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House of Representatives

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. STEARNS].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 18, 1995.

I hereby designate the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, to know how to live with the ironies of daily life. May we know the time to speak and the time to listen, the time to learn and the time to instruct, the time to reflect on the past and the time to plan for the future, the time to heed the inner spirit and the time to enter the fray, the time of anguish and the time of joy. Give us, O gracious God, a heart of wisdom that we will discern the transient from the eternal and so do justice and serve people everywhere. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia [Mr. MORAN] come forward and lead the House in the Pledge of Allegiance.

Mr. MORAN 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.

CONTRACT WITH AMERICA

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

Mr. BOEHNER. Mr. Speaker, our Contract With America states on the first day of a Republican Congress, our House will force Congress to live under the same laws as everyone else, cut one-third of committee staff, and the congressional budget, and, ladies and gentlemen, we have done that.

In the next 86 days, we will vote on the following 10 items: A balanced budget amendment and line-item veto; a new crime bill to stop violent criminals; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for families, to lift Government's burden from the middle-income Americans; national security restoration to protect our freedoms; the Senior Citizens Equity Act to allow our seniors to work without Government penalty; Government regulation and unfunded mandate reforms; commonsense legal reforms to end frivolous lawsuits; and congressional term limits to make Congress a citizen legislature once again.

This, ladies and gentlemen, is our Contract With America.

CONGRATULATING UNIVERSITY OF CONNECTICUT'S WOMEN'S BASKETBALL TEAM

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, on Monday, the University of Connecticut's women's basketball team beat top-ranked Tennessee to become the No. 1 team in the Nation. I join fans from all across our State in congratulating the players, coaches, and the university for this impressive achievement. We are so proud of you.

On Monday, the UConn fans proved themselves to be tops in the Nation, too. They call it Husky Mania, but it is much more. Before anyone imagined a 13 and 0 start, 6,500 season tickets were sold; Monday's game sold out in December; students camped out overnight to get their hands on tickets; and, on Monday, 8,241 fans packed the Gampel Pavilion to cheer the Women Huskies to victory.

It seems that the age-old sports rituals once reserved for men's teams have begun to take hold in the women's game. I am proud that the University of Connecticut and their fans both men and women, are helping to lead that trend. I expect we will see equal enthusiasm when UConn's men's basketball team moves from No. 2 to No. 1. Go Huskies.

IT'S THE SPENDING

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

Mr. GOSS. Mr. Speaker, the budget problem in Washington is not caused by too little revenue. The problem in

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Washington continues to be that taxpayers' dollars are wasted on low-priority, redundant or unnecessary programs. The dollars in fraud, waste, and abuse total billions annually.

The basic message from November 8 was that people understand their Government is too big and spends too much. This historic Congress is now beginning to clean out the cobwebs left by 40 years of one-party rule. We cannot turn our backs on 40 years of mismanagement overnight, and we cannot turn back those mistakes. But in these first 100 days we will take the necessary first steps, voting on the balanced budget amendment, considering a line item veto, and beginning the hard but necessary work on cutting back on Federal spending.

As the Clinton campaign has been fond of saying, ''It's the economy, stupid,'' Now America has told us, ''No, it's the spending, stupid.'' So let us cut out the stupid spending and balance the budget.

UNFUNDED FEDERAL MANDATES

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

Mr. FARR. Mr. Speaker, I rise this morning with concern on the much-needed debate on unfunded mandates that is being conducted by the Republican leadership. Everyone agrees in principle that mandates should be paid for. But before we leap, let us look.

I just returned from the California floods. All the talk was about help to bail out the families affected by those floods. When the water recedes, that talk will shift to responsibility. Flood prevention is dependent upon mandates. Think about it, flood plain zoning, flood plain mapping, flood plain building standards.

The Republicans are more interested in having a political victory in the shortest time possible than in good law. We should take time in this session, not the first 8 days, to talk about how the unfunded mandates are going to be carried out. Let us not go too fast, too far, too soon. Allow the public, not just the politicians, to be involved in the debate.

BALANCED BUDGET AMENDMENT

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

Mr. HOKE. Mr. Speaker, when our forefathers met in Philadelphia in 1787, their goal was to write a Constitution based on limited government that provided for the current and future needs of our country. But beginning with several Supreme Court decisions in the 1920's and going right up through the present, that concept has been turned on its head. As a result, we have seen the Federal Government grow to almost a quarter of our gross national product. This is far beyond what the founders could ever have imagined. Fueling this unconstitutional expansion of the size and power of the Federal Government has been deficit spending, which unfairly asks future generations to pay for the Government spending binges of today.

But on January 25, we are going to have a historic opportunity to reestablish constitutional limits on the power of the Federal Government when we vote on the balanced budget amendment. As Thomas Jefferson clearly sought in 1798, ''If there is one omission I fear in the document called the Constitution, it is that we did not restrict the power of Government to borrow money.'' Let us correct that next week.

BALANCED BUDGET AMENDMENT

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

Mr. KLECZKA. Mr. Speaker, over the past years I have supported various versions of the balanced budget amendment. However, I have not been willing to support just any version. After studying all of the proposals that will be coming up next week, I find them deficient in two areas, and I am introducing today an alternative amendment along with the gentlewoman from Oregon [Ms. FURSE] and the gentleman from Florida [Mr. DEUTSCH]. I should point out it is identical to the contract balanced budget amendment, except for two critical points.

First, it excludes the Social Security trust fund, which our Nation's senior citizens depend on. Second, it does not require a three-fifths vote to raise taxes.

If the House can vote with a simple majority to declare war or for impeachment of a President, we should be able to set tax policy in the same manner. This resolution creates a prudent and viable balance among fiscal responsibility, majority rule, and our responsibility to our fellow Americans.

Please join myself, the gentlewoman from Oregon [Ms. FURSE], and the gentleman from Florida [Mr. DEUTSCH], as a cosponsor of this balanced budget resolution.

PACK UP

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

House Democrats, stung by their historic defeat in the last election, have developed a new strategy. If you can't beat them, beat them up.

As a consequence, they have decided to launch a series of bizarre and unfounded allegations about the newly elected Speaker and the Republican majority.

Democrats have done this for a simple reason. They do not want to reform this House.

The American people are not concerned about book deals. They are concerned about the Federal Government's unbalanced books. They don't care about GOPAC. They want big spenders to pack up and go home.

Mr. Speaker, the Contract With America makes the Democrats squirm. They don't want a balanced budget amendment because they want to continue to spend without fear. Democrats don't want unfunded mandates reform because they like telling the American people what to do.

The reason why the Democrats are attacking the Speaker of the House is clear. Republicans want to change the Congress. Democrats want to change the subject.

SLOW DOWN ON UNFUNDED MANDATES LEGISLATION

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, this week the House will consider unfunded mandate legislation, H.R. 5. It is a proposal that admittedly has very popular support, and I as a former government official understand what it is about. But I am compelled to ask, what is the rush? The bill will be voted on without the benefit of hearings.

The committee met last week, where people asked a number of questions that were not answered. The sponsors refused to have these questions answered. Yet the committee has been unable to tell us certainly whether this will cover civil rights, how will the disabled be protected, how will environmental laws be protected. In fact, we are yet to define what an unbalanced mandate is.

We need to know these things. Different opinions about the coverage is expected, but certainly we should have a debate. We are going to eliminate the Federal laws that protect health care and clean water. Should you not let people know? I urge that we should not rush without a debate.

CHANGING THE BUSINESS THAT CONGRESS DOES

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

Mr. FOX. Mr. Speaker, 2 weeks ago a majority of both Democrats and Republicans voted to reform Congress. Now that we have changed the way Congress does business, I am looking forward to, in a bipartisan fashion, changing the business Congress does. The people of this country have become impatient with a government that has grown too big, spends too much, and is an enemy, not a friend, to working Americans.

We are going to prove our commitment to reducing the size and scope of Government by working for the passage of a balanced budget amendment. Every American family knows the importance of living within its means. Congress needs to learn that same discipline, and I encourage my colleagues on both sides of the aisle to support the passage of the balanced budget amendment.

LEAVE SOME FOR AMERICA

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

Mr. TRAFICANT. Mr. Speaker, I have some problems with the policy that allows Taco Bell to make great profits in America, but requires the taxpayers of America to make a loan to Mexico for Ma Bell to have a shop down there.

Something is wrong here, folks. We have already propped the peso up with $6 billion with NAFTA. We have lost 40,000 jobs already with NAFTA. Now Mexico wants $40 billion in loan guarantees so they can become well.

The $40 billion will not make Mexico well. It will make them more dependent and limping back to Uncle Sam. And I want to advise Members, while you keep worrying about the Mexican economy, you have got people unemployed and you have problems in our own country.

By the way, what do we get for this $40 billion? Two baseball players to be named later? I think it is time to get on a business program here, folks, stone cold business. And we are losing our pants. Think about that before we go shipping more money now to Mexico. Between Russia, Mexico, and everybody else, it is a wonder there is any program left in America.

VOTE ''YES'' ON BALANCED BUDGET AMENDMENT AND LINE-ITEM VETO

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

Mr. NEUMANN. Mr. Speaker, when I came to Washington I made a commitment to the people of Wisconsin. They expect me to do everything I can to reduce the size and the cost of Government, and I intend to follow through. That is why I support the balanced budget amendment and the line-item veto.

The balanced budget amendment will change Washington. No longer will we be able to fund programs with our children's money. No longer will we be able to spend taxpayer funds without asking if we have the money to do so. The line-item veto allows for the elimination of wasteful Government spending.

Mr. Speaker, it is time to change the way we do things here in Washington. The balanced budget amendment and the line-item veto build a new structure for this Congress to live within. I urge my colleagues to vote ''yes'' on both of these important initiatives.

THE SPEAKER'S BOOK DEAL

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, the Speaker's unbelievably good book deal, after all these secret meetings and behind the scenes deal-making, which each day brings to light new and more startling revelations, I am still not satisfied with the answers I am getting about this very large and lucrative deal our Speaker has negotiated for himself.

Now more than ever before the perception of impropriety, not to mention the potential conflict of interest, still exists and cannot be ignored.

. . .

Mr. WALKER. Mr. Speaker, I demand the gentlewoman's words be taken down.

POINT OF ORDER

Mr. WALKER. Point of order, Mr. Speaker. She should not approach the Chair.

The SPEAKER pro tempore. The point of order is well taken.

Members should not approach the Speaker during the Clerk's report and the Chair's ruling.

☐ 1120

The SPEAKER pro tempore (Mr. STEARNS). The Clerk will read the gentlewoman's words.

The Clerk read as follows:

News accounts tell us that while the Speaker may have given up the $4.5 million advance, he stands to gain that amount and much more. That is a whole lot of dust where I come from. If anything now, how much the Speaker earns has grown much more dependent on how hard his publishing house hawks his book.

The SPEAKER pro tempore. It is the Speaker's opinion that innuendo and critical references to the Speaker's personal conduct are not in order.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. VOLKMER. Is the Speaker now saying it is the ruling of the Chair that any statements as to activity, whether it is illegal or not, by the Speaker of the House in his private actions cannot be brought to the floor of this House? Is that the Chair's ruling? It appears that it is.

Mr. LINDER. Point of order.

Mr. VOLKMER. I appeal the ruling of the Chair. I want to know what the ruling of the Chair is.

The SPEAKER pro tempore. In answer to the gentleman's question, first, it has been the Chair's ruling, and the precedents of the House support this, a proper level of respect is due to the Speaker.

Does the gentleman appeal the Chair's ruling?

Mr. VOLKMER. Mr. Speaker, I appeal the ruling of the Chair.

MOTION TO TABLE OFFERED BY MR. LINDER

Mr. LINDER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. LINDER moves to lay the Volkmer motion on the table.

Mr. WISE. Mr. Speaker, would the Clerk repeat the motion?

The SPEAKER pro tempore. The motion is to lay on the table the appeal of the ruling of the Chair.

The question is on the motion offered by the gentleman from Georgia [Mr. LINDER] to lay on the table the appeal of the ruling of the Chair.

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

Mr. LINDER. 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 214, nays 169, not voting 52, as follows:

[Roll No. 17]

YEAS—214

Allard	Cremeans	Hoke
Archer	Cubin	Horn
Armey	Cunningham	Hostettler
Bachus (AL)	Davis	Houghton
Baker (CA)	DeLay	Hunter
Baker (LA)	Diaz-Balart	Hutchinson
Ballenger	Dickey	Inglis
Barr	Doolittle	Istook
Barrett (NE)	Dornan	Johnson (CT)
Bartlett	Dreier	Johnson, Sam
Barton	Duncan	Jones
Bass	Dunn	Kasich
Bateman	Ehlers	Kelly
Bereuter	Emerson	Kim
Bilbray	English	King
Bilirakis	Ensign	Kingston
Bliley	Everett	Klug
Blute	Ewing	Knollenberg
Boehlert	Fawell	Kolbe
Boehner	Fields (TX)	LaHood
Bonilla	Foley	Largent
Bono	Forbes	Latham
Brownback	Fowler	LaTourette
Bryant (TN)	Fox	Lazio
Bunn	Franks (CT)	Leach
Bunning	Franks (NJ)	Lewis (CA)
Burr	Frelinghuysen	Lewis (KY)
Burton	Funderburk	Lightfoot
Buyer	Gallegly	Linder
Callahan	Ganske	Livingston
Calvert	Gilchrest	LoBiondo
Camp	Gilman	Longley
Canady	Goodling	Lucas
Castle	Goss	Manzullo
Chabot	Graham	Martini
Chambliss	Greenwood	McCollum
Chenoweth	Gunderson	McCrery
Christensen	Hancock	McDade
Chrysler	Hansen	McInnis
Clinger	Hastert	McIntosh
Coble	Hastings (WA)	McKeon
Coburn	Hayworth	Metcalf
Collins (GA)	Hefley	Meyers
Combest	Heineman	Mica
Cooley	Herger	Miller (FL)
Cox	Hilleary	Molinari
Crane	Hobson	Moorhead
Crapo	Hoekstra	Morella

Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Sanford
Saxton
Scarborough
Schaefer
Schiff
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NAYS—169

Abercrombie
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Bishop
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Deal
DeFazio
DeLauro
Dellums
Dicks
Dingell
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Farr
Fattah
Fazio
Fields (LA)
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lofgren
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Velázquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden

NOT VOTING—52

Ackerman
Andrews
Becerra
Berman
Bevill
Boucher
Chapman
Collins (MI)
de la Garza
Deutsch
Dixon
Ehrlich
Evans
Flake
Flanagan
Foglietta
Frisa
Gekas
Gillmor
Gingrich
Goodlatte
Gutierrez
Gutknecht
Hayes
Hyde
Kennedy (MA)
Kennedy (RI)
Lewis (GA)
Lincoln
Lipinski
Lowey
McHugh
McNulty
Mollohan
Murtha
Pelosi
Quillen
Reynolds
Ros-Lehtinen
Rose
Salmon
Sanders
Seastrand
Sisisky
Slaughter
Smith (TX)
Tanner
Torres
Wilson
Wynn
Yates
Young (FL)

☐ 1137

Mr. FIELDS of Louisiana changed his vote from ''yea'' to ''nay.''

Mr. SMITH of Michigan and Mr. SOUDER changed their vote from ''nay'' to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. STEARNS). Without objection, the words will be stricken from the RECORD.

Mr. DINGELL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

POINT OF ORDER

Mr. THOMAS. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman from California will state his point of order.

Mr. THOMAS. Mr. Speaker, reserving the right to object, is it my understanding that the reason these words were taken down was because this was not a reference to the Speaker in terms of the Speaker's position or the policies of the Speaker as an officer, or of this institution, but that in fact it was a reference which clearly was outside the rules; is that correct?

Mr. DINGELL. I object.

The SPEAKER pro tempore. Is there objection to striking the words?

The question is: Shall the words be stricken from the RECORD?

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

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 217, nays 178, not voting 40, as follows:

[Roll No. 18]

YEAS—217

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (NJ)
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Sanford
Saxton
Scarborough
Schaefer
Schiff
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (WA)
Smith (MI)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (PA)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NAYS—178

Abercrombie
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Deal
DeFazio
DeLauro
Dellums
Dicks
Dingell
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Hall (TX)
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Peterson (MN)
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda

Thompson	Velázquez	Waxman
Thornton	Vento	Williams
Thurman	Visclosky	Wise
Torricelli	Volkmer	Woolsey
Towns	Ward	Wyden
Traficant	Waters	
Tucker	Watt (NC)	

NOT VOTING—40

Ackerman	Gutknecht	Reynolds
Andrews (NJ)	Hayes	Ros-Lehtinen
Becerra	Hyde	Rose
Berman	Kennedy (MA)	Salmon
Chapman	Kennedy (RI)	Seastrand
Collins (MI)	Lewis (GA)	Slaughter
de la Garza	Lincoln	Smith (TX)
Deutsch	McHugh	Torres
Dixon	McNulty	Wilson
Flake	Metcalf	Wynn
Gekas	Murtha	Yates
Geren	Nussle	Young (FL)
Gingrich	Pelosi	
Gutierrez	Quillen	

□ 1157

So the motion to strike the words was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESPONSE OF MEMBER FOLLOWING THE VOTE

Mrs. MEEK of Florida. Mr. Speaker, may I be recognized?

The SPEAKER pro tempore (Mr. STEARNS). Without objection, the gentlewoman from Florida [Mrs. MEEK] may proceed in order.

(There was no objection.)

Mrs. MEEK of Florida. Mr. Speaker, I have reviewed my statement carefully. I do not see anything in my statement that should be so objectionable and obnoxious. I have been elected to this House to speak the truth. There is nothing in the rules that says ''CARRIE MEEK can't speak the truth,'' and that is what I have done.

And, Mr. Speaker, I respect my Republican colleagues who have spoken the truth as they saw it.

The SPEAKER pro tempore. The time of the gentlewoman from Florida [Mrs. MEEK] has expired.

PARLIAMENTARY INQUIRIES

Mr. WISE. Mr. Speaker, I have a parliamentary inquiry.

Mr. Speaker, my parliamentary inquiry is based upon the Speaker's recent ruling and the action by this Chair and by this body. The question I have may involve several Members about to speak.

Is the Speaker entitled to a higher level of avoidance than other Members? That seems to be the issue raised in the Speaker's response on this.

Mr. DELAY. Regular order, Mr. speaker.

Mr. WISE. Does the body refrain from raising certain questions about the Speaker that it could raise about other Members in the Chamber?

The SPEAKER pro tempore. All Members are entitled to have no personal references made about them when that question is brought up.

Mr. WISE. Mr. Speaker, continuing my parliamentary inquiry, then the Speaker is not entitled to any higher standard than any other Member in regard to personal references, is that correct, or any lower standard?

The SPEAKER pro tempore. The Chair has already ruled, but the Speaker as a Member and as presiding officer is entitled to the respect of all Members.

Mr. WISE. But what about the Speaker? Is the Speaker as Speaker entitled to any different level of attention or respect than any other Member in the Chamber?

The SPEAKER pro tempore. The Speaker is entitled to respect.

Mr. WISE. I have a further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is seeking recognition.

Mr. WISE. Mr. Speaker, this goes directly to the issue. Can any questions be raised about the personal financial dealings by the Speaker that have been reported in the public media?

The SPEAKER pro tempore. The Chair has ruled and the House has supported the Chair's ruling on the point of order from this side.

Mr. WISE. Is it the Chair's position that no questions can be raised about the Speaker's personal financial dealings?

The SPEAKER pro tempore. There are proper channels in the House for questioning the conduct of Members, including the Speaker.

Mr. WISE. If there is not an ethics investigation pending——

Mr. DELAY. Regular order, Mr. Speaker.

Mr. WISE. With a privileged resolution or an ethics resolution not pending, is it appropriate to question any of the financial dealings of the Speaker in the context of 1-minute speeches or other activities?

Mr. DELAY. Regular order.

The SPEAKER pro tempore. The Chair is entertaining a parliamentary inquiry.

Mr. WISE. I will restate it if the Chair wishes.

The SPEAKER pro tempore. Simply put, in debate references personally to the Speaker are not in order.

Mr. DELAY. Mr. Speaker, if I may be recognized, is it a parliamentary procedure in this House that when Members call for regular order, the Speaker is to rule and go to regular order, particularly in light of the fact that a Member is not stating a proper parliamentary inquiry?

The SPEAKER pro tempore. The gentleman should know in deference to him that the Chair was entertaining a parliamentary inquiry that was proper, and the Chair was answering.

The gentleman from Georgia [Mr. LINDER] is now recognized for 1 minute.

THOUGHTS ON A NEGATIVE APPROACH

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

The SPEAKER pro tempore. The gentleman may proceed.

Mr. FRANK of Massachusetts. Mr. Speaker, a parliamentary inquiry.

Mr. LINDER. Regular order, Mr. Speaker. I have been recognized in the well of the House. Do I have the floor?

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 minute.

Mr. LINDER. Mr. Speaker, sometime just before the campaigns got in earnest, a former majority whip of this House, Tony Coelho, was brought in to help the Democrats win. He said this:

> Ideas are not the issue. Candidates can't get reelected if they run on who they are and what they stand for. They have to go in and put negative ads out. The only way you can win races today is with negative advertising.

It seems to me that the minority has decided to continue the campaign and absent an ability to compete with the Speaker's ideas, they have chosen to tear down the Speaker personally. There are far more things to be done in this House than to make personal attacks. I do not recall——

Mr. FRANK of Massachusetts. A point of order, Mr. Speaker.

Mr. LINDER. Do I have the floor, Mr. Speaker?

Mr. Speaker, I do not recall these questions being raised about a former Member of the Senate——

POINT OF ORDER

Mr. FRANK of Massachusetts. A point of order, Mr. Speaker.

The SPEAKER pro tempore. Will the gentleman suspend, and will the gentleman from Massachusetts state his point of order?

Mr. FRANK of Massachusetts. Tentatively as to the Chair's ruling, the gentleman is impugning the motives of Members of this House. The gentleman at the microphone has just said he has imputed inappropriate motives to things that have been said, but the tenor of the Chair's ruling is that no personal references to other Members ought to be allowed.

The SPEAKER pro tempore (Mr. STEARNS). The Chair will state that the gentleman from Georgia has not made a personal reference to any one Member. The gentleman from Georgia may continue.

Mr. LINDER. Mr. Speaker, I would like to further ask if any of these ethical questions were raised about the book, ''Earth in the Balance,'' which yielded a $100,000 advance to its author, a former Member of the other body, and $670,000 in royalties. Where were the questions of impropriety there?

Mr. Speaker, it seems to me these questions are very selective.

THE STRICKEN WORDS

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

Mr. VOLKMER. Mr. Speaker, in light of the previous speaker and the Chair's ruling, I feel it incumbent upon me and the House to hear the words. After all the secret dealings behind the scenes and the dealmaking, which with each new day brings to light more startling revelations, I am still not satisfied with the answers I am getting about this very large and very lucrative book deal our Speaker has negotiated for himself.

Now, more than ever before, the perception of impropriety, not to mention the potential conflict of interest, still exists, and it cannot be ignored. News accounts tell us while the Speaker may have given up the $4.5 million advance, he stands to gain that amount and much more in royalties.

POINTS OF ORDER

Mr. THOMAS. Mr. Speaker, those words have been stricken from the RECORD. The gentleman from Missouri cannot repeat them.

The SPEAKER pro tempore. Will the gentleman from Missouri suspend for a moment?

Mr. VOLKMER. If anything now, the Speaker himself has grown much more dependent upon how hard his publishers promote his book.

The SPEAKER pro tempore. Will the gentleman from Missouri suspend?

The gentleman from California has made a point that is well taken. Those words have already been ruled out of order.

Does the gentleman wish to proceed in order?

Mr. VOLKMER. Yes. This leads me to the question of exactly who does the Speaker work for? Is it the American people or his New York publishing house?

□ 1210

Mr. THOMAS. Mr. Speaker, those words have been stricken from the RECORD by a vote of this House. The gentleman under the rules is not allowed to repeat them, and he continues to do so.

Mr. VOLKMER. Further point of order, Mr. Speaker. That is not true. Those words were not spoken by the gentlewoman from Florida. Those words were not spoken, