic were holding up walls that were crumbling because of leaks in the roof. This is a national emergency. The GAO has made it clear in their report that there is over $112 billion needed to repair our schools.

As the gentlewoman from California [Ms. MILLENDER-MCDONALD] has said, if we are going to be partners with State and local governments in a whole range of issues, such as building prisons, then how can we not invest in our schools?

Mr. Chairman, I want to thank my distinguished colleague again for her leadership on this issue, and I want to assure the Members that not only are there 113 cosponsors in this House, but there are parents, there are children, there are PTAs, there are school boards all around the country who understand that the Federal Government can be and should be a partner with them.

Although our schools are a State and local responsibility, we do have a responsibility to make sure that every child is educated in a safe classroom and gets the best supplies they need.

I want to assure the gentlewoman from California [Ms. MILLENDER-MCDONALD] that we are going to work together to make this investment a reality, and make sure the Federal Government is a partner in rebuilding our schools. I thank her again for addressing this issue.

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

Mr. Chairman, I do not propose to take anywhere near 5 minutes, but I had a discussion with the gentlewoman from California, and I do realize her strong commitment in this area, as well as the commitment of my senior Senator from Illinois.

But I have to say that this is not a Federal responsibility. There are repairs of $120 billion needed in our Nation's schools that the States and local school districts have not taken care of as they should have, and as they have a responsibility for, and now want to come to the Federal Government and

say, you do it for us; you raise the taxes, or deficit-spend, and let us spend the money.

I believe very strongly that there are much higher priorities, such as special education and impact aid, which is an obligation of the Federal Government, and existing programs, and that the Federal Government simply cannot undertake this responsibility that belongs to the States and local school districts, and must be borne by them.

Mr. Chairman, I include for the RECORD a written statement further explaining my views.

Mr. Chairman, the amendment offered by the gentlewoman is certainly well-intentioned, but this provision would provide a woefully inadequate response to a national problem which is properly within the jurisdiction of local and State governments. Local governments across this country bear the responsibility and have jealously guarded the prerogative of educating students through the high school level. The Federal Government simply does not nor should it bear the responsibility of providing general capital and operating funds for elementary and secondary education any more than it should dictate curricula to local schools.

Under both Republican and Democratic leadership, this subcommittee has considered and rejected several proposals during the 1990's to establish Federal school infrastructure or construction initiatives. Congress has repeatedly considered and rejected, as it should, proposals to actively involve the Federal Government in financing of public elementary and secondary education in this country. Even the President's budget justification for 1995 indicated ''The construction and renovation of school facilities has traditionally been the responsibility of State and local government'' and ''we are opposed to the creation of a new Federal grant program for school construction.''

Mr. Chairman, I believe this amendment is well-intentioned and responds to studies released recently indicating great unmet school infrastructure needs nationwide. The General Accounting Office [GAO], for example, recently issued a report based on a self-reported survey estimating $112 billion in school infrastructure needs in America. But even if accurate, the study does not suggest that these needs ought to be Federal responsibilities, and in fact, they are not. Nor does the study indicate the vast Federal resources that contribute indirectly to addressing this problem.

First, the GAO report does not provide a high quality of information. The survey did not provide any standards for reporting infrastructure needs. In fact, the data is based on self-reporting with an obvious bias toward over-reporting needs in order to generate demand for funding.

Nor does the study indicate the vast Federal resources already dedicated to local school infrastructure needs. The Congressional Research Service recently reported that for 1993, the last year for which data are available, the Federal Government provided a tax subsidy of $16.5 billion for the outgoing and capital costs of elementary and secondary education. The report indicated the Federal Government had tax expenditures of $1.4 billion for tax exempt bonds used for school construction, $6.1 billion for the exclusion of the portion of property tax payments from Federal taxation that go directly for education, and $9 billion for the exclusion of the portion of other State and local taxes that go directly for education.

Given that the GAO estimates national infrastructure needs at $112 billion and the CRS estimates Federal tax contributions of over $16 billion for education, this amendment to create a $3 million Federal infrastructure fails to make a substantive contribution to the solution of the problem. By way of illustration, the proposed funding represents three-thousandths of 1 percent of the unmet need and an increase of one Fiftieth of 1 percent of the current Federal tax investment in school infrastructure.

Mr. Chairman, proponents of the various construction initiatives this subcommittee has considered over the last several years indicate that technology improvements are a major concern of schools and would receive a substantial portion of any Federal funding dedicated to infrastructure needs. However, in this area the Congress is already providing substantial resources that dwarf the proposed funding level. This bill already provides several hundred million dollars in direct education technology appropriations in addition to an estimated $57 million in the title IV block grant program, $5 million in the Goals 2000 Program, and $450 million in title I program. The Department of Education cannot even estimate the amount of Federal funds spent to train teachers on the use of technology in the classroom.

Worst of all, this proposal is a one time infusion of a very small amount of funding that is not part of an integrated or considered plan to make a substantive, ongoing contribution to the infrastructure and technology needs of schools. The CRS recently estimated the cost of outfitting each of the approximately 2 million classrooms with computers, software, and connections to the Internet from $9.4 billion to $22 billion. The ongoing costs of upgrading technology, software, and service charges for Internet connection range from $1.8 to $4.6 billion annually. The proposal in no way indicates how the Federal Government, with a $3 million program, can make any serious contribution to these needs.

The $112 million in unmet infrastructure needs reported by the GAO represents one and one half times the total funding in this bill for all labor, health, and education programs. Clearly, we do not have the resources in this bill, even if we funded nothing else, to solve the problem of local school infrastructure needs. State and local governments spent $23 billion in 1992–93, the most recent year for which data are available, an amount greater than total Federal appropriations for the Department of Education.

Mr. Chairman, education infrastructure is the proper responsibility of local governments, not the Federal Government. Even if we believed otherwise, within the context of a balanced budget, the Federal Government clearly does not have the resources to make a significant and substantial contribution to eliminating unmet infrastructure needs. This amendment is so small as to make no contribution if enacted. I urge Members to oppose the amendment, focus Federal resources on Federal responsibilities which are currently underfunded, and solve the problems we can solve and should solve.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I will not prolong the debate, because I know there have been many debates on this issue. But I hope that we can convince our distinguished chairman that since there is precedent for the Federal Government becoming a partner in building prisons and a partner in building roads and highways, that together we can work to address this serious issue in all of our schools.

If we can be a partner in providing computers for our schools and other modern technology, I would hope we could work together to be a partner in what many of us feel is of vital national interest.

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

Mr. Chairman, I am sort of in the middle between the position of the gentleman from Illinois [Mr. PORTER] and the position of the gentlewoman from California [Ms. MILLENDER-MCDONALD] and the gentlewoman from New York [Mrs. LOWEY]. I congratulate both of them because of their concern in this issue and their leadership in trying to get Congress to face this issue.

I, for one, do not feel that the Federal Government can become a major funding source for construction in the education area, but I do think there is a constructive role the Federal Government could play in the construction area.

I note that the Senate has added some funding for a version of school construction in their committee bill, and I would hope that we could work out some way to use that action as an opportunity to find a constructive and well-defined role for the Congress and the Federal Government to play in helping a very narrow band of school districts around the country who do not have the financial capability to move ahead with construction so that they might get out of that box.

I want to make sure that whatever initiative we proceed with is targeted at urban poverty and rural poverty alike. I also want to make certain that any formula that would be established in the distribution of funds would place a greater emphasis on the need to assist districts who have actual health and safety problems in their schools because the furnaces do not run, the plumbing does not work, the windows are in bad shape. There are a lot of incredibly dilapidated hulks in which children are trying to learn, and they are a disgrace to the country.

There are some school districts who simply do not have the financial capacity to proceed with any useful construction program, and I think State governments and the Federal Government both have an obligation to try to do something about that, because the students who come out of those schools are mobile and move around the country, and we all suffer the consequences of inadequate education.

□ 1145

So I hope that we can avoid this issue being polarized. I hope that we can move the Congress into a very narrow but, nonetheless, crucial role in dealing with our school construction shortages in districts with serious need.

I understand very well where both of the Members are coming from on this issue, and I hope that we can use the Senate amendment as an opportunity to move toward a useful consensus that will meet the problem without making us vulnerable to a bottomless pit of funding which the Government clearly cannot afford.

Ms. MILLENDER-MCDONALD. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from California.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I would like to thank the gentleman from Wisconsin [Mr. OBEY] for his sensitivity on the issue, and ask that the gentleman continue to work with the gentlewoman from New York [Mrs. LOWEY] and myself to try to find the common ground that will help us to improve school construction.

Mr. Chairman, I would also like to thank the gentleman from Illinois [Mr. PORTER] and hope that the gentleman will continue to look at this and find some common ground to work with the ranking member.

Mr. FARR of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think that this is a real watershed issue of where American public policy is reflected in how we are going to use Federal funds, Federal taxpayer dollars, to spend those dollars effectively in the coming years and in the coming century.

Without a doubt, with the actions we have taken this year, we have been the educational Congress and the educational President with all the tax breaks and incentives we have given. We have promoted wiring every classroom in the United States with computers. We have promoted the downsizing of schools so that we can have a smaller class size.

But, Mr. Chairman, when we think about it we cannot get there from here unless we put money into construction. What is happening in the United States, and California is probably the leading State in this area because we have the largest number of students in the United States, what happens is we are moving all of our expenditures for school construction out of the regular budgets. The only way those capital outlay programs are funded is through State bond acts or through local general obligation bond votes. Those votes in California, and other States I think are going to adopt those same requirements, require a two-thirds vote. So it is harder and harder and harder for schools to provide money for construction, which is absolutely essential.

Here we are, the Federal Government, we are providing construction for university buildings through agricultural research money, we promoted money for prisons and for local jails, and those moneys can actually be used to build classrooms in the jails and in the prisons, but we have no money in the Federal Government to assist school districts, no money for those that the gentleman from Wisconsin [Mr. OBEY] just talked about in the poor, rural areas, or in the urban areas.

Mr. Chairman, this is essentially an area where we have to get involved. We cannot afford to not commit some Federal dollars to this. It is ridiculous that we have the money for roads, we have the money for promoting economic development, we have money for everything but the very essential that we have said is in our national interest and our national security interest to have, a well-educated electorate. We cannot do that unless we have school construction money.

So, Mr. Chairman, I think it is essential that this Congress begin the first step of finding those funds. I appreciate this time to bring that to the attention of the gentleman from Illinois [Mr. PORTER], who is working hard on this, and to the attention of the gentleman from Wisconsin.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the remainder of title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore [Mr. LAHOOD]. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the remainder of title IV is as follows:

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $2,000,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $174,661,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes: *Provided further*, That none of the funds made available by this Act shall be used in any way to promulgate a final rule (altering 29 CFR part 103) regarding single location bargaining units in representation cases.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $8,400,000: Provided, That unobligated balances at the end of fiscal year 1998 not needed for emergency boards shall remain available for other statutory purposes through September 30, 1999.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $7,900,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $3,258,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $3,257,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $206,000,000, which shall include amounts becoming available in fiscal year 1998 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $206,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $50,000, to remain available through September 30, 1999, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $87,228,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,000,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to

pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: *Provided further,* That none of the funds made available in this paragraph may be used for any audit, investigation, or review of the Medicare program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,308,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $426,090,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act 1977 for the first quarter of fiscal year 1999, $160,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $16,170,000,000, to remain available until expended: *Provided,* That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

From funds provided under the previous paragraph, not less than $100,000,000 shall be available for payment to the Social Security trust funds for administrative expenses for conducting continuing disability reviews.

In addition, $175,000,000, to remain available until September 30, 1999, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and Supplemental Security Income administrative work as authorized by Public Law 104–193. The term ''continuing disability reviews'' means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended, and reviews and redeterminations authorized under section 211 of Public Law 104–193.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 1999, $8,680,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $5,938,040,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided,* That not less than $1,600,000 shall be for the Social Security Advisory Board: *Provided further,* That unobligated balances at the end of fiscal year 1998 not needed for fiscal year 1998 shall remain available until expended for a state-of-the-art computing network, including related equipment and non-payroll administrative expenses associated solely with this network: *Provided further,* That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the previous paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $245,000,000, to remain available until September 30, 1999, for continuing disability reviews as authorized by section 103 of Public Law 104–121 and Supplemental Security Income administrative work as authorized by Public Law 104–193. The term ''continuing disability reviews'' means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act as amended, and reviews and redeterminations authorized under section 211 of Public Law 104–193.

In addition to funding already available under this heading, and subject to the same terms and conditions, $200,000,000, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and non-payroll administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

In addition, $35,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 1998 exceed $35,000,000, the amounts shall be available in fiscal year 1999 only to the extent provided in advance in appropriations Acts.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $10,164,000, together with not to exceed $42,260,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $11,160,000.

The CHAIRMAN pro tempore. Are there any amendments to this portion of the bill?

If not, the Clerk will read:

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided,* That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and II, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for ''Salaries and expenses, National Medication Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needless for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

AMENDMENT OFFERED BY MR. HASTERT

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

The Clerk read as follows:

Amendment offered by Mr. HASTERT:

On page 93, line 2, after the word ''drug'' insert a period, and strike out beginning with the word ''unless'' on line 2 all the language thru line 5 on page 93.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, close in 80 minutes, and that the time be equally divided between the gentleman from Illinois [Mr. HASTERT] and the gentleman from Wisconsin [Mr. OBEY], or his designee.

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

There was no objection.

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

Mr. Chairman, this amendment clearly states that the policy of this Congress is not to use Federal money to hand out free needles in free needle exchange programs.

Mr. Chairman, one of the things that we have seen escalating among our youth is the increase in the use of heroin. In 1994, we had over 2,000 teenagers who, for the first time, used heroin. The way of using heroin and inducing it into the body primarily is through needles.

Mr. Chairman, one of the things that I have looked at and tried to study in the last 2 years, in my responsibility in looking at drug use and the increase in drug usage among the youth of this country, was a visit to Zurich, Switzerland. I revisited Zurich for the first time in 20 years. I had remembered Zurich as a pristine city on a lake in the story book land of Switzerland.

However, Mr. Chairman, when I revisited last year in April and walked the streets of Zurich, there was a look of devastation. Needle Park, heroin use, methamphetamine use, heroin clinics where people have increased the use of heroin in that country. As a matter of fact, Zurich has become a mecca for heroin users throughout Europe. Why? Because not only do they provide free heroin, but they provide free needles.

Mr. Chairman, 15,000 needles a day are consumed in the streets of Zurich. Some are obtained by walking into the train station and depositing money into a machine and getting needles also at a very low price. Why? Because ostensibly if we give free needles away, we curb the increase of HIV.

Mr. Chairman, what recent studies have shown, the Montreal and Vancouver studies have shown, is that intravenous drug users have a greater chance of becoming HIV positive than intravenous drug users who do not use the free needle programs. Intravenous drug users who participate in free needle exchange programs have a 33-percent chance of becoming HIV positive. Those who do not have a 13-percent chance of changing from HIV negative to HIV positive.

So, basically, the studies, the statistics just do not prove that free needle exchanges, No. 1, stop HIV positive increases. But mostly, when we are spending $34 or $35 million to tell our youth in this country that we should not smoke, that smoking is bad, that it hurts your health, why then should we even think about beginning to give away free needles, free needles whose only purpose is to shoot an illegal drug, heroin, a free needle that leads to a child, a young person's path down a slippery slope that begins with drug use, illness and many, many times eventually death?

Mr. Chairman, this amendment prohibits the use of Federal dollars to give away free needles for heroin addicts. I think it is self-explanatory.

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

Mr. OBEY. Mr. Chairman, I yield myself 7½ minutes.

Mr. Chairman, I grew up in an era where drug use was a rarity. I hate a lot of things that have happened to this society. I hate what has happened to our cities because of drugs, and I have to say that drugs are not just a big city problem. My hometown is a city of less than 35,000 people, and yet we have even seen the problem there.

Mr. Chairman, I do not think anybody ought to use drugs, and I think we need to have a strong policy in this country that discourages drugs. I think much of the money that we spend abroad to interdict drugs is wasted. I was told several years ago by a person who had been responsible for administering the antidrug interdiction programs under the Reagan administration that their private view was that nothing was working internationally because of the nature of the capitalistic system worldwide which, unfortunately, rewards a profit motive even for evil products.

So, Mr. Chairman, I do not think this issue is about whether we like drugs or not. I think we do have two fundamental problems in this country. One is how we go about effectively reducing drug use; and second, in that effort, how we do so in a way which saves the most possible lives.

The wording in the bill before us reads as follows: ''Notwithstanding any other provision of this act, no funds appropriated under this act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug, unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.''

The purpose of the amendment would knock out that exception so that if even the Secretary determined that those programs were helpful in preventing the spread of HIV, and did not encourage the use of illegal drugs, those programs still could not be carried out.

Mr. Chairman, I understand the motivation of the people who offer this amendment. They are offended by the idea, as am I, that the Government should appear to be in any way encouraging the use of drugs. Nobody wants to do that.

But more important than whether my sensibilities are offended is the practical result of American policy in terms of lives that are endangered or saved by that policy. That is why I must oppose the gentleman's amendment. I do so because organizations such as the American Medical Association, the American Public Health Association, the National Academy of Sciences, the American Nurses Association, the American Academy of Pediatrics, all tell us that the best public policy, if we want to prevent the spread of a variety of diseases, including HIV and AIDS, is to support the language in our bill.

Mr. Chairman, I would note the public officials and legal groups who also take that position, including the U.S. Conference of Mayors and the American Bar Association. I would also point out that virtually every needle exchange program operating in this country provides referrals to drug treatment programs which, in my view, is the key ingredient in discouraging the use of drugs.

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Now, the Family Research Council has made an argument against this because, among other reasons, they point to what has happened in Zurich, Switzerland. The United States is not Switzerland and no American city is Zurich.

As I understand it, the study that was done of the Switzerland experiment took place in a city which allows the open use of hard drugs in a number of those cities. Clearly, the Swiss experiment bears little relationship to what would be contemplated in this country. We have those who argue for the legalization of drugs in this country or at least the decriminalization of drugs and the open distribution of them in order to eliminate the profit motive. I doubt very seriously that any proposal like that would stand a chance of a snowball in you know where of being adopted by this Congress or by our Government.

It just seems to me that we have a tough choice forced upon us by the complicated and sometimes perverse aspects of human nature, our culture, our society, and the outrageous insistence of certain elements of our society to make a buck regardless of the human or moral consequences.

I do not know half the time which the right choice is in instances like that, but I have to come down always on the side of having science and scientific leadership guide politicians in these matters, rather than having politicians making judgments independent of scientific evidence or advice, because very often we do not have the expertise to know what, in fact, is right in the scientific arena.

So I recognize the legitimate moral and social concerns raised by the gentleman's amendment. I respect deeply the worries that folks on his side of this issue have. I just think there is an honest disagreement about whether or not the gentleman's amendment will lead to more damage of human beings or not. That is the honest debate that is occurring here today.

I hope Members respect that on both sides. I would urge in the interest of saving lives that we allow the Secretary to have this discretion if, after scientific review, they determine that such a program, distasteful though it is to me, will in fact contribute to the saving of lives and the prevention of a very damaging and fatal disease.

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

Mr. Chairman, I appreciate the comments of the gentleman from Wisconsin. I hope we can talk about orderly and logical reasons. I was in Switzerland. The heroin movement in Switzerland, the heroin giveaway programs in Switzerland did not start out with giveaway heroin programs. They started out with free needle exchanges, started out with free needle exchanges in heroin in places like Needle Park and downtown Zurich.

My concern is that, yes, science says maybe there is a hedge on HIV. Others studies show that there is not. But I think that this is a place where we have to debate what we feel is right and wrong and what this country feels is right and wrong. I think the majority of my constituents and certainly the majority of people across this country feel that it is wrong to give free needles out to heroin users which really encourage the use of heroin among our youth and our children.

Mr. Chairman, I yield 4 minutes and 15 seconds to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, I thank the distinguished gentleman from Illinois who heads our subcommittee for yielding me this time.

This amendment is important because what it attacks is both bad science and bad policy of the Clinton administration. It is bad science because there is no evidence whatsoever that providing addicts an easy way to accomplish their actions, that is injecting their bodies with deadly mind-altering drugs, is diminished or reduced in any way, shape, or form by providing them the means with which to inject their bodies with deadly mind-altering substances.

This is bad policy, Mr. Chairman, because what it does, that is the underlying policy of the Clinton administration, is to, in effect, launder money into drug needle exchange programs through grants from the CDC that are otherwise prohibited directly by Federal law. And the Congress, all of us, whether we like needle exchange programs or we do not like needle exchange programs, should have some concern over the integrity of laws that the Congress passes and stand up to an administration, whether it is Republican or Democrat, that is flouting the intent of the law passed by Congress and say, you cannot do that.

Mr. Chairman, I had the opportunity, as did the chairman from Illinois, recently to travel to Switzerland. I did so just over this past weekend. As the chairman has indicated, the epidemic of heroin use, the increases in heroin use, the legalization of heroin use in Switzerland was not the beginning. The beginning was needle exchange programs. It has now reached the point in Zurich where any person, whether they are 5 or 50, can walk up to a vending machine on the street corner, put in about 2 dollars' worth of coins and get back a box.

Inside that box is death. Inside that box are three syringes, needles, instructions on how to inject deadly, mind-altering substances into one's body. Why on the face of the Earth would our Government be interested in doing that to our children? That is where this administration is heading.

Would this administration, would those on the other side who so eloquently argue against this amendment, which simply tells the administration they cannot do what Congress has already prohibited it from doing indirectly, why would we not at the same time, to be consistent, go to our schoolchildren, who folks on the other side are very vehement about saying we must stop teen smoking, why should we not also have programs that provide free filters to cigarettes for those students, because that is exactly what we are doing with needle exchange programs? We are going to our children and saying, we do not like what you are doing but here, as long as you are going to do it, make it easier.

The experience in Switzerland, while the gentleman on the other side is absolutely correct, is not directly parallel to ours, is precisely, though, on point. Needle exchange programs further facilitate increase and exaggerate the use of mind-altering substances. We do not need to be a rocket scientist to figure that out.

Look at the statistics. Look at the sorry experience of what is happening in Switzerland. Please, let us make sure that this administration and no future administration is able to take the first step toward putting boxes of syringes and needles in the hands of our schoolchildren.

Support this amendment. That is all that it does. It simply reaffirms what Congress has already done and would stop an administration from surreptitiously going outside the intent and around the intent of Congress and doing indirectly what they have been prohibited from doing directly. This amendment is good policy. It reflects good science. It is for our children.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Chairman, I rise in strong opposition to the Wicker-Hastert amendment. This amendment may be popular, as evidenced by polls that simplify the issue, but it is not enlightened public policy.

AIDS continues to ravage our country, from the big cities to the little towns. Sure, we have multidrug treatment, it may delay death. Maybe it will affect long-term survival. But despite these successes, we still have needle sharing as one of the most significant modes of HIV transmission.

In 1995, a panel of the National Research Council and the Institute of Medicine reported that between 1981 and 1993 the proportion of AIDS cases resulting from injection drug use rose from 12 to 28 percent. They concluded that ''the HIV epidemic in this country is now clearly driven by infections occurring in the population of injection drug users, their sexual partners, and their offspring.''

One-third of all reported cases of AIDS in adults can be traced directly or indirectly to injection drug use. Over half of the children with AIDS got it from others who were injection drug users.

Mr. Chairman, we will never win this fight against AIDS if we fail to reduce the transmission of HIV through shared needles. Numerous studies have shown that needle exchange programs hold promise as a means to slow the spread of AIDS. The General Accounting Office conducted a review of these programs and found that a Connecticut program could reduce new HIV infection among participants by 33 percent over 1 year. Equally important, the GAO did not find evidence that these programs resulted in increased drug use. In fact, a University of California study indicated that some needle exchange programs have made significant numbers of referrals to drug abuse treatment programs.

Even if needle exchange programs cannot change the behavior of the drug users, they can at least reduce the number of times a needle is reused, getting it out of circulation more quickly, reducing the possibility that it will give HIV to somebody else.

One survey in the Journal of the American Medical Association found that a needle exchange program removed more than 3,500 HIV-contaminated syringes from San Francisco in 1 month. A 1997 consensus panel of the NIH was emphatic on the possible benefits of needle exchange programs, stating that they do not increase needle injecting behavior among current drug users; they do not increase the number of drug users; they do not increase the number of drug paraphernalia that is discarded.

In light of this evidence, which I have outlined, and many more studies suggesting the benefits of needle exchange programs, it would be wrong to close the door to Federal involvement in these projects.

Mr. Chairman, current law provides the Secretary of Health and Human Services with the discretion to lift the ban on needle programs, if she finds that these programs reduce the incidence of AIDS and also if they do not increase the use of illegal drugs.

Given the number of people who are losing their lives to AIDS every day, that discretion is appropriate. We should not change it. I urge my colleagues to think of the thousands of children who get AIDS because a parent got HIV from a dirty needle. Oppose the Wicker-Hastert amendment. Preserve our options in preventing the spread of HIV.

Mr. HASTERT. Mr. Chairman, I yield 6½ minutes to the gentleman from Oklahoma [Mr. COBURN], a distinguished doctor.

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

Mr. COBURN. Mr. Chairman, there are a lot of confusing issues about the AIDS epidemic. I happen to be one of those that think that we have handled the epidemic in an incorrect fashion. We have done so for a very good reason, because there has been significant discrimination in this country with those who have had HIV. But there are some things that the American public ought to know about the concept of free needle exchanges.

First of all, this prohibition will not limit the right of any State to do this. That is where most free needle exchange programs are going on.

□ 1215

The other thing people should remember is a free needle exchange program is a free needle exchange for a felon, somebody who has already proven they do not respect our laws and who violates our laws. Now, yes, they are addicted, but nevertheless they are felons.

Second, most people support their drug habit by selling drugs, IV drugs. So if they are addicted to heroin, what happens is, they become motivated to supply their habit by agreeing to sell more heroin for the person that they are buying it from to take care of their addiction.

Third, it is not just heroin. In Oklahoma we have a significant problem with IV methamphetamine, something that is made in small labs throughout the State, and then people become addicted to IV methamphetamine.

So for us to assume this is just a heroin problem is completely wrong. For us to assume this is just people who have been victimized by the drug culture is wrong. They are felons. They also are the very people we are going to be giving free needles to who are going to be encouraging people who are presently not drug addicted to become drug addicted, and we are going to give them some of the tools to help them do that.

Now, is the goal worthy? There are six studies that I have read in North America that are associated with free needle exchange programs. The information on decreasing HIV transmission is mixed. Two of the studies show a marked increase in HIV transmission, as compared to those who were not in a free needle exchange program; four do not show that. So we do not know what the science says.

We can get out here and say that we know that the science is absolute that it will do this, but we do not really know that. It is nice to claim that in a debate, but we do not know that.

What we do know from the two most comprehensive studies that had the same people in the beginning of the study and the same people at the end of the study is that we see an increase in drug usage, one, and that we see an increase in the transmission of HIV among those groups.

Another point: One of the concepts of drug treatment is not to enable people to continue their addiction. There are a large number of people who are very well involved in hard drug addiction who oppose the idea of enabling people or making it easier for people to pursue their addiction. It goes against some of the greatest concepts of addictive psychiatrists when we say we are going to give people an easier way to utilize their addiction.

The gentleman from Wisconsin [Mr. OBEY] stated that of the various groups that have recommended that this be done, from the American Medical Association to the American Pediatric Society to the American Public Health Association, the Montreal and Vancouver studies were not available to them at the time they made those recommendations. So they are acting on information that is not the latest of information.

I also want to share with my colleagues what is going on in Plano, TX. Plano, TX, is not in my district, but here is a community of 200,000 people who have lost six youths this year from IV drug overdose, six youth that are no longer here because they had access to drugs.

It is debatable if this is a good way to slow HIV transmission. What is not debatable is that this is not a good way to slow drug addiction. This is not a good way to slow habits that are destructive to our society, and it certainly is not a good way to lessen the ability of those that are already addicted to, in fact, addict other people on the basis that now we have made it easier for them to promote their wares to support their habit.

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

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

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

What the amendment before us would do is, even if we found a needle exchange program could reduce the incidence of AIDS and if, when people came in for needle exchange, they were then encouraged to go into some program to cure their drug addiction, we would not be allowed to use funds for that purpose. That is what troubles me about this amendment.

Mr. COBURN. Mr. Chairman, just to answer that. I am not saying that is not a good goal, but that is only a part of what this amendment does.

This amendment violates the very sincere and straightforward principles that we have learned about addiction.

I want to read to my colleagues about a participant who drove up, did not have to give her name in a free New York needle exchange program. Here is what she said:

> I made a personal visit to the ''exchange'' and without one dirty needle to exchange, I was supplied with 40 clean needles, alcohol wipes, cotton balls and cookers, along with a graphic description of the proper way to shoot up so as to protect my health and prevent my loved ones from knowing I was using drugs. Her instructions were, ''Don't shoot up in your neck. If you get bad dope, your head can explode.''
>
> I was also provided a needle exchange card making me exempt from arrest or prosecution if I were to be stopped by police and found to be carrying clean needles, a felony under New York law. I lied in response to every question and purposely reported I had been shooting up for only 6 months in the hope they would lean on me to come for counseling.
>
> In parting, I asked the worker whether I had to return the needles he had supplied me in order to get more. He said, no, I don't have to bring the needles back, but advised me to discard the used syringes in an opaque container so no one would see them. The sheer willingness to supply me with 40 syringes without expecting anything to be returned leaves a grave unanswered question: What happens to those 40 dirty needles?

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I thank the gentlewoman for yielding me this time.

The problem in the argument that was just advanced by the gentleman from Oklahoma [Mr. COBURN], is that even if we found that the use of a needle exchange program could reduce the incidence of AIDS, even if we found that there would not be more drug use, but in fact people might then be encouraged to go into programs to shake their addiction, we would prohibit, if this amendment were adopted, the use of Federal funds, by the decision of the local health people, to be used for a needle exchange program. We would be saying to the local people, at their discretion, that under no circumstances could they use this tool of a needle exchange program to prevent the spread of HIV.

Now, I find it surprising that people who say we ought to use Federal funds at the discretion of local governments to take the opposite position when a needle exchange program is involved.

But before local public health agencies can even decide to have a needle exchange program, the law says the Secretary of HHS must make two findings: The Secretary of Health and Human Services must find that a needle exchange reduces the spread of HIV and that the needle exchange program does not cause any increase in illegal drug use.

The amendment before us would strike the ability of the Secretary to get this information and possibly make this finding. It would say under no circumstances, we do not care what the evidence may tell us, will we allow a needle exchange program at the discretion of the local public health officials.

This is short-sighted. These are the kinds of short-sighted decisions that have kept us from approaching this AIDS epidemic with all the tools at our disposal. We should not let the decision be made by people in the Congress, who do not have the evidence but who have a lot of fears about how their views

will be interpreted as to whether it is politically correct from the point of view of an opponent who may attack a distorted statement of those views. We ought to let these decisions be made on a scientific basis.

Mr. Chairman, I urge defeat of the amendment.

Mr. HASTERT. Mr. Chairman, I yield myself 1 minute to answer the gentleman from California.

One of the things we found, especially in the largest needle exchange program in New York, is that there is no referral to drug treatment programs. Matter of fact, they offer the addict anonymity so that they can hide their problem from their friends and their families so that they do not get help. That is one of the real problems.

We also found in Switzerland a study of one of the needle exchange programs and heroin-providing programs that has been tracked, of 1,035 heroin addicts given needles and clean heroin, only 83 exited the program since 1992, many by dying, and at the hands of their own government.

We talk about politically correct. Mr. Chairman, this is not politically correct. This is what is right and wrong and how the people of this country believe what is right and wrong. The job of this Congress is to move that belief forward.

Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. WICKER].

Mr. WICKER. Mr. Chairman, I want to certainly rise in support of the amendment, which would prohibit taxpayer dollars—taxpayer dollars—from being spent to distribute needles to intravenous drug abusers. And I want to thank the gentleman from Illinois [Mr. HASTERT] for his leadership on this issue, not only on the floor, but also before his subcommittee.

I also want to thank the distinguished chairman of the appropriations subcommittee, the gentleman from Illinois [Mr. PORTER], for indicating his support for this very important amendment to the appropriation bill. I very much appreciate the gentleman from Illinois for supporting this.

At the outset, I think it is important that we define what we are talking about when we say needle exchanges. How does a needle exchange program work?

Under a needle exchange program, an intravenous drug user comes to a facility with a dirty needle that has been used to perpetrate a felony, to inject either heroin or cocaine or another form of illegal drug, and they exchange it for a new needle. They simply hand over the needle that was used in the illegal drug act and receive, in return, a clean needle.

In many cases, the illegal drug user will be given a permission slip which would authorize him to carry the otherwise illegal drug paraphernalia. So, in reality, the activity that we are talking about, that we are talking about using Federal funds for today, is to facilitate an act which is in fact illegal, which is in fact a felony in almost all of the United States of America.

Now, where are we under the current law, under the current law and the current appropriation bill that we are trying to amend?

For the past few years we have given the discretion to the Secretary of Health and Human Services to allow for needle exchanges if she determined that that should be done. And I believe the gentleman from California [Mr. WAXMAN] has read the appropriate language about determinations she must make.

I think this current law was a mistake. I think that this is a decision that is so important and rises to such a level that it should be made by the elected representatives of the people. The gentleman from Wisconsin [Mr. OBEY] says this issue raises very serious moral questions, and I agree. Those questions ought to be answered by the representatives of the people.

We have had two distinguished physicians who have spoken on different sides of the issue already this very afternoon. This demonstrates that there are serious policy determinations that surround this issue, and they should be made by the Congress of the United States, not by an appointed official in the executive branch. I do not think Congress should have punted this decision to the Secretary.

I think this is a decision that should be made by Congress. And the gentleman from California [Mr. WAXMAN] is correct. If we make this decision as a Congress, then we should change the drug laws, but that decision ought to be made with our eyes open. We ought to make that decision after full debate and after acknowledging this: that IV drug use is now illegal; that it is now a felony; that in 45 States, possession of needles, syringes, and other drug paraphernalia is illegal; and that in providing for needle exchanges by the Secretary of HHS we would not only be preempting laws against illegal IV drugs, but also we would be going a step further in overruling these State laws, against possession of needles, and we would be taking taxpayer funds to provide for the illegal activity.

I say, vote against preemption of State and Federal laws against IV drug use; vote against preemption of State laws which make possession of drug paraphernalia illegal. Let us regain congressional discretion over this major policy decision and vote for the Hastert-Wicker amendment.

□ 1230

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

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

Mr. GANSKE. I appreciate the gentleman's comments. Nobody is arguing to legalize illegal drugs. What we are talking about is a needle exchange program.

Mr. WICKER. Mr. Chairman, my point is the very activity that the gentleman would authorize is illegal.

Ms. PELOSI. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. WAXMAN] for the purpose of responding to the gentleman.

Mr. WAXMAN. Mr. Chairman, I want to make a couple of points.

First, taxpayers' dollars are going to be used to treat and pay a higher price for the care of patients who have AIDS than for a program to prevent HIV infection. We are trying to prevent the spread of AIDS. In order to prevent the spread of AIDS, the decision would reside at the local level whether they want to use a needle exchange program and use Federal funds. But before they can make such a decision, the Secretary must find that a needle exchange program reduces the spread of AIDS and the needle exchange does not cause any increase in illegal drug use. Her decision is not discretionary. If she makes that finding, we ought to then allow the local governments to make the decision to have a program, if they choose that option.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. RANGEL], the distinguished ranking member of the Committee on Ways and Means and the former chair of the Select Committee on Narcotics.

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

Mr. RANGEL. Mr. Chairman, I rise in opposition to this ban on needle exchange only because, and I underline, only because it takes away the discretion from the Secretary of HHS. I think it is an indictment of a failed antidrug policy in this country that this august body has to even consider the exchange of needles with people who have problems that we are not even attacking why these hopeless people believe that drugs is the only answer they have to a better life.

I truly believe that starting off on this path, I do not see any different when we know the number of addicts that die because of overdoses and impure drugs, why some do-gooder will not be saying, why do we not give them purified drugs or something where they will be protected under doctor's advice, and already we have people running off talking about legalization and giving up what they call a fight that we have not had it.

But because I do not know and I do not think anyone in this House knows exactly how many lives are lost because of contaminated needles, I am prepared to leave it up to the Secretary of Health and Human Services and not make that political judgment myself.

PREFERENTIAL MOTION OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Miller of California moves that the Committee do now rise.

The CHAIRMAN pro tempore. The question is on the motion offered by

the gentleman from California [Mr. MILLER].

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

RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 39, noes 362, not voting 32, as follows:

[Roll No. 387]

YEAS—39

Berry
Brown (OH)
Carson
Coyne
Davis (FL)
DeFazio
DeLauro
Deutsch
Dingell
Doggett
Eshoo
Farr
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gutierrez
Hinchey
Johnson, E.B.
Kind (WI)
Lowey
McDermott
McNulty
Meehan
Millender-McDonald
Miller (CA)
Mink
Olver
Owens
Pallone
Pastor
Pelosi
Rangel
Slaughter
Stupak
Vento
Waxman
Woolsey

NAYS—362

Abercrombie
Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (VA)
Deal
DeGette
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Foglietta
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—32

Allen
Barr
Boehner
Bonilla
Bonior
Burr
Clayton
Conyers
Davis (IL)
Delahunt
Dellums
Dooley
Flake
Gonzalez
Hastings (FL)
Hilliard
Jackson-Lee (TX)
Lewis (GA)
Meek
Moran (VA)
Norwood
Roemer
Rush
Sanchez
Scarborough
Schiff
Smith (MI)
Smith, Adam
Solomon
Waters
Watt (NC)
Wise

□ 1252

Mr. SHADEGG changed his vote from ''yea'' to ''nay.''

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Chairman, on rollcall No. 387, I was unavoidably detained at a Social Security meeting away from the Capitol. Had I been present, I would have voted ''nay.''

The CHAIRMAN pro tempore [Mr. LAHOOD]. The gentleman from Illinois [Mr. HASTERT] has 18½ minutes remaining, and the gentlewoman from California [Ms. PELOSI] has 25 minutes remaining.

Following debate on this amendment, we will vote on the amendment of the gentleman from Illinois [Mr. HASTERT], followed by votes on two other amendments that were postponed.

Ms. PELOSI. Mr. Chairman, I yield 4 minutes to the very distinguished gentleman from Ohio [Mr. STOKES], a member of the subcommittee.

Mr. STOKES. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I rise in strong opposition to this amendment, which would terminate the Secretary of the Department of Health and Human Services' authority to determine if Federal funds can be used for needle exchange programs.

HIV–AIDS is a very serious public health epidemic that must be dealt with openly and aggressively. Our Nation's aggressive head-on attack to conquering this devastating disease is what has led to AIDS patients living longer and enjoying a fuller quality of life.

There was a time not too long ago when we could not use the word ''AIDS'' and the word ''living'' in the same sentence. As a result of our pulling-out-all-the-stops approach to this disease, we can now speak of living with AIDS.

□ 1300

In fact, we should be here today speaking of how to apply the war on AIDS blueprint to conquering diabetes, heart disease, cancer, and violence. Yet, instead, we are here playing politics with one of our Nation's most deadly diseases and major causes of premature deaths.

Mr. Chairman, research studies conducted by the National Commission on AIDS, the General Accounting Office, the University of California at the direction of the Centers for Disease Control and Prevention, the National Academy of Sciences, the Office of Technology Assessment, and also the National Institutes of Health Consensus Development Conference all support needle exchange as an effective means of controlling and preventing the spread of HIV–AIDS.

Renowned public health and medical expert organizations, including the National Academy of Sciences, the American Medical Association, the American Public Health Association, the American Academy of Pediatrics, all support needle exchange programs.

We must put this amendment into perspective. AIDS is now the leading cause of death among Americans ages 25 to 44. Approximately one-third of all reported adult AIDS cases are directly or indirectly associated with injection drug use. Drug users account for approximately two-thirds of all cases of newly acquired HIV infection. Over half of AIDS deaths are injection-related.

It is imperative that we not create Federal policies that would restrict the ability of the Federal Government and local communities to end this HIV–AIDS epidemic. Let us not turn back the clock on HIV–AIDS. Current law allows the use of Federal funds for needle exchange programs if the Secretary

of Health and Human Services determines that these programs effectively reduce HIV and do not encourage the use of illegal drugs.

Mr. Chairman, I ask my colleagues to join me in fighting the spread of this deadly HIV–AIDS disease by voting ''no'' to an amendment that would prohibit the Secretary's authority to protect the health, safety, and well-being of the American people, especially those most at risk for HIV–AIDS. Vote ''no'' on relinquishing the Secretary's authority.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New York [Mr. NADLER], a leader in the fight against AIDS.

Mr. NADLER. Mr. Chairman, some things are no longer debatable. They may have been debatable 5 years ago, but despite some assertions from some gentlemen here, they are no longer debatable.

One, needle exchange does not promote drug use. We are all opposed to drug use. Any number of studies and plenty of experience have found that needle exchange does not increase drug use.

Also, needle exchange saves lives. These two propositions are not debatable except by people who are ignorant of what the truth of the matter is, from any number of studies and experience in 100 cities in the United States.

Point two, if we want to send a message, we do not send a message at the cost of people's lives. Some people may think, oh, it is only junkies, let them die. They will not say it, but some people think that. That is tomorrow. But beyond that, it is not just junkies. It is their children who are born with AIDS, it is people they have sex with, it is people who have sex with people they had sex with, it is the whole transmission.

One-third of all AIDS transmission in the United States today is because of our ignorant restrictions on needle exchanges. Do not pass this amendment. If Members vote for this amendment, they are voting to transmit AIDS and to have more people die of this scourge.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO], a distinguished member of the subcommittee.

Ms. DELAURO. Mr. Chairman, I understand the concerns expressed by the proponents of this amendment. The issue makes me uncomfortable, but it saves lives and it reduces drug use.

The experience of my hometown, New Haven, CT, has had me look very hard and clear at the facts. The needle exchange program in New Haven was created in 1991. A recent Yale University study talked about the effects of the program. Let me let the Members know about this.

The program reduced sharing of needles by drug abusers from 71 percent to 15 percent of people who shared. It reduced the spread of HIV by 33 percent. It helped 350 people each year get off drugs and get their lives turned around. The New Haven Police Department indicates that this caused no increase in the number of drug-related problems during the time the program was in effect.

In the State of Connecticut, 53 percent of our AIDS cases are in drug users. Most children with AIDS in Connecticut had a parent who was a drug user. Stopping needle sharing saves lives, especially those of innocent children.

Mr. HASTERT. Mr. Chairman, I yield 4½ minutes to the gentleman from Indiana [Mr. SOUDER], who has been a leader on this issue.

Mr. SOUDER. Mr. Chairman, it is hard to believe we are even debating this amendment of giving free needles to enable people to abuse an illegal substance, heroin, and possibly terminate their own lives and the lives of others. It is truly astonishing that anyone who wants to prevent drug abuse or help an addict get off drugs would support a needle exchange program. In fact, what we are saying would be, here is a clean needle, keep injecting yourself with this, it will kill you. This is not compassion, this is truly just masquerading as compassion.

In fact, the lead author of the San Francisco needle exchange study, a needle provider himself, was later found dead of an IV heroin drug overdose. Beyond the evidence now coming in from the Canadian needle exchange give-away programs in Montreal and Vancouver that show increased HIV infection in addicts who participated in the program versus those who did not, evidence is not clear. Earlier evidence was suggesting one thing, and evidence coming in now is suggesting another.

