

HOUSE OF REPRESENTATIVES—Thursday, May 17, 1990

The House met at 10 a.m.
The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, help us to take heart and gain purpose from the moral standards of our history. From the commandments of Moses to the traditions of our own families we have received direction to how life should be lived and the values that we ought hold dear. Give us, O God, a greater appreciation and allegiance for the ideas and values that have shaped our consciences, so that we may live in our time with harmony and peace. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HASTERT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. HASTERT. 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. 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 285, nays 103, not voting 44, as follows:

[Roll No. 112]

YEAS—285

Ackerman	Bosco	Conte
Anderson	Boucher	Cooper
Andrews	Boxer	Costello
Annuzio	Brennan	Crockett
Anthony	Brooks	Darden
Applegate	Broomfield	Davis
Archer	Browder	DeFazio
Aspin	Brown (CA)	Dellums
Atkins	Bruce	Derrick
AuCoin	Bryant	Dicks
Barnard	Byron	Dingell
Bartlett	Callahan	Donnelly
Bateman	Campbell (CO)	Downey
Bates	Cardin	Duncan
Bellenson	Carper	Durbin
Bennett	Chapman	Dwyer
Berman	Clarke	Dymally
Bevill	Clement	Dyson
Bilbray	Clinger	Early
Boggs	Coleman (TX)	Eckart
Bonior	Combest	Edwards (CA)
Borski	Condit	Emerson

Engel	Livingston	Rowland (CT)	Galleghy	Machtley	Schroeder
English	Lloyd	Rowland (GA)	Gingrich	Madigan	Sensenbrenner
Erdreich	Long	Roybal	Goodling	Marlenee	Shays
Espy	Lowey (NY)	Russo	Goss	Martin (IL)	Sikorski
Evans	Luken, Thomas	Sabo	Grandy	McCandless	Smith (TX)
Fascell	Manton	Sangmeister	Hancock	McDade	Smith, Denny
Fazio	Markey	Sarpalius	Hastert	McGrath	(OR)
Feighan	Martin (NY)	Savage	Hefley	Michel	Smith, Robert
Flake	Martinez	Sawyer	Henry	Miller (OH)	(NH)
Foglietta	Matsui	Saxton	Berger	Miller (WA)	Smith, Robert
Frank	Mavroules	Scheuer	Hiler	Molinari	(OR)
Prost	Mazzoli	Schiff	Holloway	Moorhead	Stangeland
Gallo	McCloskey	Schneider	Hopkins	Murphy	Stearns
Gejdenson	McCollum	Schumer	Hyde	Parris	Stump
Gephardt	McCrery	Serrano	Inhofe	Pashayan	Sundquist
Geren	McCurdy	Sharp	Ireland	Paxon	Tauke
Gibbons	McDermott	Shaw	Jacobs	Porter	Thomas (CA)
Gillmor	McEwen	Shumway	James	Quillen	Upton
Gilman	McHugh	Shuster	Kolbe	Regula	Vucanovich
Glickman	McMillan (NC)	Sisk	Kyl	Rhodes	Walker
Gonzalez	McMillen (MD)	Skaggs	Lagomarsino	Ridge	Weber
Gordon	McNulty	Skeen	Leach (IA)	Ritter	Whittaker
Gradison	Meyers	Slattery	Lewis (CA)	Roberts	Wolf
Grant	Mfume	Slaughter (NY)	Lewis (FL)	Rogers	Young (AK)
Green	Mineta	Smith (FL)	Lightfoot	Ros-Lehtinen	
Guarini	Moakley	Smith (IA)	Lukens, Donald	Schaefer	
Hall (OH)	Mollohan	Smith (NE)			
Hall (TX)	Montgomery	Smith (NE)			
Hamilton	Moody	Smith (NJ)			
Hansen	Murphy	Smith (VT)			
Harris	Murphy	Snowe	Alexander	Ford (MI)	Oberstar
Hatcher	Morrison (CT)	Solarz	Bustamante	Ford (TN)	Rangel
Hayes (IL)	Morrison (WA)	Spence	Carr	Gaydos	Robinson
Hayes (LA)	Mrazek	Spratt	Clay	Gekas	Roukema
Hefner	Murtha	Stagers	Collins	Gray	Saiki
Hertel	Myers	Stallings	Conyers	Gunderson	Schuetz
Hoagland	Nagle	Stark	Courter	Hammerschmidt	Schulze
Hochbrunn	Natcher	Stenholm	Coyne	Hawkins	Skelton
Horton	Neal (MA)	Studds	Craig	Hunter	Slaughter (VA)
Houghton	Nielson	Swift	Crane	Kleczka	Solomon
Hoyer	Nowak	Synar	de la Garza	Lowery (CA)	Whitten
Hubbard	Obey	Tallon	Dixon	Miller (CA)	Williams
Huckaby	Olin	Tanner	Dorgan (ND)	Neal (NC)	Wilson
Hughes	Ortiz	Tauzin	Fish	Nelson	Young (FL)
Hutto	Owens (NY)	Taylor	Filippo	Oakar	
Jenkins	Owens (UT)	Thomas (GA)			
Johnson (CT)	Oxley	Thomas (WY)			
Johnson (SD)	Packard	Torres			
Johnston	Pallone	Torricelli			
Jones (GA)	Panetta	Towns			
Jones (NC)	Parker	Traficant			
Jontz	Patterson	Traxler			
Kanjorski	Payne (NJ)	Udall			
Kaptur	Payne (VA)	Unsoeld			
Kasich	Pease	Valentine			
Kastenmeier	Pelosi	Vander Jagt			
Kennedy	Penry	Vento			
Kennelly	Perkins	Viselovsky			
Kildee	Petri	Volkmer			
Kolter	Pickett	Walgren			
Kostmayer	Pickle	Walsh			
LaFalce	Poshard	Washington			
Lancaster	Price	Watkins			
Lantos	Pursell	Waxman			
Laughlin	Rahall	Weiss			
Leath (TX)	Ravenel	Weldon			
Lehman (CA)	Ray	Wheat			
Lehman (FL)	Richardson	Wise			
Lent	Rinaldo	Wolpe			
Levin (MI)	Roe	Wyden			
Levine (CA)	Rohrabacher	Wylie			
Lewis (GA)	Rose	Yates			
Lipinski	Rostenkowski	Yatron			
	Roth				

