

making that correction. I want to acknowledge that the gentleman does stand as the superior executioner of this particular dragon.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for recognizing my skills in that area.

I also want to correct one comment that was made, I think erroneously, by the gentleman from New York (Mr. NADLER) when he was speaking not about this amendment in particular but about the amendment which is going to be offered by the gentleman from Colorado (Mr. HEFLEY) and which includes this provision on Federalism. The gentleman from New York made reference to the fact that defeat of this amendment could be a step towards expanding rights for individuals who are homosexual.

This act, this executive order has nothing, nothing to do with that. It has only to do with the hiring practices of Federal employment managers. It does not give anybody a right to sue. It does not give anybody a right to go to the EEOC or the Civil Rights Commission. It does not grant any right which is not in law now. It does not create any protected class. It in no way expands any rights whatsoever. This only codifies what are currently the employment practices now in the Federal agencies and codifies them in a single place. It does nothing to change the law as it exists today.

Let me come back to the Federalism issue here. I mentioned earlier that the chief of staff of the White House said it was a mistake. "We screwed up," that was his quote there. And good reason that he said that, because indeed, when President Reagan issued his executive order on affirmative action in 1987, he took several specific steps, steps that placed the onus on Federal agencies to consult the Constitution to make certain that "an action does not encroach upon the authority reserved for the States."

He made sure that it said that they must adhere to the notion that Federal actions are not superior to State actions and that exemptions to Federal regulations should be granted on that basis.

That same Reagan Executive Order also said that "Federal regulations should not preempt State law unless the statute contains an express preemption provision or there is some other firm and palpable evidence that the Congress intended preemption of State law."

Let me just conclude by saying this executive order from President Clinton is quite different than that previously issued. It fundamentally alters the Federal relationship that has been developed through the years. These changes were made without consultation with governors, mayors, or county commissioners. We should make it clear that this revision should not be the law of the land.

I urge an "aye" vote on the amendment.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by gentleman from Arizona (Mr. KOLBE).

The amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GILCHREST) having assumed the chair, Mr. PEASE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes, had come to no resolution thereon.

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LIMITING AMENDMENTS AND DEBATE TIME DURING FURTHER CONSIDERATION OF H.R. 4276, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999, IN THE COMMITTEE OF THE WHOLE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that during the further consideration of H.R. 4276 in the Committee of the Whole, pursuant to H. Res. 508: no amendment shall be in order thereto except for the following amendments, which shall be considered as read, shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed thereto:

Mr. HEFLEY of Colorado, the amendment made in order under the rule, for 20 minutes;

Mr. SAXTON of New Jersey, a limitation regarding foreign assets litigation, for 10 minutes;

Mr. HOLDEN of Pennsylvania, amendment numbered 23, for 5 minutes;

Mr. STEARNS of Florida, numbered 35, for 5 minutes;

Mr. MCINTOSH of Indiana, either No. 50 or an amendment regarding the Standing Consultative Committee, for 20 minutes;

And Mr. KUCINICH of Ohio, numbered 49, under the 5-minute rule;

And that the managers of the bill may make pro forma amendments to strike the last word for the purpose of engaging in colloquies.

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

Mr. MOLLOHAN. Mr. Speaker, reserving the right to object, I ask the gentleman to give us a clarification of the McIntosh amendment. I do not believe that we have seen that.

Mr. ROGERS. Mr. Speaker, if the gentleman will yield, it is either numbered 50, or we understand there could be a different version of that that would be offered.

Mr. MOLLOHAN. Mr. Speaker, could we see a copy of the modified amendment?

Mr. ROGERS. It is being delivered to the gentleman as I speak.

Mr. MOLLOHAN. Mr. Speaker, continuing my reservation of objection, we have just had an opportunity to look at this. It is considerably different than previous versions. We would like an opportunity to reserve judgment on this amendment and this UC, pending a review.

If the gentleman wants to move forward quickly on the UC, maybe we can pull this out, look at it and deal with this in a few minutes. We can come back to it as soon as we have a chance to review it, which we have not had a chance to do.

Mr. ROGERS. Mr. Speaker, the only difficulty is, this must be done in the full House, which we will not be in shortly.

Mr. MOLLOHAN. Mr. Speaker, as we move forward on this or at the time we get to it, perhaps we can make an agreement.

Mr. ROGERS. I would point out to the gentleman, we are under an open rule.

Mr. MOLLOHAN. Mr. Speaker, I fully appreciate that, but I am having expressions of concern by Members who are interested in this amendment. I think we can resolve it and agree to it when we get down to it. I just cannot include that in the UC right now.

Mr. ROGERS. Mr. Speaker, if the gentleman will continue to yield, what I am asking is, could the gentleman agree that whatever the amendment is, that the time limit would be 20 minutes as the UC states?

Mr. MOLLOHAN. No, Mr. Speaker, I cannot. I understand the proposal, and I simply suggest to the gentleman that until Members who have an interest in this have an opportunity to review it, I cannot agree to the time limit as set forth in the UC. We could break that out and when we get down to it, I am sure we could work something out for Members who are interested in the amendment.

Mr. ROGERS. Mr. Speaker, I would withdraw the unanimous consent request until a further time, but while we are in the full House, could I propose that the debate on the Hefley amendment be limited to 20 minutes?

Mr. MOLLOHAN. I believe it is limited under the rule, Mr. Speaker.

The SPEAKER pro tempore. The Hefley amendment already is 20 minutes under the rule.

Does the gentleman withdraw his request?

Mr. ROGERS. Mr. Speaker, I withdraw the unanimous consent request.

Mr. MOLLOHAN. Mr. Speaker, I withdraw my reservation of objection.

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DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 508 and rule