One has to question the consequences of needle exchange programs for the community involved. What happens when a clinic, with government sanction, is allowed to dispense free needles to addicts? The zone around the clinic dispensing free needles to IV drug users becomes a no-go area for law enforcement. The result is, drug dealers move in, certain they are immunized against prosecution and free to keep their clients addicted.

In Manhattan, the lower east side community Board 3 passed a resolution in November, 1995, to close down their needle exchange program because the community was inundated with drug dealers. Law-abiding businessmen shut down, and needed law enforcement was withheld by the police.

In Willimantic, CT, after a toddler was stuck by a needle discarded near the needle exchange program and an intoxicated man died from an overdose after receiving clinic needles, residents protested and the program was finally shut down in 1997. Do not be fooled, needle exchange programs are only a subtle form of drug legalization, and at least enables that.

I want to read from a statement from Dr. James Curtis on June 4, 1997, director of the Department of Psychiatry and Addiction Services at the Harlem Hospital Center, a professor of clinical psychiatry at the Columbia University College of Physicians and Surgeons on behalf of the Black Leadership Commission on AIDS.

He describes his college and then he says,

> The specific topic of needle exchange programs is one I have carefully followed since they were first proposed almost 15 years ago. From the first and up until the present time, I remain firmly opposed to the needle exchange because I am convinced they would do much harm to black people. Addicts need to be treated and can be effectively treated. They should not be given needles and encouraged to continue their addiction.

Dr. Curtis of the Harlem Hospital continues,

> Let us examine needle exchanges. Addicts are well-informed about how the HIV/AIDS is transmitted, and also about methods of obtaining clean needles. It is absurd to believe addicts cannot afford the small cost of injection equipment, but that they can afford to raise the much larger amount of money to purchase illicit drugs they will inject in their veins. By giving free needles and syringes to addicts, we help them to finance their addiction. . . . Often needles are supplied free along with the purchase of powdered heroin, and cocaine needles are sold freely on the black market, since large supplies are regularly stolen from hospitals and physicians' offices,

Dr. Curtis of the Harlem Hospital continues.

> Furthermore, since needles and syringes can be prescribed for diabetic patients, many addicts, whether they are diabetic or not, obtain prescriptions this way. However, even well-informed addicts, who carefully use clean needles for years, eventually reach the point that they have used up all of their veins. The unfortunate result is that when they are admitted to hospitals for treatment for other medical or surgical procedures, physicians often are sometimes unable to find a vein to perform a life-saving function.

Furthermore, Dr. Curtis of the Harlem Hospital Center says,

> The addict cannot remain an addict unless he or she receives a lot of help from a group of other people. These other people are referred to as enablers, other addicts and well-intentioned family members or friends.

He said that needle exchange programs encourage denial and are frankly enabling.

He also points out that the public has been led to believe that persons who have a compassionate concern for drug addicts should favor the use of clean needles, and anybody opposing the program is in favor of forcing addicts to use dirty needles. In other words, it is a contest between the liberal and humane persons versus those who are prejudiced against addicts, black people, and persons with AIDS. In actuality, the choices are not between clean needles or dirty needles. It is a still better choice to be opposed altogether to needles.

It would be appalling to use our tax dollars to be enablers for people who are putting their life and their communities at risk.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA], a great leader in

the fight against AIDS, especially women with AIDS.

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for her kind words, and for yielding time to me.

Mr. Chairman, I rise in opposition to the Hastert-Wicker amendment. The bill before us today already prohibits the use of Federal funds for needle exchange programs unless the Secretary of the Department of Health and Human Services determines that needle exchange programs are effective in preventing HIV transmission and that they do not promote the use of illegal drugs.

The Hastert amendment would remove the authority of the Secretary to manage public health threats and would, in effect, substitute political expediency for sound science and public health policy. The bill's language is the very same language on needle exchange that has been part of this bill since 1990.

The American Medical Association, the American Bar Association, the American Public Health Association, the Association of State and Territorial Health Officials, the National Academy of Sciences, and the U.S. Conference of Mayors, all have expressed their support for needle exchange, as part of a comprehensive HIV prevention program. A number of federally funded studies have reached the same conclusion and have found that needle exchange does not increase drug use—including a consensus conference convened by the National Institutes of Health, earlier this year.

In my own State of Maryland, injection drug use is the major mode of transmission for HIV/AIDS. Baltimore city's needle exchange program has been associated with a 40 percent reduction in new cases of HIV, and evaluation of the program has demonstrated that needle exchange did not increase drug use. In fact, a bill was approved to continue the program by an overwhelming vote in the Maryland State Legislature earlier this year. It passed by a vote of 113 to 23 in the house of delegates and by a vote of 30 to 17 in the State senate.

Nationally, 66 percent of all AIDS cases among women and more than half of AIDS cases in children are related to injection drug use. It is important to note that if the Secretary decided to lift the ban, Federal funding for needle exchange programs would not mean that local communities would have to implement them; only those communities that believe such a program would be effective in their HIV prevention strategy would do so—thereby leaving the decisionmaking to the local communities. Community-based solutions have always been the most effective prevention programs, and are consistent with our attempts in this House to prevent the Federal Government from interfering with local decisionmaking.

I urge my colleagues to act in the best interests of our Nation's public health. Retain the Secretary's authority to respond to public health threats, and vote ''no'' on the Hastert-Wicker amendment.

Mr. HASTERT. Mr. Chairman, I yield 1½ minutes to the gentlewoman from North Carolina [Mrs. MYRICK].

Mrs. MYRICK. Mr. Chairman, I rise in support of the amendment today. I have just three simple points.

One, I speak as a parent and also as a former mayor who spent many, many years in the local area fighting the drug war and knowing the ravages of what happens. It is simply not proper for the Federal Government to be funding a program, or any government, really, to fund a program like needle exchange. In a time when drug use is again on the rise, we simply should not send a message of tolerance in any form, because we need to discourage drug use, not try and make it safer for the user. It has been a fact, and it is still a fact, that when society disapproval of drug use drops, we see drug use rise; and we are in the midst of that there.

I reference one of the President's research reports in youth attitudes toward drugs. It is talking about marijuana and 12th graders, but it shows a definite rise. They are saying that there is a correlation between that and a 3-year lag in the rising cocaine use after that.

My concern is that heroin is now becoming the drug of choice. Anything that we begin to do that literally encourages that in any way, I believe is a big mistake. I urge people to support the Hastert amendment.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California [Mr. BECERRA], the distinguished chair of the Hispanic Caucus.

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

Mr. BECERRA. Mr. Chairman, I thank the gentlewoman for yielding time to me, and for her continued fight on behalf of people with HIV.

□ 1315

Mr. Chairman, certainly needle exchange programs will not reduce the use of drugs. But all the evidence and all the research out there tells us that needle exchange programs do reduce the spread of HIV.

The National Institutes of Health reports that needle exchange programs have brought down the spread of HIV by some 30 percent. When we consider that one needle costs a dime, and the estimate is that it costs some $120,000 to treat someone who gets HIV, we can understand why this is such a powerful program.

When we put on top of that the fact that one-third of all the cases of HIV are now related to drug use, and the fact that most of the new HIV cases among women and children are related to drug use, my colleagues can see how powerful a weapon this is.

Certainly, we just do not do a needle exchange program by itself. If we also want to address, and I hope we do, the issue of drug prevention, we have treatment programs, we have other avenues to try to make sure that we do reduce the use of drugs. But right now what we are talking about is trying to stop the spread of AIDS and HIV, and we should do whatever we can that has been proven to work to do so at a minimal cost.

Mr. Chairman, we may not succeed just through needle exchange in reducing drug usage. That is not the effort behind needle exchange programs. But we have proven through needle exchange programs that we will reduce the spread of HIV.

Why should we do this? Well, the U.S. Conference of Mayors tells us we should do this. Why? Because they have to deal with this most directly. We should follow the advice of those who have to deal with people who unfortunately have become infected by the HIV virus.

Unfortunately, there are impediments. We should not be an impediment. Let us let those local programs work and help them coordinate nationwide and let us do the right thing in trying to stop the spread of HIV. I urge my colleagues to oppose the Hastert amendment.

Mr. HASTERT. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I rise in support of this amendment, and I would disagree with some of the people who would claim that the current language in the bill does not represent a change in policy. I think it does. I think we do not have the data to support such a change in policy. For that reason, I highly encourage my colleagues to vote for this amendment.

Mr. Chairman, let me say that I think I can bring a little bit of perspective to this. Prior to coming to the Congress, I was a practicing physician. Many of my patients were AIDS patients. Indeed, my colleague and I for years were the only AIDS doctors in a county of 400,000 people. I saw them in my office. I went in the hospital in the middle of the night.

I have also taken care of a lot of drug addicts and I can tell my colleagues that these needle exchange programs, they cut down on the frequency of sharing needles but they do not bring this down to zero. If my colleagues deal with drug addicts, they will see why. They are pretty irrational people in their behavior most often, and a lot of them will cooperate with the exchange, but a lot of times they will still share needles. It is just a bare fact.

We have heard from a lot of people today that all the data is in and this works, needle exchange programs save lives. I can tell my colleagues that that indeed is not the case. There have been some significant articles in the medical literature that challenge that, and I think it is really a major mistake for

the Federal Government to get on this bandwagon.

Specifically, there is a 1996 study that was published in Lancet, and that is a British medical journal, a respected British medical journal, that showed that needle exchange programs, the people in the program have a two times greater risk of contracting AIDS. Not that it reduces, as some people have been claiming, the transmission of AIDS by 30 percent, but that it doubles the transmission of AIDS. Now, this is a study in a respected medical journal.

Mr. Chairman, additionally, probably one of the best journals, the best medical journals, is a journal called Epidemiology. Epidemiology is the study of the spread of disease, and they published in the Annals of Epidemiology a study this year, January of this year, that showed that needle exchange programs have no impact. There is no reduction in the transmission of AIDS.

So, if my colleagues like needle exchange, they can whip out all their studies that show it works. If my colleagues do not like needle exchange, they can whip out these studies and show it does not work.

Mr. Chairman, what I say to my colleagues is we are talking about Federal dollars and what we are going to be doing with Federal dollars. I think, considering that so many people think it is so objectionable, to do this, indeed, I have been informed by a Member since I have been on this floor that needle exchange programs are illegal in something like 45 States, I think it is very, very inappropriate for us to be giving this administration the freedom to go out and start engaging in more of this. I think we need more scientific data and more studies.

Mr. Chairman, I would encourage all of my colleagues to support the Hastert amendment.

Ms. PELOSI. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I want to first make the point there has been a lot of notion of felonious drug use and that we are going to promote it through opposition to this amendment. I remember a bumper sticker that used to say, ''If we outlaw guns, only the outlaws will have guns.''

Well, Mr. Chairman, if we outlaw needle exchange programs, then only the outlaws will have needles, dirty needles that are killing them.

Clearly, I do not have any medical testimony that suggests that I have the perfect answer. But I will suggest that the Federal Government is spending $120,000 over their lifetime to care for somebody infected with HIV virus, and it costs 10 cents to provide a sterile needle.

Mr. Chairman, I ask anyone listening to my voice, if given a free needle will they inject themselves? The attending physician here has people fainting by getting a flu shot. It is not something you would do naturally, is find a free needle and then suggest I think I will try heroin. It does not happen.

But what is happening is the disease of AIDS is being spread through the use of hypodermic needles. Plain and simple. I know this is a very sensitive area for people, and I do not want the Members who oppose the good amendment of the gentleman from Illinois [Mr. HASTERT] to suggest that we are for drug use, neither do I want the view of the gentleman from Illinois to be taken lightly. He has very serious concerns.

Mr. Chairman, maybe this Congress, through the deliberations being held today, could discuss creating a needle that is only for one-time use, whether it is for a diabetic user or someone else. Maybe we invent the technology that allows a needle to be only used once, a collapsible syringe type that has one-time use only. Maybe that is a better alternative, and we could eliminate this.

But if Members think that by not engaging in this debate we are furthering the health care of average Americans, we are not. They will still find the needle in the trash. They will still rob the doctor's office. They will rob the pharmacy or they will claim to be a diabetic to get that needle, and so the disease goes on and spreads throughout our community; 67 percent are through injection of drugs, and then we as a society pay for that.

What I thought was most important is that perhaps we have a chance of getting a person into counseling. And I agree, the gentleman from Oklahoma [Mr. COBURN] was absolutely right when he suggested why should they be given 40 needles in exchange for one? I do not agree with that type of program. I think they have to be very well-controlled and monitored.

But at the same time if we can lure one person off of heroin, one person off of drugs, one person off of catching or being exposed to HIV or AIDS, then we have done something meaningful here today. But to blanketly say that this administration is promoting drug use by trying to experiment in a very, very small controlled atmosphere is wrong.

Mr. Chairman, Members have denounced facts today that have been proven in New Haven, CT, and Tacoma, WA, about the reduction of the spread of AIDS. We see this. But in all due respect to the physicians who testified for the amendment, they have some valid points. But let us meet in the middle and talk about something new and different.

But most importantly, let us talk about lives and saving lives. Let us talk about minimizing the spread of AIDS and HIV. And, hopefully, let us talk about eradicating this Nation of the deadly drugs that are out there on our streets.

Ms. PELOSI. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in opposition to the Hastert amendment. As we discuss this on the floor today, I think it is truly important to keep reminding ourselves that the leading cause of death amongst adults 25 to 44 years old is AIDS. The leading cause of death. It is the seventh leading cause of death for all Americans.

Furthermore, we are not debating here the Federal program. We are debating whether the Secretary can use the money, after she has reported to Congress that studies show that it does not increase the number of drug users, injecting drug users, and that needle exchange programs actually reduce the spread. So she would have to report on those critical issues before anything could happen.

Mr. Chairman, in Connecticut, we have evidence, evidence that 52 percent of all injecting drug users were sharing needles. The needle exchange program reduced that amount sharing to 32 percent. Now, needle sharing is one of the three leading causes of AIDS spreading in America, the No. 1 cause of death amongst adults 25 to 44.

Mr. Chairman, why would we not allow the Secretary to release the money if she does the studies that come back and show, yes, like in Connecticut, needle sharing reduced the percent of injecting drug users who used other people's needles?

Now, it worked in Connecticut. The National Academy of Sciences found that there is no credible evidence to date that drug use has increased among participants as a result of the programs that provide legal access to sterile equipment. And I quote, ''The National Academy of Science's study concluded that the programs were effective at lowering the number of contaminated needles in circulation.''

Mr. Chairman, given the role that contaminated needles play in the spread of AIDS, and given that AIDS is the No. 1 killer of adult Americans 25 to 44, I urge my colleagues to not only oppose the Hastert amendment, but to allow our local mayors, our local program directors to make the difficult decision whether in their circumstances needle sharing is appropriate to fight AIDS and death.

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

Mr. Chairman, I have a news article here from the American Medical News talking about the needle exchanges in Connecticut. Children are finding needles in the streets and garbage. The States Attorney in Connecticut said he has written the Governor, legislature, and the head of the State Department of Public Health saying this is an abomination. These needles are finding their way to the street corner, the same brand that is in the needle exchange program. Frankly, it is a problem.

Ms. PELOSI. Mr. Chairman, I yield 30 seconds to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I would just like to say that

needle exchange programs have nothing to do with that problem of discarded needles being available and spreading infection. But the American Medical Association does support the underlying bill, as does the National Alliance of State and Territorial AIDS Directors, the National Research Council, the Institute of Medicine, the American Bar Association, and the U.S. Conference of Mayors, and those are the people on the frontlines.

Mr. HASTERT. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. Mr. Chairman, I am going to support this amendment. I want to provide some perspective on this issue by discussing who our government subsidizes through providing Federal funding for needle exchange programs or needle programs.

Mr. Chairman, I am vitally interested in the issue of diabetes, along with the gentlewoman from Oregon, Ms. FURSE, and Speaker GINGRICH. I am cochairman of the Diabetes Caucus. We have about 100 members in the Caucus here in the House.

□ 1330

There are 16 million diabetics in our country; 27 cents out of every Medicare dollar is used to pay for the complications of diabetes. It ranks about fourth on the death list in our country, not seventh like AIDS, and AIDS is a very serious issue and I am very concerned about it, but billions of dollars are spent on the consequences of diabetes.

At least 1 million children have diabetes, and they take two to three injections a day. No subsidy for them, for families that have to deal with this very serious disease that costs not only human suffering but lots of money in our society. They do not get subsidized.

If the evidence is, and it sounds to me like it is conflicting here today, if the evidence that the needle exchange programs perpetuate AIDS and illegal drug use, then we would be far better off to spend that money on subsidizing needle programs for diabetics, those families who have a major problem in paying for that cost for their children and for people all across the AIDS spectrum of our country.

I am going to support this amendment. I hope my colleagues will, also.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. MCDERMOTT], who has been a leader in the field of preventing the spread of AIDS internationally.

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

Mr. MCDERMOTT. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Florida [Mr. FOLEY] and the gentlewoman from Connecticut [Mrs. JOHNSON] because it really makes it very clear this is not a partisan issue. This is a public health issue.

My colleague from Washington made the best case for a national health insurance program that I have ever heard. But we are not talking about that today. We are talking about prevention of a disease. It is a program that works. And people at the local level in my State, in Tacoma, came up with local money to do this because they know what the costs are if we do not prevent.

Benjamin Franklin said, an ounce of prevention is worth a pound of cure. We spend millions, hundreds of millions of dollars on the cost of triple therapy, on homes for people living with AIDS, and all other kinds of things, but we will not spend money on a program that works at the local level to reduce the incidence of AIDS infection.

Members can argue out here and make this into somehow we are promoting drugs. That is the argument that has been made all over the country on this issue. But the fact is that if people are using clean needles, they are not going to be spreading the drugs, and we know that is a major route of infection, not only in the United States but worldwide.

This epidemic is not getting smaller. It is getting larger. It is spreading through all kinds of methods, but this is one of the main ones.

In my view, to take the step of taking away from the Secretary a route to deal with this issue nationally is simply to say we are willing to come back in here and put another $100 million or $500 million or whatever into triple therapy.

As long as the pharmaceutical industry can find ways to keep people alive longer, the costs are going to grow. If we want to be just fiscally sound, this is a fiscally sound program. Every conservative in the House ought to be for it because it saves money as well as deals with the problem in a humane way.

The CHAIRMAN pro tempore (Mr. LAHOOD). The Chair would advise Members that the gentleman from Illinois [Mr. HASTERT] has 6½ minutes remaining, and the gentlewoman from California [Ms. PELOSI] has 7½ minutes remaining.

Ms. PELOSI. Mr. Chairman, I yield 1 minute and 30 seconds to the gentlewoman from New York [Mrs. LOWEY], who is a member of the Subcommittee on Labor, Health and Human Services, and Education and former chair of the Congressional Caucus on Women's Issues.

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

Mrs. LOWEY. Mr. Chairman, I thank the gentlewoman for her important work on this issue and so many other issues on the committee.

Mr. Chairman, under current law no Federal funds may be used for needle exchange programs unless the Secretary of HHS determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

This amendment would ban the Secretary from exercising this authority. However, there is mounting scientific evidence that needle exchange programs are useful in controlling the spread of the deadly HIV virus while not encouraging elicit drug activity. Mr. Chairman, this evidence comes from the most reputable scientific agencies in the land, such as the NIH, the CDC, and National Research Council.

Leading sectors of the public health community support retaining the Secretary's authority to lift the ban on Federal funding for needle exchange programs and oppose this amendment. These organizations include the American Academy of Pediatrics, American Nurses Association, the AMA.

There is uncontestable evidence that the proportion of HIV cases related to injection drug use has dramatically increased over the last 15 years. In fact, injection drug users now account for almost two-thirds of all cases of newly acquired HIV infection.

This amendment will handicap public health officials from controlling the spread of HIV and AIDS, particularly in our inner cities.

I urge my colleagues, vote ''no'' on this amendment.

Mr. HASTERT. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. Mr. Chairman, I rise in support of this amendment. Americans do not support needle exchange programs. In fact, 62 percent of all Americans oppose needle exchange programs for drug addicts, and 88 percent are concerned that the programs cause a public health hazard as a result of poorly discarded needles.

Advocates of needle exchange programs say it will decrease the number of injection drug users who contract HIV and this has been proven to be untrue. According to a study from McGill and Montreal Universities, injection drug users who participated in a needle exchange program in Canada were two times more likely to become infected with HIV than those who did not.

Without passage of this amendment, the Secretary can authorize needle exchanges to be funded from taxpayer dollars. Under no circumstances should we allow Federal dollars to be spent on needle exchange programs, period.

Illegal drugs kill people, and I want to tell my colleagues, in my own home town of Plano, seven youths have died since the first of January this year, one of them in school, from drugs provided by clean needles.

We have got to stop the deadly use of illegal drugs, not encourage it. And Americans do not want, need, or deserve needle exchange programs funded by taxpayer dollars. Support this amendment.

Ms. PELOSI. Mr. Chairman, I yield myself 1 minute to respond to the gentleman about the attitudes of the American people.

The gentleman from Texas, my friend, knows that I hold him in high

regard, but I question the poll data that he might be citing.

Indeed, in March 1996, the Kaiser Foundation found that 66 percent of Americans favored, ''having clinics make clean needles available to IV drug users to help stop the spread of AIDS.'' And this year, in April 1997, a recent poll by the Tarrance Group found 53 percent of respondents approved needle exchange to help prevent HIV transmission. And that is the response that the American people give when they are asked if they want to support needle exchange programs to stop the spread of HIV–AIDS, especially among IV drug users.

The Family Research Council poll that has been cited by some of our colleagues today presented a scenario, the Swiss experience, which is not what we are talking about here. We are talking about a needle exchange. We are not talking about making drugs available. I do not know anybody who supports that formulation that was presented in the poll.

The facts are clear by the poll. Needle exchange to prevent AIDS plan is supported by overwhelming numbers of the American people.

Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, I did not go to med school. I went to law school. As such, I do not speak the language of medicine. I speak the language of logic.

