Nussle
Ortiz
Oxley
Pappas
Parker
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
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
Stump
Stupak
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—200

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Buyer
Calvert
Campbell
Capps
Cardin
Carson
Castle
Clay
Clement
Clyburn
Condit
Conyers
Cox
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Granger
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Hooley
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Packard
Pallone
Pascrell
Payne
Pelosi
Porter
Poshard
Price (NC)
Rangel
Riggs
Rivers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stokes
Strickland
Sununu
Tauscher
Thomas
Thompson
Tierney
Torres
Towns
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—3

Gonzalez
Velazquez
Young (FL)

□ 1840

Mrs. CLAYTON changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The committee will rise informally to receive a message.

The Speaker pro tempore (Mr. LAHOOD) assumed the Chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore (Mr. LAHOOD). The Committee will resume its sitting.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

The Committee resumed its sitting.

(By unanimous consent Mr. LINDER was allowed to speak out of order.)

PERSONAL EXPLANATION

Mr. LINDER. Mr. Chairman, regrettably I was not present to vote on Rollcall Numbers 337, 338 and 339 last Friday afternoon. Had I been present I would have voted aye on 337, no on vote 338 and aye on vote 339 which was the final passage of the Patient Protection Act.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to my colleague, the gentleman from Virginia (Mr. SCOTT).

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

Ms. DELAURO. Mr. Chairman, I rise to support the motion which will be offered by the gentleman from Wisconsin (Mr. OBEY) a little bit later in the evening.

Mr. Chairman, in 1994 the Consumer Product Safety Commission decided to grant part of a petition by State fire marshals, State fire marshals who have been asking the CPSC to develop a safety standard for upholstered furniture to address the problems of fires started from small open flames such as lighters, matches and candles. Every year 200 people are killed and 600 injured unnecessarily by fires which start on upholstered couches and chairs. Most of the fires start when children play with lighters and matches, and every year 40 children under age 5 die in fires started by burning upholstered furniture.

These fires, Mr. Chairman, cost an estimated $1 billion and are completely avoidable. These fires could be avoided by using fire-retardant chemicals to reduce the flammability of upholstered furniture. The CPSC has been working for the past 4 years to conduct tests and evaluate all of the issues relating to the proposed standard to reduce fires, but the upholstered furniture industry does not want this standard to move forward, so in subcommittee an amendment was added to tie the CPSC up in red tape and paperwork and delay the development of these standards.

Mr. Chairman, the study required in this bill is unnecessary, it is a stall tactic, and the CPSC estimates that it would take more than 5 years and cost nearly a million dollars to do this unnecessary study. In the meantime more fires will occur putting peoples' lives in danger. Each year that goes by before the standard is put in place 200 people die, each year 600 people are injured unnecessarily, and each year that goes by nearly $1 billion in damages and social costs from these preventable fires occur. Each year that goes by 40 more children under age five will die from fires and burns.

□ 1845

Will we continue to sacrifice the lives of our children and firemen? Will we pander to the upholstered furniture industry to stop the CPSC from taking steps to prevent these completely avoidable fires? No. I urge my colleagues to support this motion to recommit.

Mr. Chairman, I am pleased to yield to my colleague, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, we will vote on a motion to recommit with specific instructions to strike section 425. This section puts the interest of an industry over the interest of our citizens. Today we won a victory on children's sleepwear fire safety standards. We demonstrated Congress' bipartisan commitment to ensuring that our children are safer from fires. Now we must continue that commitment by allowing the Consumer Product Safety Commission to proceed on upholstered flammability standards.

In a letter to the Committee on Rules, the Consumer Product Safety Commission called this language an obstacle to their work. They said, and I quote:

> The proposal creates additional costs to an ongoing project and adds considerable delay and redundancy with no additional benefits to the American public. This is only intended to interfere and disrupt the orderly process already developed by the Consumer Product Safety Commission to consider a serious hazard facing American consumers.

That is not stated by any Congressperson. That is stated by the CPSC. Unfortunately, if this VA–HUD appropriations bill passes with section 425, the $16 billion upholstery manufacturing industry will receive an early Christmas present. That is what this is all about.

While the industry is laughing its way to the bank, thousands of Americans will be in jeopardy and will continue to be in jeopardy. They will be

burned because the industry spent thousands of dollars lobbying against a national upholstery flammability standard. Thirty-seven hundred people a year are killed by house fires. Seventeen hundred youngsters are injured due to residential fires, most of which are starting when upholstery furniture catches fire.

This bill blocks the progress that has been made by the Consumer Product Safety Commission. The provision not only delays the project, but it is totally redundant and provides no further benefit to the American public.

While we wait, over 25,000 men, women, and children will have died as a result of burning furniture if we wait a year or 18 months. The Consumer Product Safety Commission calculates that an upholstery flammability standard will have an annual net savings of $300 million.

AMENDMENT NO. 31 OFFERED BY MR. RIGGS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Mr. RIGGS: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated by this Act may be used to implement section 12B.2(b) of the Administrative Code of San Francisco, California.

Mr. RIGGS. Mr. Chairman, I will try to be as brief as I can for this debate, because I believe that this is the last substantive amendment pending to the bill before we move to recommittal and final passage.

I am glad the Clerk read my amendment because the amendment has been revised and modified now a couple of times in part because of what I think is the legitimate criticism of earlier versions of the amendment from some of my colleagues on the Democratic side of the aisle.

So the amendment in its current form is intended to do one thing and one thing only, and that is to prevent the City and County of San Francisco government, which is one unit of local government, one political subdivision, and to the extent that my amendment, if it passes, reflects the thinking and the intent and the will of the Congress, by inference, any other local government, to prevent the city and county of San Francisco government from being able to use Federal taxpayer funding, Federal taxpayer funding to condition any city contract to a private organization to require that private organization, whether it be a for-profit business or a not-for-profit community-based charitable organization, to provide domestic partner benefits to their employees.

I think that that is the basis for a very legitimate, a very serious debate in the people's House before any local government can use Federal taxpayer funding in this fashion.

So I want to stipulate at the outset that this is not, in my view, a matter involving local autonomy. It does not force the city and county of San Francisco to change its current law, city ordinance on the use of city funding, local taxpayer funding in this fashion, no matter how misguided I might think that is. For that matter, it does not apply to any city contracts with State taxpayer fund.

While I would disagree with the policy, it does not interfere with the city and county of San Francisco's decision to offer domestic partner benefits to their own employees. It only applies at that point where the city and county attempts to condition the city contract using Federal taxpayer funding to impose this requirement on the private sector. Therein lies, I think, a very important distinction.

Secondly, the way the city's ordinance is currently drafted, chapter 12B of the San Francisco Administrative Code, it requires private organizations doing business with the city to provide benefits to unmarried domestic partners to the same extent as spouses of married employees.

I think we should have a debate on whether we want to elevate that relationship to the same status as marriage, which I consider to be a sacred institution and which I define as the covenant between one man and one woman. I think we can have a very legitimate debate on that.

But the real problem I have with the city ordinance is, as I have mentioned, that it applies to all city contracts and grants using monies deposited or under the control of the city. I quote from the ordinance. So it applies to Federal taxpayer funding as well as State and local taxpayer funding. Hence, the need for my amendment.

This is a relatively recent law, relatively recent development in San Francisco. Since its implementation by the elected decision makers for the city and county of San Francisco, that is to say a majority of the San Francisco Board of Supervisors, there have been a number of organizations that have resisted this policy, some of them for-profit businesses, large corporations like United Airlines, Federal Express. It needs city approval in order to be able to do business, to have facilities in San Francisco International Airport.

Those large corporations, for-profit entities, they have resources that smaller nonprofit community-based charitable organizations do not. So I am not here really on their behalf. I am here on behalf of Catholic Charities and Salvation Army, two venerable organizations. They have longstanding relationships with the city and county of San Francisco government that have found themselves suddenly forced to accept this policy or lose its city contracts.

In the case of Catholic Charities, they were able to work out apparently an agreement that is a slight variation of the city law. But in the case of the Salvation Army, which refused to buckle to the city policy, the Salvation Army forfeited $3.5 million of its $18 million budget. Here is the headline from the San Francisco Examiner newspaper.

The CHAIRMAN. The time of the gentleman from California (Mr. RIGGS) has expired.

(By unanimous consent, Mr. RIGGS was allowed to proceed for 2 additional minutes.)

Mr. RIGGS. Mr. Chairman, the headline says ''The Salvation Army has decided to end its contracts with San Francisco and shrink programs serving the homeless, drug addicts and the elderly because of a dispute over the city's domestic partners law.

Some, if not most, or even all of this funding originated with Federal taxpayers and was appropriated by this body, in this annual spending bill, as well as other annual spending bills.

What I want my colleagues to know is that the city law provides for a specific exemption, a sole provider exemption, otherwise known as a waiver, and that the city and county of San Francisco, upon the recommendation of the city's Human Rights Commission, has granted a number of waivers to private contractors doing business with the city of San Francisco, including Blue Cross, Encyclopedia Britannica, the U.S. Tennis Association, Lawrence Hall, Paramount, the large corporation that operates two amusement parks in the San Francisco Bay area so that 9,000 underprivileged kids living in San Francisco could go to those amusement parks this summer; yet it refused to grant a waiver to the Salvation Army and Catholic Charities.

So, Mr. Chairman, I think this is an appropriate debate to take. I think we should take a stand. We should not sanction domestic partner relations; that we should say unequivocally that the American people want leaders who will respect and support rather than dishonor and undermine marriage and the family, and most importantly, I think we should support the rights of private organizations, whether it be the Boy Scouts, Catholic Charities or Salvation Army, to adhere to the traditional values that they have always followed.

So I ask support from my colleagues for my amendment which simply would not allow Federal taxpayer funding from this bill to be used to force or to coerce private groups and businesses to adopt policies that they find morally objectionable.

Ms. PELOSI. Mr. Chairman, I rise in opposition to the Riggs amendment. When I came to the floor to oppose the amendment, I did so on the basis of the issue of local autonomy. Having the concern that I do about the impact of a vote on my colleagues that I wish the maker of this motion would share, I am concerned when I hear him making statements about the practice in San Francisco that is not true. Either the

gentleman is ill-informed or he chooses to ignore the truth in this situation.

What this amendment will do is to single out one city. I ask my colleagues, do you want your city singled out next? None of the funds appropriated by this act may be used to implement Section 12B.2(b) of the Administrative Code of the city of San Francisco.

This is the fifth version of the Riggs amendment. It took five versions for the gentleman from California (Mr. RIGGS) to conclude what he wanted our colleagues to consider because this is a very sloppy approach to legislation. It is in violation of local autonomy and it is unconstitutional.

As I said, I came to talk about this in terms of local autonomy, and if I have the time I will, but I do want to set the record straight.

First of all, the city of San Francisco is not forcing anyone to act against his or her or their principles. Indeed, the gentleman from California (Mr. RIGGS) said he is here on behalf of Catholic Charities. He said that.

Catholic Charities and the city of San Francisco have entered into a very amicable agreement about how Catholic Charities will continue to provide the services that it does exceptionally well in helping with the homeless and with child care and other delivery of services as contractors to the city of San Francisco. There is peace between Catholic Charities and the city of San Francisco. I do not know why the gentleman from California (Mr. RIGGS) wants to create a war there.

In terms of the services provided by the Salvation Army, the gentleman from California (Mr. RIGGS) says that there has been a shrinking of programs and they have not been able to provide the services that they have been contracted to do, and that simply is not true. Indeed, the gentleman from California (Mr. RIGGS) says that San Francisco has offered sole-sourcers the opportunity for a waiver but it would not offer that waiver to the Salvation Army. Not true.

That waiver is available to Salvation Army. They chose not to accept it, and in September their contracts will lapse and San Francisco will award the contracts for the delivery of services that Salvation Army so ably provides. Perhaps the contract will go to Catholic Charities which is complying with the law in San Francisco, as I say, very peacefully.

I say to my colleagues I care about the impact of this vote on them and I do not want to ask them to do something that is not in their interest at the end of the day, and I believe it is in their interest at the end of the day to protect the local autonomy.

Indeed, in the words of our colleague, the gentleman from California (Mr. RIGGS), who said on another occasion, when he was arguing against Federal control, he urged us, and I quote, to decentralize authority and responsibility and, yes, funding and revenues back to the States. This was in the context of the block grants in education.

Then he said, in turn, we will be disbursing power to our fellow citizens.

Well, that is a great idea. Why not support it today?

In another statement, he advised the House, we have to have a national policy which specifies that the Federal Government no longer can impose mandates on State and local government.

□ 1900

Well, if the maker of the amendment were to be true to those words, he would vote down his own amendment today.

The Riggs amendment would prohibit, as I say, any funds from being used to implement section 12B, or the antidiscrimination section of the San Francisco Code to the Administrative Code of San Francisco.

I want my colleagues to hear the words of the U.S. Conference of Mayors. If any of my colleagues have cities and towns in their districts, and I assume that they do, they might want to know that they have said: ''The modified,'' and this is now the 5th modification, ''Riggs amendment strikes at the heart of a local jurisdiction's obligation to ensure that civil rights are protected within its boundaries.''

The Office of Management and Budget warns that ''The amendment would impose an unfunded, expensive and extremely burdensome administration requirement on the city.''

Can my colleagues just see it now? We are going to administer some homelessness or child care or whatever the service is, and we are going to have to figure out what part of it going to Catholic charities is federal, in a way that meets the criteria of the gentleman from California (Mr. RIGGS) but not those of the City of San Francisco and the Constitution of the United States.

Mr. Chairman, this body is not the city council of any city in the country. I urge my colleagues to vote against this ill-advised, poorly-formed amendment.

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

Mr. Chairman, the gentleman from California (Mr. RIGGS), who serves in this House from the State of California, is retiring from his position at the end of this year; and I would make a suggestion that if he wants to get involved in the laws adopted by the City of San Francisco, he ought go to San Francisco and run for the city council.

Because what this amendment has us do here in Washington is interfere with the legitimate local judgments about city contracts by the city itself. It prohibits the use of Federal funds to implement Chapter 12B of San Francisco's Administrative Code, but, obviously, the City does not use Federal funds to implement its ordinances. It does not use Federal funds to pay its employees or its department of public works. When the City issues an RFP, it does not spend Federal dollars.

So what is this amendment all about? It is a message amendment. It is an attack on the City of San Francisco. It is an affront to the citizens of San Francisco and to the progressive corporate citizenship of companies which provide domestic partner benefits. It is a slap at both small mom and pop businesses and Fortune 500 companies like American Express, IBM, and Shell Oil.

The amendment may not have any real effect on the City's business, but it will unquestionably encourage prejudice and intolerance. It will encourage future attacks on local government, and it will fail to do what it purportedly seeks to accomplish; it will fail to interfere with San Francisco's local judgment about its own contracts.

Mr. Chairman, I want to put into the RECORD following my comments here on the floor a letter from the Human Rights Campaign Fund, the Leadership Conference on Civil Rights, the United States Conference of Mayors, and the American Civil Liberties Union, and a resolution adopted by the City of Los Angeles, all opposing this amendment.

I urge my colleagues to oppose it. It is an unwarranted, extraordinary interference with local community judgment. It is not the job of the Congress to be micromanaging the business of American cities.

Mr. Chairman, I urge defeat of this amendment. I include at this time the letters I just referenced.

VOTE NO ON THE RIGGS AMENDMENT TO VA–HUD APPROPRIATIONS

(Working for Lesbian and Gay Equal Rights)

Representative Riggs (R-CA) intends to introduce an amendment when the House resumes consideration of the VA-HUD Appropriations bill. The amendment would prohibit the City of San Francisco from using VA-HUD funds to implement its entire city ordinance against discrimination in city contracts. The ordinance requires all city contractors to prohibit discrimination based on factors which include race, color, religion, sexual orientation, domestic partner status, marital status, or AIDS/HIV status.

UNPRECEDENTED FEDERAL INTERVENTION. The Riggs amendment is an example of gross micro-management of one particular city by the federal government. Congress sets a dangerous precedent and poses a threat to all localities if it begins to use its power to appropriate funds as a means to intimidate and coerce local governments. While the federal government conditions the use of federal funds, these conditions are based on the federal law authorizing the grant program (which is openly debated in Congress) or existing federal government regulations on the use of federal funds (which are subject to public comment). The Riggs amendment is ''de facto'' legislation on an appropriations bill without appropriate committee consideration and debate.

NO NATIONAL INTEREST AT STAKE. In a recent decision regarding the San Francisco ordinance, the U.S. District Court held that local governments have the discretion, as do individual consumers, to pick and choose the companies and organizations with which they will do business. Federal grant requirements similarly require grantees to comply with civil rights and other federal

law in order to do business with the federal government. While Representative Riggs may disagree with San Francisco's ordinance, there is no national interest at stake in its application.

MEAN SPIRITED PUNISHMENT. Punishing the people in one particular city because their duly elected leaders set a government policy clearly within their jurisdiction is a mean-spirited Congressional action. While the Riggs amendment does not cut off federal funds, use of those funds forces the city to violate its own rules and regulations. VA-HUD dollars are meant to help state and local governments meet the needs of their citizens. They are not meant to punish a locality for setting government policy.

THE ORDINANCE IS FLEXIBLE. The San Francisco ordinance requires city contractors who already provide benefits to married partners of employees to also provide benefits to domestic partners of employees. Several exceptions to the ordinance exist which, for example, have allowed San Francisco to craft an agreement with Catholic Charities that is satisfactory to both. Catholic Charities is now delivering care, housing, counseling and other services under a city contract.

THIS IS AN HRC KEY VOTE.

THE UNITED STATES
CONFERENCE OF MAYORS,
July 22, 1998.

DEAR MEMBER OF CONGRESS: On behalf of The United States Conference of Mayors, I am writing to express our continued opposition to an amendment to the VA-HUD Appropriations bill which would be a major undermining of local autonomy and the principles of federalism.

The modified amendment proposed by Representative Frank Riggs (CA) would prohibit any funds under the bill from being used by the City of San Francisco to implement sections of its municipal code that provide specific civil rights protections. These protections include prohibiting discrimination on the basis of race or national origin, religion, gender, disability or age.

The nation's mayors are seriously concerned with this unwarranted intrusion into local decision making. The modified Riggs amendment strikes at the heart of a local jurisdiction's obligation to ensure that civil rights are protected within its boundaries.

We again urge you to oppose this amendment on the grounds that the principles of federalism and local autonomy must not be held hostage to the provision of needed federal funding. The amendment would establish a very dangerous precedent and we urge you to oppose its adoption.

Sincerely,

J. THOMAS COCHRAN,
Executive Director.

LEADERSHIP CONFERENCE ON
CIVIL RIGHTS,
Washington, DC, July 22, 1998.

DEAR REPRESENTATIVE: On behalf of the Leadership Conference on Civil Rights (LCCR), a coalition of more than 180 national organizations representing people of color, women, labor unions, persons with disabilities, older Americans, major religious groups, gays and lesbians and civil liberties and human rights groups, we write to express our strong opposition to the so-called modified Riggs amendment to H.R. 4194, the FY '99 VA–HUD Appropriations Bill. If enacted, this amendment would mark a profound departure from this nation's bipartisan commitment to equal protection under the law and cause irreparable harm to countless Americans.

The modified Riggs amendment would prohibit the implementation of Chapter 12B of San Francisco's Administrative Code in programs funded by this bill. Chapter 12B includes fair employment protections prohibiting private vendors who do business with the city from discriminating on the basis of race, gender, color, creed, national origin, disability, and sexual orientation. Chapter 12B also provides for enforcement of these nondiscrimination protections through the local Human Rights Commission.

Each year, government entities (federal, state, and local) purchase goods and services from private vendors. For most of the nation's history, women and people of color faced insurmountable legal barriers that deprived them of the opportunity to compete for these government contracts. Even after these legal obstacles were removed in the 1960's, Congress has repeatedly recognized that systemic illegal discrimination continues to deprive countless individuals an equal opportunity to secure the federal government's procurement dollars. Similarly, state and local governments have enacted numerous program to ensure they are not an active participant in the continuing cycle of discrimination.

Prohibiting the City of San Francisco from ensuring nondiscrimination within programs under its jurisdiction not only would represent an unprecedented intrusion in local government autonomy, but more important, would mark a significant retreat in the nation's bipartisan commitment to effective civil rights enforcement. State and local governments have a compelling interest in expanding employment opportunities and ensuring that taxpayer dollars are not inadvertently being used to subsidize discrimination.

On behalf of the Leadership Conference, I urge you to continue the bipartisan tradition of supporting non-discrimination by rejecting the revised Riggs Amendment that would endanger equal employment opportunities.

Sincerely,

WADE HENDERSON,
Executive Director.

ACLU,
WASHINGTON NATIONAL OFFICE,
Washington, DC, July 23, 1998.

