

**EXHIBIT 4**

motion injuries and prohibits them from even developing voluntary guidelines.

This extreme rider prohibits even, as I say, voluntarily guidelines requested by many concerned businesses and would prohibit the collection of data on the frequency of such injuries.

Mr. Speaker, repetitive stress injuries are the fastest growing health problem in the American workplace. This year 2.7 million workers will file workers compensation claims for repetitive motion injuries costing Americans employers at least \$20 billion. Nonetheless, OSHA would be prohibited from even answering questions about how to prevent these injuries.

Adopting my reasonable amendment would help businesses reduce their workers compensation costs, reduce injuries to the American worker and increase U.S. productivity in the workplace. I urge my colleagues to support my amendment on ergonomics.

#### BOB DOLE'S AMERICA

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

Mr. FOGLIETTA. Mr. Speaker, what is Bob Dole thinking? What is his vision for America?

The answers to those questions are slowly coming out.

First, we are told that America is a place where cigarette smoking is not addictive. He lectures all of America and experts like C. Everett Koop on the issue and says he opposes President Clinton's efforts to take cigarettes out of the hands of our young people.

Now we are told that the Brady bill was not a good idea and that he would repeal the law's reasonable 5-day waiting period. That should not be a big surprise, because he led the fight against the law as the Senate Republican leader. This comes at a time when President Clinton is leading the fight to end gun killing violence. He announced a program this week to disarm America's kids.

The visions of the two candidates is clear and distinctly different. Bill Clinton sees America where our children are healthier and safer. Bob Dole sees an America where kids have a non-addicting cigarette in one hand and a pistol in the other. Lucky for us that kids do not have three hands. What's next, Bob Dole?

#### WISCONSIN WELFARE REFORM

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

Mr. ROTH. Mr. Speaker, I just thought I would take 1 minute because I do have a revelation here. When I was a kid going to school, the Jesuits used to say that not even God can square a circle. There are some things that God cannot do.

I got a really nice letter from the President in Wisconsin in regard to the

Wisconsin reform plan. And the President said, and I quote, "I am pleased that you have joined me in expressing support for Wisconsin's effort to reform welfare." But then he went on to say, "but we are currently reviewing the State's waiver request and we look forward to possibly, you know, getting it done." He says, getting it done.

And on one hand he is for the program and on the other hand he is against the program. I cannot quite figure this out. So I got news for the Jesuits: God may not be able to square a circle, but I think Bill Clinton can.

I want to be fair with the President. Let us ask the President to give Wisconsin their waivers so we can move forward with this Wisconsin reform plan.

#### PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. MCINNIS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule:

Committee on Agriculture, Committee on Banking and Financial Services, Committee on Commerce, Committee on Government Reform and Oversight, Committee on International Relations, Committee on the Judiciary, Committee on National Security, Committee on Resources, and Committee on Transportation and Infrastructure.

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

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

There was no objection.

#### PROVIDING FOR CONSIDERATION OF H.R. 3396, DEFENSE OF MARRIAGE ACT

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 474 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 474

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3396) to define and protect the institution of marriage. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. No amend-

ment shall be in order except those specified in the report of the Committee on Rules accompanying this resolution. Each amendment may be considered only in the order specified, may be offered only by a member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments specified in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1045

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I might consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. MCINNIS asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. MCINNIS. Mr. Speaker, House Resolution 474 is a straightforward resolution. The proposed rule is a modified closed rule providing for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on the Judiciary.

After general debate the bill shall be considered under the 5-minute rule and shall be considered as read. The proposed rule provides for two amendments to be offered by the ranking member of the Subcommittee on the Constitution, the gentleman from Massachusetts [Mr. FRANK]. The first amendment made in order under the rule is an amendment to strike section 3 of H.R. 3396. This amendment is debatable for 75 minutes. The second amendment made in order under the rule is an amendment to suspend the Federal definition of marriage under certain circumstances.

The Committee on Rules recognized that these two amendments go to the core of the bill, and by making them in order the committee ensures that full consideration will be given to the important issues raised by this legislation.

Finally, the proposed rule provides for one motion to recommit with or without instructions. Mr. Speaker, the Committee on Rules reported House Resolution 474 out by unanimous voice vote.

Mr. Speaker, H.R. 3396, the Defense of Marriage Act, consists of two provisions which will protect the rights of the various States and the Federal Government to make their own policy determinations as to whether same-sex marriages should be recognized in their respective jurisdictions. Section 2 of the bill clarifies that no State need give effect to a marriage recognized by

another State if the marriage involves two persons of the same sex. It does not prevent a State from giving effect to such a marriage, nor does it prevent a State from making its own determination for purposes of its State law. Section 3 ensures that the traditional meaning of marriage, the legal union between one man and one woman as husband and wife, will be the meaning used in construing Federal laws.

Mr. Speaker, it is my understanding that H.R. 3396 has considerable bipartisan support. In fact, President Clinton will sign this bill in its current form. I believe that H.R. 3396 advanced that interest. I urge my colleagues to support the rule and the underlying legislation.

Mr. Speaker, I insert the following extraneous material for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,<sup>1</sup> 103D CONGRESS V. 104TH CONGRESS

[As of July 10, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-Open <sup>2</sup>	46	44	77	60
Structured/Modified Closed <sup>3</sup>	49	47	35	27
Closed <sup>4</sup>	9	9	17	13
<b>Total</b>	<b>104</b>	<b>100</b>	<b>129</b>	<b>100</b>

<sup>1</sup> This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.  
<sup>2</sup> An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.  
<sup>3</sup> A structured or modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.  
<sup>4</sup> A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 10, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350-71 (1/19/95)
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255-172 (1/25/95)
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95)
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95)
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95)
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95)
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95)
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95)
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95)
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95)
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95)
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229-199; A: 227-197 (2/15/95)
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230-191; A: 229-188 (2/21/95)
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95)
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282-144 (2/22/95)
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252-175 (2/23/95)
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253-165 (2/21/95)
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95)
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: voice vote (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	
H. Res. 105 (3/6/95)	MO			A: 271-151 (3/2/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/6/95)
H. Res. 109 (3/8/95)	MC			A: 257-155 (3/7/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: voice vote (3/8/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	PQ: 234-191; A: 247-181 (3/9/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: 242-190 (3/15/95)
H. Res. 119 (3/21/95)	MC			A: voice vote (3/28/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: voice vote (3/21/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: 217-211 (3/22/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 423-1 (4/4/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: voice vote (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: 228-204 (4/5/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: 253-172 (4/6/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: voice vote (5/2/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/9/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: 414-4 (5/10/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	A: voice vote (5/15/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	PQ: 252-170; A: 255-168 (5/17/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	A: 233-176 (5/23/95)
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 225-191; A: 233-183 (6/13/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 223-180; A: 245-155 (6/16/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 232-196; A: 236-191 (6/20/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	PQ: 221-178; A: 217-175 (6/22/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	A: voice vote (7/12/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 258-170; A: 271-152 (6/28/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 236-194; A: 234-192 (6/29/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 235-193; A: 192-238 (7/12/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 230-194; A: 229-195 (7/13/95)
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 242-185; A: voice vote (7/18/95)
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: 232-192; A: voice vote (7/18/95)
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	A: voice vote (7/20/95)
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	PQ: 217-202 (7/21/95)
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/24/95)
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: voice vote (7/25/95)
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: 230-189 (7/25/95)
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: voice vote (8/1/95)
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 409-1 (7/31/95)
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 255-156 (8/2/95)
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: 323-104 (8/2/95)
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95)
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/12/95)
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: voice vote (9/13/95)
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 414-0 (9/13/95)
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	A: 388-2 (9/19/95)
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	PQ: 241-173; A: 375-39-1 (9/20/95)
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 304-118 (9/20/95)
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: 344-66-1 (9/27/95)
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/28/95)
				A: voice vote (9/27/95)

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 10, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95)
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95)
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95)
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231-194 A: 227-192 (10/19/95)
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235-184 A: voice vote (10/31/95)
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228-191 A: 235-185 (10/26/95)
H. Res. 251 (10/31/95)	C	H.R. 2491	Seven-Year Balanced Budget	
H. Res. 252 (10/31/95)	MO	H.R. 1833	Partial Birth Abortion Ban	A: 237-190 (11/1/95)
H. Res. 257 (11/7/95)	C	H.R. 2546	D.C. Approps.	A: 241-181 (11/1/95)
H. Res. 258 (11/8/95)	MC	H.J. Res. 115	Cont. Res. FY 1996	A: 216-210 (11/8/95)
H. Res. 259 (11/9/95)	O	H.R. 2586	Debt Limit	A: 220-200 (11/10/95)
H. Res. 262 (11/9/95)	C	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95)
H. Res. 269 (11/15/95)	O	H.R. 2586	Increase Debt Limit	A: 220-185 (11/10/95)
H. Res. 270 (11/15/95)	C	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95)
H. Res. 273 (11/16/95)	MC	H.J. Res. 122	Further Cont. Resolution	A: 249-176 (11/15/95)
H. Res. 284 (11/29/95)	O	H.R. 2606	Prohibition on Funds for Bosnia	A: 239-181 (11/17/95)
H. Res. 287 (11/30/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95)
H. Res. 293 (12/7/95)	C	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95)
H. Res. 303 (12/13/95)	O	H.R. 2621	Protect Federal Trust Funds	PQ: 223-183 A: 228-184 (12/14/95)
H. Res. 309 (12/18/95)	C	H.R. 1745	Utah Public Lands	PQ: 221-197 A: voice vote (5/15/96)
H. Res. 313 (12/19/95)	O	H. Con. Res. 122	Budget Res. W/President	PQ: 230-188 A: 229-189 (12/19/95)
H. Res. 323 (12/21/95)	MC	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95)
H. Res. 366 (2/27/96)	O	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96)
H. Res. 368 (2/28/96)	O	H.R. 2854	Farm Bill	PQ: 228-182 A: 244-168 (2/28/96)
H. Res. 371 (3/6/96)	C	H.R. 994	Small Business Growth	Tabled (4/17/96)
H. Res. 372 (3/6/96)	MC	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96)
H. Res. 380 (3/12/96)	C	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235-175 (3/7/96)
H. Res. 384 (3/14/96)	MC	H.R. 2703	Effective Death Penalty	A: 251-157 (3/13/96)
H. Res. 386 (3/20/96)	C	H.R. 2202	Immigration	PQ: 233-152 A: voice vote (3/19/96)
H. Res. 388 (3/21/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234-187 A: 237-183 (3/21/96)
H. Res. 391 (3/27/96)	O	H.R. 125	Gun Crime Enforcement	A: 244-166 (3/22/96)
H. Res. 392 (3/27/96)	MC	H.R. 3136	Contract w/America Advancement	PQ: 232-180 A: 232-177, (3/28/96)
H. Res. 395 (3/29/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229-186 A: Voice Vote (3/29/96)
H. Res. 396 (3/29/96)	O	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232-168 A: 234-162 (4/15/96)
H. Res. 409 (4/23/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96)
H. Res. 410 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96)
H. Res. 411 (4/23/96)	C	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96)
H. Res. 418 (4/30/96)	O	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96)
H. Res. 419 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219-203 A: voice vote (5/1/96)
H. Res. 421 (5/2/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422-0 (5/1/96)
H. Res. 422 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96)
H. Res. 426 (5/7/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96)
H. Res. 427 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218-208 A: voice vote (5/8/96)
H. Res. 428 (5/7/96)	MC	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96)
H. Res. 430 (5/9/96)	S	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96)
H. Res. 435 (5/15/96)	MC	H.R. 3230	DoD Auth. FY 1997	A: 235-149 (5/10/96)
H. Res. 436 (5/16/96)	C	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227-196 A: voice vote (5/16/96)
H. Res. 437 (5/16/96)	MO	H.R. 3415	Repeal 4.3 cent fuel tax	PQ: 221-181 A: voice vote (5/21/96)
H. Res. 438 (5/16/96)	MC	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96)
H. Res. 440 (5/21/96)	MC	H.R. 3144	Defend America Act	
H. Res. 442 (5/29/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219-211 (5/22/96)
H. Res. 445 (5/30/96)	O	H.R. 1227	Employee Commuting Flexibility	
H. Res. 446 (6/5/96)	MC	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96)
H. Res. 448 (6/6/96)	MC	H.R. 3540	For. Ops. Approps. FY 1997	A: voice vote (6/5/96)
H. Res. 451 (6/10/96)	O	H.R. 3562	WI Works Waiver Approval	A: 363-59 (6/6/96)
H. Res. 453 (6/12/96)	O	H.R. 2754	Shipbuilding Trade Agreement	A: voice vote (6/12/96)
H. Res. 455 (6/18/96)	O	H.R. 3603	Agriculture Appropriations, FY 1997	A: voice vote (6/11/96)
H. Res. 456 (6/19/96)	O	H.R. 3610	Defense Appropriations, FY 1997	A: voice vote (6/13/96)
H. Res. 460 (6/25/96)	O	H.R. 3662	Interior Approps. FY 1997	A: voice vote (6/19/96)
H. Res. 472 (7/9/96)	O	H.R. 3666	VA/HUD Approps	A: 246-166 (6/25/96)
H. Res. 473 (7/9/96)	MC	H.R. 3675	Transportation Approps	A: voice vote (6/26/96)
H. Res. 474 (7/10/96)	MC	H.R. 3755	Labor/HHS Approps	PQ: 218-202 A: voice vote (7/10/96)
	MC	H.R. 3754	Leg. Branch Approps	A: voice vote (7/10/96)
	MC	H.R. 3396	Defense of Marriage Act	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; S/C-structured/closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

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

Mr. Speaker, I thank my colleague from Colorado, Mr. MCINNIS for yielding me the customary half hour.

Mr. Speaker, this is a very difficult, very emotional issue and, my personal opinions aside, I do not believe it belongs on the floor of the House of Representatives today.

This issues makes a tremendous amount of people extremely uncomfortable; it divides our country when we should be brought together; and frankly, it appears to be a political attempt to sling arrows at President Clinton.

But, my Republican colleagues have decided to bring this issue up, and unfortunately for the country, here it is.

Mr. Speaker, it is a shame that my Republican colleagues are bringing up this bill instead of tackling the mountains and mountains of work awaiting them. This Congress has yet to finish five appropriations bills; this country is waiting for the bipartisan Kennedy-

Kassebaum health care bill; and a long-overdue minimum wage increase. But what are my Republican colleagues doing?

This week they are doing this bill.

Mr. Speaker, this is not what the country wants and I am sorry to see that my Republican colleagues are wasting precious floor time on their political agenda with complete disregard for the needs of working Americans and congressional responsibilities for Federal spending.

But, Mr. Speaker, the rule for this bill not as unfair as other rules we have seen this year.

It will allow for 1 hour of general debate, of which the Democrats get half, it makes in order two Democratic amendments by Mr. FRANK, and it gives the Democrats the time requested on these two amendments.

My Republican colleagues did not make in order an amendment by Representative SCHROEDER to exclude from the Federal definition of marriage any subsequent marriage unless the prior marriage was terminated on fault grounds.

They also did not make an amendment in order by Representatives JOHNSON and HOBSON to provide for a GAO study of the differences in benefits in a marriage and a domestic partnership.

But, there is adequate time for debate of this issue during general debate and debate on the amendments.

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

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

Mr. Speaker, I think it is very important to distinguish a couple of remarks made by my friend, the gentleman from Massachusetts. The gentleman from Massachusetts says that this Protection of Marriage Act is not what this county wants. I take issue with that. I think this is exactly what this country wants. This country is demanding that the tradition of marriage be upheld. What this country does not want is for one State out of 50 States, that is, specifically the State of Hawaii, to be able to mandate its wishes upon every other State in the Union.

What this bill does is it allows every State to make their own individual decision. So if the State of Wyoming wants to make their decision, they can make their decision. Texas can make its decision. Colorado can make its decision. But they have the freedom to make that decision; it is not mandated upon them by a court, a supreme court in the State of Hawaii.

I think it is particularly important to take a look at the traditional marriage, and we are going to have plenty of time to debate that. If we look at any definition, whether it is Black's Law Dictionary, whether it is Webster's Dictionary, a marriage is defined as union between a man and a woman, and that should be upheld, and there is no reason to be ashamed of that tradition. It is a long-held tradition. It is a basic foundation of this country, and this Congress should respect that.

Finally, I think it is important, Mr. Speaker, to address a couple of other issues. First of all, in regard to the Schroeder amendment, which was not allowed by the Committee on Rules, that amendment is clearly, in my opinion, a delusion, it is a diversion. It is not focused on the key issue which is important here, and that is, should one State be able to mandate on every other State in the Union a requirement that those States recognize same sex marriage?

Now, in regard to the gentleman's comment about the Johnson amendment: The Johnson amendment would put in the statute a requirement that the General Accounting Office do a study. It does not require a mandate by statute. In fact, the chairman of the committee, the gentleman from Illinois [Mr. HYDE], said that he would write a letter requesting that study. Every Member of the U.S. Congress has that right to request that study be made. There is no reason to put that in statute.

Again I think it is a delusion, I think it is a diversion from the topic at hand, from the issue that we have got to look at, and that is where our focus ought to be.

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

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

Mr. Speaker, I just cannot think why we could not be talking about getting the water cleaned up in this country right now, why we could not be getting the Kennedy-Kassebaum health bill before us right now, why we could not get the minimum wage.

The matter before us today, nothing is going to happen for at least 2 years. People are going to be dying very shortly if we do not clean up our water. People are going to be dying unless we get adequate health care. People are going to be starving in the streets unless we do not raise our minimum wage.

So I think the gentleman from Colorado [Mr. MCINNIS] may have got his items a little out of priority, out of whack.

Mr. Speaker, I yield 5 minutes to the honorable gentlewoman from Colorado [Mrs. SCHROEDER], the ranking member on the Subcommittee on Courts and Intellectual Property.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY] for yielding this time to me.

I want to say I think that this bill and bringing it up today is an absolute outrage. If my colleagues think there is not enough hate and polarization in America, then they are going to love this bill because this just trying to throw some more gasoline on political fires people are trying to light this year, and that is not what we need. The State of Hawaii is years away from taking final action. Meanwhile the gentleman from Massachusetts is right: We cannot drink the water in the capital city of this great Nation.

So we got to deal today with something that might, might, happen years from now, but we cannot deal with the water issue today? Now, something is wrong with that.

We are also saying what this bill basically says is that there is a tremendous threat to marriage if two people of the same sex stand up and vow commitment to each other, that if they do that, then my marriage is being threatened. I do not think so. I belong in the marriage hall of fame. I have been married for 34 years. I have never felt threatened by that issue.

In over 200 years this Congress has never gotten into the definition of marriage because we have left it to the States. What we are saying today is even if States vote unanimously to allow this type of marriage, the Federal Government will not recognize it. This is unique, this is different, and I really am troubled by that.

But I had an amendment that said, "If you want to defend marriage, I'm going to tell you what I see wrong with marriage. It is the fact that we have let people crawl out of marriages like they crawl—a snake crawls out of its skin and never deal with economic consequences."

So I had an amendment saying, "The real defense of marriage would be to say at the Federal level you don't give benefits to the next marriage until the person who left that marriage has dealt with the first one in a property settlement based on fault."

That would save us gazillions of dollars in welfare and child support and all sorts of things because we say we are defending marriage. But we know the traditional way this has been done is that people move to the Federal dome because we do not want to go tap the person on the shoulder and say, "You have responsibility for that family you just left. You cannot just shed them and throw them on the taxpayers' roll."

But, no, no, they do not want to take up my amendment. That is a diversion, they say. That is delusion.

It is not diversion, it is not delusion. It is absolutely to the point of this bill.

It was not ruled out of order. So what happened? The Committee on Rules said, oh, "No, we cannot take that up." Why? Because this is a political ruse. This is not about really protecting marriage and the things that have caused this great institution of marriage to crack.

Now, I feel very strongly that if we are going to make marriage work, we should be really valuing adults, taking responsibility for each other. That is very hard for anybody to do any more. This country is getting straight A's in fear of commitment. Most people do not want anything but maybe a cat. So if there are two individuals and they are willing to make a commitment to each other under the civil law of a State and a State decides to recognize it, what right does the Federal Government have to say, no, they cannot do that?

What we? Are we not human beings? Do we not respect each other? Should we not really be doing everything we can to try and take care of each other as our brother's keepers, as our sister's keepers? Taking care of children?

I am shocked that my amendment was not allowed, terribly shocked, because if nothing else, it protects the most innocent victim of throwaway marriages, and that is children.

□ 1100

Children have been cast off and thrown away, and people do not want to take responsibility for them and say, "I am going to have a new family."

To me, Mr. Speaker, my amendment goes to the core of the defense of marriage. If we really want to defend marriage in this country, then say to people, when you make that commitment you have to mean that commitment. And even if you want to leave that commitment, you may be able to leave it physically, but you cannot shed it economically. You still have economic responsibility.

That is why I say this bill is absolutely nothing but a wedge issue. We are building the platform for Candidate Dole to stand on in San Diego. We are out trying to make candidates spend a million dollars defending this issue when we are not talking about the debt, when we are not talking about clean water, when we are not talking about all the real issues. I urge a no on this rule.

Mr. MCINNIS. Mr. speaker, I yield myself such time as I may consume.

Let me point out first of all, Mr. Speaker, that the amendment of the gentlewoman from Colorado in committee was turned down 22 to 3, 22 to 3.

Second of all, I think an interesting situation here, the gentlewoman, the preceding speaker, is from the State of Colorado. As Members know, I am from the State of Colorado. The gentlewoman from Colorado supports same-sex marriage. The gentleman from Colorado opposes same-sex marriage. That is a debate that ought to be carried out

within the confines of the State of Colorado.

Neither the gentlewoman from Colorado nor the gentleman from Colorado ought to have their debate determined by the Supreme Court in the State of Hawaii. The gentlewoman is very capable of carrying forward this debate within Colorado, as I feel that I am, too. We ought to carry that out, not the people of Hawaii. That is a decision for the people of Colorado or for the people of Wyoming or for the people of New York.

Second of all, I think it is important to highlight the President's comments. At the very beginning, I believe that the gentlewoman from Colorado made the comment that she is shocked that we are bringing this type of bill to the floor. Let me say the President's comments, of whom I find the gentlewoman from Colorado in constant support, the President, through his press secretary says, "The President believes this is a time when there is a need to do things to strengthen the American family, and that is why he has taken this position in opposition to same-sex marriage."

This is an issue that becomes very relevant the minute the Hawaii Supreme court issues its decision. In addition, it is also very relevant because of the implications it has to the Federal Government on benefits that are entitled to spouses. So there are three keys we really need to look at: First, what will the Federal Government be obligated to as far as tax-funded dollars by same-sex marriages; second, what are States' rights? Why should not the States exercise their individual rights? The third point is the traditional definition of marriage.

I for one have no shame, have no bashfulness, in standing in front of the U.S. House and saying I do not support same-sex marriages. I believe that the tradition of marriage, as recognized between one man and one woman, not one man and five women, not one man and one woman or one woman and one woman, should be continued to be recognized as a tradition which is basic to the foundation of this country.

Mr. Speaker, I yield 5 minutes to the fine gentleman from the State of California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, I speak to a specific point, the constitutionality of what we do today, because the issue had been raised. I begin with drawing my colleagues' attention to Article 4, Section 1: "Full faith and credit shall be given in each State to the public Acts, Records and judicial Proceedings of every other State." But I urge my colleagues to read to the second sentence of that section: "And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved and the Effect thereof."

The second sentence of that provision of the Constitution is quite important to understand the constitutionality of

the bill we debate today, because whereas the general rule is that full faith and credit is to be given to the acts, records, and judicial proceedings of every other State, an exception is created if Congress chooses by general law, as opposed to a specific law to a specific contract, by general law to prescribe the manner in which such records and proceedings are proved, and the effect thereof. I emphasize the second phrase, "The effect thereof."

A leading treatise on the field of constitutional law, the Library of Congress' own contracted work, the annotated Constitution, at page 870, refers to this power in the context of divorce, not marriage; we do not have any quotation from this source on marriage. But on divorce they say, "Congress has the power under the clause to decree the effect that the statutes of one State shall have in other States."

This being so, it does not seem extravagant to argue that Congress may under the clause describe a certain type of divorce and say it shall be granted recognition throughout the Union and that no other kind shall. "And that no other kind shall," establishing, I think quite clearly, what the phrases of the Constitution suggest: that Congress has the constitutional authority to establish exceptions to the general full faith and credit clause.

Has Congress used this authority? Yes, it has, quite recently, in a very related context. In 1980 the Congress adopted section 1738(a) of title 28, which provided that "Whereas child custody determinations made by the State where the divorce took place generally are applied in all other States, not so if the couple moved to another State." And Congress said that the second State did not have to abide by the child custody determinations of the first State where the couple moved to the second State, an explicit use of this second sentence of article 5, section 1, power in the Congress.

Then most recently, in 1994, in section 1738(b) of the same title, Congress once again established that rule for child support orders. We have, thus, a rather clear example of power explicitly in the Constitution, recognized by treaties, and used as recently as last year.

The advisability of this bill shall be debated. My purpose this morning was to speak to its constitutionality. Mr. Speaker, there is no doubt as to its constitutionality.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Honolulu, HI [Mr. ABERCROMBIE].

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

Mr. ABERCROMBIE. Mr. Speaker, I would ask the gentleman from Colorado, inasmuch as he continues to invoke the name of Hawaii, to at least try to be accurate. I understand the gentleman has his political duty that he is going to do today here, at least as he conceives it. I do not object to that.

I do object to his, I must say, making statements like "Hawaii mandating its wishes on the rest of the Nation"; his constant invocation of what Hawaii intends to do or not do.

I daresay that there are not five people in this House of Representatives that have the slightest clue as to what is taking place legislatively or judicially or personally in Hawaii with respect to this issue. I can tell the Members that the individuals involved are constituents of mine, two of whom I know personally.

I know that the kind of rhetoric that has been utilized with respect to this issue does not reflect either their wishes or their motivations. I find it at best a question that needs to be answered as to our definition with respect to marriage. I will not use the word hypocritical, but I think others might certainly question the motivation of people who want to define marriage when this Defense of Marriage Act might better be characterized as defense of marriages.

If we intend to say that marriage, and we are writing a national marriage law, which is what we want to do here, is between one man and one woman, does that mean that we will now write a national divorce law? Because I understand some of the people who are sponsoring this bill are on their second or third marriages. I wonder which one they are defending.

I do not object to that. I think people are entitled to make their private relationships what they will and to seek such happiness in this life as they are able to achieve, but I think that when we move into the area of the private relationships of other people, that we at least ought to show some respect for the human context.

When the gentleman from Colorado and others speak so glibly of Hawaii and the people who are involved in the legal proceedings there, they forget these are human beings, some human beings that I know personally. All they are trying to do is conduct their lives as reasonable, sober, responsible people seeking their measure of happiness and tranquility in this life, and to try to bring as much as they can into their lives of the values that we cherish in Hawaii, of kindness and responsibility.

Mr. Speaker, amendments will be offered to this bill, because this is more than the defense of marriage. It also gets into the question of benefits. We contend and I certainly contend that nothing that is proceeding today in Hawaii and in the courts of Hawaii affects in any way what any other State does. It is quite clear, and I can cite at great length, and I do not have the time obviously now, the fact that other States are able to establish already what they recognize or do not recognize with respect to marriage.

The full faith and credit clause has been invoked in our Nation's history very few times, less than half a dozen times, and it involves the custody of children, the protection of children,

the interstate capacity to enforce child support laws. That is the kind of thing we have dealt with, serious issues.

I do not doubt that it is a serious issue for individuals here as to what constitutes marriage, but to try to utilize Hawaii for some political agenda having to do with, I guess, the elections in November is something that I find nothing less than reprehensible. We can define marriage any way we want in the States right now. This bill has nothing to do with that. Hawaii certainly is not challenging it.

In fact, I would like to hear from the gentleman from Colorado or anybody else any indication that the State of Hawaii has ever indicated in any way, shape, or form that it intends to, as the gentleman put it, mandate its wishes on the rest of the Nation. I do not think this is the case, and I do not think this is the bill to do this kind of thing, and certainly not to malign Hawaii in the process.

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

First of all, Mr. Speaker, in regard to the gentleman from Hawaii, there certainly will be a mandate or an attempt to mandate upon every State in the Union any decision that comes out of the Hawaiian Supreme Court allowing same-sex marriage.

Second of all, the gentleman from Hawaii starts out by, in my opinion, lecturing the gentleman from Colorado about the State of Hawaii and where do these comments come from. Let me quote from a gentleman from the State of Hawaii who represents the State of Hawaii in the State House of Hawaii. The gentleman is State representative Terrance Tom, who testified before the committee here.

Let me quote: "I do know this: No single individual, no matter how wise or learned in the law, should be invested with the power to overturn fundamental social policies against the will of the people.

"If this Congress can act to preserve the will of the people as expressed through their elected representatives, it has a duty to do so. If inaction by the United States Congress runs the risk that a single judge in Hawaii may redefine the scope of Federal legislation, as well as legislation throughout the other 49 States, failure to act is a dereliction of the responsibility you were invested with by the voters."

This is not politics. This is clearly, if we fail to act in this body, as stated by the gentleman from the State of Hawaii, "It is a dereliction of responsibility you," referring to the U.S. Congress, "were invested with by the voters."

Mr. Speaker, I yield 4 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, you need to duck in here today. The red herrings are flying fast and furious. We hear about clean water and we hear about minimum

wage and we hear about amendments that were defeated by overwhelming votes in committee, and it being outrageous that those amendments are not before us today. We hear about politics.

We hear about all sorts of things from the other side, when the fact of the matter is, Mr. Speaker, let us do away with the red herrings, let us put aside the smoke and look at what we have. We have a basic institution, an institution basic not only to this country's foundation and to its survival but to every Western civilization, under direct assault by homosexual extremists all across this country, not just in Hawaii.

This is an issue, Mr. Speaker, that has arisen in a bipartisan manner, as the gentleman from Colorado has already stated. President Clinton said he supports this legislation and would sign it. I would also point out that our colleagues on the other side, this is not a Republican proposal, it is a proposal that enjoys bipartisan support. Just look at the list of cosponsors, both original cosponsors and subsequent cosponsors, and Members will find people from both parties who support this. The reason they do support it is because it is not a partisan issue. This is an issue that transcends partisan lines. It goes to the heart of a fundamental institution in this country, and that is marriage.

□ 1115

Mr. Speaker, this issue is not one invented by anybody who is a cosponsor of this bill. It was not invented by anybody in this Congress. It is an issue that is being forced on us directly by assault by the homosexual extremists to attack the institution of marriage. One has to look no further than the words of some of their organizations themselves, such as the Lambda Defense Fund. This is part of a concerted effort going back many years and now poised, at least in the State of Hawaii, for success from their standpoint.

The learned gentleman from Hawaii took issue with any of us who might claim to know something about what is going on in Hawaii as if we did not. Well, in fact we do. One of the reasons we do know a little bit about what is going on in Hawaii is the fact that one of the persons we heard from in the Judiciary Committee, the subcommittee, was Hawaiian State Representative Terrance Tom, chairman of the Hawaiian House Judiciary Committee. He said that the Supreme Court's ruling in Hawaii has been met with very strong resistance on the part of the Hawaiian public and public opinion and their elected representatives.

He went on to explain in some detail the background as to why this legislation that he was testifying in behalf of in the Congress was important to him and to other people in Hawaii. We do not purport to know certainly as much as the learned representative from Hawaii but we do know a little bit about what is going on out there.

The legislation that is before this body today is a reaction to what is being forced on this country. It is very limited legislation. It goes no further than is absolutely essential to meet the very terms of the assault itself. It simply limits itself to providing, as the Constitution clearly and explicitly foresaw in the full faith and credit clause, that we exercise that power to define the scope of full faith and credit, and it also goes no further than simply fulfilling our responsibility in this body to define the scope of marriage as with other relationships and institutions that fall into the jurisdiction of Federal law, to define it, that for purposes of Federal law only, marriage means the union between a man and a woman.