I have to tell my colleagues, the last few days have been a revelation here. Because if the way we reduce teen pregnancies is to deny access to contraceptives to teens who are already sexually active, and if the way that we reduce drug use and HIV infection is to deny needle exchange to people who are already addicted to intravenous drug use, then I have to believe that the way to stop fires already started is to deny homeowners access to fire trucks.

Mr. HASTERT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. Mr. Chairman, I appreciate my colleague yielding me this time.

I think what we have is really competing public policy objectives, Members of goodwill on both sides trying to get at competing objectives.

On the one hand there is conflicting evidence, albeit some good evidence, and this amendment would take away the discretion of the Secretary to find that if, in fact, we can do more to prevent AIDS by needle exchange programs, that we would not be able to do so.

But stopping AIDS and stopping the threat of AIDS is only one policy objective. Even if this does that, and we have had a family member in my family who has died of AIDS, my wife did that bike ride from Raleigh to Washington to raise money for research for AIDS. I have been a strong supporter of AIDS research. It is very important; stopping the spread of AIDS is an important public policy objective. But we cannot look at that in a vacuum.

We also have other policy objectives as well. Why I am troubled by the needle exchange programs and Federal dollars going in to subsidize that is the fact that we are, in effect, sending conflicting messages to drug users. If you are an illegal drug user, the Federal Government will, in effect, subsidize that use. But if you are on diabetes, as the gentleman from Washington discussed a few minutes ago, if you are a veteran trying to get help, you end up buying your own needles. I think that is a bad message for the Federal Government to send. It is bad public policy in that sense.

It is for those reasons that trouble me that I am supporting the amendment in this case. The Federal Government should not be in the business of subsidizing illegal behavior. We have a rising drug epidemic in this country, and the message should be clear and concise, without any confusion at all, that we are going to do everything we can to stop the use of drugs, not to subsidize it.

The current policies, if this amendment does not pass, would in effect end up having the Federal Government subsidize that. I think the Members on the other side of this amendment have goodwill, but they are looking narrowly at one public policy objective, when I think we have a larger public policy objective here, and that is to stop illegal drug use in this country. I think this amendment goes to that objective. That is why I rise to support it.

Ms. PELOSI. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

[Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is mostly political suicide to stand up and oppose this amendment, but it is the high moral ground to be able to recognize the devastation of AIDS and drug use.

This is not the Federal Government promoting drug use. It is allowing local jurisdictions to make determinations that in their community the sharing of needles that are clean most helps to stem the tide of illegal drug use and the devastation that comes about.

Let us take the high moral ground, not the politically safe position, and allow local jurisdictions to make the choices of using their funds to save their community and to prevent the degradation of drug use and the violence of drug use in our communities.

Mr. HASTERT. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. PICKERING].

Mr. PICKERING. Mr. Chairman, I rise in support of this amendment. I come with two personal questions. As the father of four and as a son with a mother and father could I ask them for money to buy needles to then inject drugs into another person's veins? Could any in this Chamber actually stick a needle in another person's veins, and fill them with deadly drugs? That will give them a slow but sure death?

Congress must say no. It is immoral to do otherwise? We must stand together to give a clear signal that the problem is drug addiction. It is not AIDS.

For the best in public health, for the most compassionate response, I ask all to join in support of this amendment to prohibit taxpayer's money, from funding something that we believe is wrong.

At a time when drug abuse in this country is spiraling out of control and we hear daily of tragic tales where families have been devastated by drug abuse—I believe that this amendment sends the right kind of message.

The Federal Government is actively fighting a war on drugs, yet there has recently been a debate to federalize a program to provide syringes to drug addicts in hopes of lessening the spread of AIDS.

This is clearly an emotionally charged debate, but we cannot lose sight of what kind of message this sends to the children of this Nation.

I believe a federalized needle exchange program sends a mixed signal that will undermine the credibility of all our other anti-drug efforts. By implementing a needle exchange program we will be telling our children to ''Just say no,'' unless you have a free needle!

Let me take a moment to remind my colleagues that heroin use is still illegal in this country. I find it morally repugnant to think that we would even contemplate making the United States Government a co-conspirator in illegal drug use—that is destroying lives across this Nation.

If we truly want to fight and win the war on drugs, we must stop coddling addicts. Drug users need treatment, not encouragement to keep injecting deadly drugs into their bodies—and those of their unborn children.

I agree with Roman Catholic Cardinal John O'Connor who has said that the needle exchange program ''drags down the standards of all society. * * * It is an act born of desperation.''

Those who favor this program say that we may reduce the spread of AIDS and we may not increase drug use. But, the President's own former drug czar, Lee Brown, stated that his office could ''find no compelling reason for the administration to depart from existing Federal policy regarding needle exchange''—which does not allow for a Federal needle exchange program.

The new majority in Congress has encouraged and fostered personal responsibility. If we truly want the American people to take responsibility for their own actions, we cannot in the same breath give them a formal sanction for their illegal activities.

If the true intention of supporters of this program is the reduction of AIDS by drug users, then they should join us in eliminating the use of illegal drugs, not subsidizing it.

We should help addicts rid drugs from their lives, not give them a cleaner, better way of shooting up. The problem is not AIDS or needles—it is drug addiction.

□ 1345

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

Mr. Chairman, we have had certainly a spirited debate and, I think, certainly a debate that tries to bring in logic and experience. Quite frankly, the experience shows that free needle exchanges does not stop drug use, it does not stop the spread of AIDS, and in fact the studies cited show that AIDS spread.

Now, in this country, we face a huge challenge, a challenge as debated on the other side by people like the Sorros movement, where millions of dollars in California and Arizona were put into advertising, to promote illegal drug use as a matter of fact, not to make it illegal but to make it legal.

The same Sorros who owns the pharmaceutical companies, who owns the banks in Colombia and has the conference in Colombia, these are the people who are promoting needle exchanges and drug use in this country.

It is time that this Congress said no, that free needle exchanges are for one thing and one thing only, and that is to give people the ability to inject illegal drugs into their system and to pass needles out to people who have the intent to spread illegal drugs to themselves and others.

My fellow colleagues, it is wrong to do that. It is wrong public policy to give needles out to kids, just as it would be wrong public policy to give clean guns out to kids. My colleagues, we need to band together, this Congress needs to stand up for what is right and against what is wrong. And if we want to look at what is right, we need to ban free needle programs and the ability of this Government to hand out free needles.

It is not the intent of this country, it is not the intent of this Congress, and it is not the intent of the American people; 45 States ban free needle exchanges today. We should say no. Vote ''yes'' for this amendment.

Ms. PELOSI. Mr. Chairman, I yield myself the balance of my time. Before I close, I want to commend my colleague, the gentleman from Illinois [Mr. HASTERT], and my colleagues on both sides of the aisle for the civility and the tone of this debate. I think it is an important one for us to have, and I always enjoy working with the gentleman from Illinois and want to thank him for his courtesy during this debate.

Having said that, I rise in very, very strong opposition to the gentleman's amendment. First, I would like to say what a privilege it is to defend the subcommittee's position, to defend the bill; and I would like to read to my colleagues what the bill says on this issue.

The bill says,

> No funds appropriated under this act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drugs unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

What this amendment will do will remove the discretion from the Secretary of HHS and say that if the Secretary determines that such programs are effective in preventing the spread of HIV and do discourage the use of illegal drugs, that she does not have the discretion to have funds used on those needle exchange programs.

I just do not see how that makes sense from a humanitarian standpoint, from a scientific standpoint, or from a fiscal standpoint.

Starting at the fiscal end, if I did not think it would frighten my colleagues so much, I would have brought a hypodermic needle to the floor. The exchange of clean needles is very important in many ways including the fact that one hypodermic needle costs 10 cents.

The medical cost alone, lifetime medical cost alone of a person with HIV/AIDS is $120,000, not counting loss of productive years, taxes that person would pay, and just the human concerns we would have about that person's health. So in the interest of balancing the budget and cutting costs, the prevention a 10-cent hypodermic needle, a clean one, seems to me very cost effective.

We are talking, I want to emphasize to my colleagues, about needle exchange, not needle giveaway. The needle exchange programs do not increase the number of hypodermic needles in circulation because it is an exchange. To get a needle, one must bring a needle in. What these exchange programs do is decrease the number of contaminated needles that are in circulation, and in that way help stop the spread of AIDS.

The needle exchange programs are helping our young people because, in some instances, it is the only way they are drawn into a system of care. That is why on the scientific level there is so much support for lifting this ban or for sticking with the language in our bill.

In February of this year the National Institutes of Health sponsored a consensus development conference on interventions to prevent HIV risk behaviors. The group recommended lifting the current restrictions on the use of Federal funds for needle exchange programs, and that means also supporting groups which use funds for needle exchange programs. Their key findings were a 30 percent, or greater, reduction in HIV and other disease transmission and a preponderance of evidence which shows no change or indeed even decreased drug use.

During the NIH overview hearings that our subcommittee held, Dr. Varmus, the director of the National Institutes of Health, testified that in his view the ban on the use of Federal funds should be lifted and that science supported the findings outlined in section 505 of the appropriations bill. His findings were supported by Dr. Leshner of the National Institute on Drug Abuse and Dr. Hyman of the National Institutes of Mental Health.

Support the scientists that Congress has asked to give us their opinions. Vote against the Hastert amendment.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise today to strongly oppose the Wicker/Hastert amendment which would prohibit the use of Federal funds to implement or promote programs that remove AIDS-tainted needles from our streets. Passage of this amendment would mean that the Department of Health and Human Services would not be able to make determinations as to the scientific and public health merit of needle exchange programs and other blood-borne disease transmission and injection drug use.

Mr. Chairman, HIV transmission continues to rise at an alarming rate. From 1981 to today, the Centers for Disease Control and Prevention has received data on nearly 600,000 person wit AIDS from State and local health departments. Giving the alarmingly high rate of HIV transmission resulting from intravenous drug use, it is critical that informed policies be established to help contain the spread of HIV.

Research to date, provides strong scientific evidence that needle exchange programs can significantly reduce the risk of HIV among injection drug users without adverse impact on communities. At least six different government panels, and most recently a National Institute of Health Consensus Development Panel, have reviewed needle exchange programs and concluded that these programs are an effective method to curb the spread of HIV and other blood borne diseases.

Numerous respected organizations, including the American Medical Association, the American Bar Association, the U.S. Conference of Mayors, the National Black Caucus of State Legislators, the National Alliance of State and Territorial AIDS Directors, the National Research Council and the Institute of Medicine have also, all concluded, that needle exchange programs are effective.

It is vital, Mr. Chairman, if we are to begin to address this epidemic, that we must preserve the discretion of the Secretary of Health and Human Services to look at this issue on the basis of public health concerns and not politically expedient ones. Legislative bodies, such as this one, have been said to be the greatest threat to public health because of our failure to respond to research findings.

We must stop being a threat to the health of our constituents and meet the challenges that are important to saving millions of lives. We must exercise courage on this critical public health issue and vote no on this amendment.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I rise today in opposition to the amendment which would prohibit local communities from using Federal funds for needle exchange programs.

We all know that this is a difficult issue to debate. But, the fact is, is that AIDS is a huge problem in all of our communities, and that approximately one-third of reported AIDS cases are related to injection drug use. Communities across our country are finding ways to reduce the number of AIDS cases each year, including needle exchange programs. Needle exchange programs have been implemented in more than 100 communities around the country, including several in my own State of Connecticut, and there is a good deal of evidence that they are successfully reducing the number of new HIV infections.

In my own district in Connecticut, Hartford's needle exchange program actually takes in

more needles than it gives out. Almost 70,000 needles have been exchanged; almost 40 percent of the needles returned to the program prove to be infected with HIV antibodies. This program is removing hundreds of infected needles from circulation, yet costs only $120,000 a year, the cost of treatment for two individuals with full-blown AIDS.

Because the HIV epidemic is different across our country, communities need to be able to develop their own HIV prevention plans. In Connecticut, the State-funded needle exchange programs are working to decrease the spread of HIV. At a time when this devastating disease is so rampant, I believe it is time we lend our support to our communities and States.

I urge my colleagues to oppose this amendment and show our support for local HIV-prevention programs.

Ms. HOOLEY of Oregon. Mr. Chairman, I rise in opposition to this amendment, but I would like to make several points very clear. This amendment is not about whether or not we should be providing free syringes to drug users. Like most of my colleagues, I would oppose any program that would promote any form of drug abuse, especially among intravenous users.

However, let's speak to the facts, Mr. Chairman. There is no Federal needle-exchange program in existence at this point. There have been programs implemented in more than 100 communities around the country, and many of those communities have seen a significant decrease of new HIV infections as a result. This amendment, however, would not directly address these programs. Rather, it would preclude the Secretary of Health and Human Services from doing her job to identify public health issues and promote programs to improve the health of the U.S. population. This, Mr. Chairman, is a solution in search of a problem.

If anyone here contends that we are no longer in a crisis situation concerning the spread of HIV in this Nation, then this Nation is in a state of denial.

Approximately one-third of reported AIDS cases are related to injection drug use, as are most new AIDS cases among the heterosexual population. So I disagree with the sponsor of this amendment, my distinguished colleague from Illinois, that this is a behavior that the public health community should ignore.

Current language in this bill already prohibits local communities from using Federal funds for needle exchange programs unless the Secretary determines that exchange programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs. This effective prohibition has been in effect since 1990.

I hope that my colleagues and the American public will see through this political gimmick and maintain current law. I urge a no vote on this amendment and thank the chairman for this time.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Illinois [Mr. HASTERT].

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

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

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, further proceedings on the amendment offered by the gentleman from Illinois [Mr. HASTERT] will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENTS.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 508. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

AMENDMENT OFFERED BY MR. HYDE

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

The Clerk read as follows:

Amendment offered by Mr. HYDE:

Page 94, strike lines 16 through 21 and insert the following (and redesignate the succeeding sections accordingly):

SEC. 508(a) None of the funds appropriated under this Act shall be expended for any abortion.

(b) None of the funds appropriated under this Act shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509(a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds) for abortion services or coverage of abortion by contract or other arrangement.

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider or organization from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with state funds (other that a State's contribution of Medicaid matching funds).

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

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

There was no objection.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes and that the time be equally divided between the gentleman from Illinois [Mr. HYDE] and the gentlewoman from New York [Mrs. LOWEY].

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

There was no objection.

The CHAIRMAN pro tempore. This amendment will be considered for 10 minutes; 5 minutes controlled by the gentleman from Illinois [Mr. HYDE] and 5 minutes controlled by the gentlewoman from New York [Mrs. LOWEY].

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

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

Mr. Chairman, this is an updated version of the Hyde amendment which has been in the law since 1976. Essentially, the Hyde amendment denies the use of Federal funds to pay for Medicaid abortions except where the life of the mother would be endangered if the fetus were carried to term and except in cases of rape and incest.

We have found over the years that the Hyde amendment, which as I say has been the law since 1976 in one version or the other, needs to be updated because of the prevalence of health maintenance organizations.

Early on, about 9 percent of the Medicaid patients were served by health maintenance organizations and the general procedure was a fee-for-service procedure. The Hyde amendment withheld Federal funds for abortions, except, as I explained earlier, with the three exceptions.

Now we find about 40 percent of the Medicaid patients are being served by health maintenance organizations, and the concern has been expressed that under the vaguely worded plans of those HMOs, abortions could end up being paid for with Federal funds. So

we have clarified the intent and applied it to managed care situations so that no Federal funds can be expended for abortions, whether it is fee-for-service or under a managed care plan.

I want to make clear this does not broaden the Hyde amendment. It does not include anybody that has not previously been included. What it does is clarify its applicability to the managed care situation. An HMO can still perform and provide abortion services or, as they are euphemistically called, ''reproductive services,'' if they are paid for by non-Medicaid funds, namely State funds or private funds.

We also have clarified the exception for the life of the mother by requiring a greater degree of specificity from the doctor certifying the life-threatening situation. And that simply is recognizing that some doctors conclude that merely being pregnant is life-threatening and, hence, negating the effect of the Hyde amendment.

So it is an updating of the Hyde amendment; it is not a broadening. It does not include anybody who was not included before.

I want to say before I yield my time that every word of this amendment has been negotiated strenuously with the gentlewoman from New York [Mrs. LOWEY] and her supporters, the gentlewoman from California [Ms. PELOSI] and the gentlewoman from Connecticut [Ms. DELAURO] and the gentlewoman from New York [Ms. SLAUGHTER] and others, and they in no manner can be said to support the amendment. They have opposed it over the years and they do so now.

But I would be remiss if I did not say that dealing with them on this highly emotional issue was a professional experience and one that I am pleased with because we retained civility while we disagreed strenuously, and that is an ideal situation.

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

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

Mr. OBEY. Mr. Chairman, I certainly say I support the gentleman's amendment. As he knows, I was involved in those negotiations, and I think that they reached an extremely constructive result, and I appreciate the attitude of all of the parties involved.

This is a logical action to reflect changes as HMOs deliver more and more health services, and I appreciate the gentleman's constructive attitude on it.

Mr. HYDE. Mr. Chairman, reclaiming my time, I also wish to thank the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY]. I omitted them in my praising of the women, but they were very professional and helpful on this very difficult issue.

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

Mr. HYDE. I yield to my colleague from Illinois.

Mr. PORTER. Mr. Chairman, as one who has been a long-long-time supporter of the Hyde amendment, and as one who is most proud to have cast his first legislative vote ever in favor of the gentleman from Illinois as Speaker of the Illinois House, I was very pleased to work with the gentleman and with the gentlewoman from New York [Mrs. LOWEY] in attempting to find the common ground that is needed on this amendment. We did that.

I commend the gentleman for his unending strong leadership in this area and for what he deeply believes in, and am pleased to support the amendment.

□ 1400

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

Mr. Chairman, I want to begin by thanking the gentleman from Illinois for working with us to improve and clarify his amendment. Although I disagree strenuously with the gentleman from Illinois [Mr. HYDE] on the abortion issue, he certainly is a gentleman and a man of his word, and I am pleased that the gentleman has changed his amendment to satisfy our concerns that it would have prevented private insurance plans from offering abortion coverage. We no longer object to it on those grounds.

I also want to thank the gentleman from Wisconsin [Mr. OBEY], the gentleman from Illinois [Mr. PORTER], the gentleman from Louisiana [Mr. LIVINGSTON], the gentlewoman from California [Ms. PELOSI], the gentlewoman from Connecticut [Ms. DELAURO] and all the people who worked so hard to make this possible.

However, I continue to oppose the Hyde amendment for the same reason I have opposed it every year since being elected to Congress. The Hyde amendment, in my judgment, blatantly discriminates against poor women by preventing them from obtaining safe, legal abortions. I abhor the Hyde amendment, and I oppose its punitive restriction on low-income women. A woman's ability to obtain an abortion should not depend on her income. By creating a two-tiered health care system, the Hyde amendment prevents lower income women from obtaining vital reproductive health services. That is wrong. Federal health programs must cover the full range of reproductive health care services, including abortion.

The Hyde amendment also puts the health of American women at risk. Funding restrictions that deter or delay women from seeking abortions make it more likely that women will bear unwanted children, continue a potentially health-threatening pregnancy or have abortions later in pregnancy.

I am also outraged that the amendment's life exception effectively narrows the protection accorded to women by Roe versus Wade. The antichoice Republican leadership has been waging war on the reproductive rights of American women since taking over Congress in 1994. Poor women have been especially vulnerable to this assault.

In fact, in the last Congress I would like to remind my colleagues that the Republican leadership voted to limit abortion rights more than 50 separate times, a new record, and the assault does not stop with abortion. At the same time that the Republican leadership is reducing access to abortion, they are also attacking family planning programs that prevent unplanned pregnancies and reduce the number of abortions.

And so, if this is the Republican vision for women as we head into the 21st century, no access to family planning, no access to safe, legal abortion, no control over our own bodies, we have a different vision. We will continue to fight to ensure that women are able to obtain safe, legal abortions, and we will work to reduce the number of abortions by providing women with greater access to family planning and contraceptives. We will work to empower women to help them make responsible choices about their own bodies. The Republicans have chosen, unfortunately, to make our bodies their battleground. They will not succeed, and they cannot succeed.

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the Hyde amendment. While my colleague Mrs. LOWEY worked diligently with Mr. HYDE to clarify the scope of his amendment, it is still not language that we can accept. The Medicaid Program provides for the use of Federal and State funds for medical care for low-income individuals, including necessary health care related to pregnancy. As the Supreme Court decided in Roe versus Wade, abortion is a legal medical procedure. By forcing poor women to carry possibly health threatening pregnancies to term, the Hyde amendment is contrary to the goals of Medicaid itself, which is designed to protect the health of indigent women by enabling them to obtain needed medical services they are unable to afford.

I believe it is the hope of all in this body that we can increase biomedical research and contraceptive care in order to provide better health choices for women so the number of abortions performed each year will be reduced. But to deny poor women access to a legal medical procedure is to segregate by class or financial resources. To limit the right to choose only to those who can afford to choose is unacceptable. I urge my colleagues to oppose the Hyde amendment.

Mr. FAZIO of California. Mr. Chairman, I rise today in opposition to the Hyde amendment.

Every year since 1977, Congress has attached a version of the Hyde amendment to the Labor, Health and Human Services and Education appropriations bill. For 20 years now, many of my colleagues have supported the traditional Hyde amendment, which restricts the use of Federal Medicaid funds to pay for abortion services and has made exceptions only in cases of rape or incest or when the life of the mother is in danger.

I am glad that an expanded version of the Hyde amendment that was originally proposed is not being offered today. An expanded Hyde amendment would have prevented private managed care organizations from contracting with Medicaid if an organization provided coverage for reproductive health services to private patients. This version would have seriously infringed upon the rights of private health insurance companies and the rights of women to receive legal coverage of abortion.

But, once again, a form of the original Hyde amendment is before us today, and this version of the Hyde amendment still infringes upon the rights of women as it has for the past 20 years. The Hyde amendment discriminates against the rights of low-income women. By preventing Medicaid recipients from receiving coverage for abortion services, the Hyde amendment singles out women on Federal assistance, and in doing so, prevents these women from exercising a constitutionally protected right.

