

H. Res. 565. A resolution expressing the sense of the House of Representatives regarding the importance of mammograms and biopsies in the fight against breast cancer; to the Committee on Commerce.

By Mr. STUPAK (for himself, Mr. DINGELL, Mr. BARRETT of Wisconsin, Mr. JOHNSON of Wisconsin, Mr. STRICKLAND, Mr. OBERSTAR, Ms. RIVERS, Mr. OBEY, Mr. KILDEE, Mr. ENGLISH of Pennsylvania, Ms. KILPATRICK, Mr. LATOURETTE, Mr. WALSH, Ms. KAPTUR, Mr. RAMSTAD, Mrs. THURMAN, Mr. KIND of Wisconsin, Mr. LUTHER, Mr. SABO, Mr. VISCLOSKEY, Mr. SOUDER, Mr. VENTO, Mr. BARCIA of Michigan, Mr. MCHUGH, Ms. STABENOW, and Mr. BROWN of Ohio):

H. Res. 566. A resolution expressing the sense of House of Representatives that the President and the Senate should take the necessary actions to prevent the sale or diversion of Great Lakes water to foreign countries, business, corporations, and individuals until procedures are established to guarantee that any such sale is fully negotiated between and approved by the governments concerned; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DAVIS of Florida introduced A bill (H.R. 4678) to authorize conveyance of each of two National Defense Reserve Fleet vessels to The Victory Ship, Inc., located in Tampa, Florida; which was referred to the Committee on National Security.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mrs. CHENOWETH and Mr. ADAM SMITH of Washington.
 H.R. 519: Mr. CAMPBELL.
 H.R. 902: Mr. CAMPBELL, Mrs. ROUKEMA, Mrs. WILSON, Mr. KASICH, Mr. SHUSTER, and Mr. BALLENGER.
 H.R. 1126: Mr. JENKINS
 H.R. 1197: Mr. PETERSON of Pennsylvania.
 H.R. 1441: Ms. STABENOW.
 H.R. 1521: Mr. ROGAN.
 H.R. 1891: Mr. SPENCE.
 H.R. 2020: Mr. DEAL of Georgia.
 H.R. 2450: Mr. BURR of North Carolina.
 H.R. 2549: Mr. STUMP.
 H.R. 2635: Mr. BILBRAY, Mr. BOYD, and Mr. PASCRELL.
 H.R. 2733: Mr. KUCINICH, Mr. BLAGOJEVICH, and Mrs. EMERSON.
 H.R. 2914: Mr. BROWN of Ohio.
 H.R. 2938: Mr. RODRIGUEZ.
 H.R. 3032: Mr. KUCINICH and Mr. KANJORSKI.
 H.R. 3081: Mr. EVANS, Mr. PASCRELL, Mr. SANDERS, Mr. QUINN, Mr. KIND of Wisconsin, Mrs. THURMAN, Mr. FRELINGHUYSEN, Mr. JOHNSON of Wisconsin, Mr. OBERSTAR, Mr. ABERCROMBIE, Ms. MILLENDER-MCDONALD, Mr. MATSUI, Mr. MOAKLEY, Mr. GILMAN, Mr. BECERRA, Mr. KENNEDY of Massachusetts, Mr. PASTOR, Mr. McNULTY, and Mr. FATTAH.
 H.R. 3134: Mr. DIXON, Mr. TORRES, Ms. ROYBAL-ALALRD, and Mr. MARTINEZ.
 H.R. 3234: Mr. DAN SCHAEFER of Colorado.
 H.R. 3251: Mr. MILLER of California and Mr. BILBRAY.
 H.R. 3448: Mr. OLVER.
 H.R. 3514: Mr. BARCIA of Michigan.
 H.R. 3572: Mr. BALDACC and Mr. JONES.
 H.R. 3632: Mr. HASTINGS of Washington.
 H.R. 3792: Ms. PRYCE of Ohio and Mr. RAMSTAD.