NAYS—103

Arney	Buechner	DeLay
Baker	Bunning	DeWine
Ballenger	Burton	Dickinson
Barton	Campbell (CA)	Dornan (CA)
Bentley	Chandler	Douglas
Bereuter	Coble	Dreier
Billrakis	Coleman (MO)	Edwards (OK)
Bliley	Coughlin	Fawell
Boehert	Cox	Fields
Brown (CO)	Dannemeyer	Frenzel

NOT VOTING—44

Alexander	Ford (MI)	Oberstar
Bustamante	Ford (TN)	Rangel
Carr	Gaydos	Robinson
Clay	Gekas	Roukema
Collins	Gray	Saiki
Conyers	Gunderson	Schuetz
Courter	Hammerschmidt	Schulze
Coyne	Hawkins	Skelton
Craig	Hunter	Slaughter (VA)
Crane	Kleczka	Solomon
de la Garza	Lowery (CA)	Whitten
Dixon	Miller (CA)	Williams
Dorgan (ND)	Neal (NC)	Wilson
Fish	Nelson	Young (FL)
Filippo	Oakar	

□ 1023

So the Journal was approved.
The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Tennessee [Mr. GORDON] will please come forward and lead the House in the Pledge of Allegiance.

Mr. GORDON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 87. Concurrent resolution concerning Iranian persecution of the Baha'is.

The message also announced that the Senate had passed a joint resolution of the following title, in which

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

about how it is going to work out, how it is going to be applied.

The language, how is it going to be worked out? Who is it going to be applied to? What is a food handler?

This term could mean more than restaurant employees. It could be everyone associated with handling food, the cafeteria worker, the guy stacking the cucumbers and oranges in the supermarket, the butcher down at the store.

The amendment says communicable. Many diseases are communicable. Lyme disease is, but it is transmitted by ticks, not by food.

I am concerned about who is going to make the decision, the local health department, the social worker, the medical official, the employer? Who is going to do it? The amendment does not say this.

This amendment will provoke unnecessary fear and suspicion. I am opposed to it, Mr. Chairman.

Mr. FISH. Mr. Chairman. I yield 30 seconds to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, this amendment was offered during the consideration of the bill by the House Judiciary Committee just 2 weeks ago and was defeated. This is the same argument, Mr. Chairman, that was made in the 1950's and 1960's when white customers would not eat in restaurants where black Americans were served. That idea was unacceptable then and it is unacceptable now.

Mr. Chairman, we urge that the amendment be defeated.

Mr. CHAPMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Chairman, this is the amendment that I offered in the Judiciary Committee on behalf of the NFIB and the National Restaurant Association, because perception is reality. Every one in this room knows that. We run election campaigns on perception. It is reality for our voters.

For the 600,000 restaurants out there, all they are saying is, "We agree with you. We understand, Doctor, that you can't get AIDS because the cook cuts his finger and bleeds into the roast beef when he is preparing it," but the customers out there may not buy that, and when they all leave and the restaurant goes out of business, what have you done for the restaurants in America? Now you have put everybody that works there out of business.

So this is a very narrow amendment. The NRA, the NFIB understand that there will be no economic loss, and that is specifically in the amendment.

It recognizes that unfortunately today there is a perception and there are cases unknown as to the cause of AIDS or some other disease that could be transmitted by blood, could be done

by the chef in the kitchen, and it is just a realistic way of saying we are not going to shut down our restaurants because of that perception. We are going to be fair to them, as well as fair to the folks who have the disease.

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

Mr. DOUGLAS. Yes, I am glad to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, both the gentleman from New Hampshire and my very good friend, the distinguished gentleman from Texas, have said this is a narrowly drawn amendment.

Food handlers, would a person who works in the produce department of a store be a food handler? Would a stewardess on an airplane be a food handler?

Mr. DOUGLAS. I would assume that a stewardess handling food who has an infectious or communicable disease of public health significance is a food handler, and I suppose likewise if somebody knew that that person had a disease that meets the requirements of this law, there could be a concern.

All we are saying is, reassign them to some other task or some other job. There is no economic loss to the person. They are as covered as they could be because they are not even going to lose any money. They are going to be reassigned, and I think that is a fair and reasonable task.

□ 1810

Mr. FISH. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I rise in strong opposition to this amendment. Twenty-five years after the passage of the major civil rights legislation of the 1960's, we are still hearing the same tired arguments that were used to justify segregated restaurants. They have been dusted off and used again to defend discrimination.

I thought the rhetoric against equal access, equal housing, and equal opportunity was behind us. The Chapman amendment has proven that I was wrong.

I urge my colleagues to listen, listen to our health professionals, listen to our colleagues, the gentleman from Georgia [Mr. ROWLAND] and the gentleman from Washington [Mr. McDERMOTT], to the statements of Secretary Sullivan, and to the American Medical Association. They will tell you that this amendment is unnecessary and inappropriate.

I urge my colleagues to listen to the health experts, not the hate experts, not the fear experts. We need legislation that seeks to unite this country, not to divide it. We need legislation to promote a sense of one America, one community, one family, the American family.

The Chapman amendment seeks to divide us, to segregate us, to discriminate against us.

This House voted to bring the American people together in 1964, with the passage of the Civil Rights Act. Congress reaffirmed that principle in 1965, with the passage of the 1965 Voting Rights Act, and in 1968, with the Fair Housing Act.

A vote against the Chapman amendment will put this body on record again against division and discrimination. Mr. Chairman, it took us a long time to learn the lesson that separate is never equal. Discrimination was wrong in 1964, it was wrong in 1965, it was wrong in 1968, and it is wrong, dead wrong, in 1990.

Mr. Chairman, I urge Members to defeat this amendment, defeat it here and now.

Mr. FISH. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana [Mr. JONTZ].

Mr. JONTZ. Mr. Chairman, I represent Kokomo, IN, and the rural community adjacent to Kokomo where Ryan White lived. Everybody in this country knows the story of Ryan White. Everybody in this country knows how Ryan White was the victim of discrimination and prejudice.

Today the people in my community wish they could make things different, because they know today a lot more than they did then. Ryan White was the victim of prejudice and discrimination, but there is no reason that we need to have more victims. This is the chance to take a stand against the sort of prejudice which Ryan White faced. This is the time to take a stand for all Americans.

Mr. DYMALLY. Mr. Chairman, will the gentleman from Texas yield?

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

Mr. DYMALLY. Mr. Chairman, I rise in opposition to this amendment.

In this Nation, in this decade, there is only one way to deal with an individual who is sick. With dignity, compassion, care, confidentiality, and without discrimination.

Once disease strikes—we don't blame those who are suffering. We don't spurn the accident victim who didn't wear a seatbelt. We don't reject the cancer patient who didn't quit smoking. We try to love them and care for them and comfort them. We do not fire them, or evict them, or cancel their insurance.

Today I call on the House of Representatives to get on with the job of passing a law—as embodied in the Americans with Disabilities Act—which prohibits discrimination against those with HIV and AIDS. We're in a fight against a disease—not a fight against people. And we should not tolerate discrimination.

Mr. CHAPMAN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, this is incredible. If Members on this side of the aisle had called this a racist issue