DEAR REPRESENTATIVE: The American Civil Liberties Union strongly urges you to oppose the Riggs Amendment to the Veterans Administration/Housing and Urban Development Appropriations bill. The Riggs Amendment will most likely come up for a vote as early as this afternoon or tomorrow morning.

Congressman Riggs has proposed four different versions of his amendment to punish the City of San Francisco for contracting with businesses that provide domestic partnership health care benefits to their employees. Several of those versions are unconstitutional as lacking any legitimate governmental purpose under the Supreme Court case of Romer v. Evans, or as directly violating the constitutional prohibition on Congress passing any bill of attainder—specifying a person or organization for punishment instead of passing a generally applicable law.

The fourth and latest version of the Riggs Amendment raises an entirely new set of problems. It provides that ''none of the funds appropriated by this Act may be used to implement Chapter 12B of the Administrative Code of San Francisco, California.''

In his rush to punish San Francisco for encouraging its vendors to provide the partners or spouses of both gay and lesbian and heterosexual employees with the same health care benefits, Congressman Riggs is attacking a city law that also protects against discrimination based on race, religion, color, gender, and national origin. Riggs has broadened his attack to include all minorities.

The San Francisco City Council passed Chapter 12B of its Administrative Code to eliminate all forms of discrimination against its employees and persons working for its vendors. The objective is to protect the basic civil rights of persons working for the city—even if those workers are in positions that have been privatized.

The Riggs Amendment will punish San Francisco for doing what all federal civil rights laws permit San Francisco to do. Specifically, federal civil rights laws do not preempt state and local civil rights laws. The purpose of preserving the rights of state and local governments to pass their own civil rights laws is to encourage them to enforce civil rights laws at the state and local level and reduce the need for the federal government to intervene.

The Riggs Amendment violates the historic federal principle of not preempting stronger state or local civil rights laws by punishing a city for passing a provision that provides effective protection for persons based on such characteristics as race, religion, color, natural origin, gender, and sexual orientation. If it passes, the Riggs Amendment will be a big step backward for the protection of civil rights at the state and local level.

For these reasons, the ACLU strongly urges you to vote against the Riggs Amendment.

Sincerely,

LAURA W. MURPHY.
CHRISTOPHER E. ANDERS.

CITY OF LOS ANGELES,
California, July 24, 1998.

Re: Include in city's Federal Legislative Program Opposition to Riggs Amendment to H.R. 4194—VA, HUD, and Independent Agencies appropriations bill—which would prohibit any HUD funds from being distributed to a locality which has an ordinance requiring contractors to provide health care benefits to domestic partners of company employees.

I hereby certify that the attached resolution (Miscikowski-Wachs), was adopted by the Los Angeles City Council at its meeting held July 24, 1998.

J. MICHAEL CAREY, *City Clerk.*
By Judi R. Clarke, Deputy.

RESOLUTION

Whereas, Congress is in the process of enacting various appropriation bills to fund all Federal programs for the fiscal year beginning October 1, 1998; and

Whereas, one of these bills is H.R. 4194, which makes appropriations for Veterans Affairs, HUD, and Independent Agencies, including funding for homeless programs, housing programs for people living with HIV/AIDS, low-income elderly housing and lead abatement programs; and

Whereas, Representative Frank Riggs has introduced an amendment to this legislation which, although worded differently in its various iterations, would essentially undermine local autonomy and put the Federal Government in the role of dictating policy to cities around the country; and

Whereas, this amendment would essentially prohibit any HUD funds from being distributed to a locality which has an ordinance requiring contractors to provide health care benefits to domestic partners of company employees; and

Whereas, although currently worded to specifically apply only to the City of San Francisco, the real impact of this amendment stretches far beyond the borders of any particular city. The issue is the right of any municipality in America to consider and enact ordinances within their traditional purview without Federal intervention; and

Whereas, the effect of this amendment would be to reduce lead hazard reduction activities for children, eliminate funds for low income elderly housing, curtail services to the homeless and eliminate resources for housing for people with AIDS; and

Whereas, the San Francisco ordinance under attack by this amendment merely requires contractors who already provide benefits to married partners of employees to also provide benefits to domestic partners of employees; and the ordinance provides several exceptions to exempt certain contractors, such as Catholic Charities and the Salvation Army from some of these requirements; and

Whereas, this ordinance has been upheld by a U.S. District Court in San Francisco which held that local governments have the discretion to pick and choose the companies and organizations with which they will do business; and

Whereas, the Riggs amendment has been modified four times in an effort to secure its passage, the last version narrowing to apply only to the City of San Francisco. However, its intent is far reaching and has serious implications for all cities, including the City of Los Angeles which has implemented various efforts to benefit domestic partners, secure living wages for workers and eliminate substandard/slum housing—all programs which may fall victim to some future Congressional initiative such as the Riggs amendment; now, therefore, be it

Resolved, That the Council of the City of Los Angeles hereby includes in the City's Federal Legislative Program opposition to the Riggs Amendment to H.R.4194—the VA, HUD, and Independent Agencies appropriations bill, and any similar legislation which would prohibit any HUD funds from being distributed to a locality which Has an ordinance requiring contractors to provide health care benefits to domestic partners of company employees, and would undermine local autonomy and put the Federal Government in the role of dictating Policy to cities around the country.

ANDY MISCIKOWSKI,
Councilwoman, 11th District.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Riggs amendment, because, frankly, this amendment is a clear intrusion into the affairs of a local government. It targets an ordinance approved by only one city in this country, San Francisco; and, frankly, it sets a terrible precedent in so doing.

As has been mentioned, the U.S. mayors oppose the modified Riggs amendment saying that, quote, the modified Riggs amendment strikes at the heart of a local jurisdiction's obligation to ensure that civil rights are protected within its boundaries, unquote. The Leadership Conference on Civil Rights has also expressed its strong opposition, as have other organizations.

Further, the amendment violates the Constitution's prohibition against the enactment of ''bills of attainder'' by naming specific targets for punishment through the prohibition of funding. I think it would clearly be challenged in the courts.

The amendment would have a substantial financial impact on the City of San Francisco. The Office of Management and Budget has determined that the amendment would impose an unfunded, expensive and extremely burdensome administrative requirement on the City, unquote.

Mr. Chairman, contrary to the charges made by amendment supporters, the City of San Francisco has worked with organizations with differing beliefs to reach agreements satisfactory to both; and as has been mentioned and I will reiterate, in fact, Catholic charities and the City have reached just such an agreement in regard to the ordinance.

So Mr. Chairman, I repeat, this is a clear instance in which the Federal intervention in local affairs is not appropriate. There is no justification for this intrusion in local decisionmaking. In fact, this amendment would set a dangerous precedent if it were approved, and I hope it will not be approved.

Mr. LANTOS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, San Francisco has two representatives in Congress, and I am proud to join the gentlewoman from California (Ms. PELOSI), my friend and colleague, in expressing my strongest disapproval of this proposed amendment.

This amendment by the gentleman from California (Mr. RIGGS) should be called the ''Big Brother Amendment,'' because it engages in a preposterous degree of micromanagement of the affairs of a city. And it is not surprising that the national organization representing the mayors of our country and the national organization representing the counties in our country are as opposed to this amendment as are we.

It is simply preposterous for the Federal Government to interfere with city ordinances that merely provide for equality of opportunity and fairness. Micromanagement has no role in our legislative process. And to find a subsection of a section of the San Francisco city ordinance to be unacceptable to the Congress of the United States by individuals who favor block grants and who tell us to allow local decisionmaking is so hypocritical as to boggle the mind.

But this is not just interference in local decisionmaking. This is a poorly disguised assault on a persecuted minority, and I hope my colleagues across this political spectrum, from the far right to the left, will oppose this amendment. There is no room in our society for fermenting divisions, hate, and persecution, and this amendment should be rejected.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California (Mr. RIGGS). I do so because I believe the amendment represents an unwarranted intrusion into the local affairs of one particular city.

The Riggs amendment says that none of the funds in this bill may be used to implement section 12B.2(b) of the Administrative Code of San Francisco, California. This particular section of local law requires contractors doing business with the City of San Francisco to provide the same benefits to their employees' ''domestic partners'' as they provide to employees' spouses. Domestic partners are defined as persons registered as such with a government agency pursuant to a State and local law. The apparent intent of the Riggs amendment is to prevent the City from applying this requirement on contracts that use funding from HUD or one of the other Federal agencies covered by this bill.

San Francisco's domestic partnership law is motivated, in part, by a belief that, as a matter of principle, spouses and domestic partners should be treated equally with respect to employee benefits. The practice of providing benefits to domestic partners has been adopted by a great many employers throughout the country, ranging from local governments to large corporations.

I also understand that the City's law is motivated, in part, by a desire to make health benefits more widely available and thereby reduce costs for public health programs.

Now, whether one agrees or disagrees with the particular approach chosen by San Francisco, we should all be able to agree that these are legitimate goals for a municipal government to be pursuing and that the City's elected officials have every right to adopt this rule.

We are so often told, especially by members of the majority party, that greater power must be returned to State and local governments and that the Federal Government should be providing assistance, largely through block grants with few strings attached. And, indeed, many of the programs administered by the Department of Housing and Urban Development that are funded in this bill, there has been an increasing emphasis on local control and local decisionmaking.

The Riggs amendment turns this principle on its head. It singles out one particular city and says that city cannot apply a particular local ordinance to block grant and other funds.

Mr. Chairman, do we believe in local control and local decisionmaking or do we not? If we truly believe in local control, that principle should apply regardless of whether Congress happens to agree with all of the decisions made by every locality. Does Congress really need to turn itself into some sort of super review body for city councils picking and choosing those local enactments with which it agrees and disagrees and singling them out for disapproval in appropriation bills? I hope not. We should not start down that road.

Mr. Chairman, I urge defeat of the Riggs amendment.

Mr. NORWOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Chairman, I thank my good friend and colleague for seeking recognition and for yielding to me, because at this point in the debate I think it is important that we perhaps clarify some erroneous impressions that I believe my colleagues on the other side of the aisle are laboring under. Certainly I hope that they are not trying to perpetuate some of this nonsense that I have heard in recent days as we diligently sought to narrow the scope and the impacts of my amendment.

Just for the record, there were three versions, not four, not five, and I do not think there is a need to constantly exaggerate.

Just for the record, the City and County of San Francisco is the only such city with this kind of law, this kind of ordinance on the books, using Federal taxpayer funding to force private organizations to comply with the law. They are very proud of that fact. They are proud of the fact that they have a ground-blazing ordinance, their groundbreaking domestic partners law, the equal benefits ordinance which requires that organizations doing business with the City provide health care benefits to gay, lesbian and unmarried partners of their employees if they provide the same benefits to husbands and wives. And I do not think we will get any dispute over here that that is what the ordinance says and what it seeks to do.