Congress rejected making the language of the Hyde amendment permanent in this year's budget bill. We must be as strong in our opposition to this language during the appropriations process as we were in the budget process. I would hope that this year, Congress will reconsider the prohibitive language of the Hyde amendment and finally reject adding this language to the Labor-HHS-Education appropriations bill.

I urge my colleagues to vote against the Hyde amendment and, for the first time in 20 years, protect the rights of all women.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore (Mr. LAHOOD). Pursuant to order of the House of Thursday, July 31, 1997, the Chair announces that following any recorded vote on the pending amendment, he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the Hefley, Crane, and Hastert amendments on which the Chair has postponed further consideration.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. OBEY. Mr. Chairman, I think that there was considerable inattention to the Chair's comments, and I think that there may be confusion in terms of which order we are going to be voting in.

The CHAIRMAN pro tempore. The first vote will be on the Hyde amendment, the second vote will be on the Hefley amendment, the third vote will be on the Crane amendment, and the fourth vote will be on the Hastert amendment. The last 3 votes will be 5-minute votes.

The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 270, noes 150, not voting 13, as follows:

[Roll No 388]

AYES—270

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonior
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—150

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gilman
Greenwood
Gutierrez
Harman
Hinchey
Hinojosa
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Morella
Nadler
Olver
Owens
Pallone
Pastor
Pelosi
Pickett
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Stabenow
Stark
Stokes
Strickland
Tauscher
Thompson
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—13

Bonilla
Borski
Delahunt
Dellums
Gonzalez
Green
Hall (OH)
Hastings (FL)
Hilliard
Moran (VA)
Payne
Schiff
Solomon

□ 1423

The Clerk announced the following pair: On this vote:

Mr. Bonilla for, with Mr. Dellums against.

Mr. SHAYS and Mrs. CLAYTON changed their vote from ''aye'' to ''no.''

Mr. GILCHREST and Mr. GIBBONS 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. HALL of Ohio. Mr. Chairman, I was inadvertently delayed for rollcall vote No. 388, the Hyde amendment. Had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

Mr. FRANKS of New Jersey. Mr. Chairman, on rollcall vote No. 388, the Hyde amendment of the Labor, Health and Human Services appropriations bill, I inadvertently and mistakenly

voted ''aye.'' Please let the RECORD show that I intended to vote ''no'' on this amendment.

AMENDMENT NO. 25 OFFERED BY MR. HEFLEY

The CHAIRMAN pro tempore (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 155, noes 265, not voting 13, as follows:

[Roll No. 389]

AYES—155

Aderholt
Archer
Armey
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bilirakis
Bliley
Blunt
Boehner
Bono
Brady
Bryant
Bunning
Burton
Buyer
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Foley
Fowler
Gallegly
Ganske
Gibbons
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
Largent
Lewis (KY)
Linder
Livingston
LoBiondo
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Riggs
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Sisisky
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Thomas
Thornberry
Tiahrt
Traficant
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Wicker

NOES—265

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baker
Baldacci
Barcia
Barrett (WI)
Bass
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Callahan
Calvert
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Gordon
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hefner
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Skaggs
Skeen
Skelton
Slaughter
Smith (OR)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson
Thune
Thurman
Tierney
Torres
Towns
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—13

Bateman
Becerra
Bonilla
Borski
Delahunt
Dellums
Gonzalez
Hastings (FL)
Hilliard
Payne
Schiff
Solomon
Taylor (NC)

□ 1431

Mrs. CUBIN and Mr. HILL changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BATEMAN. Mr. Chairman, on rollcall No. 389, I was detained and missed the vote. Had I been present, I would have voted ''no.''

AMENDMENT NO. 28 OFFERED BY MR. CRANE

The CHAIRMAN pro tempore (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois [Mr. CRANE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 78, noes 345, not voting 10, as follows:

[Roll No. 390]

AYES—78

Archer
Armey
Barr
Barrett (NE)
Bartlett
Barton
Boehner
Bono
Brady
Bryant
Burton
Campbell
Canady
Cannon
Chabot
Chambliss
Christensen
Coburn
Collins
Combest
Cox
Crane
DeLay
Doolittle
Dreier
Dunn
Ehrlich
Ensign
Graham
Hastings (WA)
Hayworth
Herger
Hilleary
Hostettler
Hunter
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kingston
Largent
Linder
LoBiondo
Manzullo
McIntosh
Metcalf
Miller (FL)
Myrick
Neumann
Norwood
Paul
Paxon
Petri
Pitts
Pombo
Radanovich
Riley
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shuster
Snowbarger
Solomon
Stearns
Stump
Talent
Thornberry
Tiahrt
Wamp
Weldon (FL)

NOES—345

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Capps
Cardin
Carson
Castle
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)

Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hefley
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—10

Bonilla
Borski
Delahunt
Dellums
Gonzalez
Hastings (FL)
Meek
Payne
Schiff
Taylor (NC)

□ 1440

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HASTERT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois [Mr. HASTERT] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 266, noes 158, not voting 9, as follows:

[Roll No. 391]

AYES—266

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Forbes
Fowler
Fox
Franks (NJ)
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Manzullo
Mascara
McCarthy (MO)
McCollum
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)

NOES—158

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Cooksey
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Greenwood
Gutierrez
Harman
Hilliard
Hinchey
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Kolbe
Kucinich
Lampson
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McKinney
Meehan
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (VA)
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stokes
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—9

Bonilla
Borski
Dellums
Gonzalez
Hastings (FL)
Meek
Payne
Schiff
Taylor (NC)

□ 1449

The Clerk announced the following pair:

On this vote:

Mr. Bonilla for, with Mr. Dellums against.

□ 1449

Mr. REYES and Mr. OBERSTAR changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I rise for the purpose of engaging in a colloquy with the gentleman from Illinois [Mr. PORTER].

Mr. Chairman, the gentleman from Illinois is to be commended for his strong support for the Job Corps program. As the gentleman is well aware, Job Corps is our Nation's oldest, largest, and most comprehensive national residential and training program for unemployed, undereducated, and at-risk youth, and has provided almost 2 million disadvantaged youth with needed skills to become productive members of society. In the last program year, 75 percent of all Job Corps students were placed into employment or higher education when they left the program.

Mr. Chairman, this legislation provides over $1.2 billion for Job Corps for fiscal year 1998. Through the leadership of the gentleman from Illinois, Job Corps received a $93 million increase from this year's appropriation. In its report, the subcommittee designated $2 million of this funding for the Department of Labor to use, and I quote, ''For serving more at-risk youth through Job Corps, such as constructing satellite centers in proximity to existing high-performing Job Corps centers, particularly in States without Job Corps campuses.''

Mr. Chairman, as the gentleman is aware, my home State of Delaware does not have a Job Corps center, despite substantial community support for such a facility and a demonstrated need for the services that it would provide to Delaware's economically disadvantaged youth. Delaware is only a short distance from the Philadelphia Job Corps Center, a center that is considered one of the best in the Nation.

Mr. Chairman, I ask the gentleman whether it was the subcommittee's intent, when including this language and these funds in its bill, for the Department of Labor to expend $2 million in fiscal year 1998 for the potential purpose of establishing a satellite of the high-performing Philadelphia Job Corps Center in Delaware.

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

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

Mr. PORTER. Mr. Chairman, the gentleman is correct that it was our intent that the Department of Labor expend $2 million in fiscal year 1998 to pursue expansion of Job Corps programs in States that do not currently have Job Corps presence, such as Delaware.

Mr. CASTLE. Mr. Chairman, reclaiming my time, I would further like to ask the gentleman whether it is the subcommittee's intent that the Department of Labor proceed expeditiously, this year, with site selections, facility rehabilitation, and leasing of suitable sites in areas that are allowable under guidelines spelled out in the committee report, and that through this approach fiscal year 1999 funds could be allocated for operational purposes.

Mr. PORTER. Mr. Chairman, if the gentleman would continue to yield, I would tell the gentleman from Delaware that it is the subcommittee's intent that the Department of Labor expend the funding within this bill this year and move forward with the process of site selections, facility rehabilitation, and the leasing of suitable sites in areas that are allowable under the committee's guidelines. Through this approach, fiscal year 1999 funds could later be allocated for operational purposes.

Mr. CASTLE. Mr. Chairman, reclaiming my time, I thank the gentleman from Illinois for this clarification and for his support.

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

The Clerk read as follows:

SEC. 509. Notwithstanding any other provision of law—

(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation Act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purpose for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this Act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

SEC. 510. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $5,000,000.

SEC. 511. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' include any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 512. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES.—None of the funds made available in this Act may be used for any activity when it is made known to the Federal official having authority to obligate or expend such funds that the activity promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that Federally-sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 513. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 514. (a) FEES FOR FEDERAL ADMINISTRATION OF STATE SUPPLEMENTARY SSI PAYMENTS.—

(1) OPTIONAL STATE SUPPLEMENTARY PAYMENTS.—

(A) IN GENERAL.—Section 1616(d)(2)(B) of the Social Security Act (42 U.S.C. 1382e(d)(2)(B)) is amended—

(i) by striking ''and'' at the end of clause (iii); and

(ii) by striking clause (iv) and inserting the following:

''(iv) for fiscal year 1997, $5.00;

''(v) for fiscal year 1998, $6.20;

''(vi) for fiscal year 1999, $7.60;

''(vii) for fiscal year 2000, $7.80;

''(viii) for fiscal year 2001, $8.10;

''(ix) for fiscal year 2002, $8.50; and

''(x) for fiscal year 2003 and each succeeding fiscal year—

''(I) the applicable rate in the preceding fiscal year, increased by the percentage, if any, by which the Consumer Price Index for the month of June of the calendar year of the increase exceeds the Consumer Price Index for the month of June of the calendar year preceding the calendar year of the increase, and rounded to the nearest whole cent; or

''(II) such different rate as the Commissioner determines is appropriate for the State.''.

(B) CONFORMING AMENDMENT.—Section 1616(d)(2)(C) of such Act (42 U.S.C. 1382e(d)(2)(C)) is amended by striking ''(B)(iv)'' and inserting ''(B)(x)(II)''.

(2) MANDATORY STATE SUPPLEMENTARY PAYMENTS.—

(A) IN GENERAL.—Section 212(b)(3)(B)(ii) of Public Law 93–66 (42 U.S.C. 1382 note) is amended—

(i) by striking ''and'' at the end of subclause (III); and

(ii) by striking subclause (IV) and inserting the following:

''(IV) for fiscal year 1997, $5.00;

''(V) for fiscal year 1998, $6.20;

''(VI) for fiscal year 1999, $7.60;

''(VII) for fiscal year 2000, $7.80;

''(VIII) for fiscal year 2001, $8.10;

''(IX) for fiscal year 2002, $8.50; and

''(X) for fiscal year 2003 and each succeeding fiscal year—

''(aa) the applicable rate in the preceding fiscal year, increased by the percentage, if any, by which the Consumer Price Index for the month of June of the calendar year of the increase exceeds the Consumer Price Index for the month of June of the calendar year preceding the calendar year of the increase, and rounded to the nearest whole cent; or

''(bb) such different rate as the Commissioner determines is appropriate for the State.''.

(B) CONFORMING AMENDMENT.—Section 212(b)(3)(B)(iii) of such Act (42 U.S.C. 1382 note) is amended by striking ''(ii)(IV)'' and inserting ''(ii)(X)(bb)''.

(b) USE OF NEW FEES TO DEFRAY THE SOCIAL SECURITY ADMINISTRATION'S ADMINISTRATIVE EXPENSES.—

(1) CREDIT TO SPECIAL FUND FOR FISCAL YEAR 1998 AND SUBSEQUENT YEARS.—

(A) OPTIONAL STATE SUPPLEMENTARY PAYMENT FEES.—Section 1616(d)(4) of the Social Security Act (42 U.S.C. 1382e(d)(4)) is amended to read as follows:

''(4)(A) The first $5 of each administration fee assessed pursuant to paragraph (2), upon collection, shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

''(B) That portion of each administration fee in excess of $5, and 100 percent of each additional services fee charged pursuant to paragraph (3), upon collection for fiscal year 1998 and each subsequent fiscal year, shall be credited to a special fund established in the Treasury of the United States for State supplementary payment fees. The amounts so credited, to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred in carrying out this title and related laws.''.

(B) MANDATORY STATE SUPPLEMENTARY PAYMENT FEES.—Section 212(b)(3)(D) of Public Law 93–66 (42 U.S.C. 1382 note) is amended to read as follows:

''(D)(i) The first $5 of each administration fee assessed pursuant to subparagraph (B), upon collection, shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

''(ii) The portion of each administration fee in excess of $5, and 100 percent of each additional services fee charged pursuant to subparagraph (C), upon collection for fiscal year 1998 and each subsequent fiscal year, shall be credited to a special fund established in the Treasury of the United States for State supplementary payment fees. The amounts so credited, to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred in carrying out this section and title XVI of the Social Security Act and related laws.''.

(2) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—From amounts credited pursuant to section 1616(d)(4)(B) of the Social Security Act and section 212(b)(3)(D)(ii) of Public Law 93–66 to the special fund established in the Treasury of the United States for State supplementary payment fees, there is authorized to be appropriated an amount not to exceed $35,000,000 for fiscal year 1998, and such sums as may be necessary for each fiscal year thereafter, for administrative expenses in carrying out the supplemental security income program under title XVI of the Social Security Act and related laws.

SEC. 515. Section 520(c)(2)(D) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997, is amended by striking ''September 30, 1997'' and inserting in lieu thereof ''December 31, 1997''.

AMENDMENT OFFERED BY MR. HOYER

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

The Clerk read as follows:

Amendment offered by Mr. HOYER:

Page 102, after line 24, insert the following new section:

SEC. 516. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''DEPARTMENT OF LABOR—Employment and Training Administration—State Unemployment Insurance and Employment Service Operations'' from the Unemployment Trust Fund (and the amount specified under such heading for assisting States to convert their automated State employment security agency systems to be year 2000 compliant), and increasing the amount made available for ''DEPARTMENT OF HEALTH AND HUMAN SERVICES—Centers for Disease Control and Prevention—Disease Control, Research, and Training'' from general Federal funds, by $7,000,000.

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

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

There was no objection.

Mr. HOYER. Mr. Chairman, this is a critically important amendment that I offer on behalf of the gentleman from Maryland [Mr. GILCHREST], the gentleman from Delaware [Mr. CASTLE], myself, and all the Members, I believe, of the delegations of Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida. This is obviously a Central to South Atlantic problem.

Mr. Chairman, our amendment seeks to address a growing environmental and health problem in the Chesapeake Bay watershed and throughout the Atlantic seaboard. Many of my colleagues may be familiar with the microscopic organism called Pfiesteria. While this organism has been in the environment for millions of years, current conditions in the waterways have triggered the cell to move into at least 24 different stages, some of which are toxic.

Mr. Chairman, in the past few years, several of these stages have become lethal to fish and cause adverse effects to humans who come in contact with it. While North Carolina has previously witnessed a fish kill on its shores in the billions, in late August Maryland experienced a prolonged fish kill on the lower Pocomoke River in the district of the gentleman from Maryland [Mr. GILCHREST].

Mr. Chairman, just yesterday I spoke with Maryland Governor Glendening, who informed me of yet another fish kill, which my colleagues read about today in the Washington Post.

□ 1500

This elusive microscopic organism has been blamed for killing over 30,000 fish in the Pocomoke River alone this summer, as well as causing adverse health effects, and this is a critical point, to humans, including skin lesions, respiratory problems, memory loss, and immune system depression.

All of the States from Delaware to Florida are concerned by this organism and its effects on human health, tourism, and the economy. In Maryland, it has already begun to take a tremendous toll on the seafood industry.

Our amendment, Mr. Chairman, will appropriate $7 million to the Centers for Disease Control to address the emerging issue of human health effects from exposure to Pfiesteria. Specifically they will develop and implement a multistate disease surveillance system that will identify and monitor health effects in people who have been exposed to waters likely to contain this organism.

The CDC, Mr. Chairman, is well-equipped to work with State health departments and university laboratories, and these funds will be used to develop a multistate response which will focus on waters in Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, and Florida.

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

Mr. HOYER. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, if the gentleman from Maryland would explain to me, how do they know a fish has memory loss?

Mr. HOYER. The answer to that question is, Mr. CALLAHAN, I would not know because I forgot. I knew the answer once but I forgot it.

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

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

Mr. GILCHREST. Mr. Chairman, I can give a response to that. The question is not whether fish have memory loss. The question is that it has been confirmed that humans that come in contact with this micro-organism not only have memory loss but have other severe neurological problems that can lay dormant and reoccur 6 years later.

Mr. HOYER. Mr. Chairman, reclaiming my time, I will tell the gentleman, I think the gentleman from Alabama knew that. I think he was just giving us a little fish story.

But that aside, this is obviously a very serious problem. This funding will not be the entire solution to the problem. The CDC, however, will play a major role in this effort, specifically in the public health arena.

Of course, as my friend, the gentleman from Maryland [Mr. GILCHREST], has just pointed out, the impact now is not just on fish, although billions, I repeat, billions with a ''B,'' of fish have been killed in North Carolina and now hundreds of thousands in Maryland. This funding will be critical in determining the impact that has on human health, as the gentleman from Maryland so correctly pointed out.

Mr. Chairman, Pfiesteria is responsible for killing more than a billion fish. People and Newsweek magazine have called it the cell from hell. This is a critical moment in the fight against Pfiesteria. I urge my colleagues to support this amendment.

I also want to say to the chairman of our committee, the gentleman from Illinois [Mr. PORTER], I thank him and I thank the staff for working very closely with us as this became a crisis situation and evidently we had to move quickly.

I thank the gentleman from Wisconsin [Mr. OBEY], the ranking member, and his staff for working with us.

Mr. Chairman, I rise today with my colleagues from States throughout the mid-Atlantic region and Southeast, to offer a bipartisan amendment to H.R. 2264, the Labor, Health, and Education Appropriations Act. Our amendment seeks to address a growing environmental and health problem in the Chesapeake Bay watershed and throughout the Atlantic seaboard. Many of my colleagues may be familiar with a microscopic organism called Pfiesteria. While this organism has been in the environment for millions of years, current conditions in the waterways, especially high nutrients, have triggered the cell to morph into at least 24 different stages, some of which are toxic. In the past few years, several of these stages have become lethal to fish and caused adverse health effects to humans who come into contact with it.

While North Carolina has previously witnessed a fish kill on its shores in the billions, in late August Maryland experienced a prolonged fish kill on the lower Pocomoke River. And just yesterday, I spoke with Maryland Gov. Parris Glendening who informed me of yet another fish kill in a completely separate watershed on the lower-Eastern Shore.

This elusive microscopic organism has been blamed for killing over 30,000 fish in the river this summer, as well as causing adverse health effects to humans including skin lesions, respiratory problems, memory loss, and immune system depression.

Mr. Chairman, this is not a problem affecting only Maryland. In the Delaware inland bays there have been reports of numerous fish kills. And in addition to North Carolina, all of the States from Delaware south to Florida are concerned about Pfiesteria and its effects on human health, tourism, and the economy. In Maryland, it has already begun to take a tremendous toll on the seafood industry.

Our amendment will appropriate $7 million to the Centers for Disease Control and Prevention to address the emerging issue of human health effects from exposure to Pfiesteria. The Disease Control, Research, and Training Operation of the CDC is in a unique position to lead the public health response to this threat and has the crucial epidemiologic and laboratory resources that are necessary to address this issue in a timely manner. Specifically, they will develop and implement a multi-State disease surveillance system that will identify and monitor health effects in people who have been exposed to waters likely to contain this organism. Moreover, they will initiate case-control studies when new incidents of exposure are identified. The CDC is well equipped to work with State health departments and university laboratories and these funds will be used to develop a multi-State response plan which will focus on waters in Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, and Florida.

Mr. Chairman, this funding will not be the entire solution to this problem. The CDC will play a major role in this effort, specifically in the public health arena. However, I will continue to work with my colleagues in the seven identified States to develop a comprehensive plan to address this problem, which will involve several Federal and State agencies.

Mr. Chairman, Pfiesteria is responsible for killing more than a billion fish. People and Newsweek magazines have called it the cell from hell. This is a critical moment in the fight against Pfiesteria and I urge my colleagues to support this amendment. We must address this problem now before it continues to spread across the rest of the Atlantic seaboard.

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

Mr. Chairman, I rise to encourage my colleagues to vote for this funding for the Centers for Disease Control for this rather extraordinary situation, not only on the East Coast of the United States but this is found under certain conditions in coastal waters which meet a certain criteria worldwide.

We are concerned with this not only in the coastal waters of the United States, but the Centers for Disease Control is looking into this particular issue along with other scientists worldwide.

As my colleague from Maryland has stated, over a billion fish, that is with a *B*, that is hard to imagine, but in the last 6 years over a billion fish on the East Coast, most of them in the tidal estuaries of North Carolina, have died as a result of this microorganism that comes to life, has 24 different life cycles, several of them toxic. To give Members some sense of this microorganism, it is a cross between a vegetable and an animal, depending on the life cycle.

Now, in human beings, first of all, I want to make sure that Members understand, we are not creating hysteria here, even though that sounds like Pfiesteria, this is not a situation where Members can become afraid of waters on the coastal areas of the United States. There are certain conditions which they need to stay away from, but for the most part, the Chesapeake Bay, the areas around North Carolina, from Delaware to Florida, are fine.

But we have seen a phenomenon here that scientists have told us they were not able to anticipate. As a result of that, this needs to be studied, not only for fish health but for the health of human beings who become exposed to these areas at a critical time.

What I would like to read just briefly to my colleagues are some of the human health conditions that can result as a result of exposure to these microorganisms called Pfiesteria.

You can have a drugged feeling effect. You can have uniform reddening of the eyes. You can have blotches and lesions on the skin. You can have severe headaches, blurred vision, nausea and vomiting, kidney and liver dysfunction, acute memory loss. When I say acute memory loss, you cannot add numbers between one plus two equals three.