One of the most astounding things that I heard was in our committee, one member indicating that he did not really know the difference for legal purposes between a man and a woman or between a male and a female. I dare say, Mr. Speaker, that we all know that. And the fact of the matter is that marriage throughout the entire history of not only our civilization but Western civilization has meant the legal union between one man and one woman. For us to now be poised as a country, and this is an issue that will be presented, to sweep that away would be outrageous. The American people demand this legislation.

Mr. Speaker, this legislation is necessary, it is essential, it is limited in scope, and it addresses the legal issues that properly fall within the ambit of congressional authority. It goes no further than is necessary to meet this challenge, but the challenge is there, and the challenge must be met. If we were to succumb to the homosexual extremist agenda on the other side, and this is part of a plan, then we would be the first country to do so. Not even the very liberal socialist economies of Europe or the countries of Europe have done this. No country in the world recognizes homosexual marriages as the full legal equivalent of heterosexual marriage.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from West Palm Beach, FL [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Speaker, let me preface my remarks that yesterday I celebrated my 42d wedding anniversary with my first and only wife. I have two children and four grandchildren that I am very proud of.

Mr. Speaker, I really have to say that we should be embarrassed today to consider this legislation. Of all the pressing needs facing our country, the leadership has chosen to focus on this, the so-called Defense of Marriage Act.

Defending our country against enemies is certainly important, as is defending our children against poverty and ignorance. Defending the elderly against neglect is important, as is defending our families against crime and criminals. But defending marriage? Get real. Defending marriage against what?

Against whom? We are wasting precious time here.

Mr. Speaker, this legislation denigrates the House of Representatives. What this bill lacks in substance and import, it makes up for in shameless politics. Demonizing Communist countries, welfare mothers, or immigrants is now old news. So the demon du jour is gays.

I do not doubt the sincerity of those Americans who truly fear the notion of gay marriage. But the institution of marriage is not in jeopardy because some choose to associate with the benefits and the obligations of marriage. We as Members of Congress have a duty to educate, to enlighten, and push for a society that does not punish people because they are different. We are here to lead our constituents, not leave them behind.

The possibility that gays may marry must rank pretty low among the problems and the difficulties facing American families today. Everyone knows that the only true threat to marriage comes from within. Let us focus on the real problems this election year and do our constituents a real favor. They just might appreciate it.

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

Embarrassed? The preceding speaker says we should be embarrassed because we are talking about marriage on this House floor. Let me say to every one of my colleagues, I am not embarrassed by defending the traditional recognition of marriage. I would like to quote from a friend of mine, Bill Bennett:

The institution of marriage is already reeling because of the effects of the sexual revolution, no-fault divorce, and out-of-wedlock births. We have reaped the consequences of its devaluation. It is exceedingly imprudent to conduct a radical, untested, and inherently flawed social experiment on an institution that is the keystone and the arch of civilization.

The issue is very simple here. No. 1, the rule that we are discussing today is a very fair rule. In fact, the gentleman from Massachusetts, who has just asked for a request to yield, is going to have lots of time in the following hour because the Rules Committee has allowed two of his amendments to be debated on the floor. It will be a very healthy and good debate for all of us.

No. 2, the bill is very clear in what it does. It does the following:

First, it confirms the tradition of marriage as this country and every other country in the world recognizes. That is, a union between one man and one woman. Second, it preserves the States rights, so that one State, like the Supreme Court of the State of Hawaii, cannot mandate upon another State their interpretation of what marriage should be. And, third, it preserves the ability for the Federal Government not to be obligated to a particular State that may choose to recognize same sex marriage.

With that, Mr. Speaker, I yield 3½ minutes to the fine gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Speaker, I would just like to say, as I have said many times, that the family is the cornerstone, in fact the foundation of our society, and at the core of that foundation is the institution of marriage.

Mr. Speaker, there have been many that have come and said already this morning, does Congress not have more important things to do? I would say, Mr. Speaker, that there is absolutely nothing that we do that is more important than protecting our families and protecting the institution of marriage.

I have said, too, that this current situation that is taking place in Hawaii, where the Supreme Court is about to rule that same sex marriages are in order, is a frontal assault on the institution of marriage and, if successful, will demolish the institution in and of itself with that redefinition.

How can we possibly, once we begin to redraw the border, the playing field of the institution of marriage to say it also includes two men, or two women, how can we stop there and say it should not also include two men and one woman, or three men, four men, or an adult and a child? If they love one another, what would be the problem with that? As long as we are going to expand the definition of what marriage is, why stop there? Logically there would be no reasonable stopping place.

Another thing that I would like to address is that there have been many who have said that we are doing this for political reasons. What political gain is there for Republicans or Democrats when the President has already endorsed this very bill? He has said he will sign it. This is not a wedge issue. This is not a line of distinction between one Presidential candidate and another. The President has said he will sign it. We just simply have to do the right thing and pass it today.

Many are asking, why do we need the Defense of Marriage Act? Quite simply, the legal ramifications of what the State court of Hawaii is about to do cannot be ignored. If the State court in Hawaii legalizes same-sex marriage, homosexual couples from other States around the country will fly to Hawaii and marry. These same couples will then go back to their respective States and argue that the full faith and credit clause of the U.S. Constitution requires their home State to recognize their union as a marriage.

We in Congress can prevent confusion and litigation in 49 States by passing this modest bill. The legislation does two things, simply: First, it allows States to decide for themselves if they will recognize same-sex unions as marriages. Each State can affirmatively embrace either same-sex marriages or refuse to recognize Hawaiian same-sex marriages. This provision respects each State's historical power to establish conditions for entering into a legal marriage.

Second, the bill defines for Federal purposes marriage as the legal union of a man and woman as husband and wife,

and spouse as a husband or wife of the opposite sex.

Let me just conclude by saying, Mr. Speaker, that as a concerned father and observer of our culture, I wonder what marriage and child-rearing will be like for my own grandchildren. Destroying the exclusive territory of marriage to achieve a political end will not provide homosexuals with the real benefits of marriage, but it may eventually be the final blow to the American family. Now, more than ever, the institution of the family needs to be protected, promoted, and preserved.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from New York City [Mr. NADLER].

Mr. NADLER. Mr. Speaker, marriage does not need defense from Congress. Two gay people applying for the benefits and the obligations of marriage should stay together their whole life, that does not threaten a marriage. If your marriage is threatened, it may be because you have lost your job and cannot provide for your family. It may be because of emotional reasons. Congress is not going to save your marriage. If your marriage is not threatened, you do not need Congress to intervene. I will talk about that later.

What I want to say now is that this bill is a fraud from beginning to end. It is a fraud. It purports to do two things: It is going to save the other States from having to go along with same sex marriages if and when Hawaii does so. No; it will not.

First of all under the full faith and credit clause of the Constitution, the Supreme Court has always recognized the public policy exception. If one State recognizes 12-year-old marriages and New York chooses not to, New York does not have to recognize a marriage of 12-year-olds if they get married in one State and move to New York, and so forth. If Hawaii chooses to recognize same sex marriages and Colorado or New Jersey has a policy against same sex marriages, they will not be forced to recognize it under the existing Constitution and the existing law. If they were, if the Supreme Court read the full faith and credit clause differently than it does, this could not stop it because you cannot amend the Constitution by a statute. So this bill is unnecessary for that purpose and were it necessary it would be ineffective.

But the second clause of the bill is the really pernicious clause because the first clause, save all the States from Hawaii, does nothing at all. It does nothing. It is a fraud to talk about it, a fraud on the American people.

The second part of the bill is that assault on States rights which we keep hearing from the gentleman from Colorado and others as sacrosanct, this bill is going to defend States rights, nonsense. What this bill says in the second clause is that if Colorado or New York or Hawaii or New Jersey or any State chooses whether by judicial fiat or by



action of its legislature or by public referendum of its people to recognize same sex marriages, the Federal Government will not recognize those marriages for purposes of Social Security or Veterans' Administration benefits or pensions or tax benefits or anything else. We will say to a State, "Do what you want, we won't recognize what you do because Congress knows better."

Mr. Speaker, marriage and divorce has always been a State matter, never to be tampered with by Congress or by the Federal Government. Why start down that road now? And if we start down that road now, we will continue. This is not States rights. This is Federal invasion.

□ 1130

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, welcome to the campaign headquarters for the radical right. You see, knowing that the American people overwhelmingly rejected their deep cuts in Medicare and education, their antifamily agenda and their assault on our environment, the radical right went mucking around in search of an election-year ploy to divide our country. Not only does the Defense of Marriage Act trample over the Constitution, it flies in the face of everything the new majority supposedly supports when it comes to States rights and to determining marriage law.

Let us not be pawns. Let us not be pawns of the radical right. Let us not turn the floor of the House of Representatives into a political convention for extremists. Let us not take part in this assault on lesbian and gay Americans and their families. Instead, let us defeat the rule on this mean-spirited bill.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Colorado [Mr. MCINNIS] has 8½ minutes remaining, and the gentleman from Massachusetts [Mr. MOAKLEY] has 11 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, I rise in opposition to this bill. The Republican leadership of this Congress should be ashamed of itself. This bill is nothing more than a publicity stunt. Despite the rhetoric we have heard today in this Hall and the rhetoric of the religious right, one can honor the relationship between a man and a woman without attacking gay men and lesbians. No matter who is being attacked, discrimination is discrimination, and it is wrong.

You know, I have never been called by any constituent, by anyone to complain to me that they want me to defend their marriage. If we want to have a debate about defending American marriages and American families, let us talk about the real issues affecting American families. Let us talk about

the rising cost of college education. Let us talk about the ability to get health insurance, to afford health insurance, to keep health insurance for our children. Let us talk about raising the minimum wage. That is the way we strengthen our families, by looking at the real issues and taking responsible action to solve them.

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

Mr. Speaker, how interesting it is that President Clinton now is being labeled with the radical right or that some of the Democrats, and there are going to be a number of Democrats who vote for this bill, being labeled, as they should be apparently, ashamed of themselves or extremists. These are not extremists. This is a long-held American tradition and not just an American tradition. It is a tradition held in every country in this world. It is a tradition we ought to uphold.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I rise in strong support of this act. The impending recognition of same-sex marriages in Hawaii is what is bringing it to the floor. The suggestion that somehow this is political or this is campaign rhetoric or campaign tactics, which I heard in the subcommittee, I heard again at the full committee, is simply not the case.

As I will mention later, if anything, it is about the last thing that I or my colleagues on that subcommittee or on the Committee on the Judiciary want to get involved with. It is something that frankly no one wants to touch with a 10-foot pole, certainly not me. The fact is that the impending recognition of same-sex marriages in Hawaii has raised the probability that all other States in the United States of America are going to be compelled to recognize and to enforce the Hawaii marriage contract under the full faith and credit clause of the U.S. Constitution. That has very far-reaching implications, both fiscally as well as socially for the State of Ohio.

For example, if two individuals of the same gender obtain a marriage license in Hawaii and then move to Ohio, the State of Ohio would have to honor that marriage license. The people of Ohio would have no say in the matter. The fact is that there is some question about that. It is not absolutely crystal clear as to whether the full faith and credit clause would apply in that way, but what we are going to do is we are going to make it crystal clear that a State will not have to recognize a same-gender marriage if it chooses not to.

Second, I want to point out that there is another issue involved in this, and it has to do with all of the rights and privileges, the obligations and responsibilities that go with a legal marriage contract as it relates to Federal law. We are talking about probably most important, survivors benefits, both for veterans as well as for Social

Security recipients, et cetera, et cetera, et cetera.

One of the things that was said during the debate that I think is probably the most preposterous, and this was said at committee. I do not know if it has been said on the floor today. But that is that Congress has no business legislating morality. That is preposterous. It is ridiculous and it is absurd. The fact is that we legislate morality on a daily basis. It is through the law that we as a nation express the morals and the moral sensibilities of the United States, and what is morality except to decide what is right and what is wrong? That is what morality is all about.

Clearly we have got laws about murder, we believe that murder is wrong. It is a moral issue. We have laws about theft and burglary, larceny, rape, and other bodily attacks. Those are moral issues. To question that somehow we have no right to make a moral judgment on an issue completely misses the point of what we do in Congress every single day of the week.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts, Mr. GERRY STUDDS, the ranking member of the Subcommittee on Fisheries, Wildlife and Oceans.

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

Mr. STUDDS. Mr. Speaker, first if I may make a legal observation then a much more personal one. This bill has two brief sections. One purports to give States the right to decline to recognize marriages in another State, and the other denies Federal benefits to any State which makes such a decision. As has been said before, the first part is absolutely meaningless. Either under the Constitution the States already have that right, in which case we do nothing, or they do not, in which case we cannot do anything because it is a constitutional provision. So, so much for the first part.

We are then left with a bill that simply denies Federal benefits to any State which choose to sanction a certain kind of marriage. Mr. Speaker, I have served in this House for 24 years. I have been elected 12 times, the last 6 times as an openly gay man. For the last 6 years, as many Members of this House know, I have been in a relationship as loving, as caring, as committed, as nurturing and celebrated and sustained by our extended families as that of any Member of this House. My partner, Dean, whom a great many of you know and I think a great many of you love, is in a situation which no spouse of any Member of this House is in. The same is true of my other two openly gay colleagues.

This is something which I do not think most people realize. The spouse of every Member of this House is entitled to that Member's health insurance, even after that Member dies, if he or she should predecease his or her spouse. That is not true of my partner.

The spouse of every Member of this House knows that, if he or she predeceases, is predeceased by their spouse, a Member, that for the rest of their lives they may have a pension, long after if they live longer, the death of the Member of Congress.

I have paid every single penny as much as every Member of this House has for that pension, but my partner, should he survive me, is not entitled to one penny. I do not think that is fair, Mr. Speaker. I do not believe most Americans think that is fair. And that is real. Yet that is what the second section of this bill is about, to make sure that we continue that unfairness. Did my colleagues know, for example, that, if my partner, Dean, were terribly ill and in a hospital, perhaps on death's door, that I could be refused the right to visit him in the hospital if a doctor either did not know or did not approve of our relationship? Do you think that is fair? I do not think most Americans think that is fair.

He can be fired solely because of his sexual orientation. He can be evicted from his rental home solely because of his sexual orientation. I do not think most Americans think that is fair. Mr. Speaker, not so long ago in this very country, women were denied the right to own property, and people of color, Mr. Speaker, were property. Not so very long ago people of two races were not allowed to marry in many of the States of this country.

Things change, Mr. Speaker, and they are changing now. We can embrace that change or we can resist that change, but thank God All Mighty, as Dr. King would have said, we do not have the power to stop it.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts, Mr. BARNEY FRANK, the ranking member of the Subcommittee on the Constitution.

Mr. FRANK of Massachusetts. Mr. Speaker, I understand why no Member on the other side agreed to yield. We have a tradition around here of yielding. But when your arguments are as thin as theirs, you do not risk rebuttal.

Let us talk about the points here. First of all, we are told that this is not political. Now, people may understand why we do not speak here under oath. No one in the world believes that this is not political. We are told we must do this because the Hawaii Supreme Court is threatening them. The Hawaii Supreme Court decision in question came in 1993. The process in Hawaii, which is now still going on, does not end until, at the earliest, in late 1997 and probably 1998. There is a trial that has to take place that has not even started. Why, when the decision came in 1993 and the process will not end until 1997 or 1998, are we doing this 3 months before the election? Oh, it is not political, sure.

Second, there is a very false premise, the notion that this is to protect States from having to do what Hawaii does. Every Member on the other side

who sponsored this bill believes that that part is unnecessary. Every Member believes that the States already have that right. What is being protected here is not the right of States to make their own decision but the right of States to vote Republican in the 1996 Presidential election.

We will be told time and again that we have 3 weeks left in this session until August and then we will have a month. We have an enormous amount of undone work. The leadership is talking about abandoning the appropriations process, the Republican leadership, and doing continuing resolutions on issue after issue after issue. We will be told we do not have time to debate it. Why? Because we have to protect America from something that will not happen until 1998.

And what are we protecting, as my colleague and friend from Massachusetts has just said? This is the most preposterous assertion of all, that marriage is under attack. I have asked and I have asked and I have asked and I guess I will die, I hope many years from now, unanswered: How does the fact that I love another man and live in a committed relationship with him threaten your marriage? Are your relations with your spouses of such fragility that the fact that I have a committed, loving relationship with another man jeopardizes them? What is attacking you? You have an emotional commitment to another man or another woman. You want to live with that person. You want to commit yourselves legally.

I say I do not share that commitment. I do not know why. That is how I was born. That is how I grew up. I find that kind of satisfaction in committing myself and being responsible for another human being who happens to be a man, and this threatens you? My God, what do you do when the lights go out, sit with the covers over your head? Are you that timid? Are you that frightened?

I will yield to the gentleman from Oklahoma if he will tell me what threatens his marriage.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. LARGENT. Absolutely. I would just submit, Mr. Speaker, that the relationship of the gentleman from Massachusetts [Mr. FRANK] with another man does not threaten my marriage whatsoever, my marriage of 21 years with the same woman.

Mr. FRANK of Massachusetts. Mr. Speaker, whose marriage does it threaten?

Mr. LARGENT. It threatens the institution of marriage the gentleman is trying to redefine.

Mr. FRANK of Massachusetts. It does not threaten the gentleman's marriage. It does not threaten anybody's marriage. It threatens the institution of marriage; that argument ought to be made by someone in an institution be-

cause it has no logical basis whatsoever.

Here we go, I keep asking people, whose marriage is threatened? Not mine, not his.

No one on the other side yielded once. People on the other side mentioned other Members, distorted their arguments and never yielded once. I certainly will not yield again, because I think the nonanswer is clear. I have asked it again and again.

□ 1145

What is it that says, and people have said this, I have had people when I was in my district for 9 days last week saying, I am worried. I cannot afford my college tuition. I am worried about public safety. I am worried about Medicare. No one said to me, oh, my God, two lesbians just fell in love and my marriage is threatened. Oh, my God, there are two men who commit to each other and they are prepared to be legally responsible for each other. How can I possibly go on with my marriage?

What we see is very clear. There is no reason for this in terms of time. There is no reason for it legally, because the States already have that right. This is a desperate search for a political issue by hitting people who are unpopular. And, yes, I acknowledge the notion of two men living together in a committed relationship or two women makes people nervous and uncomfortable. I want to talk about that. But threaten your marriage?

I will make a prediction that between now and the end of this debate tomorrow we will hear not one specific example of how this threatens marriage because no one who believes that the bonds between a man and a woman who love each other and care for each other and are prepared to commit to each other for a lifetime or 3 years or whatever the pattern may be, is somehow threatened because two other people love each other.

What about the love that two others have for each other threatens your own love? What an unfortunate concept.

Mr. MCINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Speaker, I want to address the last speaker's comments and say that, first, we need to step back from trees and look at the forest and try to take a long view of our culture, and we can look at history and show that no culture that has ever embraced homosexuality has ever survived.

Second, I would say that what this same-sex marriage is seeking is State sanction of their relationship. There is nothing that prevents the gentleman from Massachusetts [Mr. FRANK] right now from having a loving relationship with his significant other, no matter what their sexes are.

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

Let me point out about this yielding and not yielding. The gentleman from

Massachusetts tried to make a point, as frivolous as I felt it was, that our side was not yielding. Both sides are allocated a fair amount of time, 30 minutes each. We each get 30 minutes.

Now, the gentleman from Massachusetts criticized or lectured the gentleman from Colorado because I would not yield time to him, and the gentleman from Massachusetts claims the reason we will not do it is because we do not like debate. As soon as the gentleman from Oklahoma begins his debate, the gentleman from Massachusetts claims his time back.

I think we need to be very civil and very professional on this House floor. We each have 30 minutes, let us use our 30 minutes.

Let us talk, and I think first of all understand this is not an issue between the parties. President Clinton supports this. President Clinton says now is the time to address it. And let me quote directly from his press agent. "He believes this is a time when we need to do things to strengthen the America family, and that is the reason why he has taken this position in support of this bill."

What is the rule? The rule is fair. What is especially interesting about it is the gentleman who says this side of the aisle will not or is afraid to debate him. It is this side of the aisle who voted unanimously up in the Committee on Rules, along with the gentleman from Massachusetts and his side of the aisle, to allow the gentleman from Massachusetts 75 minutes on his first amendment and a certain period of time for his second amendment. He is going to get lots of debate time coming up.

What is it that this bill does? I think we need to take our collective arguments here in the last hour and focus in on exactly what does this bill do. It does not impact the Clean Water Act, it does not have anything to do with domestic relations, as far as the gentleman from Colorado suggested as no fault, fault, et cetera, et cetera. It is very specific. It is very simple. First, it upholds the long-held tradition that a marriage is defined as a union between one man and one woman.

Second, it declares that one State will not be bound by the decision of the Supreme Court of another State in regards to a marriage. In other words, the Supreme Court of the State of Hawaii cannot mandate upon the State of Ohio or upon the State of Colorado or upon the State of California that they recognize same-sex marriages within their State even if their State wholeheartedly rejects that type of concept.

Third, it does not obligate the Federal Government for financial requirements or financial obligations because a State chooses to recognize it. For example, if the State of Hawaii, through their Supreme Court, recognizes same-sex marriage, it does not immediately obligate the Federal Government to pay for benefits.

If a Member wants those kinds of benefits, and the other gentleman from

Massachusetts spoke about that, and I thought his words were well spoken, if he wants those benefits, introduce a bill and run it through the regular process of the U.S. Congress. That is how he can get those benefits, not through a mandate from the Supreme Court of the State of Hawaii.

So, in other words, every State preserves their right. We preserve the long-time tradition of marriage between one man and one woman. And I will reaffirm once again, and I have no shame in standing up here in the House of Representatives saying that I support wholeheartedly the traditional interpretation, the traditional recognition, and I hope for all time the future recognition of the definition of marriage.

Mr. Speaker, I yield the balance of my time to the gentleman from Florida [Mr. STEARNS], my good friend.

Mr. STEARNS. Mr. Speaker, I want to say to my colleagues, when we hear from that side of the aisle that this is a political issue, we have heard the President of the United States indicate that he would sign this bill, so I think the President is almost saying that he agrees with what we are doing and he would like to see as soon as possible the bill brought to him for his signature. So we really cannot say it is a political one when the President of the United States, who represents the Democrats, says he wants the bill, too.

I rise in strong support of this rule. I commend the gentleman for bringing this rule forward. And I might point out to my colleagues that it is our party that brought this bill here; that this bill probably would never have seen the light of day if it had not been for the new majority in Congress, and I think it is important to point that out.

I would like to conclude by saying that we all know that families are the foundation of every civilized society, and marriage lies at the heart, the core, of what a family is. If we change how marriage is defined, we change the entire meaning of the family. So what we are doing today, I say to the gentleman from Colorado, is extremely important and all of us should realize we must pass this rule.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 290, nays 133, not voting 10, as follows:

[Roll No. 300]

YEAS—290

Allard	Franks (NJ)	Montgomery
Archer	Frelinghuysen	Moorhead
Armey	Frisa	Myers
Bachus	Frost	Myrick
Baesler	Funderburk	Nethercutt
Baker (CA)	Galleghy	Neumann
Baker (LA)	Ganske	Ney
Ballenger	Gekas	Norwood
Barcia	Geren	Nussle
Barr	Gilchrest	Ortiz
Barrett (NE)	Gillmor	Orton
Bartlett	Gilman	Oxley
Barton	Gonzalez	Packard
Bass	Goodlatte	Parker
Bateman	Goodling	Paxon
Bentsen	Gordon	Payne (VA)
Bereuter	Goss	Peterson (MN)
Bevill	Graham	Petri
Bilbray	Greene (UT)	Pickett
Bilirakis	Gutknecht	Pombo
Bishop	Hall (TX)	Pomeroy
Bliley	Hamilton	Porter
Blute	Hancock	Portman
Boehlert	Hansen	Poshard
Boehner	Hastert	Pryce
Bonilla	Hastings (WA)	Quillen
Bono	Hayes	Quinn
Boucher	Hayworth	Radanovich
Brewster	Hefley	Rahall
Browder	Hefner	Rahmstad
Brownback	Heineman	Regula
Bryant (TN)	Herger	Roberts
Bunn	Hilleary	Roemer
Bunning	Hoekstra	Rogers
Burr	Hoke	Rohrabacher
Burton	Holden	Ros-Lehtinen
Buyer	Hostettler	Roth
Callahan	Houghton	Roukema
Calvert	Hunter	Royce
Camp	Hutchinson	Salmon
Campbell	Hyde	Sanford
Canady	Inglis	Saxton
Castle	Istook	Scarborough
Chabot	Jacobs	Schaefer
Chambliss	Johnson, Sam	Schiff
Chapman	Jones	Schumer
Christensen	Kaptur	Seastrand
Chrysler	Kasich	Sensenbrenner
Clement	Kelly	Shadegg
Clinger	Kildee	Shaw
Coble	Kim	Shays
Coburn	King	Shuster
Collins (GA)	Kingston	Sisisky
Combest	Kleczka	Skeen
Condit	Klug	Skelton
Cooley	Knollenberg	Smith (MI)
Cox	LaFalce	Smith (NJ)
Cramer	LaHood	Smith (TX)
Crane	Largent	Smith (WA)
Crapo	Latham	Solomon
Creameans	LaTourette	Souder
Cubin	Laughlin	Spence
Cunningham	Lazio	Spratt
Danner	Leach	Stearns
Davis	Levin	Stenholm
de la Garza	Lewis (CA)	Stockman
Deal	Lewis (KY)	Stump
DeLay	Lightfoot	Stupak
Diaz-Balart	Linder	Talent
Dickey	Lipinski	Tanner
Dingell	Livingston	Tate
Doggett	LoBiondo	Tauzin
Doolittle	Lucas	Taylor (MS)
Dornan	Luther	Taylor (NC)
Doyle	Manton	Tejeda
Dreier	Manzullo	Thomas
Duncan	Martini	Thornberry
Edwards	Mascara	Tiahrt
Ehlers	McCarthy	Traficant
Ehrlich	McCollum	Upton
English	McCrery	Volkmer
Ensign	McHale	Vucanovich
Evans	McHugh	Walker
Everett	McInnis	Walsh
Ewing	McIntosh	Wamp
Fawell	McKeon	Ward
Fields (LA)	McNulty	Watts (OK)
Fields (TX)	Menendez	Weldon (FL)
Flanagan	Metcalf	Weldon (PA)
Foley	Meyers	Weller
Forbes	Mica	White
Ford	Miller (FL)	Whitfield
Fowler	Minge	Wicker
Fox	Molinaro	Wilson
Franks (CT)	Mollohan	

Wise Wynn Zeff  
Wolf Young (AK) Zimmer

NAYS—133

Abercrombie	Gejdenson	Morella
Ackerman	Gephardt	Murtha
Andrews	Green (TX)	Nadler
Baldacci	Greenwood	Neal
Barrett (WI)	Gunderson	Oberstar
Becerra	Gutierrez	Obey
Beilenson	Harman	Olver
Berman	Hastings (FL)	Owens
Blumenauer	Hilliard	Pallone
Bonior	Hinchee	Pastor
Borski	Hobson	Payne (NJ)
Brown (CA)	Horn	Pelosi
Brown (FL)	Hoyer	Rangel
Brown (OH)	Jackson (IL)	Reed
Bryant (TX)	Jackson-Lee	Richardson
Cardin	(TX)	Rivers
Chenoweth	Jefferson	Rose
Clay	Johnson (CT)	Roybal-Allard
Clayton	Johnson (SD)	Rush
Clyburn	Johnson, E. B.	Sabo
Coleman	Johnston	Sanders
Collins (IL)	Kanjorski	Sawyer
Collins (MI)	Kennedy (MA)	Schroeder
Conyers	Kennedy (RI)	Scott
Costello	Kennelly	Serrano
Coyne	Klink	Skaggs
Cummings	Kolbe	Slaughter
DeFazio	Lantos	Stark
DeLauro	Lewis (GA)	Stokes
Dellums	Lofgren	Studds
Deutsch	Lowey	Thompson
Dicks	Maloney	Thurman
Dixon	Markey	Torkildsen
Dooley	Martinez	Torres
Durbin	Matsui	Torrice
Engel	McDermott	Towns
Eshoo	McKinney	Velazquez
Farr	Meehan	Vento
Fattah	Meek	Visclosky
Fazio	Millender-	Waters
Filner	McDonald	Watt (NC)
Flake	Miller (CA)	Waxman
Foglietta	Mink	Williams
Frank (MA)	Moakley	Woolsey
Furse	Moran	Yates

NOT VOTING—10

Dunn	Longley	Thornton
Gibbons	McDade	Young (FL)
Hall (OH)	Peterson (FL)	
Lincoln	Riggs	

□ 1212

Messrs. GEJDENSON, GUNDERSON, GENE GREEN of Texas, and HORN changed their vote from "yea" to "nay."

Mr. SCHUMER and Ms. KAPTUR changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No. 300, on House Resolution 474 providing for the consideration of H.R. 3396, the Defense of Marriage Act, was unavoidably detained on other business and unable to be physically present for the vote. Had I been present, I would have voted "yea."

#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 472 and rule XXIII, the Chair declares the House in the Committee of

the Whole House on the State of the Union for the further consideration of the bill, H.R. 3755.

□ 1214

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3755) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, with Mr. WALKER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 10, 1996, a request for a recorded vote on the amendment by the gentleman from California [Ms. PELOSI] had been postponed and the bill had been read through page 22, line 16.

The Clerk will read.

The Clerk read as follows:

#### HEALTH RESOURCES AND SERVICES ADMINISTRATION

#### HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, X, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, and the Health Care Quality Improvement Act of 1986, as amended, \$3,080,190,000, of which \$297,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: *Provided*, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: *Provided further*, That of the funds made available under this heading, \$2,828,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That no more than \$5,000,000 is available for carrying out the provisions of Public Law 104-73: *Provided further*, That of the funds made available under this heading, \$192,592,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication of distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That \$75,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act and shall be distributed to States as authorized by section 2618(b)(2) of such Act.

#### AMENDMENT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. LOWEY: Page 22, line 22, after the dollar amount, insert the following: "(reduced by \$2,600,000)".

Page 26, line 1, after the first dollar amount, insert the following: "(increased by \$2,600,000)".

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 40 minutes and that the time be divided, 20 minutes to the gentleman from New York [Mrs. LOWEY], 10 minutes to the gentleman from Wisconsin [Mr. OBEY], and 10 minutes to myself.

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

There was no objection.

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

Mr. Chairman, this amendment that the gentleman from Delaware [Mr. CASTLE] and I are introducing with the gentleman from New York [Mr. SCHUMER] restores funding to the CDC National Center for Injury Prevention and Control. Our amendment simply overturns the Dickey amendment passed by the full committee which reduced the bill's appropriation for the CDC injury prevention and control program by \$2.6 million and increased the appropriation for the area health education centers by a like amount.

This amendment will restore the injury prevention and control program to its fiscal year 1996 level of \$43 million, which is the level approved by the subcommittee. My colleagues who support the area health education centers program, as I do, please note that under our amendment, the area health education center will receive an increase of \$2.9 million, or over 12 percent, compared to last year.

Why must we restore funding for the CDC injury control program? Because the injury prevention and control program helps to prevent thousands of needless and tragic accidents and injuries each year.

The injury prevention and control program is one of the leading Federal agencies working to prevent domestic violence. Injury control funds are also being used to prevent drownings at Federal recreation facilities, reduce violence in public housing projects, cut down on driving accidents by the elderly, improve emergency medical services in order to decrease the number of traumatic brain and spinal cord injuries, reduce deaths caused by fires in the home and many, many other life-saving activities.

Unless our amendment passes, all of these vital activities could be affected. So why were funds for the injury prevention program cut? Let me be very blunt to my colleagues. The NRA dislikes the fact that the injury control center collects statistics and does research on gun violence. Even though the injury control program spends only 5 percent, or 2.6 million, of its budget