So I guess the question to my colleagues is, do my colleagues have any concern about unwarranted intrusion into the private sector? I guess not. Do my colleagues really think that we should elevate a relationship between two unmarried people to the same relationship as two married people? And if we do not, that that is a form of discrimination, as I have heard people who oppose my amendment say repeatedly? Do my colleagues really feel that that is a form of discrimination, that unmarried people are treated differently under the law than married people? Do my colleagues think that that should be the policy of the United States Government, that unmarried people in a relationship are treated the same as married people?

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

Mr. RIGGS. Mr. Chairman, the gentleman from Georgia controls the time.

Mr. LANTOS. Mr. Chairman, is this a rhetorical question or a serious question?

Mr. RIGGS. Mr. Chairman, the gentleman from Georgia controls the time. I will continue on. I will continue on, because, obviously, the gentleman has the ability to get more time on that side of the aisle.

□ 1915

I do not want people, our colleagues who might be following this debate, to labor under a false impression. Of course the Conference of Mayors, of course local officials, are going to go on record as opposing the amendment. They want as few strings attached as possible. We recognize that.

The gentlewoman from California (Ms. PELOSI) is right when she says that generally speaking it is the Republican philosophy to decentralize funding and to maximize local control. The problem here is that we are talking about Federal taxpayer funding, not just State and local government funding, but Federal taxpayer funding.

My amendment does not jeopardize, as some have attempted to portray, receipt of these funds. The city and county of San Francisco would still get their full allocation of funding under the bill. They just could not use the funding to require that private organizations accept this policy against their fiscal and/or moral objections.

So my amendment merely prohibits the city and county of San Francisco, the first unit of local government to adopt such a law and to use Federal taxpayer funding, to force this law on private sector contractors, from attaching any domestic partner conditions to city contracts with Federal taxpayer funding because it now has had the unintended effect, at least in the case of the Salvation Army, of jeopardizing, if not disrupting, $3.5 million in funding to serve the homeless, to serve AIDS patients, and to provide meals to elderly citizens.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. KUCINICH. Mr. Chairman, I think a national civics lesson is in order here. First of all, as a former mayor of the city of Cleveland, I think that I understand what all mayors understand, and that is that people in our cities pay taxes to city, State, and to the Nation. So people in cities across this country give their tax dollars to the Federal Government. They are Federal taxpayers. That does not give them any less rights, it actually gives them more rights. It gives them something to say at all levels.

I am very concerned, as a former mayor and as a former city councilman, that the Riggs amendment would usurp the right of a local community, and by reference, all local communities, to make their own laws. The principle of home rule is something that every one of us in the Congress of the United States ought to support. We ought to support the principle of home rule.

People make laws at a local level to promote their own safety, to provide for their own services, to make sure that people have their waste collected, have their streets plowed in the winter, the streets clean, to make sure that the people have good recreation and health care. People establish local governments specifically to do that, and they also establish laws which relate to the concerns of people in the community.

People elect local officials because there are some decisions that are made at a local level, the decision of which ought to be made by the people of that locality. The history of the Federal Government does not provide for preemption of State or civil rights laws where State or civil rights laws of a locality have gone further than the Federal Government.

There is no place like home, and there is no government institution like home rule. How precious is this right of self-government? How precious is this right of home rule? People together, coming together at a local level, they elect their members of council to address local issues which are of importance to the people in their neighborhood, their community, and their city.

City councils meet as legislative bodies to make the laws for a city. It has been said before, we are not a plenipotentiary legislative body that seeks to make laws at every level of this government. We make Federal laws. We do not make laws for city councils and the city of San Francisco or Cleveland or Chicago or New York.

All across this land, mayors and councils meet daily, meet weekly, to do what they feel is in the best interests of their community. Local government exists for local matters, and the Federal Government exists for Federal matters, and we should not try to usurp the job and the duty of local government.

But when an amendment is created and aimed specifically at one city, in this case, San Francisco, California, I submit that it attacks home rule not only in San Francisco, but it attacks home rule in every city in the United States of America. As a former mayor, I can tell the Members that that ought not to happen, because that is not what the founders or the framers meant when they created a United States. It attacks home rule in New York, in Cleveland, in Chicago and Los Angeles, in every city and in every suburb and in every town.

Local government means power to the people in its finest. Aside from this attempt to dictate to San Francisco, there is an undercurrent here which is not worthy of this Congress. I ask the Members, whatever happened to keeping government out of people's private lives? Whatever happened to live and let live? Whatever happened to do onto others as you would have them do unto you? Whatever happened to judge not, that ye be not judged?

Mr. Chairman, I yield back, but I do not yield back anybody's constitutional rights.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise with some regret to strongly oppose the amendment of my colleague, the gentleman from California (Mr. RIGGS).

Mr. Chairman, I rise to make a couple of points. The first is that many may not know, but the early part of my life in a professional sense involved years in the health and life insurance business. I know a good deal about the group health insurance business and the way those contracts are formed.

I feel very strongly that in this arena, the marketplace ought to have something to say. Indeed, as my colleague, the gentleman from Ohio (Mr. STOKES) indicated, there are corporations across the country who, in specifications they have outlined in terms of health insurance contracts, have included, among other things, provisions such as the ones that are being discussed here. The marketplace will work. People who are bidding to place those contracts can either choose to compete or not compete. So, frankly, I think, in the clearest sense, that ought to be true in this instance in the bay area of California.

Above and beyond that, it strikes me that beauty often lies in the eyes of the genuflector, and I find people in this House, sometimes on both sides of the aisle, stand and pound their chests in support of local control. Indeed, I have often said to my friends who are involved in educational issues at the local level, friends, be very careful as you turn to Washington and look for your educational dollars, and recognize that we only give 10 cents on the dollar for educational purposes, but very quickly those who are delivering that dime want to spend your entire dollar, for they love the control, using the Federal dollar as the reason to control.

In this case, in a most fundamental way, local government is reflecting its views as to what their policy should be, and very much reflecting their community in total, the epitome of what local control is all about.

It seems to me that the first thing the Congress should know is that we do not have all the answers to all the problems around. Indeed, that government that serves best is the government that is closest to the people who would be served.

So for all of those reasons, I would strongly urge the Members of this body to reject the Riggs amendment.

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

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, as the gentleman knows, we are friends and colleagues of the same State congressional delegation, and I respect the gentleman's opinion and views. But I want to explain one more time why I think we should give this very careful thought.

That is simply this: In the instance of the Salvation Army, we have an organization that has had a longstanding relationship with the city of San Francisco. I do not think there is any argument to that. They have long had a presence in the San Francisco Bay area that is specifically within the city and county of San Francisco.

There are a lot of destitute and very needy people in the city of San Francisco. This is an organization dedicated through its founding principles, yes, its Judeo-Christian principles, on which it was founded, to helping the desperately poor and truly needy among us in our society.

So there is an organization that is put in this quandary. They have a presence, a longstanding presence there. They have had a relationship with local government. Local government adopts this law. They condition their contracts; and ultimately, the contractor, this private organization, objects to the contract and to the law on moral and religious grounds.

The problem that I have is that that is not the marketplace working. If it is a private for-profit entity, that is one thing, but this is a private not-for-profit charitable Christian organization that objects on moral and religious grounds, but wants to stay there in the city and continue to provide the services.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I must say to the gentleman that there is probably not an organization in the country that I feel more closely to than the Salvation Army. I have worked with them not just here at home but overseas, in many instances in the country of India. I have a great sensitivity there.

But indeed, the marketplace does play a role here. Indeed, I am sure the Salvation Army, like other organizations working with the city, can find a way through this. But we should not be overriding that fundamental element of local control because of either a single organization, or in this case, because some disagree here at the Federal level.

Mr. FILNER. Mr. Chairman, I move to strike the requisite number of words.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. FILNER. I yield to the gentlewoman from Texas.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, because this is a very destructive amendment, I rise to oppose it, and I hope my colleagues will defeat it handily.

Mr. FILNER. Mr. Chairman, I thank the gentleman from California (Mr. LEWIS) for reminding other Members of his party that they are again conveniently forgetting their own sacred mantras of local control and no Washington interference to meet their own extreme partisan ends. Do they not get it, Mr. Chairman? They cannot have it both ways: honor and even sanctify local control when it suits them, but then disregard it when it conflicts with their own partisan agenda.

I am very concerned that this Congress is attempting to micromanage the affairs of the American public.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I do feel this is a very serious issue. I would really regret it if we paint an issue like this in partisan terms.

Mr. FILNER. I thank the gentleman.

In any terms, Mr. Chairman, this is a very harmful precedent to set. Members should mark my words that each and every one of our communities, as the gentleman from Ohio stated, becomes instantly vulnerable to the very same congressional meddling if we pass this amendment.

As a former city councilman and deputy mayor of the city of San Diego, I recall that my city's working with the Federal Government was a two-way relationship. The city met the reasonable requirements and guidelines of Federal grants and programs, and the Federal Government did not meddle in our city's internal affairs and policies. It was a mutually respectful arrangement that this Congress should continue to honor.

Mr. Chairman, the city of San Francisco has the right to conduct its business as it sees fit. Whether it is domestic partnership benefits or term limits or parking restrictions, if the people of San Francisco do not agree with the policies of their government, it is their prerogative to address these issues at the ballot box. It is not the prerogative of this Congress.

I strongly urge my colleagues to be consistent in their demand to honor local control. Let the people of San Francisco and every city in America govern themselves.

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

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

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding, and I thank him for his statement. I know that he is a former member of the city council, and deputy mayor or vice mayor.

Mr. FILNER. Deputy mayor.

Ms. PELOSI. Deputy mayor of San Diego. I appreciate the perspective he brings to this debate.

I particularly want to thank the chairman of the subcommittee, the gentleman from California (Mr. LEWIS) for his opposition to this amendment.

Mr. Chairman, just for the record, because a statement I made was contradicted by the maker of the motion, I want to submit for the RECORD the five versions of the Riggs amendment. This will be a resubmission, Mr. Chairman, because they have already appeared in the RECORD on July 15, in the case of one of them; on July 16, in the case of two of them; on July 21, in the case of another one; and the amendment that we have before us.

Mr. Chairman, I also want to say that it is interesting that the gentleman stood up and said he spoke here on behalf of Catholic Charities and Salvation Army, and now he is backing off

the Catholic Charities defense because he knows it was not a legitimate one. It is one that does not say that if you oppose the Riggs amendment, then you support domestic partners.