There are certain conditions in North Carolina and around the world where these physical effects have gone away and then mysteriously returned years later. So we are dealing with a specific issue that we basically have the science to fix, and we want to make sure that we dot every *I* and cross every *T*.

The Centers for Disease Control needs $12 million. We are going to appropriate $7 million here, move forward with the research, find the solution to this problem and fix it. We have, as human beings, interrupted by our human activity, the mechanics of natural processes in the marine ecosystem. What that means is we need the best minds available to figure out how we can resolve this issue.

My colleagues, I want to thank the gentleman from Illinois [Mr. PORTER] for his help on this issue, the gentleman from Wisconsin [Mr. OBEY], the gentleman from Delaware [Mr. CASTLE], and especially my good friend, the gentleman from Maryland [Mr. HOYER] for having this amendment.

Mr. CASTLE. Mr. Chairman, I move to strike the last number of words.

We have heard two excellent presentations by my colleagues from the great State of Maryland with respect to the problems of Pfiesteria. Indeed, that is what we are reading about in the national news in the Pocomoke River, perhaps another river in the Maryland area. But Delaware is close by Maryland. As a matter of fact. We have a Delmar and a Marydel, DE. One never knows exactly what State they are in sometimes.

I guarantee the fish do not know what State they are in. We have had an outbreak of Pfiesteria in Delaware, sort of identified after the fact in 1987, when I was Governor of the State. We have had some concerns this year in Delaware. And several things have to be done.

It has been laid out, I think, by the two gentlemen who have spoken before. I will not take the time of this House to reestablish everything that will be done in this bill. But we do need, as has been indicated, a multistate surveillance system. We do need case control studies and we do need a biological test of human exposure.

Here is the basic problem. So far we have been dealing with this issue as States, been dealing with it through our departments of natural resources. That is true in all the States from Delaware down to Florida. There is an expert at North Carolina State University who has helped us a great deal. The bottom line is, there has not been a united, concerted effort to make a difference in fighting the problems of Pfiesteria. We have not necessarily identified what its effects are on human health. We have already heard this is a single cell organism that can manifest itself in a variety of ways, maybe up to 24, some of which are toxic. All of that is not absolute at this point. We do not know what causes this to go from a dormant form to one which is very virulent and which can attack fish and perhaps, in that way, human beings as well.

Is it the temperature of the water? Is it nutrients in the water from all manner of sources which might exist, from runoffs or point or nonpoint problems? We just simply do not know that. We

need to get the answers to that as well. We do not know what prevention mechanisms should be put into place in our various States and, quite frankly, the place to do this is right here at the Federal Government level where we can coordinate the efforts of all the States.

I should point out, it is probably not just a localized problem. It probably could exist in other parts of the country as well. In addition, the research that could be done at the CDC might also help with other waterborne-related diseases or problems dealing with our fish and then our human beings in this country.

So for that reason, I would hope that we could universally, all of us in this House of Representatives, come to the support of this very, very important piece of legislation.

I am delighted to work with the gentleman from Maryland [Mr. HOYER]); I am delighted to work with the gentleman from Maryland [Mr. GILCHREST], two true experts on the environment. I think it makes a great difference to those people who reside in our States but I think to all people in America.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words, and I accept the Hoyer-Gilchrest-Castle amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER].

The amendment was agreed to.

AMENDMENT NO. 37 OFFERED BY MRS. EMERSON

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 37 offered by Mrs. EMERSON:

Page 102, after line 24, insert the following new section:

SEC. 516. No funds made available under this Act may be used to implement any voluntary residency reduction plan under section 1886(h)(6) of the Social Security Act (42 U.S.C. 1395ww(h)(6)), as added by section 4626(a) of the Balanced Budget Act of 1997 (Public Law 105–33), unless the Secretary of Health and Human Services certifies to the Congress that the implementation of the plan will not result in a reduction of the number of residents in primary care who will be available to practice in underserved rural areas.

Mr. PORTER. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The CHAIRMAN pro tempore. The gentleman reserves a point of order.

Mrs. EMERSON. Mr. Chairman, I applaud the work of the gentleman from California [Mr. THOMAS] and the Subcommittee on Health to save Medicare from bankruptcy.

This was not an easy task and they are to be commended for developing a sound bipartisan bill for America's senior citizens. There were provisions in the bill I disagreed with, but they were not sufficient to cause me to vote against the plan to save Medicare. However, had the resident reduction program been a stand-alone bill, I would have opposed the plan.

Quite frankly, I do not believe it is good policy to subsidize teaching institutions for not teaching doctors. Earlier this year, I formed a health care advisory team in my district and the most glaring problem we defined in rural southern Missouri is a shortage of primary care physicians. I can understand that there are some regions in this country where there may be a physician glut. However, in rural Missouri ours is not the problem of too many primary care physicians but too few.

Mr. Chairman, the amendment I have proposed today would simply seek a guarantee that the voluntary residency reduction plan will not lead to fewer primary care physicians who are available to practice in rural areas.

Mr. Chairman, it makes no sense to pay not to produce doctors. While I understand the merits of the point of order against my amendment, I would like to make it clear for the record that the intent of my amendment is to prevent the Government from paying to produce fewer doctors.

As the outreach coordinator for the Rural Health Care Coalition, I do know of the longstanding commitment of the gentleman from Illinois [Mr. PORTER] and the gentleman from California [Mr. THOMAS] to ensure that rural Americans are provided the best health care opportunities available.

We in the coalition are grateful for their continued support, and I look forward to working with them in the future to rectify the misguided practice of paying hospitals not to train doctors who are needed in rural America.

Mr. Chairman, I yield to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in support of this amendment because it would ensure that underserved areas, rural areas, such as the 17th District of Texas, will not be left with any fewer primary care physicians as a result of the new voluntary incentive program included in the balanced budget agreement, which would pay teaching hospitals to train fewer doctors.

The balanced budget agreement included a number of provisions which should help rural Americans obtain access to health care. I am grateful for these statutory changes and for the leadership shown by the gentleman from California [Mr. THOMAS] in ensuring the inclusion of these provisions.

I am concerned, however, that this medical education provision would set us back.

Our amendment, the amendment offered by the gentlewoman from Missouri, would require the Secretary of Health and Human Services to certify to Congress that any voluntary incentive program would not adversely affect underserved rural areas before any funds could be released. It would ensure that any reduction in residents would not result in fewer primary care physicians available to practice in rural underserved areas.

I strongly urge this body to address this issue and correct this provision.

□ 1515

Mrs. EMERSON. Mr. Chairman, I yield to the gentleman from Kansas [Mr. MORAN].

Mr. MORAN of Kansas. Mr. Chairman, I appreciate the gentlewoman's yielding me this time.

This Medicare provision is a typical Government one-size-fits-all solution to a problem that we do not have in rural America. In Kansas, we have too few physicians, not too many. Rural communities have access to one-half the physicians of those who live in urban areas, and in fact, as our Nation as a whole has. Of the 66 counties in the First Congressional District of Kansas, two-thirds of those have been designated as medically underserved.

I work hard almost every week to try to assist communities and hospitals in obtaining foreign-trained physicians in order to try to satisfy these needs. Thirty-five foreign-trained physicians have been admitted and are practicing in the First District in Kansas under this J–1 visa program. We have another dozen applicants pending to fill a very desperate need.

What we should be doing instead of utilizing money not to train physicians, we should be paying hospitals and physicians to train physicians who will then fulfill these needs in rural and other underserved areas of the country. We should support physicians who are willing to serve in those communities, and we also should assist in keeping them there once they have been trained and are willing to serve the needs of rural and other underserved areas of the country.

Mr. Chairman, in rural Kansas, this is not a quality-of-life issue, this is a survival issue.

Mrs. EMERSON. Mr. Chairman, reclaiming my time, I include for the RECORD a letter of support for this amendment from the National Rural Health Association.

NATIONAL RURAL HEALTH ASSOCIATION,
Washington, DC, September 8, 1997.

Hon. JO ANN EMERSON,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSWOMAN EMERSON: I write to convey the National Rural Health Association's (NRHA) strong support for your proposed amendment to H.R. 2264, the Fiscal Year 1998 Labor-HHS-Education Appropriations bill. The amendment, which calls for the Secretary of HHS to certify to Congress that any plan the Department accepts from teaching institutions to voluntarily reduce the number of residents in its program will not lead to a reduction in the amount of primary care physicians who will be available to practice in underserved rural areas, is a vital step in ensuring rural Americans have access to primary care services.

Residency training programs have historically never been correlated with our country's work force needs, but instead, have grown up to meet the service needs of urban and suburban-based teaching hospitals. This

has led to a grossly disproportionate distribution of physicians and training of specialists. Before any type of residency reduction program is implemented nationally, the continuing shortage of primary care physicians in rural and frontier area must be addressed.

Thank you for introducing this amendment and for your leadership on this issue important to the future of health care delivery in rural America. If there is anything the NRHA or I can do to secure passage of this important amendment, please feel free to contact me.

Sincerely,

DARIN E. JOHNSON,
Government Affairs Director.

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

The CHAIRMAN pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

AMENDMENT OFFERED BY MR. ROMERO-BARCELÓ

Mr. ROMERO-BARCELÓ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROMERO-BARCELÓ:

Page 102, after line 24, insert the following new section:

SEC. 516. (a) ALLOTMENTS TO TERRITORIES UNDER THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd), as inserted by section 4901(a) of the Balanced Budget Act of 1997 (Public Law 105–33), is amended—

(1) in subsection (b)—

(A) by amending the matter before paragraph (1) to read as follows:

''(b) Amount of Allotments.—'',

(B) in paragraph (1), by striking '', reduced by the amount of allotments made under subsection (c) for the fiscal year,'',

(C) in paragraph (1), by striking ''(other than a State described in such subsection)'', and

(D) by adding at the end the following new paragraph:

''(5) DATA FOR TERRITORIES.—If the data required under paragraph (2)(B) and (3)(B) are not available with respect to a State that is a territory, the Secretary determines to be appropriate.'';

(2) by striking subsection (c); and

(3) by redesignating subsections (d) through (f) as subsections (c) through (e), respectively.

(b) CONFORMING AMENDMENTS.—(1) Section 2104 of such Act (42 U.S.C. 1397dd) is further amended—

(A) in subsection (b)(1), by striking ''subsection (d)'' and inserting ''subsection (c)'',

(B) in subsection (b)(4), by striking ''Subject to paragraph (5), in'' and inserting ''In'',

(C) in subsection (c)(1), as so redesignated, by striking ''or (c)'',

(D) in subsection (d), as so redesignated, by striking ''subsection (f)'' and inserting ''subsection (e)'', and

(E) in subsection (e), as so redesignated, by striking ''subsection (e)'' and inserting ''subsection (d)''.

(2) Section 2105(a) of such Act (42 U.S.C. 1397cc(a)) is amended by striking ''2104(d)'' and inserting ''2104(c)''.

(3) Section 1905(u) of such Act (42 U.S.C. 1396d(u)), as added by section 4911(a)(2) of the Balanced Budget Act of 1997, is amended—

(A) in paragraph (1)(B), by striking ''2104(d)'' and inserting ''2104(c)'', and

(B) in paragraph (2)(B), by striking ''2104(d)(2)'' and inserting ''2104(c)(2)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to allotments for fiscal years beginning with fiscal year 1998.

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

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. PORTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ].

Mr. ROMERO-BARCELÓ. Mr. Chairman, this amendment corrects the Children's Health Care Insurance Program, a part of the budget reconciliation agreement.

The President, upon signing this into law stated that this is a victory for every child in a poor household who needs health care. Unfortunately, there was no victory celebration by the children in Puerto Rico and the other territories. The State Children's Health Insurance Program extends to the children living in Puerto Rico an egregious U.S. national policy which views the lives and the health of U.S. citizens in the territories as far less valuable than the lives and health of those residing in the States.

Puerto Rico's participation in the Children's Health Insurance Program is less than one-seventh of what it would receive under the standards established for the States. There is one and only one reason for this treatment: The U.S. citizens residing in the territories have no voting representation in Washington and, therefore, have no viable means of defending themselves against such unjust treatment.

The budget reconciliation agreement provides Puerto Rico with participation in the children's health care program of approximately 0.23 percent in the program, 0.03 percent for Guam, the U.S. Virgin Islands, Samoa, and the Northern Mariana Islands. On average, this is less than $11 million per year for a jurisdiction of nearly 3.8 million citizens. If the program's funds were distributed nationally on a pro rata basis, Puerto Rico's participation would average nearly $60 million per year over the next 5 years; and if Puerto Rico participated under the same standards established for the States under the reconciliation agreement, its average annual participation might be even higher.

While we applaud all the efforts to protect others in the Nation, how can anyone justify the failure of Congress and the White House to similarly protect the children of U.S. citizens in the territories? It certainly would not have been a relative expense to the Federal budget. The cost of providing just treatment to the children living in the territories under the children's health care initiative is negligible in comparison to the total appropriation for the children's health care.

The sole reason for the disparate treatment of children living in the territories is that all the other children in America have voting Members of Congress to represent them. The children in the territories have no such participation in the democratic process of our Nation, and where the whole process is being discussed, sometimes it is the staffers inside that make the decisions, and at the last minute the Congressmen and the Senators who are involved really in making the decisions do not know what they are doing and they end up by discriminating against a group of citizens. Who would dare take the blame and proudly say that they are responsible for discriminating in health care against children?

U.S. citizens; we are not talking about illegal residents, we are talking about U.S. citizens. We are talking about children. And this policy discriminates against the children in the territories.

For years we have complained about the poor treatment of the U.S. citizens in Puerto Rico and the U.S. Virgin Islands and Guam and Samoa that we receive under the Federal health care programs. We strongly urge all of our colleagues to vote the full resources in the Congress and the White House to correct this unfair discrimination toward the children in the islands. To do otherwise will leave a permanent stain on the creation of the children's health initiative which, as a program for the protection of our Nation's children, should represent the highest and most pure ideals of our society.

This Nation, which is an example of democracy throughout the world, we defend other people's rights, other people's participation in the democratic process, yet how can we as a nation espouse a policy which discriminates against U.S. citizens, particularly against children in their health care.

I hope that before the year ends, before we go into recess, this issue of discrimination can be addressed.

Mr. Chairman, I know that there is a point of order that has been raised, so I reluctantly ask unanimous consent to withdraw this amendment, but I plead with my colleagues and the Members of this House to make sure that before we go home this year that this discrimination is addressed and resolved.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

AMENDMENT NO. 62 OFFERED BY MR. FATTAH.

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 62 offered by Mr. FATTAH:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 516. None of the funds made available under this Act may be used by the Department of Education for a State or local educational agency in a State in which the coefficient of variation of per pupil expenditures in local educational agencies statewide for elementary and secondary education in such State is more than 10 percent.

Mr. PORTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore. The point of order is reserved.

The Chair recognizes the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, I want first to congratulate the chairman, the gentleman from Illinois [Mr. PORTER], and the ranking member, the gentleman from Wisconsin [Mr. OBEY], on the fine work they have done on this very important piece of legislation.

The amendment that I bring to the floor today is one in which we would require States to equalize their investment in public education within their State boundaries. We have seen sweeping the country now legislation and court orders in States really addressing this issue.

In my home State of Pennsylvania, we have school districts in our rural communities where we are spending $3,500 a year per student, and we have other school districts where we are spending $16,000 a year per student. In Ohio, the Ohio Supreme Court has just ruled on the financing system in that State in which they spend $4,000 in the lower spending districts and $12,000 in the higher spending districts. We have seen all across the land, from Kentucky to Wyoming to New Jersey, this issue being raised.

I wanted to raise it on the floor today because I think it is essential relative to our push for educational excellence in this country.

Now, we know that money is not everything, but I think it is safe to assert that money matters. And if we are going to spend twice and three and four times the amount on one child's education in one school district that we spend on another, and we are going to, as a Federal Government, put our stamp of approval on these State financing systems, then I think it is extraordinarily unfair for us to come up with standardized tests and act as if each of these children has been given an equal opportunity and an adequate investment in terms of pursuing their educational potential.

A point of order has been raised against this amendment, and I will withdraw it, but I do think that it is something that the Congress has sought to address in the past. In the Improving American School Act out of the 103d Congress, there was an effort to create an approach to support States who wanted to create a more equitable financing system. I think that we should search for ways in which we could try to create a more fairer playing field for all of these school districts that are within these various State boundaries.

The State court system does seem to be addressing this matter, but I would let my colleagues know that in all of these court cases it seems to take 10 or 15 years before these cases can move their way through the courts to some resolution. And in almost all cases, the courts have found these State financing systems unconstitutional.

I would hope that we here in the Congress could find some way, and I seek to do that through this amendment, to help encourage States to create a more level playing field for all children and families in their States in terms of public education.

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

Mr. Chairman, I would simply like to commend the gentleman from Pennsylvania for raising this issue, and I think it is a fundamental issue which States are ducking.

Children are mobile. A child educated in one school district will move into another school district and the taxpayers in the district to which he moves will experience the consequences of an underfunded education for that individual.

I would simply say that in my own State, despite the fact that it is better than most in this regard, I think my own State has a disgraceful difference in purchasing power for these school districts. I have a small school district, the Maple School District in my own congressional district, and they spend about $5,000 per student; Maple Dale, which is a very wealthy school district in the same State, spends $10,045 per student.

I do not know how any rational person can expect that we can really produce equal opportunity in this country with that kind of a huge disparity.

I, for instance, strongly favor educational testing, but I think that those who favor educational testing have an obligation to recognize that if they are going to test children, then they also have an obligation to take a position at the State and national level that will push States into doing something to correct this problem.

I commend the gentleman for raising it. I wish there were some way we could adopt, if not this identical proposal, at least something similar, because we do not have equal educational opportunity in this country as long as States continue to have some of these outrageous variations in support levels for providing children with basic education for the 21st century.

Mr. FATTAH. Mr. Chairman, I thank the gentleman for his comments, and I ask unanimous consent to withdraw the amendment in respect of the point of order of the gentleman from Illinois.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

AMENDMENT NO. 64 OFFERED BY MR. HOSTETTLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 64 offered by Mr. HOSTETTLER:

At the end of title V (relating to general provisions), insert the following new sections:

SEC. . (a) None of the funds made available in this Act may be used to administer or enforce the restriction on the discretion of the National Labor Relations Board set forth in the proviso in section 14(c)(1) of the National Labor Relations Act (29 U.S.C. 164(c)(1)).

(b) The limitation established in subsection (a) shall not apply to any labor dispute involving an employer whose business activity in interstate commerce is greater than—

(1) the financial threshold amount in effect for the class or category of the employer under the rules and standards of the National Labor Relations Board pursuant to section 14(c) of the National Labor Relations Act (29 U.S.C. 164(c)); as adjusted by

(2) the percentage increase (since the threshold amount was established or last adjusted) in the Consumer Price Index for All Urban Consumers published by the Secretary of Labor, acting through the Bureau of Labor Statistics, pursuant to section 4 of the Act of March 4, 1913 (29 U.S.C. 2) and section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)).

Mr. HOSTETTLER. Mr. Chairman, this amendment is simple, straightforward, and necessary for the NLRB, the National Labor Relations Board, to do its job.

The National Labor Relations Board currently has jurisdiction over many labor disputes that involve enterprises that impact interstate commerce. The board has traditionally addressed cases that substantially affect interstate commerce. In 1959, Congress endorsed this notion and enacted legislation known as the Labor-Management Reporting and Disclosure Act.

Congress essentially gave discretion to the NLRB to decline cases where its jurisdiction was not warranted.

□ 1530

However, this law did provide thresholds whereby the Board could not decline to assert its jurisdiction. These standards were based on raw dollar amounts and are based, for the most part, on the gross annual receipts of a business entity. Quite simply, the level at which the NLRB's jurisdiction over businesses kicks in is based on a business' economic activity and the thresholds vary depending upon the nature of the business.

The reason for my amendment is that most of these thresholds have not been modified since the law was enacted in 1959. Clearly, the legislative method for determining jurisdiction is outdated and therefore overly burdensome to many small businesses that should never have been affected. My amendment merely indexes these thresholds for inflation.

Let us take an example. In 1959, the gross annual receipts threshold established for nonretail businesses was $50,000. As an aside, this $50,000 means interstate business that substantially affected interstate commerce. While the Board today exercises jurisdiction over businesses that meet the $50,000 threshold, had indexation for inflation occurred, the threshold for nonretail businesses would be at least $261,859. To put it another way, a $50,000 threshold level today would have been approximately $9,550 in 1959. These thresholds for determining jurisdiction have never taken into account inflation. Furthermore, the jurisdiction levels fail to account for size of businesses.

According to John Runyan at the Labor Policy Association, in 1994, 20 percent of the NLRB's efforts were spent on bargaining units of 9 people or less and these efforts reached less than 2 percent of the total number of employees involved in representation elections. Clearly, this is unacceptable and my amendment is a simple and straightforward way to address these inequities and allow the NLRB to focus on the truly egregious cases. Leaders at the NLRB repeatedly state that the caseloads are too heavy and this amendment gives the NLRB greater discretion in taking on new cases.

But speaking of egregious cases, I do want to mention a few instances where the NLRB has been very aggressive and these low and unfair thresholds have contributed to the zeal of the Board in handling these cases.

For example, the NLRB exercised a case against an Episcopal church in New York City with a congregation of 600 and a primary school with enrollment of 365 children. Its gross annual revenues were approximately $1 million and its direct inflow was just over $50,000. The NLRB exercised jurisdiction based on the current thresholds established in 1959. I find it difficult to believe any of the business conducted by the church substantially impacted interstate commerce.

In another instance, the NLRB handled a case involving a day care center in Massachusetts that employed nine teachers, a janitor, a cook and a social worker because it had gross receipts over $250,000. I would contend, as was contended in the dissenting opinion, that this day care service simply provides a local service and has minimal correlation to interstate industry.

Furthermore, I must mention the case where a small business purchased a machine valued at $50,000 from out of State and the Board exercised jurisdiction over the business because of this one purchase alone. Increasing the threshold would help avoid such frivolous cases and enable the NLRB to pursue cases where real abuses and inequities are occurring.

I would like to make another point. Even though these mandatory thresholds are increased, the NLRB can still exercise its jurisdiction over any case it deems appropriate. The thresholds only provide levels at which the NLRB's discretion ends and they are mandated to exercise their jurisdiction. In other words, the NLRB can choose to pursue a case at any level, above or below this jurisdiction level that is set out in this amendment. Furthermore, if there is a case that falls below the threshold level and the NLRB has declined the case, that case can be pursued in the State courts.

Clearly there is plenty of protection for employees at every level. However, a little relief for both the NLRB and small businesses means a more productive and effective NLRB. I would simply like to conclude by reminding everyone that a similar provision as this was included in last year's House passed a version of the Labor/HHS/Ed appropriations bill. I ask for consideration and acceptance of this amendment.

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

Mr. Chairman, I support the substance of this amendment. I think a change in the law would make great sense since it has not been adjusted for 40 years, I believe, maybe longer. But I frankly do not understand why the amendment would not be subject to a point of order when in the first place it is in a sense legislation on an appropriation bill but, more important, if this were adopted, it would only be law for 1 year. The gentleman from Indiana can correct me if I am wrong.

It seems to me that this is a clear example of why appropriators ought to stand back and allow the authorizing committee to take this matter up, to address it and to bring out a bill to make the correction where it is needed.

It is true, this language was put into our bill at the request of one of our Members, either last year or the year before. The provision really does not belong here. It belongs in the hands of the chairman of the authorizing committee. They have had ample time to undertake legislation in this area. All it does in our bill, very frankly, and again I sympathize with the substance of what the gentleman from Indiana is trying to do, is to make our bill that much more difficult to pass. We have worked very hard, as I have said earlier, to achieve a bipartisan consensus. We had a debate earlier on the level of funding for the NLRB which was quite contentious and the Members chose to stick with the level that the subcommittee had recommended to them. While this could be good legislation if the authorizing committee had taken it up and brought it out on the floor. Had they done that I would support it and vote for it. However, I must oppose it as an amendment to this bill which will simply upset the bipartisan nature of what we have worked to achieve. It will have little real effect since it could only remain in effect in my understanding, for 1 year as part of the appropriations process. I oppose the amendment.

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

Mr. PORTER. I yield to the gentleman from Indiana.

Mr. HOSTETTLER. I appreciate the gentleman's point and it is a very good point. The issue here is that as I do not sit on the authorizing committee and I know that similar legislation is not forthcoming at this point, the appropriation bill allows the only instrument at this time to allow such a change and the Parliamentarian of the House said that it would be made in order. It would be very good, I think, if it could be part of an authorizing bill, but given that this is the only possible vehicle this year to change it for 1 year, that is why I offered the amendment. I thank the gentleman for yielding.

Mr. PORTER. If the gentleman would allow me to reclaim my time, again I am not critical of the parliamentarians. They have obviously looked over the precedents of the House, but I would say this clearly modifies existing duties and powers of the agency. It imposes additional duties on them. It can only last for 1 year, and it seems to me under that circumstance it simply should not be permitted to be offered on this bill.

Again, I agree with the gentleman in substance, but I just think it is inappropriate to have it considered as part of our bill and I would oppose it.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this amendment again is just another one in a long line of amendments over the past 3 years which has tried to savage the ability of the National Labor Relations Board to defend the interests of working people. Two years ago, the majority tried to cut the National Labor Relations Board by 30 percent. They passed this amendment in the House. That was one of the issues that led to the Government shutdown. Last year they tried to cut it by 15 percent. Yesterday they tried to cut it by 10 percent. Now they are trying to, by another means, eliminate the ability of the National Labor Relations Board to protect the legal rights of workers and corporations.

I would point out, first of all, that if this amendment passes, it will create a large amount of confusion because there will be many State laws which will cover more people than the Federal laws, and employers and employees alike will have to relearn all of those new relationships.

I would point out that the NLRB is charged with the responsibility to see to it that collective bargaining takes place in a fair manner, they are charged with the responsibility to prevent discrimination against workers based on their support or opposition to a union. They are charged with the responsibility to see to it that workers who are fired for trying to organize a union can get back to work with back pay, because firing those workers is an illegal act, which nonetheless occurs frequently in this country.

They are also charged with the responsibility of enforcing the rules against union violence and coercion on the picket lines, and they are charged with the responsibility to settle worker jurisdiction disputes between two competing unions. I have seen that problem often in my own district where an employer gets whipsawed between two competing unions.

I would point out, also, that it is not the responsibility of the Committee on Appropriations to make the determination about what level ought to be in the law with respect to the jurisdiction of the NLRB. We are a budget committee. We are supposed to decide what each program merits and what we can afford to spend. It is the responsibility of the authorizing committee to bring to the floor any recommendations to change these thresholds. Virtually every fight that we have had on Labor Department issues comes on an appropriation bill because, in my judgment, the Committee on Education and the Workforce for a good many years has not done the work it is supposed to do in a lot of these areas, and I for one have had a belly full of members on the authorizing committee bringing their disputes to this floor when they cannot work them out in their own committee. That has been the case under Democratic Congresses, it is the case now under a Republican Congress, and I am much bemused by the fact that you will often have authorizing committee members cry all over this floor about actions that the Committee on Appropriations takes to impinge upon their jurisdiction and yet 10 minutes later will be asking us to put a provision in an appropriation bill which takes care of an authorizing problem that they just cannot seem to get to.

And so it seems to me if you have got an argument, settle it where it ought to be settled, in the committee that under the rules of the House is given the responsibility and given the staff and has developed the expertise to deal with these issues. Do not bring them to this floor under general limitation amendments.

Let me point out, for instance, that you are talking about raising the threshold to cover multimillion dollar businesses. In some industries, that may be justifiable, in some it may not. But with all due respect, our subcommittee does not have the expertise to make these judgments.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. OBEY. This floor, with all due respect, does not have the information to make those judgments. Committees are supposed to serve the House by doing their own work in their own jurisdiction by developing specific areas of expertise and then bringing that expertise to the floor. If you have got the expertise, demonstrate it by getting your own committee to buy your idea. Do not plague appropriation bills with this mini-filibuster because you cannot get your problem solved in another committee.

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

Mr. OBEY. I yield to the gentleman from Indiana.

□ 1545

Mr. HOSTETTLER. Mr. Chairman, it is not my intention to squelch the gentleman's bemusement, but I do not serve on the education authorizing committee.

Mr. OBEY. That is not my fault. Get your leadership to put you there.

Mr. HOSTETTLER. No, I want to serve on the National Security and Agriculture Committees.

Mr. OBEY. Then it is your fault, because you are not on the committee that is supposed to deal with this problem. If you have got a problem on this, take it to the right committee. Do not take it here.

Mr. HOSTETTLER. If the gentleman will yield, the Parliamentarian said that this is the proper forum in which to offer this.

Mr. OBEY. The Parliamentarian did not. The Parliamentarian said that it was germane. That does not mean it is smart to offer it to this bill. It ought to be offered to the committee that is supposed to handle this.

I have had my staff check it out. We have over 500 authorization laws that some Member of this Congress is demanding to be changed, and you are all coming to the floor asking the Appropriations Committee to solve your problem.

Do your own work. If you are so interested in this issue, change committees and get it done where it is supposed to get done.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes, and the time be equally divided between the gentleman from Indiana [Mr. HOSTETTLER] and the gentleman from Wisconsin [Mr. OBEY].

The CHAIRMAN pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HOSTETTLER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I find the just previous comments rather strange. We have just supported title X, which is totally unauthorized, on the floor of this House, without any objection from Mr. OBEY whatsoever that the authorizing committee did not do his work.

There was no problem with him supporting that language. And to use an argument against a Member of this body, who has the right and privilege to offer any amendment under this bill, under the rules of this bill, is wrong, and it should not be allowed.

The other thing that Mr. OBEY brings up is that if you do this, business is going to have to learn something new. Well, I would put forward to Mr. OBEY that HCFA changes the rules on Medicare every year, and every hospital in this country, every doctor's office, every health care agency that does anything, has to totally relearn the rules that HCFA puts out. It is a lame excuse that should not be used.

The fact is, there has not been a growth to allow for inflation in the coverage of the NLRB. The NLRB does some very important things. But to waste their time in areas which is not well used and not wisely spent, I think is inappropriate.

I will say again, and I will look forward to next year, Mr. OBEY, when we bring these amendments to the floor, that you will support what you just said about nonauthorized programs should not be debated, should not be left up to the expertise of your subcommittee, where you voted for those unauthorized programs, but yet come to the floor and admit you do not have the expertise to do it.

It is on both sides of the issue. * * *

Mr. Chairman, I yield back.

Mr. OBEY. Mr. Chairman, I demand the gentleman's words be taken down.

The CHAIRMAN pro tempore. The gentleman from Oklahoma [Mr. COBURN) will take a seat. The Clerk will report the words.

Mr. OBEY. Mr. Chairman, Members are not under the rules supposed to engage in personal attacks on other Members. The gentleman did that. I demand the words be taken down.

The CHAIRMAN pro tempore. The gentleman will suspend while the Clerk reports the words.

□ 1550

Mr. COBURN. Mr. Chairman, I wish to withdraw my words as to speaking out of both sides of one's mouth, and offer apology to the gentleman from Wisconsin [Mr. OBEY] for that statement.

The CHAIRMAN. Without objection, the words are withdrawn.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. COBURN. Mr. Chairman, I also would want to make a parliamentary inquiry as to the number of unauthorized pieces of legislation that have been voted on in this bill associated with this, to prove the point.

The CHAIRMAN. The Chair cannot respond to that parliamentary inquiry at this point other than to suggest that the gentleman refer to the committee report.

Mr. COBURN. I thank the Chair.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] seek to yield time?

Mr. OBEY. Yes, I do, Mr. Chairman. I appreciate the gentleman's apology.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Hawaii [Mrs.

MINK], a member of the committee of jurisdiction on this matter, the committee which should handle this issue.

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I believe there might be some merit to look at the jurisdiction, exercise of jurisdiction by the NLRB. But certainly, to bring this matter before the floor, to ask for a vote, is simply not the way to go. The matter should be brought to the committee.

The Member of the majority certainly has access to the leadership on the majority side of the Committee on Education and the Workforce, and will be able to work out a matter such as this and allow the committees to deliberate on it, call hearings, have an analysis, to bring this matter to the floor without our ability to understand even what the impacts of this limitation would be?

And the most egregious part of this amendment is, as we know, an appropriation bill has only the effect of 1 year. That means that this limitation would be in effect only for 1 year, the life of the appropriation bill. So the people who are affected by it are not going to know whether, when the charges are brought, they fall within the old jurisdiction or the new jurisdiction.

Mr. Chairman, it seems to me that the employers will have a greater havoc in terms of the stability of their own operations, to know whether a matter can legitimately come under the Board or cannot come under the Board. It will be a huge mess to try to untangle this whole issue of jurisdiction, which is a very, very troublesome matter.

Second, it would seem to me that the employers out there listening to this debate ought to be enraged at the idea that this instability in jurisdiction would be foisted by the adoption of this amendment. What is going to happen is, when jurisdictional issues are raised as to whether the Board can look into an employer's complaint, there is going to have to be an overhaul, again, of much of the confidential material that will be necessary for the Board to have in order to make these jurisdictional decisions, because they go to the operations of the business: How much money, what the gross intake was, what the expenditures were, in order to make a determination as to whether the new jurisdictions would allow the Board to have jurisdiction or not have jurisdiction.

I think it would be an extremely chaotic situation to have an appropriation bill decide this very difficult matter of jurisdiction of the Board. These matters ought to be left to the authorizing committee, my Committee on Education and the Workforce, and I am sure that this distinguished Member who has offered this amendment would have the access and ability to work with the Republican members of my committee and determine whether a bill can be fashioned which can be brought to the consideration of our committee.

The idea of having this matter then go to the States for determination is a second point of uncertainty. There would be no uniform operations of the application of this law in order to determine what is proper activity on the part of the working person, upon the unions, as also against the correct operations of the employer.

Because if a business is exempted under this exemption provision which has been offered and is no longer under the jurisdiction of the Board, what happens is, it has to then fall under the jurisdiction of the State or local communities, and we will then have no uniform labor policy with reference to labor activity and worker protections.

It seems to me that whatever the merits are of looking at the jurisdictional issues, it ought to be left to the committees. I urge my colleagues to vote down this amendment.

Mr. HOSTETTLER. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I rise in support of the amendment of the gentleman from Indiana [Mr. HOSTETTLER]. I think it is interesting to hear some people being concerned suddenly with redtape or procedure, rather than the merits of this, because I thought we were here about a particular government agency, and it is certainly not alone in this, but a particular government agency that had its dollar threshold of jurisdiction, in other words, the level at which it could start getting involved in a business, set in 1959, and it has not been adjusted for inflation since then.

We are told that there are no things certain in this world except for two, that the only two certain things are death and taxes. Well, they are wrong, Mr. Chairman. There is a third thing. The third thing that is perpetual and eternal is a government program. Once it is in place, it perpetuates its existence.

The National Labor Relations Board, when it had the jurisdictional threshold set in 1959, there was a reason for it, so you could know what kinds of disputes were a Federal case that needed to involve a Federal agency in Washington, DC, and what other matters still covered by Federal law really should be handled on the local level, and they could be handled in the State courts, where it is more convenient for everybody concerned, without hiring the specialists, without having the huge expense of going back and forth to Washington or going to a regional office of the NLRB. So the jurisdiction, when the NLRB could get involved, was set at a particular level.

For example, for a nonretail business, if they had $50,000 a year of gross volume, then in 1959 dollars, they said, that is a big enough business that the NLRB ought to be involved in that. Today that equivalent amount would require that you have a business doing business with something closer to, I believe, around $300,000.

Mr. Chairman, it makes no sense not to adjust for inflation. We hear people say, oh, we have to adjust Federal spending for inflation. After all, costs go up. Taxpayers are rightfully concerned about bracket creep, which Congress, after many years, finally adjusted so taxpayers would not automatically be pushed into another bracket.

Last year, the NLRB spent 20 percent of its resources, 20 percent of its huge Federal budget, working on cases involving employers with fewer than nine people working for them. I submit, Mr. Chairman, that is a waste.

The gentleman from Indiana [Mr. HOSTETTLER] has an excellent amendment to fix that.

In fact, it is such a nice amendment that last year the same thing was in this very bill when it passed out of committee, when it came to the House floor, and it was the position of the House of Representatives that we ought to make this change for adjustment. Nobody stood on this House floor and sought to have an amendment to take it out or to change it. People who today say, well, that ought to be covered by a committee of jurisdiction, last year were willing to let it be covered in this identical piece of legislation.

In fact, it got in there with the approval of the committee of jurisdiction. I know, because last year I was the one who was sponsoring it and who asked for it. And this House of Representatives agreed to it, and nobody on either side of the aisle, no Republican and no Democrat, stood up and said, we think it is a bad idea.

Here I hear people complaining today about, well, it is a redtape-type objection. We think you should have used some other procedural method. We think Members of the House of Representatives should be confined in the area in which they want to take part; that the gentleman from Indiana [Mr. HOSTETTLER], if he is not on a committee that deals with labor, he should forget about labor issues.

Maybe we should just abolish the House floor and just let committees make the decisions, and tell each Member of Congress, never mind your constitutional duty, never mind your oath, never mind what you owe to the people back home, whether it be in Indiana, Wisconsin, or Oklahoma, or Pennsylvania, wherever it may be, you should not get involved in things if you are not on that committee.

Last year every single Member of this House of Representatives had an opportunity to object last year and say, we should not make this change. Instead, the House of Representatives said that this measure, which the gentleman from Indiana [Mr. HOSTETTLER] is sponsoring today, that yes, that should be part of this bill.

The gentleman from Indiana [Mr. HOSTETTLER] is only asking that we be consistent. I think that is a pretty simple, pretty basic request. After all, I think what was going on with me in 1959, if things adjusted for inflation. I was in elementary school. I used to walk home from Castleberry Elementary School, public school, to home, and I would stop at the Griddle if I had a nickel, because a nickel would get me a Hershey bar. Mr. Speaker, it was bigger than today's Hershey bars are. It was only a nickel.

Let us make the inflation judgment. Let us support the gentleman from Indiana [Mr. HOSTETTLER] in this amendment.

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

Mr. Chairman, I think some of us in this House, most especially me, would be better off if we had fewer Hershey bars.

But let me simply make some observations. First of all, with respect to the comments made by the gentleman from Oklahoma, not the previous speaker, but the previous gentleman from Oklahoma, I understand that new Members cannot be expected to be fully aware of the intricacy of the rules of the House. I would note that some Members, at least two Members yesterday, or 2 days ago, in conversations with me, seemed to take great pride in that fact, which I do not understand. But nonetheless, I understand why they do not have full familiarity with it.

I think it is important for all Members to understand that there is a distinction between the Committee on Appropriations being asked to carry an unauthorized appropriation and the committee searching for ways to add all kinds of unauthorized actions to bills that we have on the floor. We have often, unfortunately, on the Committee on Appropriations, been asked by Members of authorizing committees to put provisions in our appropriation bills which are not yet authorized.

The Congress is supposed to work in two ways. The Congress is supposed to, first, through its authorizing committees, decide what basic law is; and then the Committee on Appropriations is supposed to determine how much we can afford to spend on each of the programs that are authorized by law.

The Committee on Appropriations on many occasions has had members of the authorizing committee come to us and ask us to put unauthorized items in the bill. When we have done so, they have then gone to the Committee on Rules and attacked us for the very same things which they asked us to put in the bill. It just seems to me that authorizing committee members need to understand that we do not appreciate being yinged and yanged, and on that issue, by Members who have lost arguments in authorizing committees.

I would ask the authors of this amendment these questions. Since we have not had the hearings and we do not have the expertise, why should there be a threshold of $2,600,000 before the NLRB jurisdiction kicks in for a retail establishment, but only $535,000 for a shopping center? Why should there be a threshold of $2.8 million for art museums, cultural centers, and libraries, but a threshold of only $283,000 for nursing homes?

Can anyone tell me the specific reasons for the differences in those amounts? I would be very surprised if they could.

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

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. HOSTETTLER. Mr. Chairman, our amendment seeks only to index the levels that were created in 1959.

Mr. OBEY. I understand that.

Mr. HOSTETTLER. I do know why those original levels, but the philosophy was not to change them.

Mr. OBEY. Mr. Chairman, taking back my time, that is exactly my point. The gentleman does not know why the original numbers were selected. Neither do we on the committee. The role of the authorizing committee is to determine what those reasons were and to determine whether or not those relative relationships still make sense in a modern economy.

I would fully agree that virtually every one of these numbers probably ought to be adjusted because inflation has had an effect. My point is that I do not know what the correct level of adjustment is, and I would suggest that no Member of this House, on the basis of information which has been presented to us here today, can go out and explain to the media or our constituents why these different relationships should continue to exist.

Shopping centers in many areas of the country did not even exist in 1959. I would suggest that the economy has changed so much since then that we probably need a far different level of threshold in relationship to the other thresholds than we have in the law today. I would grant that. But to simply come in here and say each of these outmoded numbers should be adjusted by the same percentage is in and of itself just as ham-handed and outmoded, I believe, as the original statute.

□ 1605

The place to correct that is in the authorizing committee, and that is why I make an argument that may appear to be just a jurisdictional argument, but which is basically a practical argument about how this Congress can produce recommendations based on knowledge rather than bias.

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

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. HOSTETTLER. Mr. Chairman, as the chairman of the subcommittee pointed out, this is a 1-year process. And the desire of this Member to grant some regulatory relief to small business, as the NLRB has itself said, that 20 percent of the caseloads are those individuals that are——

Mr. OBEY. Mr. Chairman, reclaiming my time, I understand that. But I am amused by the fact that a number of the Members on the other side of the aisle who attacked the NLRB said that these lawyers down there were not working hard enough, and now today the gentleman is telling me that they have too much business. I do find it hard to watch arguments that go two ways on the same agency.

Second, I would point out that I am persuaded by a letter which we received from the Chamber of Commerce a number of years ago which said as follows: ''Whatever the current situation in any State, it could change substantially each time the State legislature convened. Although the NLRB is not perfect, at least it rarely has changed in significant ways.''

Mr. Chairman, it seems to me that the last thing we want is to do this on the appropriations process, which is an annual process, because then we will have these numbers changing annually and that will drive every businessman in America nuts.

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

PARLIAMENTARY INQUIRY

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

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman will state it.

Mr. SOUDER. Mr. Chairman, my question is on language. When a Member of Congress refers to the other Member as talking on both sides of the issue, how does that differ from saying that someone talks out of both sides of their mouth?

The CHAIRMAN pro tempore. On the latter example, Members should not speak in personal terms about the motives or sincerity of other Members.

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

Mr. Chairman, there is nothing wrong under the Rules of the House when a Member points out that arguments are inconsistent with arguments made the day before, and that is what I said and that is what I meant.

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

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, the gentleman from Indiana [Mr. HOSTETTLER] did not make those arguments yesterday, and the gentleman from Wisconsin [Mr. OBEY] implied that he was reversing himself.

Mr. OBEY. Mr. Chairman, reclaiming my time, I would say to the gentleman no, I did not. The gentleman, is reading something into something that I never said. I would again appreciate it, if the gentleman is going to object to my words, that the gentleman make certain he has heard them accurately.

Mr. SOUDER. Mr. Chairman, I believe I did.

Mr. HOSTETTLER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Chairman, I would like to make a number of points. One is that we can explain the different categories logically. For example, shopping centers do not mean the sales of all the units inside the shopping center; it means the sales that are controlled by the shopping centers. Those ratios may be slightly changed, but by not changing them at all for inflation, we merely stay with the old ratio.