H.R. 3794: Mr. BENTSEN.
 H.R. 3795: Mr. FOX of Pennsylvania.
 H.R. 3831: Mr. RUSH.
 H.R. 3855: Mrs. HARMAN, Mr. TRAFICANT, Mr. GILLMOR, Ms. THURMAN, Mr. BERMAN, Mr. PICKETT, and Mr. DEUTSCH.
 H.R. 3861: Mr. KENNEDY of Rhode Island.
 H.R. 3895: Mr. RUSH.
 H.R. 3925: Mr. TURNER and Mr. LEACH.
 H.R. 3949: Mr. LAMPSON.
 H.R. 3990: Ms. STABENOW.
 H.R. 3991: Mr. CARDIN, Mr. BEREUTER, and Mrs. CAPPS.
 H.R. 4019: Mr. ENSIGN, Mr. MCINTYRE, and Mr. MARTINEZ.
 H.R. 4080: Mrs. MALONEY of New York.
 H.R. 4121: Mr. TALENT.
 H.R. 4127: Mr. HILLIARD.
 H.R. 4151: Mr. DOYLE.
 H.R. 4167: Mr. BARCIA of Michigan and Mr. RAHALL.
 H.R. 4214: Mr. DIXON, Mr. BROWN of California, and Mr. PALLONE.
 H.R. 4220: Mr. BONIOR.
 H.R. 4280: Mrs. KELLY.
 H.R. 4293: Ms. FURSE.
 H.R. 4311: Mr. GUTIERREZ and Ms. SLAUGHTER.
 H.R. 4332: Mr. ADERHOLT, Mr. JOHNSON of Wisconsin, and Mr. SCARBOROUGH.
 H.R. 4339: Mr. OBERSTAR and Mr. METCALF.
 H.R. 4340: Ms. SLAUGHTER.
 H.R. 4353: Mr. BILIRAKIS.
 H.R. 4358: Mr. ACKERMAN.
 H.R. 4376: Mr. FORBES.
 H.R. 4402: Mr. GOODLATTE and Mr. BLILEY.
 H.R. 4403: Mr. WAXMAN, Mr. BROWN of Ohio, Mr. MILLER of California, Mr. SMITH of New Jersey, and Mr. STUPAK.
 H.R. 4421: Mrs. MINK of Hawaii, Ms. CHRISTIAN-GREEN, Mr. ENSIGN, and Mr. MANZULLO.
 H.R. 4446: Mrs. NORTUP.
 H.R. 4449: Mr. CAMPBELL, Mr. McINNIS, Mr. STUMP, Mr. VENTO, and Mr. DICKEY.
 H.R. 4450: Mr. RUSH.
 H.R. 4455: Mr. GOODE and Mr. RUSH.
 H.R. 4465: Mr. LATOURETTE.
 H.R. 4467: Ms. PELOSI.
 H.R. 4504: Mr. THOMPSON.
 H.R. 4513: Mr. DREIER.
 H.R. 4527: Mr. MENENDEZ.
 H.R. 4538: Mr. KUCINICH and Mr. BLUMENAUER.
 H.R. 4567: Mr. MALONEY of Connecticut, Mr. ENSIGN, and Mr. NADLER.
 H.R. 4574: Mr. CHRISTENSEN.
 H.R. 4590: Mrs. JOHNSON of Connecticut, Ms. CARSON, Mr. KOLBE, and Mr. SHAYS.
 H.R. 4591: Mr. HILLIARD.
 H.R. 4621: Mr. REGULA, Mrs. KELLY, Mr. FROST, Mr. DOYLE, and Mr. MCHUGH.
 H.R. 4627: Mrs. CAPPS, Mr. PALLONE, Mr. HINCHEY, Mr. MEEKS of New York, Mr. BOSWELL, Mr. OLVER, Mr. BLUMENAUER, Mr. HOLDEN, Mr. KLECZKA, and Mr. MATSUI.
 H.R. 4634: Mr. PRICE of North Carolina, Mr. CAMPBELL, Mr. ENGLISH of Pennsylvania, Mr. METCALF, Mr. KENNEDY of Rhode Island, and Mrs. MORELLA.
 H. Con. Res. 55: Mr. FOX of Pennsylvania.
 H. Con. Res. 274: Mr. GINGRICH.
 H. Con. Res. 281: Mr. DEFAZIO.
 H. Con. Res. 295: Mr. JEFFERSON.
 H. Con. Res. 299: Mr. SMITH of Oregon.
 H. Con. Res. 328: Mr. JACKSON of Illinois, Mr. LEWIS of Kentucky, Mr. STRICKLAND, Mr. LATOURETTE, and Mr. LEWIS of Georgia.
 H. Res. 460: Mr. DEFAZIO, Mr. KING of New York, Mr. DAVIS of Illinois, and Mr. LIVINGSTON.
 H. Res. 519: Mr. GIBBONS, Mr. SMITH of New Jersey, Mr. WATTS of Oklahoma, Mr. FOX of Pennsylvania, and Mr. ROHRABACHER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3789