□ 1930

That is not the issue at all. It is about local autonomy. And, as I say, there is nobody here to have to defend Catholic Charities. They do a good job themselves. They are in contract with the City of San Francisco to provide the services that Federal dollars do provide. We do not want them to have to spend some of that money trying to separate which dollar is a San Francisco dollar, which dollar is a California dollar, which dollar is a Federal dollar. We would rather they have the maximum use of those funds for the delivery of services to meet the needs of the people of our community.

Mr. Chairman, I am very proud to represent San Francisco, particularly so in conjunction with my colleague, the gentleman from California (Mr. LANTOS), who spoke so eloquently against this amendment earlier. But we all respect our cities that we represent and we respect our colleagues; and when we ask them to vote for something, we should be on the level with them.

When this legislation comes to the floor, it is about local autonomy. I do not think that the VA–HUD bill is the appropriate venue for us to have a discussion about domestic partners. I do not think it is the appropriate venue for us to tell all the corporations in America, many of the largest corporations in America, and I have the list which I will submit for the RECORD, that what they are doing is immoral and indecent. Perhaps the gentleman thinks that is a legitimate debate for this Congress to have. Let him bring it up as an authorizing measure, but not to interfere with this VA–HUD bill.

Mr. Chairman, I include for the RECORD the amendments offered by the gentleman from California (Mr. RIGGS):

Amendment No. 15. At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. XX. None of the funds appropriated by this Act may be provided to the City of San Francisco because the City requires, as a condition for an organization to contract with, or receive a grant from, the City, that the organization provide health care benefits for unmarried, domestic partners of individuals who are provided such benefits on the basis of their employment by or other relationship with the organization.

Amendment No. 24. At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. XX. None of the funds appropriated by title II may be provided to any locality that requires as a condition for an organization to contract with, or receive a grant from, the locality, that the organization provide health care benefits for unmarried, domestic partners of individuals who are provided such benefits on the basis of their employment by or other relationship with the organization.

Amendment No. 25. At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. XX. None of the funds appropriated by title II may be provided to the political entity known as the City and County of San Francisco, California.

Amendment No. 30. At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. XX. None of the funds appropriated by this Act may be used to implement Chapter 12B of the Administrative Code of San Francisco, California.

Amendment No. 31. At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. XX. None of the funds appropriated by this Act may be used to implement section 12B.2(b) of the Administrative Code of San Francisco, California.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to echo some of the comments that have been made by my colleagues, most particularly the comments just made by my colleague, the gentleman from California (Mr. LEWIS), with respect to the marketplace and the fact that, in these instances, the marketplace dictates that these provisions do be provided. Do my colleagues know why? In order to get the best people.

These provisions need to be provided because, in this tight labor market, employers want to make sure they get the best possible talent. And I am sure the gentleman from California (Mr. RIGGS) means no slight to those who are receiving human services. Because, obviously, we want the best people out there who are capable of delivering human services to be the people that we have deliver human services. We would not want to shut out anybody from being able to deliver those human services.

So I think we need to address that point that the gentleman from California (Mr. LEWIS) brought up, because I think it is a very good point. It is not a matter of these private companies having extra money so they can dig into their pockets and do something that feels good. These companies adhere to stock markets. They need to provide the best maximum profit. And the reason they know they can do it and provide these benefits is because they know they are going to get the best possible people. The City of San Francisco should be no different from these private corporations.

Mr. Chairman, I just want to bring to the attention of my colleagues in the House, however, the issue that is being brought up here, the issue with respect to local autonomy. It has been echoed over and over again that the Council of Mayors has rejected the Riggs amendment. They have spoken very strongly on this issue. I want to add that the National Association of Counties and County Executives has also come out vigorously against the Riggs amendment because of its usurpation of local control.

But I want to bring to the attention of my colleagues the fact that this really is usurping local control. In fact, so much so that it will undoubtedly end up in the courts. I am not making anything up here, when the gentleman from California (Mr. RIGGS) himself acknowledges that the only city that is going to be affected is San Francisco.

Mr. Chairman, I thought we were passing a bill that would provide coverage to all the cities and towns in America. But, apparently, the gentleman wants to micromanage and effect a policy in one city in this country. To me, that violates the case of Romer v. Evans, which said that Congress cannot pass any bill of attainder which specifies that Congress cannot carve out one city and town or person for direct impact when passing any legislation. That any legislation that the Congress proposes must impact the whole body of general information that the amendment seeks to change, and it cannot specify in one instance. So, for that reason, this will be tied up in the courts.

Let me tell my colleagues what will practically be the result of when this is tied up in the courts. When this is tied up in courts, it will tie up approximately $65 million in Federal funds which will be tied up. What are those funds? The very programs that the gentleman from California (Mr. RIGGS) says he cares about are going to be compromised because of his amendment.

Homeless people are not going to get the McKinney Grant funds because of the Riggs amendment. People who are homeless because of AIDS are not going to get the necessary Federal funds because the gentleman from California is on this political witch-hunt.

So do not think that this is any old amendment for Members to go in there and cover themselves with political stripes saying, ''I was strong today because I stood up and beat up on some minority in this country and was able to scapegoat some group in this country.'' Do not be so quick to do that, because when we do that we are affecting real people's lives. Real people are going to be affected by this, because of some ideological march that the gentleman from California is on.

Mr. Chairman, I would ask my colleagues to join the gentleman from California (Mr. LEWIS) and others in rejecting this mean-spirited, bigoted, bigoted amendment.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there has been a great deal of comment from the other side on this issue, and I think it is only fair that I yield to the gentleman from California (Mr. RIGGS) so that he may respond.

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Florida (Mr. MICA) for yielding this time to me. I do want the opportunity to respond, since the previous speaker in the well I think just referred to me as being ''mean-spirited'' and ''bigoted.'' I guess the proper thing to do is to consider the source.

But I also want to respond by saying that I did not know the gentleman

from Rhode Island (Mr. KENNEDY) was a constitutional expert. I did not realize he was a legal scholar.

Mr. Chairman, I do realize that he is reading from a letter, because I have a copy of the same letter. I can read from the same letter. I have a copy from the ACLU, the Washington office, which the gentleman, the renowned constitutional scholar, was just referring to regarding, ''The Riggs amendment is an unconstitutional bill of attainder.'' But right above that it says, in their opinion, ''the sole objective of the Riggs amendment is to punish San Francisco for attempting to use its municipal spending powers to help equalize health care benefits for married heterosexual couples and unmarried, due to State law, homosexual couples.''

That is kind of a convoluted way, I guess, of explaining their interpretation of my amendment. But it is the purpose of my amendment not to allow them to use Federal taxpayer funding to condition contracts to equate married heterosexual couples with, as they put it, unmarried homosexual couples.

I also want to respond to a couple of points. The gentlewoman from California (Ms. PELOSI) is correct. I stand corrected. We apparently had five versions of the amendment, three of which we drafted in 1 day.

It is rare that one can stand up on the floor and get criticized by one's colleagues for making a good-faith effort. I served with the gentlewoman on the Committee on Appropriations in the last Congress, so I am well aware of the tactics. It is rare that when one makes a good-faith effort to address, as I said at the outset, legitimate concerns raised by one's colleagues that one is then criticized for raising those efforts.

Be that as it may, I want to go back to Salvation Army and Catholic Charities. I will insert the San Francisco Examiner article in the RECORD at the appropriate time that quotes Mr. Richard Love, an appropriate name, spokesman for the Salvation Army who said that, after 11 months of negotiation, the organization told city officials that it could not comply with the ordinance. It is giving up $3.5 million in city contracts to serve the needy. Three programs, including meals for 1,700 senior citizens, received taxpayers' dollars and will be reduced, but the programs will not be closed.

So it seems to me that the actual effect at the local level was exactly the opposite of what the gentleman from Rhode Island (Mr. KENNEDY), in a kind of hysterical rhetoric, was trying to describe.

The part about Catholic Charities though, well, staying on Salvation Army, it quotes Mr. Love as saying, as I pointed out to the gentleman from California (Chairman LEWIS), chairman of the subcommittee and the primary author of the legislation, ''The Salvation Army objects to the domestic partners law on religious grounds.

''The Army's belief system, grounded in traditional interpretation of Scripture, does not perceive domestic partnership arrangements as similar to the sanctity granted marriage partners.''

That is the position of the Salvation Army. But then they went on to say that the Salvation Army says that the group will continue to ''provide services to individuals, regardless of race, religion, sexual orientation, or marital status.'' They just do not want this policy forced on them, because it contradicts their founding principles and the beliefs that they have long adhered to. They have been in San Francisco for 118 years.

Mr. Chairman, with respect to Catholic Charities, and this I do want to personally address to the gentleman from Rhode Island (Mr. KENNEDY), since he is a member of one of best-known Catholic families in America, it says, ''Last year the City of San Francisco and the Roman Catholic Archdiocese of San Francisco, which has affiliated agencies with city contracts, fought the mandate.''

Mr. Chairman, I would say to the gentlewoman from California (Ms. PELOSI) they fought the mandate. They did not go along with it, Catholic Charities. ''In the end, they reached an accommodation which allows employees of Catholic agencies, or any other organization doing business with the city, to designate someone in their household as eligible to receive spousal-equivalent benefits, and that could include a spouse, a sibling, other relative, or other married partner. Citing Church doctrine, the Archdiocese has been a vocal foe of sanctioning domestic partner relations, homosexual or otherwise.''

So I think it is very inappropriate to give the impression that Catholic Charities went along willingly.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Ms. PELOSI. Mr. Chairman, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, let the RECORD show that no one here says that Catholic Charities approved of domestic partners laws. What we are saying is that no law in San Francisco forces Catholic Charities to accept domestic partners laws or stops it from contracting with the City.

Catholic Charities and the City of San Francisco have reached their accommodation. There is no fight here in our city on this issue. I do not know why the gentleman from California (Mr. RIGGS) wants to start one on this floor.

Ms. WOOLSEY. Mr. Chairman, reclaiming my time, I rise in strong opposition to this amendment, an amendment designed to prevent San Francisco from requiring their contractors to offer domestic partner benefits.

This legislation is discriminatory, hypocritical, mean-spirited and ill-conceived. This legislation is hypocritical because it blatantly denies local control. In essence, it says local officials are free to make decisions about local issues, unless we, the Federal Government and individuals in the Congress, do not agree with that local decision.

I thought Republicans wanted more, not less local control. I guess I was wrong.

This amendment is discriminatory because it once again singles out one group, gays and lesbians, for second-class treatment.

This legislation is mean-spirited because it will deny thousands of people living in domestic partnerships the funds that they need to have health care for themselves.

Finally, the amendment offered by the gentleman from California (Mr. Riggs) is ill-conceived because it is an attempt to play politics with the vitally important appropriations process.

This amendment, which has wide-reaching implications for our country through precedents, if through no other way, was rushed to the House Floor without going through the normal committee process because the right-wing element in this country wants to score some political points.

The fact is, Mr. Chairman, San Francisco chooses to view domestic partnership as a legitimate life-style, a choice that thousands of people make. The Federal Government has no right to tell San Francisco what is right or what is wrong.

□ 1745

The Federal Government has no place in interfering with local decisions. This Congress has no place in judging another person's lifestyle.

I urge my colleagues to make this truly moral choice and vote against this amendment and support the principle of home rule.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is an amazing day. We have a member of Congress, the gentleman from California (Mr. RIGGS) who has decided that he knows better than San Francisco council members who were elected by San Francisco city citizens.

Wake up, citizens of Portland, Oregon and Portland, Maine. Understand that this amendment affects you and the people you elect.

In fact, this amendment is an equal opportunity offender. It is offensive on a bipartisan basis. It is offensive to the people of this country, and it is offensive to the whole issue of home rule.

I say we should vote for local control, stop the nonsense, vote against the Riggs amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Those who would take this amendment lightly or who would sit on the sidelines of this debate, I would warn them, because it reminds me of the words of Martin Niemoeller commenting on Nazi Germany. He said that, they came first for the Communists,

and I did not speak up because I was not a Communist. Then they came for the Jews, and I did not speak up because I was not a Jew. Then they came for the trade unionists and I did not speak because I was not a trade unionist. Then they came for the Catholics, I did not speak. I was a Protestant. Then they came for me. And no one was left to speak up.

Mr. Chairman, I rise to speak up for those individuals who would be affected by this amendment. It is the City of San Francisco today, could be New York tomorrow, Los Angeles next week, New Orleans next month and even perhaps Chicago next year. I rise against this amendment because I agree with those who have suggested that it is indeed a mean-spirited maneuver that is designed to punish a certain group of individuals in one particular city.

This amendment would bar the City of San Francisco from using HUD funds to execute its entire city ordinance against discrimination in city contracts. If enacted, the well-being of tens of thousands of veterans, disabled people, children, victims of natural disasters, individuals with HIV and AIDs would be jeopardized in order to punish a locality.

I agree with those who have stressed the issue of local control, home rule, citizenship, meaning that people can decide what it is that they will and will not do. I would hate to see us move back to the days of witch-hunting, back to the days of trying to determine what others should and should not do. But I simply close, Mr. Chairman, by saying that I strongly oppose any measure that seeks to discriminate based on sexual orientation, and I urge my colleagues to reject this amendment and let America be America, the America that it has never been but the America that it can and must become.

Mrs. LOWEY. Mr. Chairman, although the sponsor of this amendment would have us believe that this amendment is not as egregious as its earlier incarnation, the fundamental fact remains: its purpose is to nullify a duly adopted local ordinance, micro-manage a city, and punish those who don't share a narrow-minded vision of America.

I have to ask why, in the Congress where Members on both sides of the aisle routinely preach the virtues of states' rights, local governance, and devolution of federal power, we're even considering such a thing. This amendment is really the height of hypocrisy.

If the people of San Francisco—or any city for that matter—have chosen to use their municipal spending powers to prohibit discrimination in city contracts and help equalize health benefits for married heterosexual couples and unmarried same-sex couples, what business do we have in stepping in and overruling that action?

As the U.S. Conference of Mayors has stated, passage of this amendment ''would establish a very dangerous precedent.'' It could harm more than 30,000 people who benefit from federal funding for low-income elderly housing, homeless programs, and housing for people with AIDS. It also would serve to blackmail other municipalities who—through the democratic process—want to adopt similar ordinances that prohibit discrimination in city contracts.

Call me cynical, but I don't believe the sponsors have had a change in heart on the issue of local control. The truth is that, in this election season, the Republican leadership has decided it's in their political interest to push proposals backed by the Radical Right in order to mobilize their base for the November elections.

This amendment is just one in a series of attacks on those who don't fit the Right Wing's vision of America. In the next few days we'll debate an amendment to strip gay and lesbian federal employees of basic protections against being fired simply because of their sexual orientation.

This is not the direction we should be heading in. I urge all Members to defeat the Riggs Amendment and work instead on bringing *all* Americans together.

Ms. DELAURO. Mr. Chairman, I rise today in strong opposition to the Riggs Amendment, which is a unacceptable intrusion into local affairs. My colleagues on the other side of the aisle constantly preach to us about government intrusion into local affairs. According to them, government has no place in education. No place in protecting our environment. No place in protecting the safety of American workers.

But when it suits their purpose, it suddenly becomes acceptable to dictate how a city should run its affairs. San Francisco has been a model for the nation in providing benefits for domestic partners. This is a policy determined by San Francisco's government. This is a policy supported by San Francisco's citizens. This is a policy meant to end discrimination and ensure equality under the law.

This amendment would single out the city of San Francisco for punishment because it enacted a policy that the Congressional Majority just doesn't like. Requiring any city to go against its own ordinance in order to use federal funds is simply unacceptable. Congress has no place dictating local affairs to this extent. That's why this amendment is opposed by the U.S. Conference of Mayors, which called it an ''unwarranted intrusion into local decision making.''

I urge my colleagues to stand up for local decision making and for civil rights and oppose this amendment.

Mr. NADLER, Mr. Chairman, I rise today in strong opposition to this amendment.

This amendment flies in the face of the ideals that many of its proponents purport to hold dear. In debates after debate, my colleagues from the other side of the aisle warn darkly of the dangers of intruding into the affairs of State and local governments. Is that not exactly the effect of this amendment? Some may say that those who have espoused the belief that State and local governments deserve autonomy would be committing a gross act of hypocrisy if they were to support this amendment.

Beyond that fact, I urge my colleagues to oppose this amendment because it is outrageously mean-spirited. This amendment is a blatant effort to deny gay men and lesbians, who live as domestic partners, health benefits through their partners' employment.

If this amendment were to become law, San Francisco and other cities fearing government intervention would be forced to choose between ensuring their domestic partners receive appropriate health care benefits or, ensuring that funding is available to assist those in need of adequate housing. This is nothing short of blackmail. By punishing localities that set policies that help ensure equal rights in health care benefits, thousands would be hurt through the loss of Federal housing dollars.

In the past few weeks, we have hear much from some Members from the other side of the aisle about their views on homosexuality. Now, these appalling statements are being put into action through attempts, such as this amendment, to legislate away rights that have been hard fought and won fair and square. This level of bigotry must not be tolerated in this body. We must not stand by and allow such a mean-spirited and dangerous amendment to prevail. I urge my colleagues to oppose this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I appreciate the opportunity to speak on this issue tonight. The Riggs amendment would unfairly deny Federal funds to any locality that requires private companies and organizations contracting with the locality to provide health care benefits to unmarried domestic partners of its employees.

Equality in employee compensation is a legitimate public policy goal recognized by a myriad of different entities including cities, municipalities, private and public colleges and universities and private employers both large and small.

This amendment infringes on the right of local government to operate freely and without gross Federal interference. The passage of this amendment would affect an enormous demographic pool. The private lives of our workers and who they choose as life partners should not interfere with their ability to receive spousal benefits. Thousands of people including veterans, the disabled, the elderly, and victims of natural disaster would lose access to spousal benefits, along with the targets of this amendment—the gay and lesbian community.

It is irresponsible for Congress to act on such an important matter without appropriate committee considerations and debate. Equality in employee compensation is a legitimate public policy goal and when employees are denied benefits for their life partners, they are being unequally compensated as compared to their married co-workers, as defined in this amendment. I urge my colleagues to vote ''No'' on the Riggs amendment.

Ms. LEE. Mr. Chairman, I rise today in strong opposition to this outrageous amendment. Mr. Speaker, this bill brings me memories from my childhood, but not a single good one. I remember how excited I was about going to school. The sad reality was that when I started school, I was unable to attend public schools because education was segregated. I was unable to attend public schools because of the color of my skin. I was unable to attend public schools because I was black. It did not matter that my father proudly served in the military with patriotism risking his life to protect my freedom and that of others regardless of skin color. No, it didn't matter. I, like many others, was subjected to the painful calvary of discrimination. It wasn't until many courageous men and women from all over the country decided to join forces to fight prejudice and the injustice of segregation that these barriers were broken. I learned so much from those

experiences and there is one lesson I will never forget, discrimination—no matter what form it takes—is wrong.

Mr. Speaker, this amendment has gone through four rewrites. Not one, not two, not three, but four rewrites and the latest version is still unfair, invasive, and unconstitutional. Mr. Speaker, the San Francisco's civil rights ordinance has the full support of the City and County of San Francisco, its elected mayor and Board of Supervisors. This amendment constitutes nothing but a chilling attack on San Francisco's civil rights laws. It sends out to undermine the civil rights laws of the City and County of San Francisco, a prospect that should sound alarm bells for anyone who supports the effort to attain civil rights in this nation.

Mr. Speaker, I thought that our friends on the other side of the aisle were in favor of more powers for local government not against. Well, may be I'm reading the wrong papers or may be it is that some people have decided to be selective about who to attack, when to attack, and why. If we are the House of the people, we are not to violate their trust by launching a malicious attack on the City of San Francisco and its wonderful people. But the people of San Francisco are not the only ones opposing this amendment. The U.S. Conference of Mayors has indicated that they are "* * * seriously concerned with this unwarranted intrusion into local decision making * * *" Mr. Speaker, the passage of this amendment would establish a frightening precedent, which is why the U.S. Conference of Mayors, the National Association of Counties, the City of Los Angeles, and others have voiced strong opposition to the amendment.

Mr. Speaker, I come from a religious family and I continue to practice my faith. I learned early in life that if we believe in justice we also need to believe in tolerance and respect. Mr. Speaker, I have no doubt in my heart that every single Member of this House agrees with me that discrimination is wrong. Every single person is created equal! If that is the case we need to oppose this attack on civil rights. I encourage my fellow Members to vote no on this amendment.

Ms. NORTON. Mr. Chairman, the Riggs Amendment might just as well be called the "Join the District of Columbia Club" amendment. Until now, bald intrusion into the affairs of a local jurisdiction was confined to the nation's capital. Now another noble city joins the ranks of local jurisdictions run by the Congress of the United States.