So the argument that we do not have the new, precise relationships down means that we keep the same relationships that we have always had. That was not a logical argument.

As to the argument as far as the substance here, it may indeed be true, both what some Members may have maintained on the floor that there is not enough to do over at the NLRB, and at the same time it may mean because they are chasing around a lot of little cases and they are not focusing on the larger cases, which is what the amendment attempts to do.

Mr. Chairman, nearly 20 percent of their representation efforts has been on bargaining units of nine persons or less. Yet this 20 percent effort only reaches 2 percent of the total number of employees. What we are arguing is that it should be targeted. So this is really a small business amendment. If the NLRB feels they need to intervene, they can intervene.

Mr. Chairman, this is really a small business issue and precisely the type of thing we have been trying to point out throughout this bill. That is we need more, like in OSHA, more toward compliance and less toward enforcement and overhead. If we were targeting to the higher risk cases, we could do a better job of protecting the workers and employees of this country, than by just going willy-nilly for the benefit, predominantly for the benefit, in many cases, of lawyers, or at least largely the case of lawyers.

Now to the substance on the question of whether something or not is authorized, I understood the gentleman from Wisconsin [Mr. OBEY] to say, and I want to say that while we are at the end of a long stretch here, that in general these debates have been very orderly and we have not had the personal conflicts that we have seen here this afternoon, which I think is unfortunate.

But the question is when the gentleman says that some programs that are not authorized are asked to be carried; asked by whom? According to the House rules, Members cannot bring something to the floor, even if the authorizing chairman asks them to do it, and what usually happens in the House rules, without a rule that protects the particular piece of legislation from being subject to a point of order.

For example, Mr. Chairman, National Endowment for the Arts comes to the floor without our ability to make a point of order. I would ask the gentleman from Illinois if that is not correct.

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

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

Mr. PORTER. Mr. Chairman, I would say to the gentleman yes; however, the difficulty with that, and we on appropriations want the authorizing committees to take up legislation and authorize these programs. It used to be on this very bill that the chairman would not fund any program that was not authorized. The difficulty was that so many programs became unauthorized and the authorizing committees did not act, and the Senate follows no such rule, they fund programs authorized or not. And then when we go to conference, the House is put in a disadvantaged position because they have done nothing on that particular program.

Mr. SOUDER. Mr. Chairman, reclaiming my time merely, the gentleman makes an excellent point, which is why we need to, occasionally on the House floor, protect things from points of order, like the National Endowment for the Arts. I attempted to offer an amendment to transfer funds from Goals 2000 over to breast cancer and we found out, much to all of our surprise to some degree, that the National Cancer Institute is not authorized.

We went through a debate on what was going to be called Whole School Reform, because there it was authorized, but authorized under a previous Congress by sticking it in a bill that was moving through for authorization without a single hearing, without a single subcommittee process, without a single full committee vote, and, by the way, happened when Congress was under control of a different party. Yet that moved through with the appropriators. We will always be at a disadvantage to the Senate and always at a disadvantage in this process.

Mr. Chairman, informally if we do not allow amendments on the floor that are not authorized, and informally I think it is a good rule to say that if the committee chairman of the authorizing committee asks the Committee on Appropriations to carry it, that they do. But the point is that we do not have a hard and fast rule on how to do this.

Mr. Chairman, ergonomics, for example, was in this bill and, as we heard on the first day of this debate, it was added for one more year. In general, I absolutely agree with the gentleman from Wisconsin that things should move through in an orderly process. The Committee on the Budget sets targets, it goes to the authorizing committee and then goes to the appropriating committee.

But as a practical matter, not only this Congress but every Congress has dealt with this fundamental substantive fact: When the President is of the opposite party of the House, often appropriations bills have to carry authorizing language to do different things, because otherwise it never gets done. Mr. Chairman, that is the case with this amendment, and I say that as a member of the committee.

Mr. HOSTETTLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. WICKER].

[Mr. WICKER asked and was given permission to revise and extend his remarks.)

Mr. WICKER. Mr. Chairman, I rise in support of the Hostettler amendment, which should be relatively noncontroversial.

Mr. Chairman, I rise today in favor of this amendment which would update the jurisdictional threshold of the National Labor Relations Board.

While the NLRB has attracted quite a bit of attention during the past 2 years, I believe that the least controversial of the issues surrounding the NLRB is this one. When the NLRB was created in 1959, it had jurisdiction over nonretail businesses whose gross receipts were greater than $50,000 per year, and retail businesses with receipts over $500,000 per year. This level was developed so that the labor disputes involving small businesses would remain under the jurisdiction of State courts. Because these levels have not been increased to keep pace with the rate of inflation, small business has come under the regulatory hand of the NLRB. Congress intended that small business be regulated by the States.

I believe that these thresholds should be updated for the same reason that we increase Social Security recipients paychecks with an annual COLA: Because the value of the dollar is not the same in 1997 as it was in 1959.

I urge my colleagues to support small businesses and support commonsense Government by voting for the Hostettler amendment.

Mr. HOSTETTLER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Chairman, I rise to answer some of the things that have been said from the other side of the aisle here this afternoon. To the gentleman from Indiana [Mr. HOSTETTLER], my good friend and one of the brightest and most well-respected Members of the freshman class that came in in 1995, who does not serve on the Committee on Appropriations, I would say that I do serve on the Committee on Appropriations and the mere suggestion that somehow legislating on an appropriations bill is not the appropriate procedure in this body is almost a joking matter, when one looks at how many times it occurs not only at the full House debate level, but at the subcommittee level and at the full committee level.

Mr. Chairman, I would invite the gentleman from Indiana to join us in an appropriations meeting some day and see how many times in fact they do legislate on an appropriation bill. The legislation passes, it gets added to the bill, and any sort of an inference that

the gentleman from Indiana is inappropriate in acting in this manner is just plain wrong.

So, Mr. Chairman, I conclude my remarks to one of the brightest and most well-respected Members of this body by suggesting that legislating on an appropriations bill is a very common practice.

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

Mr. Chairman, I wish to bring us back to the substance of this amendment. The substance of the amendment seeks to simply index the levels of jurisdiction, mandatory jurisdiction for the National Labor Relations Board. And it is important that I stress the point ''mandatory level,'' because the National Labor Relations Board, under this amendment and under current law, has the ability to look at any case that merits, that deserves their attention at any level of gross annual receipts. This amendment merely indexes the level of their mandatory jurisdiction.

Most of these thresholds have not been changed since 1959, and I think it is time we do so. The chairman of the full committee made an excellent point, that this is going to be for a 1-year time period only. But I hope that we would get back to the substance of the issue.

Mr. Chairman, I think that it is important to understand that when one side of an argument does not have the merits of the argument on their side, they tend to divert attention into areas of procedure and process. Unfortunately, that is what has taken place at this time.

Mr. Chairman, I would simply ask for those Members who are watching this debate, that they would simply consider the merits of this amendment and would understand that we are seeking to grant regulatory relief to small businesses and granting a relief of caseload, if they so desire, to the National Labor Relations Board so that the National Labor Relations Board can fully spend more time and more of their resources on those most egregious cases that they see fit indeterminate of this jurisdiction level, even above or below.

Mr. Chairman, I seek for acceptance and adoption of this amendment.

Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, I would like to return to the merits of this issue. We are told that the numbers that NLRB uses in determining whether it has jurisdiction or not in any given industry are outmoded. Then we are given a new set of numbers that are supposed to be better.

Mr. Chairman, I, for the life of me, do not understand why the heavy hand of the Federal Government ought to come into play when a figure of $283,000 is reached for a nursing home, but $708,000 for a hospital. I do not understand why if we are going to modernize and update outmoded numbers, we continue that kind of outlandish differential.

The differential between nursing homes and hospitals under existing law is only $150,000. The differential under the gentleman's amendment would be over $500,000. The gentleman is greatly expanding the unfairness of the numbers by the adjustments he makes.

Why should architectural firms be subject to the NLRB jurisdiction when their business hits $261,000, but retail businesses not subject to that same jurisdiction until they hit a figure 10 times that amount? I for the life of me do not understand why we should expand the difference.

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

Mr. OBEY. Mr. Chairman, no, I will not. The gentleman has had his time. It is my time now.

Mr. HOSTETTLER. Mr. Chairman, the gentleman is asking me questions.

Mr. OBEY. Mr. Chairman, I ask that the rules of the House be abided.

The CHAIRMAN pro tempore. The time is controlled by the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would ask why on hotels and motels, right now there is a $500,000 differential between them in the law. Under the gentleman's recommendation, there would be almost a $2 million differential between hotels and motels. And symphony orchestras, why should symphony orchestras be treated that much better than a hotel-motel operator?

Mr. Chairman, my family used to run a hotel. I do not see why we should be subjected to a threshold which is over a million and a half dollars lower than a symphony orchestra. With all due respect to symphony orchestras, I prefer bluegrass.

It just seems that the gentleman from Indiana is absolutely correct in suggesting that these numbers ought to be adjusted. But the adjustments that the gentleman makes are just as irrational. They will last for only 1 year. It invites this House to jockey these numbers around each and every year. That will lead to massive confusion on the part of businesses.

□ 1620

The net result, as I said earlier, is that it eliminates protection of the NLRB for millions of workers in this country, and it also greatly raises the threshold that would apply in protecting corporations and businesses from illegitimate tactics.

I would urge rejection of the amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The question is on the amendment offered by the gentleman from Indiana [Mr. HOSTETTLER].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 235, not voting 22, as follows:

[Roll No. 392]

AYES—176

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Bilbray
Bliley
Blunt
Boehner
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fowler
Frelinghuysen
Gallegly
Ganske
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
Kolbe
LaHood
Largent
Latham
Lewis (KY)
Linder
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Packard
Parker
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf
Young (AK)

NOES—235

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Boswell
Boucher
Boyd
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gordon
Green
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur

Kelly	Millender-McDonald	Sawyer
Kennedy (MA)	Miller (CA)	Saxton
Kennedy (RI)	Minge	Schumer
Kennelly	Mink	Scott
Kildee	Moakley	Serrano
Kilpatrick	Mollohan	Shays
Kind (WI)	Moran (VA)	Sherman
King (NY)	Morella	Sisisky
Kleczka	Nadler	Skaggs
Klink	Neal	Skelton
Knollenberg	Ney	Slaughter
Kucinich	Oberstar	Smith (NJ)
LaFalce	Obey	Smith, Adam
Lampson	Olver	Smith, Linda
Lantos	Ortiz	Snyder
LaTourette	Owens	Spratt
Lazio	Oxley	Stabenow
Leach	Pallone	Stark
Levin	Pappas	Stokes
Lewis (CA)	Pascrell	Strickland
Lipinski	Pastor	Stupak
Livingston	Pelosi	Tanner
LoBiondo	Peterson (MN)	Tauscher
Lofgren	Petri	Thurman
Lowey	Pickett	Tierney
Luther	Pomeroy	Torres
Maloney (CT)	Porter	Towns
Maloney (NY)	Poshard	Traficant
Manton	Price (NC)	Turner
Markey	Quinn	Velazquez
Martinez	Rahall	Vento
Mascara	Reyes	Visclosky
Matsui	Riggs	Waters
McCarthy (NY)	Rivers	Watt (NC)
McDade	Rodriguez	Waxman
McDermott	Roemer	Weldon (PA)
McGovern	Rothman	Weller
McHale	Roukema	Wexler
McIntyre	Roybal-Allard	Weygand
McKinney	Sabo	Wise
McNulty	Sanchez	Woolsey
Meehan	Sanders	Wynn
Menendez	Sandlin	Yates
Metcalf		Young (FL)

NOT VOTING—22

Baker	Gonzalez	Ros-Lehtinen
Bonilla	Hall (OH)	Rush
Borski	Lewis (GA)	Schiff
Brown (CA)	McCarthy (MO)	Shadegg
Brown (FL)	Meek	Taylor (NC)
Christensen	Murtha	Thompson
Cox	Payne	
Dellums	Rangel	

Mrs. KELLY changed her vote from ''aye'' to ''no.''

Mr. DAVIS of Virginia changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. FARR of California. Mr. Chairman, today we faced the possible weakening or elimination of the Corporation for Public Broadcasting [CPB]. I am extremely pleased that both misadvised amendments were defeated. I believe public broadcasting funding is a good investment. The Corporation for Public Broadcasting is an excellent example of one of the most successful public-private partnerships in the country. Every $1 in appropriated funds leverages $5 in private investment.

More than 90 percent of the Federal appropriation goes directly back to States and local communities, either for direct services or programming. In 1993, for example, CPB's $253 million appropriation created more than $1.5 billion in revenue for local stations. This modest investment is critical to our local communities.

Public broadcasting programs are the only commercial-free shows available on television, and have wide appeal; many are educational and award-winning, such as ''Sesame Street'' and ''NOVA.'' I am sure that almost every Member in Congress has fond memories of watching ''Sesame Street,'' ''Mr. Rogers' Neighborhood,'' or the ''Electric Company'' themselves or with their children, along with new ones such as ''Barney.'' CPB programs are not just for children though; many of us regularly tune into CPB supported shows such as ''This Old House'' and the ''McNeil-Leher Hour.''

Public television and radio provide an important outlet which is not dictated by corporate sponsors. Public broadcasting stations serve as community institutions, much like libraries or museums, and as such are supported by the community through financial aid. CPB is a public service, ''owned'' by the American people.

Mr. FOX of Pennsylvania. Mr. Chairman, I rise to commend Chairman PORTER, Ranking Member OBEY, and the members of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies Appropriations for their foresight in increasing appropriations in recognition of the contributions made by this Nation's seniors through the programs of the National Senior Service Corps—Foster Grandparents, Senior Companions, and Retired and Senior Volunteers Program. The resources which the committee proposes to make available through the fiscal year 1998 appropriations process will go far toward affording thousands more older Americans to share their experience of a lifetime in helping children in need of a loving mentor, peers in need of a caring friend to help out in daily living, and communities across the Nation. I am proud to be considered a proponent of these important programs.

In reporting companion versions of the fiscal year 1998 Labor/HHS/Education funding measure, the House and Senate Appropriations Committees suggested different methods for allocating their respective increases in the senior volunteer programs. Since the time of committee action, representatives of the National Senior Service Corps Directors Associations have met with officials of the Corporation for National Service in an effort to agree on a common plan for moving the programs forward with these desperately needed funds. It is my understanding that the parties have reached common ground for allocation of fiscal year 1998 resources—reflected in an exchange of letters between Corporation CEO Harris Wofford and the presidents of the respective associations. I further understand that this agreement is a recommendation for fiscal year 1998 funding only and should not serve as a precedent for funding decisions in future fiscal years.

While no one is certain of the final outcome of this year's deliberations on the Labor/HHS appropriations bill, it is my hope that no matter the outcome—even if these funds end up in a continuing resolution—the respective leaders on the part of the House and the Senate on this funding legislation would agree to the highest possible levels for each of the three programs—Senate level for the Foster Grandparent Program and House level for the Senior Companion Program and Retired and Senior Volunteer Program. Further, I would encourage the leaders of the respective committees to embrace the funding plan developed between the Directors Associations and the Corporation for National Service as reflected in Mr. Wofford's letter, which I submit for the RECORD.

CORPORATION FOR NATIONAL SERVICE,
Washington, DC, September 5, 1997.

Mrs. MARY LOUISE SCHWEIKERT,
President, National Association of Foster Grandparent Program Directors, Laurelton, PA.

DEAR MARY LOUISE: Discussions between the Corporation for National Service and the National Senior Corps Directors' Associations have resulted in a consensus recommendation to resolve differences in report language between the House and Senate Appropriations Committees for purpose of fiscal year (FY) 1998 funding.

We agree that:

1. One third of new funds above the prior year level shall be allocated to Programs of National Significance. Of this one third, one-half shall be allocated consistent with current law and one-half may be utilized within the confines of each program but with the flexibility envisioned in section 231 of the DVSA.

2. A ten cent stipend increase shall be provided to Foster Grandparent and Senior Companion Volunteers to be effective January 1, 1998.

3. The intent of the National Associations and the Corporation is to provide each project with a 2.5 percent administrative cost increase. The Corporation shall make a best effort to resolve budget issues which arise from the allocation of program funds on a percentage basis to States to reach this goal.

4. Remaining funds after fulfillment of items 1–3 above, may be utilized within the confines of each program but with flexibility as envisioned in section 231 of DVSA.

5. Further, the Corporation will utilize the FY 1998 funding as detailed by the Administration budget request, where applicable, to further senior service initiatives in areas related to the national need of child literacy and reading.

6. Finally, with the agreement, the need for detailed report language from the Joint Statement of Managers of the Conference committee is eliminated, and we will suggest only broad language supportive of the programs and Senior Corps. This will allow the Corporation, in consultation with the respective Boards of the National Associations, to appropriately and best respond to the programmatic and administrative needs of the individual programs.

Thank you for your collaboration on working to find a unified an mutual solution to this issue. Please let me know at your earliest convenience, if you agree with these understandings so that we can promptly communicate it to the relevant committees.

Sincerely,

HARRIS WOFFORD,
Chief Executive Officer.

NATIONAL SENIOR SERVICE CORPS DIRECTORS ASSOCIATIONS,
Washington, DC, September 9, 1997.

Hon. HARRIS WOFFORD,
Chief Executive Officer, Corporation for National Service, Washington, DC.

DEAR HARRIS, Thank you for your letter of September 5. The consensus recommendations you set forth, consistent with our discussions, holds great promise for the future of the Foster Grandparent Program, Senior Companion Program, and Retired and Senior Volunteer Program, as well as the continued productive working relationship between the National Senior Service Corps Director Associations and the Corporation.

While appropriate to the present circumstances, we share your view that the fiscal year 1998 plan for allocating resources we embrace should not be interpreted as a precedent for future spending decisions and funding allocations among the senior volunteer programs.

We also appreciate your commitment that each existing senior volunteer project receive a 2.5 percent administration cost increase over the funding levels appropriated for fiscal year 1997. While we understand that administrative nuances can affect the allocation of program funds, we accept your assurances that the Corporation will take whatever steps necessary to award an increase of 2.5 to every existing NSSC project for FY 1998 so that we might retain and improve program quality and efficiency.

Finally, we share your desire to work with the relevant committees of Congress to assure that this mutual understanding is carried out. We think it important that this remarkable agreement be communicated in an appropriate manner aimed at establishing a legislative history sufficient to overcome what presently amounts to a conflict between language included in the House and Senate committee reports on the NSSC funding allocation for fiscal year 1998.

Sincerely,

MARY LOUISE SCHWEIKERT,
President, NAFGPD.
JOHN PRIBYL,
President, NASCPD.
NAN YORK,
President, NARSVPD.

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOEHNER) having assumed the chair, Mr. LATOURETTE, Chairman pro tempore 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. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. KOLBE. Mr. Speaker, yesterday I was unavoidably detained and missed rollcall votes 385 and 386. Had I been present I would have voted ''aye.''

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I wish to inquire from the distinguished majority leader the schedule for today and the remainder of the week and next week.

□ 1645

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

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

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding to me.

I am pleased to announce that we have concluded votes for this week, Mr. Speaker. After this schedule discussion, the gentleman from Indiana [Mr. BURTON] will ask unanimous consent to pass a resolution honoring the life and achievements of Mother Teresa of Calcutta. There is an agreement that there will be no recorded votes on this resolution.

Next week, the House will meet at 12 noon on Monday, September 15, for a pro forma session. There will be no legislative business and no votes on that date.

On Tuesday, September 16, the House will meet at 10:30 a.m. for morning hour and 12 noon for legislative business. It is our intention to hold any recorded votes ordered until after 2 p.m. on Tuesday.

Let me be very clear on that. There will be votes on Tuesday, and it is our intention to hold any recorded votes that are ordered until after 2 p.m. on Tuesday of next week.

On Tuesday, the House will take up a number of suspensions, a list of which will be distributed to Members' offices.

After consideration of the suspensions, the House will consider the conference report on H.R. 2106, Military Construction Appropriations, which will be subject to a rule.

We will have a motion to go to conference on H.R. 2159, the Foreign Assistance Appropriations, before resuming consideration of H.R. 2264, the Labor, Health and Human Services Appropriations Act.

On Wednesday, September 17 and Thursday, September 18, the House will meet at 10 a.m. for legislative business. We hope to consider the following, all of which will be subject to rules:

H.R. 2267, the Commerce, Justice, State and Judiciary Appropriations Act for Fiscal Year 1998; H.R. 2378, the Treasury, Postal Appropriations Act for Fiscal Year 1998; and a resolution containing the recommendations of the bipartisan Ethics Reform Task Force.

We hope to conclude legislative business by 6 p.m. on Thursday, September 18. The House will not be in session on Friday, September 19.

Mr. BONIOR. Mr. Speaker, reclaiming my time, I thank my colleague for the information on today, the rest of the week and next week.

I have one additional question for my colleague from Texas, and that is on the Commerce, Justice, State and Judiciary Appropriations Act. The chairman of the Committee on Rules has indicated his willingness to make in order the amendment of the gentleman from West Virginia [Mr. MOLLOHAN] with respect to the census, and I am wondering if we can expect that to happen and be brought to the floor with that amendment made in order?

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, I thank the gentleman for those comments, and it is my understanding that the Mollohan amendment will be in order.

Mr. BONIOR. Mr. Speaker, reclaiming my time I thank my colleague and wish him a very good weekend.

ADJOURNMENT TO MONDAY, SEPTEMBER 15, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 16, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 15, 1997, it adjourn to meet at 10:30 a.m. on Tuesday, September 16, 1997, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that it be the will of the House that the Vikings should beat the Tampa Bay Buccaneers on Sunday next.

Mr. BARR of Georgia. Mr. Speaker, reserving the right to object.

The SPEAKER pro tempore. The gentleman is out of order.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2016, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1998

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 105–248) on the resolution (H. Res. 228) waiving points of order against the conference report to accompany the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2034

Mr. BARR of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 2034, the Use by Minors Deterrence Act.

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

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending