

I am pleased to join my distinguished colleagues Mr. BILIRAKIS, Mr. BROWN, and particularly Mr. ORTIZ, in support of the enactment of S. 419, the Birth Defects Prevention Act. This important public health measure should provide significant dividends by reducing preventable birth defects. I am disappointed to think how much more good this bill would have done had it been enacted when first proposed by my good friend and distinguished colleague, Mr. ORTIZ. He should take justifiable pride in his work on this bill.

Thousands of healthy babies will be born in the future whose lives would have been far different if not for my colleague's efforts. When these babies grow up they will not know to thank him, nor should they. Such is the nature sometimes of the work we do here.

Although a regrettable situation in Texas involving children born with spina bifida demonstrated the need for this legislation, the Birth Defects Prevention Act will have powerful and positive benefits everywhere in America. The heart wrenching statistics on birth defects have been vividly set forth by my colleague, Mr. ORTIZ, and by my other colleagues who have spoken in favor of this bill. The collection of surveillance data and epidemiological research to study the incidence of birth defects and their causes will lead directly to the design and implementation of prevention programs. Two leading causes of preventable birth defects, spina bifida and fetal alcohol syndrome, will be among those targeted for public and professional information and education programs.

Mr. Speaker, this bill is a fitting capstone to the strong leadership and sustained effort on this issue by the gentleman from Texas and others. I commend him and my other colleagues here and in the other body for their superb efforts and I am delighted to join with Mr. ORTIZ and the rest of my colleagues in support of this important legislation.

Mr. BLILEY. Mr. Speaker, I am pleased to rise in support of this bill. As you know, the Committee on Commerce has a long and proud tradition of promoting and improving the health of America's children.

That is why the committee discharged S. 419—to make today's vote possible.

Mr. Speaker, birth defects are one of the most serious and compelling health problems in the United States today.

Ironically, they are also one of the most overlooked.

Birth defects affect over 3 percent of all births in America, and they are the leading cause of infant deaths.

S. 419 addresses this problem in a number of important ways:

It broadens public and professional awareness of birth defects and new prevention strategies. It is our intention that this effort will expand the practice of pre-natal surgery—a remarkable step forward that can prevent birth defects and save countless lives.

This bill also establishes a national clearinghouse for data on birth defects.

Finally, it puts in place a meaningful State surveillance effort.

In response to concerns raised by some, I think it important to clearly state what this bill does not do: S. 419 does not make any funds available for abortion or euthanasia. Instead, these funds are for the prevention of birth defects—and it is the unanimous intent of the Congress that this goal not be met through the use of these funds for abortion or euthanasia.

In closing, Mr. Speaker, I would like to note that this bill is strongly supported by the March of Dimes Birth Defects Foundation, which has worked very hard on this critical issue. I hope all my colleagues will join me in adding our support to it, as well.

Mr. PAUL. Mr. Speaker, I rise in opposition to S. 419, yet another circumvention of the enumerated powers clause and tenth amendment by this 105th Congress in its continued obliteration of what remains of our national government of limited powers.

For most of the past thirty years, I have worked as physician specializing in obstetrics. In so doing, I delivered more than 4,000 infants. Despite what I believe to be a somewhat unique insight on the topic of birth defect prevention, today, I address the house as a Congressman rather than as a physician.

As a Congressman, I have repeatedly come to the house floor to denounce the further expansion of the federal government into areas ranging from "toilet-tank-size mandates" to "public housing pet size;" areas, that is, where no enumerated power exists and the tenth amendment reserves to state governments and private citizens the exclusive jurisdiction over such matters. My visits to the floor have not gone uncontested—proponents of an enlarged federal government and more government spending have justified their pet spending and expansionist projects by distorting the meaning of the "necessary and proper" and "common defense and general welfare" clauses to encompass the constitutionally illegitimate activities they advocate. Even the Export-Import Bank and Overseas Private Investment Corporation during Foreign Operations Appropriations debate were constitutionally "justified" by the express power to "coin money and regulate the value thereof"? In other words, where money exists, credit exists—where credit exists, loans exist—where loans exist, defaulters exist—and from this, the federal government has a duty to bail-out (at taxpayer expense) politically connected corporations who make bad loans in political-risk-laden venues?

In the Federalist Papers, Madison and Hamilton strongly denied such views with respect to the necessary and proper clause. Madison was similarly emphatic that the "defense and welfare" clause did not expand the enumerated powers granted to Congress. To the extent these clauses encompass the enumerated powers (rather than merely serve as their preamble), one must ask why then the federal powers were, in fact, enumerated in Article One, Section 8.

Chiefly to resolve ambiguities about the national powers, the tenth amendment, proposed as part of the Bill of Rights by the Federalist-controlled first Congress, was added, declaring that the "powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." According to constitutional scholar Bernard Siegan, University of San Diego College of Law, the Constitution might never have been ratified had the Federalists' representations in this regard not been accepted by a portion of the public. Siegan also reminds us that the Framers rejected the notion of empowering the national government to grant charters of incorporation; establish seminaries for the promotion of agriculture, commerce, trades, and manufactures; regulate stages on post roads; estab-

lish universities; encourage by premiums and provisions, the advancement of useful knowledge; and opening and establishing canals. Each notion was introduced during the convention and voted down or died in committee.

Jefferson, in one of his most famous remarks, when addressing the issue of whether to grant a federal charter to a mining business, recognized below the slippery slope of a lax interpretation of the "necessary and proper" clause:

Congress are [sic] authorized to defend the nation. Ships are necessary for defense, copper is necessary for ships; mines, necessary for copper; a company necessary to work the mines; and who can doubt this reasoning who has ever played at "This is the House that Jack Built"? under such a process of filiation of the necessities the sweeping clause makes clean work. [1 c. Warren, *The Supreme Court United States History* 501 (Rev. ed. 1926)]

Clearly, while engaging in such congressional activism makes "clean work," it also makes for an oppressive national government involved in every aspect of its citizens' lives. Remember that in engaging in such activism, the next liberty upon which the Congress infringes, may be your own.

I, for one, am uninterested in further catapulting this country down this "road to serfdom" albeit a road paved with the good intentions of, in this case, "preventing birth defects". If this matter is so vital that it can only be done via the power of the federal government, then I suggest that members of the House convince their constituents of this and amend the constitution accordingly. I, despite my extensive work as an obstetrician, remain unconvinced. A volunteer group, private charity, hospital trade association, or university could certainly, in this age of advanced computer technology, maintain a database necessary to adequately address the information needs of those hoping to advance the cause of birth defect reduction. This, I believe would be a solution compatible with the framer's notion of a national government of limited powers.

For these reasons I oppose S. 419, the Birth Defects Prevention Act of 1997.

Mr. BONILLA. Mr. Speaker, I rise today in support of S. 419, The Birth Defects Prevention Act. This bill is aimed at curbing a very serious problem that hits over 150,000 American families each year, birth defects.

Birth defects strike over three percent of all births in America and are the leading cause of infant death. The real tragedy is that many of these birth defects and deaths could be prevented.

The horrifying impact of birth defects touched my home state of Texas just a few years ago. In the early 1990's health officials noted extremely high numbers of children born with neural tube defects in Cameron County, in my colleague SOLOMON ORTIZ'S district.

Unfortunately, the tragedy did not stop there. During a short four month period of 1995, six infants were born without brains or with only partial brains in Eagle Pass, Texas, a city in my congressional district. Despite a massive investigation by medical researchers, the cause of these outbreaks were never discovered. Nightmares like these must never happen again.

That's why I was proud to join my colleague, SOLOMON ORTIZ in introducing the Birth Defects Prevention Act. This bill will link