OFFERED BY: MR. CONYERS

AMENDMENT No. 1: Page 7, strike lines 11 through 21 and insert the following:

“(f) If, after removal, the court determines that no aspect of an action that is subject to its jurisdiction solely under the provisions of section 1332(b) may be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, the court shall remand the action to the State court from which the action arose. Upon remand of the action, the period of limitations for any claim brought by any member of the proposed class in any future class action or individual action shall be tolled for the period of time provided under Federal or State law, or for the period of time that the removed action was pending in Federal court, whichever period is longer. The remand of the action shall be without prejudice to the reallocation of any such claim in any State court in a class action that may meet applicable class certification requirements. The removal provisions of section 1453 shall apply after remand to any renewed State court class action described in the preceding sentence, and if the renewed action is removed to Federal court, the Federal court shall determine whether the renewed action meets the requirements of Rule 23 of the Federal Rules of Civil Procedure.”.

H.R. 3789

OFFERED BY MR. DOGGETT

AMENDMENT No. 2: Page 5, line 3, strike the quotation marks and second period.

Page 5, insert the following after line 3:
 “(4) Paragraph (1) and section 1453 shall apply to a State only if such State, on or after the date of the enactment of this Act, enacts a statute that—
 “(A) is adopted in accordance with procedures established by that State’s Constitution for enactment of a statute;
 “(B) does not conflict with that State’s Constitution, as interpreted by that State; and
 “(C) declares that paragraph (1) and section 1453 shall apply to that State.”.

H.R. 3789

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT No. 3: Strike all after the enacting clause and insert the following:

SECTION 1. STUDY OF CLASS ACTIONS.

Within 12 months of the date of enactment of this Act, the Judicial Conference of the United States, in consultation with the National Center for State Courts, shall conduct a study of Federal and State class actions, which study shall include—

(1) identification of the number of class actions being brought and maintained in Federal and State courts;

(2) the extent to which class action rules are collusively misused or manipulated by either plaintiffs or defendants in a manner which denies any of the parties the right to fairness and due process; and

(3) the extent that changing Federal law to allow for removal to Federal court in any case where any one member of a plaintiff class and any one defendant are citizens of different States, and eliminate the \$75,000 amount in controversy requirement of section 1332 of title 28, United States Code, would have on—

(A) the workload of the Federal judiciary and the civil docket backlog in the Federal courts; and

(B) possible delays in the resolution of class actions.

Upon completion of the study, the Judicial Conference of the United States shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate, which shall include any recommendations for changing class action rules at the Federal or State level.

H.R. 3789

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 4: In section 1332(b) of title 28, United States Code, as added by section 2(a) of the bill, strike the quotation marks and second period at the end of paragraph (3) (page 5, line 3), and after paragraph (3) (page 5, after line 3) insert the following:

“(4)(A) Paragraph (1) and section 1453 shall not apply to any class action that is brought for harm caused by a tobacco product.

“(B) As used in this paragraph, the term ‘tobacco product’ means—

“(i) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

“(ii) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

“(iii) a cigar, as defined in section 5702(a) of the Internal Revenue Code of 1986;

“(iv) pipe tobacco;

“(v) loose rolling tobacco and papers used to contain that tobacco;

“(vi) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408); and

“(vii) any other form of tobacco intended for human consumption.”