San Francisco local code not only bars discrimination based on sexual orientations; San Francisco requires contractors who benefit from city contracts to provide health care and other benefits to domestic partners only if they provide these same benefits to married partners. This is a wise policy because it assures health care at no cost to the city from companies who profit from city contracts. Otherwise the city of San Francisco might well be left to pay for the health care of people with AIDS or other illnesses.

Is there nothing we will not do to promote gay bashing? Some of the most revered principles in this chamber have been sacrificed in the name of anti-gay chest thumping—religious tolerance, civil rights, privacy, service in the armed forces, and now, devolution and local control. We've done enough harm through Federal laws. But this is still a Federal republic. Let each jurisdiction decide its own local laws locally.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. RIGGS).

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

Mr. RIGGS. Mr. Chairman, I demand a recorded vote, and, pending that, I make the point or order that a quorum is not present.

The CHAIRMAN. The Chair will count for a quorum.

Evidently a quorum is not present.

Pursuant to clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 348]

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
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
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)

□ 2009

The CHAIRMAN. Four hundred fourteen Members have answered to their name, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California (Mr. RIGGS) for a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 214, noes 212, not voting 8, as follows:

[Roll No. 349]

AYES—214

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fawell
Fossella
Fox
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Klug
Knollenberg
LaHood
Largent
Latham
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—212

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cubin
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Goss
Green
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
White
Wise
Woolsey
Wynn

NOT VOTING—8

Burton
Gonzalez
LaTourette
McDade
Moakley
Porter
Yates
Young (FL)

□ 2016

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, earlier this evening, although I was in the Capitol building, I did not hear the bell for the vote on Rollcall No. 349 and consequently was not present for the vote. Had I been present, I would have voted ''no.''

The CHAIRMAN. The Clerk will read the final lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999''.

Ms. DELAURO. Mr. Chairman, I insert the following for the RECORD.

U.S. CONSUMER PRODUCT SAFETY COMMISSION

[Statement of Chairman Ann Brown, August 3, 1994]

CHILDREN'S SLEEPWEAR

I voted today to terminate the Commission's rulemaking proceeding to amend the Standards for the Flammability of Children's Sleepwear in sizes 0–6x and 7–14. I also voted to terminate the stay of enforcement after providing firms an adequate lead time to bring their sleepwear garments into compliance with the flammability standards.

The proposal approved by the Commission today would exempt so-called tight-fitting sleepwear garments from the flammability standards, and sleepwear garments for infants under one year of age. In considering whether to support continuing the rulemaking proceeding, I have made it clear that my primary concern is that the Commission take no action that would reduce the level of safety currently provided by the children's sleepwear standards. I am unable to support changing the sleepwear standards unless I can make the statutory findings that the changes would not present an unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage. Since I am not convinced by the evidence currently available that I can make this finding, I cannot vote to support the proposed amendments.

I am concerned that the available data fail to support the conclusion that exempting tight fitting garments from the regulation will not decrease safety. Available injury and death data demonstrate to me that the sleepwear standards are working. Although incident data was not kept on a statistical basis before issuance of the sleepwear standards in 1972 (sizes 0–6x) and 1975 (sizes 7–14), it is clear that a significant number of burn injuries and deaths associated with children's sleepwear did occur. Over the years, the actual numbers of injuries and deaths associated with sleepwear injuries and deaths appear to have declined dramatically. Although there is speculation that this decline may be based on such things as the reduced number of persons smoking and safer appliance such as space heaters and ranges, it is merely speculation. It is just as likely that the injuries and deaths have declined because the sleepwear standards are working.

I recognize that there is a consumer preference for cotton children's sleepwear garments especially in infant sizes, and that the Commission staff has encountered difficulty in enforcing the sleepwear standards because of this consumer preference. I have taken this into account in reaching my decision. I understand and am sympathetic to these concerns.

I do not disagree with the staff's conclusion that tight-fitting cotton garments present less of a hazard than loose-fitting cotton garments. I am skeptical, however, of the staff's conclusion that if the standard is amended, parents will switch from loose-fitting cotton garments (e.g. t-shirts) to exempt tight-fitting sleepwear. There is no factual evidence of consumer demand for tight-fitting sleepwear. There is no factual evidence that consumers would switch from loose-fitting noncomplying garments to exempted tight-fitting garments. It is at least as likely that the purchase of tight-fitting garments will be at the expense of garments that meet the children's sleepwear flammability standards. If so, the level of safety afforded children may well be reduced. Further, even if skin tight garments could reduce burn injuries, I am concerned that it is not practical to think that consumers will actually sleep in them. We may well find that consumers purchase tight-fitting garments in larger sizes to increase comfort, thereby obviating any safety benefit staff has indicated might be achieved with tight-fitting garments.

Regarding the proposed exemption for sleepwear for infants less than six months of age, existing evidence shows that infants at this tender age are exposed to ignition sources. The exemption would cover at least 20% of sleepwear garments in sizes 0–14. I am unable to agree to an exemption that could leave these infants more vulnerable to injury or death.

U.S. CONSUMER
PRODUCT SAFETY COMMISSION,
Washington, DC, April 10, 1998.

Hon. ROSA DELAURO,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSWOMAN DELAURO: Thank you for your letter opposing the change in the CPSC's children's sleepwear standard. I appreciate your kind words about my opposition to the change. As you know, I share your views. I continue to be concerned that parents will not switch from loose fitting garments to tight fitting sleepwear. I also am unable to agree with the nine month exemption that could leave infants more vulnerable to injury.

In these circumstances, it appears the only remedy is legislative action to restore the previous rule. If you decide to introduce a bill to achieve that result, my staff and I would be pleased and honored to assist you in drafting an appropriate bill.

Sincerely,

ANN BROWN.

[From the Fort Worth Star-Telegram, Jul. 27, 1998]

SO NOW WE'RE BACK TO FLAMMABLE PAJAMAS?

(By Molly Ivins)

AUSTIN—Keeping your eye on the shell with the pea under it seems to get harder and harder. While the media are focused on the thrilling antics of Monica, Ken Starr and Co., there are just a few other itty-bitty items that you might want to pay some attention to. Your babies, for example. Congress is now engaged in a quiet donnybrook over whether to keep the old flammability standards for children's pajamas. Thought that one was over, did you? Thought that after the consumer movement forced pajama manufacturers to make kids' PJs from flame-resistant material back in 1972—and after the number of children burned to death every year from having their PJs catch on fire decreased tenfold—that no one was ever going to question whether that was a good idea again.

Wrong. Consumer protection is so politically incorrect these days that Congress won't even listen to groups representing firefighters and trauma care providers on this issue, much less consumer advocates.

The Consumer Product Safety Commission revised its flammability standards for sleepwear in 1996, in theory because parents were letting their kids sleep in oversize cotton T-shirts, which are comfortable but highly flammable. According to ''The Washington Post,'' from 200 to 300 kids a year are treated in emergency rooms for burns related to billowy sleepwear. Under the new standards, snug-fitting garments such as long underwear can be sold as sleepwear, and pajamas for infants younger than 9 months need not be flame-resistant.

Rep. Rosa DeLauro, D-Conn., introduced a bill in May to reinstate the earlier standards and then tried to tack it onto the VA–HUD bill as an amendment in June. Cotton lobbyists learned of the move and started lobbying Republicans—including Reps. Henry Bonilla, Larry Combest and Mac Thornberry, all of Texas.

Bonilla will move to strike DeLauro's amendment today. He told ''The Washington Post'' last week, ''I don't have a huge cotton constituency in my district, but my state does,'' and added that the Texas drought has already taken a toll on cotton farmers. ''They came to me and explained this would place severe restrictions on what they could produce.''

Excuse me—did I just hear someone say we should bail out the cotton farmers by letting more little kids get burned to death every year? Did anyone think to ask the cotton farmers whether they approve of this move? Because I seriously doubt that they do.

DeLauro said, ''It is just mind-boggling to me that we would allow special interests to influence this legislation.'' However, according to Bonilla's press secretary this week, his main motive here is procedural: DeLauro's bill never got a hearing, and here she is trying to tack it onto an unrelated bill.

I find this objection breathtaking—using the amendment-on-an-unrelated-bill maneuver has been a specialty of Republicans in this Congress. As previously reported, they have used unrelated bills to pass amendments damaging the environment, fouling up the Department of Interior's efforts to get a fair royalty from the oil companies (the Kay Bailey Hutchison special) and innumerable other horrors.

(The ''St. Louis Post-Dispatch'' recently editorialized: ''Republicans are sneakily trying to chisel away at environmental protections. . . . they are using the legislative rider to slip through anti-environmental bills that would wilt under the glare of public scrutiny. . . . This summer the riders have multiplied like E. coli.'')

In fact, I'd bet good money that the Republicans have done more actual legislation by the sneaky amendment-and-rider method than they have passed actual legislation (an easy bet, given their remarkable nonperformance in general). Boy oh boy, if that's now an objection on procedural grounds, these R's will never get anything passed.

We could go on and on with these examples, but let's take a look at the broader perspective instead.

There are two things we can do about corporate misbehavior in this society: We can have the government regulate corporations for health, safety and environmental damage, or we can let people who have been damaged by corporations haul them into court and sue the b-----. What is happening is that both avenues of control are being squeezed out of existence. ''Regulation'' is a dirty word to the Republicans, and at the same time they are restricting the right of citizens to sue in every way they possibly can.

According to a study by the Violence Policy Center, the latest effort was a bill placing wide-ranging limits on product liability lawsuits against ''small business.'' You may think that ''small business'' means the mom-and-pop candy stores. Nah. Specially included as a ''small favor'' in ''small business'' are, among others, manufacturers of Saturday-night-specials, the AK–47, the TEC–9 and the Street Sweeper. Cut, eh?

Look, friends, this is all fairly simple. Corporate money dominates politics, and the politicians dance with them what brung 'em. Until we force politicians to change the way campaigns are financed, rule by corporate money will continue. And while we're on the subject, please notice that corporations have put millions and millions and millions of dollars into the campaign to convince us that lawsuits against do-badding corporations are rotten, unfair and nasty. Welcome back to flammable pajamas.

The CHAIRMAN. If there are no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, pursuant to House Resolution 501, he reported the bill, as amended pursuant to that rule, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. COBURN. Mr. Chairman, I demand a separate vote on the so-called Coburn amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment:

At the end of the bill, insert after the last section (preceding the short title) the following new sections:

SEC. _____. The amounts otherwise provided by this Act are revised by reducing the amount made available under the heading ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—FEDERAL HOUSING ADMINISTRATION—FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT'' for non-overhead administrative expenses necessary to carry out the Mutual Mortgage Insurance guarantee and direct loan program, and increasing the amount made available for ''DEPARTMENT OF VETERANS AFFAIRS—VETERANS HEALTH ADMINISTRATION—MEDICAL CARE'', by $199,999,999.

SEC. _____. The amounts otherwise provided by this Act are revised by reducing the amount made available under the heading ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—FEDERAL HOUSING ADMINISTRATION—FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT'' for non-overhead administrative expenses necessary to carry out the guaranteed and direct loan programs, and increasing the amount made available for ''DEPARTMENT OF VETERANS AFFAIRS—VETERANS HEALTH ADMINISTRATION—MEDICAL CARE'', by $103,999,999.

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PARLIAMENTARY INQUIRIES

Mr. LEWIS of California. Parliamentary inquiry, Mr. Speaker.

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

Mr. LEWIS of California. Mr. Speaker, to clarify for the House, is this the amendment that will transfer administrative funds for FHA's program that are in the HUD provisions and move those moneys to veterans programs?

The SPEAKER pro tempore. Would the gentleman like the amendment read?

The reading of the amendment was suspended by unanimous consent and would the gentleman demand a reading of the gentleman from Oklahoma's amendment?

Mr. LEWIS of California. Mr. Chairman, I believe my question was clear.

Mr. WAXMAN. Parliamentary inquiry, Mr. Speaker.

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

Mr. WAXMAN. My inquiry is whether it is timely to ask for another separate vote in the House of an amendment adopted in committee.

The SPEAKER pro tempore. The House has proceeded past that opportunity when the Chair inquired earlier.

The question is on the amendment.

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

RECORDED VOTE

Mr. COBURN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 351, noes 73, not voting 10, as follows:

[Roll No. 350]

AYES—351

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
Dickey
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
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
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)

NOES—73

Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Brown (CA)
Clayton
Conyers
Cummings
DeGette
Delahunt
Deutsch
Diaz-Balart
Dixon
Doggett
Fawell
Fazio
Frank (MA)
Furse
Gilchrest
Green
Gutierrez
Hastings (FL)
Hoyer
Jackson (IL)
Kaptur
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Knollenberg
Kolbe
Kucinich
LaFalce
Lazio
Lee
Lewis (CA)
Livingston
Lofgren
Luther
Markey
Martinez
McDade
McDermott
Meek (FL)
Meeks (NY)
Miller (CA)
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Olver
Owens
Payne
Pelosi
Rangel
Roybal-Allard
Rush
Sabo
Scott
Sherman
Skaggs
Stark
Stokes
Tierney
Torres
Velazquez
Vento
Waters
Watt (NC)
Waxman
Woolsey

NOT VOTING—10

Boehner
Burton
Clay
Gonzalez
Harman
Meehan
Moakley
Obey
Yates
Young (FL)

□ 2036

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

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the engrossment and a third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill, H.R. 4194, to the Committee on Appropriations with instructions to report the same back to the House with an amendment as follows:

On page 55, line 7, strike the sentence beginning on line 7, and strike section 425.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes in support of his motion.

Mr. OBEY. Mr. Speaker, the rule under which this bill was considered contains a self-executing provision, the effect of which was to delay from anywhere between 2 and 5 years the Consumer Product Safety Commission's adoption of a rule protecting consumers from flammable furniture. Because of the way that rule was adopted, Members were precluded from offering any amendments to that provision.

The proponents of that provision will say that all this provision does is to allow for more study and to get more science before the Commission proceeds. In fact, in my view, the real purpose of this provision is to stall and stall and stall some more, in hopes that eventually they will get a commission with a different makeup so that the rule will never proceed at all.

Mr. Speaker, this is part of a pattern. What has been happening is that law firms around this town have been hired by clients. Those clients are hired to prevent action by the government to prevent consumers or workers from being protected by new actions of the government.

So whether it is children's pajamas or whether it is OSHA being precluded from offering a new rule to stop the development of carpal tunnel syndrome by millions of workers or whether it is consumers continuing to die because of flammable furniture, those law firms find friendly voices in Congress who will carry out their wishes and we wind up with language like this in the bill.

I think the issue is very simple in this case. More deaths occur in this country from upholstered furniture than from any other product under the Consumer Product Safety Commission jurisdiction.

So the vote is very simple. If Members want to vote to save lives, Members will vote for this amendment to allow the Commission to proceed to develop rules that will protect the public from flammable furniture. If Members want to let yet another industry continue to expose consumers to life-threatening products, then Members will vote against the amendment. It is as simple as that.

I would urge an aye vote on the motion to recommit.

Mr. LEWIS of California. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I strongly urge my colleagues to oppose this procedural motion.

Mr. Speaker, I yield to my colleague, the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, I thank my chairman for yielding. I thank him for a good bill.

Mr. Speaker, I urge support of the bill and certainly urge defeat of the Obey motion to recommit with instructions.

In the 1970s, the Consumer Product Safety Commission issued a regulation concerning children's sleepwear, and in this 1970s regulation, the CPSC required that baby's sleepwear be coated with a chemical known as tris, T-R-I-S. Thereafter, the regulation went out and all of the baby sleepwear in America was coated with this chemical.

It turns out that this chemical caused cancer. It was a pesticide. It had to be recalled at enormous expense to the American people, at enormous danger to American consumers, and it continues to be a black mark on the history of the Consumer Product Safety Commission.

This is what then Congressman AL GORE had to say about the tris disaster with the Consumer Product Safety Commission: Quote, ''The magnitude of this nightmare is difficult to fathom. Here we take all of the sleepwear for children of this country and soak it in what is basically a pesticide, a mutagenic, and then we wrap up American children in these garments.'' I unquote then Congressman AL GORE.

Now, Mr. Speaker, if you believe this is the only mistake that the Consumer Product Safety Commission will ever make, then perhaps you need to vote for the motion to recommit by my friend from Wisconsin.

□ 2045

If my colleagues believe that Federal regulatory agencies are always right and never make a mistake and never need an outside scientist looking at what they propose, then maybe my colleagues should vote for the motion of the gentleman from Wisconsin (Mr. OBEY).

What are we talking about here? We are talking about a proposed regulation by the Consumer Product Safety Commission that says every bit of upholstered furniture in the United States of America will be coated with flame-retardant chemicals. My colleagues might ask, what is wrong with this? Let us just coat furniture with a flame-retardant chemical.

Well, here is the problem. EPA, our own Federal Government, says that these chemicals are harmful. Let me just list three of them, if I can pronounce them:

Decabromodiphenyl oxide. EPA says it is a class C carcinogen. It causes cancer.

Ammonium nitrate. Do my colleagues know what EPA says about this flame retardant chemical that would go on furniture? It says it causes adverse affects across whole ecosystems.

Antimony trioxide, a B2 carcinogen. It causes tumors.

That is what the Consumer Product Safety Commission is proposing that we put on furniture in the United States of America.

Now, if it does not bother my colleagues to have thousands and tens of thousands of Americans exposed to what the EPA says is a toxic chemical, then maybe my colleagues should vote for this motion.

Mr. Speaker, I think the scientists raise serious questions. We are all for saving lives. Every Member of this Congress wants to prevent fire-related deaths, and we have done that working through the subcommittee of the gentleman from California (Mr. LEWIS) and working with voluntary and mandatory programs with industries. But we need to ask ourselves the question: Are we preventing one kind of harm while allowing all sorts of other dangers to come about?

How do we resolve questions like this? We do not make the decisions ourselves. We are elected officials. We turn it over to science. And in this Federal Government, we have procedures for reasonable scientific peer review; and, despite the hyperbole, that is exactly what this well-crafted bill and well-crafted compromise by the gentleman from California (Mr. LEWIS) does. It turns the issue over to scientists within the Consumer Product Safety Commission. It turns it over to scientists within the National Institutes of Health, an agency that we are plussing up the funding for.

So I say when my colleagues vote in just a moment, vote against taking unwarranted risks with American industrial workers and consumers. Vote for sound science. Vote for the bill and against the Obey motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule XV, the Chair will reduce to 5 minutes the minimum time for an electronic vote on final passage.

The vote was taken by electronic device, and there were—ayes 164, noes 261, not voting 9, as follows:

[Roll No. 351]

AYES—164

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clement
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Ford
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Mink
Moran (VA)
Morella
Murtha
Nadler
Neumann
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Poshard
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thurman
Tierney
Towns
Velazquez
Vento
Visclosky
Waters
Waxman
Weldon (PA)
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn

NOES—261

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett

Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kind (WI)
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martinez
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Young (AK)

NOT VOTING—9

Frank (MA)
Gonzalez
Harman
Moakley
Neal
Shuster
Torres
Yates
Young (FL)

☐ 2104

Mr. WELDON of Pennsylvania changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

This is a five-minute vote.

The vote was taken by electronic device, and there were—yeas 259, nays 164, not voting 11, as follows:

[Roll No. 352]

YEAS—259

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cramer
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Etheridge
Evans
Everett
Ewing
Fawell
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hinojosa
Hobson
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Martinez
Mascara
Matsui
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek (FL)
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Sabo
Sandlin
Saxton
Scarborough
Schaefer, Dan
Scott
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stokes
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)

NAYS—164

Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (OH)
Capps
Cardin
Carson
Chenoweth
Clay
Clyburn
Condit
Conyers
Costello
Cox
Coyne
Crane
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Duncan
Edwards
Engel
English
Eshoo
Farr
Fattah
Fazio
Filner
Frost
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hamilton
Hastings (FL)
Herger
Hilliard
Hinchey
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E.B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Morella
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Poshard
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Royce
Rush
Salmon
Sanchez
Sanders
Sanford
Sawyer
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Smith, Linda
Snyder
Stabenow
Stark
Strickland
Stupak
Tauscher
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—11

Chambliss
Frank (MA)
Gonzalez
Gordon
Harman
McDade
Moakley
Neal
Weldon (PA)
Yates
Young (FL)

☐ 2113

Mr. Costello and Mr. Herger changed their vote from ''yea'' to ''nay.''

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 2115

PERSONAL EXPLANATION

Mr. ETHERIDGE. Mr. Speaker, earlier today, during the consideration of rollcall votes 343 and 344, I was unavoidably detained. Had I been present, I would have voted ''yes'' on each vote.

PERSONAL EXPLANATION

Ms. GRANGER. Mr. Speaker, I was unavoidably detained during the rollcall vote on the adoption of the conference report on H.R. 629, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act earlier today. If I had been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. SHUSTER. Mr. Speaker, I was in the Chamber when the previous vote occurred, and I regret that I was not recognized. Thank you for recognizing me now.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3396

Mr. MORAN of Virginia. Mr. Speaker, I ask unanimous consent that my