H.R. 3789

OFFERED BY: MR. PALLONE

AMENDMENT NO. 5: Page 5, line 3, strike the quotation marks and second period.

Page 5, insert the following after line 3:

“(4) Paragraph (1) and section 1453 shall not apply to any class action that is brought for harm caused by any group health plan, health insurance issuer, health care provider, or health care professional, if the primary defendant in the action is a group health plan or health insurance issuer which has a substantial commercial presence in the State in which the action is brought.”

H.R. 3789

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 6: Page 5, strike line 17 and all that follows through page 6, line 19.

Page 6, line 20, strike “(b) REMOVAL” and insert “(a) REMOVAL”.

Page 7, strike line 1 through the matter following line 3.

Page 7, line 4, strike “(d)” and insert “(b)”.

Page 7, line 9, strike “(e)” and insert “(c)”.

Page 4, line 1, strike “and section 1453”.

Page 4, line 4, strike “and section 1453”.

H.R. 4274

OFFERED BY: MR. ENGLISH OF PENNSYLVANIA

AMENDMENT NO. 7: Page 95, after line 17, insert the following new section:

SEC. 517. There are appropriated for carrying out the Low-Income Home Energy Assistance Act of 1981 \$1,100,000,000, to be derived by hereby reducing by 3.098 percent each of the amounts appropriated by this Act that are not required by law to be appropriated.

H.R. 4274

OFFERED BY: MR. FATTAH

AMENDMENT NO. 8: Page 54, line 24, after the dollar amount, insert the following: “(decreased by \$200,000,000)”.

Page 55, line 6, after “section 1125,” insert the following: “\$200,000,000 shall be available for the education finance incentive program under section 1125A.”

H.R. 4274

OFFERED BY: MR. FATTAH

AMENDMENT NO. 9: Page 55, line 6, after “section 1125,” insert the following: “\$200,000,000 shall be available for the education finance incentive program under section 1125A.”

H.R. 4274

OFFERED BY: MR. FILNER

AMENDMENT NO. 10: Page 61, line 11, after the dollar amount insert “(increased by \$12,000,000)”.

Page 63, line 16, after the dollar amount insert “(decreased by \$12,000,000)”.

H.R. 4274

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 11: Page 32, line 9, after the dollar amount, insert the following: “(decreased by \$5,000,000)”.

Page 57, line 12, after the dollar amount, insert the following: “(increased by \$5,000,000)”.

H.R. 4274

OFFERED BY: MR. LOBIONDO

AMENDMENT NO. 12: Page 44, line 9, insert “(increased by \$10,000,000)” after the dollar figure.

Page 63, line 16, insert “(reduced by \$10,000,000)” after the dollar figure.

H.R. 4274

OFFERED BY: MR. RIGGS

AMENDMENT NO. 13: Page 2, line 16, after the dollar amount, insert the following: “(reduced by \$25,000,000)”.

Page 2, line 22, after the dollar amount, insert the following: “(reduced by \$25,000,000)”.

Page 53, line 17, after the dollar amount, insert the following: “(reduced by \$25,000,000)”.

Page 53, line 19, after the dollar amount, insert the following: “(reduced by \$25,000,000)”.

Page 58, line 26, after each of the dollar amounts, insert the following: “(increased by \$50,000,000)”.

H.R. 4274

OFFERED BY: MR. RIGGS

AMENDMENT NO. 14: Page 54, line 18, after the dollar amount, insert the following: “(reduced by \$120,000,000)”.

Page 54, line 19, after the dollar amount, insert the following: “(reduced by \$120,000,000)”.

Page 55, line 10, after the dollar amount, insert the following: “(reduced by \$120,000,000)”.

Page 56, line 17, after the dollar amount, insert the following: “(increased by \$120,000,000)”.

H.R. 4274

OFFERED BY: MR. RIGGS

AMENDMENT NO. 15: Page 54, line 18, after the dollar amount, insert the following: “(reduced by \$120,000,000)”.

Page 54, line 19, after the dollar amount, insert the following: “(reduced by \$120,000,000)”.

Page 55, line 10, after the dollar amount, insert the following: “(reduced by \$120,000,000)”.

Page 56, line 17, after the dollar amount, insert the following: “(increased by \$60,000,000)”.

Page 58, line 26, after each of the dollar amounts, insert the following: “(increased by \$60,000,000)”.

H.R. 4274

OFFERED BY: MR. RIGGS

AMENDMENT NO. 16: Page 56, line 18, after the dollar amount, insert the following: “(reduced by \$50,000,000)”.

Page 56, line 23, after “1965,” insert the following: “\$150,000,000 shall be for charter schools.”

H.R. 4274

OFFERED BY: MR. SANDERS

AMENDMENT NO. 17: Page 28, line 15, insert after the first dollar amount “(increased by \$5,900,000)”.

Page 62, line 20, insert after the dollar amount “(decreased by \$5,900,000)”.

H.R. 4274

OFFERED BY: MR. SANDERS

AMENDMENT NO. 18: Page 56, line 5, after each dollar amount, insert “(decreased by \$2,000,000)”.

Page 20, line 9, after the dollar amount, insert “(increased by \$2,000,000)”.

H.R. 4274

OFFERED BY: MR. SANDERS

AMENDMENT NO. 19: Page 95, after line 17, insert the following new section:

SEC. 517. Whereas 4,400,000 of this Nation's most vulnerable families will lose essential energy assistance, leaving them freezing in the winter or suffering from oppressive heat during the summer, if the Low-Income Home Energy Assistance Program (LIHEAP) is not funded; and whereas two-thirds of LIHEAP households have incomes of less than \$8,000 per year, 49 percent of households receiving heating assistance have children less than 18 years old, households containing the elderly comprise 34 percent of all LIHEAP recipients, and households with at least 1 disabled person comprise 24 percent of those receiving heating assistance: Now, therefore, be it *Resolved*, That it is the sense of the House of Representatives that the Low-Income Home Energy Assistance Program should receive no less than the fiscal year 1998 level of \$1,100,000,000 for fiscal year 1999.

H.R. 4274

OFFERED BY: MR. SANDERS

AMENDMENT NO. 20: Page 95, after line 17, insert the following new section:

SEC. 517. It is the sense of the House of Representatives that the Low-Income Home Energy Assistance Program should receive no less than the fiscal year 1998 level of \$1,100,000,000 for fiscal year 1999.

H.R. 4274

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 21: Page 53, after line 8, insert the following new section:

SEC. 221. The program under section 1001 of title X of the Public Health Service Act shall be carried out in accordance with section 59.9 of title 42, Code of Federal Regulations, as issued on February 2, 1988 (53 Fed. Reg. 2945), except that such section 59.9 shall apply as if there were no references in the section to sections 59.8 and 59.10 of such title 42.

H.R. 4274

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 22: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Of the funds made available in this Act under the heading “Department of Education—School Improvement Programs” for the arts in education program, not more than 40 percent may be used for the Federal administrative costs of such program.

H.R. 4274

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 23: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be made available by the Secretary of Education to any educational agency or institution that—

(1) denies or prevents the parent of an elementary school or secondary school student the right to inspect and review any instructional material used with respect to the educational curriculum of, or testing material

that has been administered to, the student; or

(2) without the prior, written, informed consent of the parent of a student—

(A) requires the student to undergo medical, psychological, or psychiatric examination, testing, treatment, or immunization (except in the case of a medical emergency); or

(B) requires or otherwise seeks the response of the student to reveal any information about the student's personal or family

life (other than directory information or information necessary to comply with the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a)).

H.R. 4274

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 24: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the amounts made available in this Act may be expended—

(1) to carry out the program under section 1001 of title X of the Public Health Service Act in a manner inconsistent with section 59.9 of title 42, Code of Federal Regulations; or

(2) to administer the provisions of such section 59.9 that relate to sections 59.8 and 59.10 of such title 42.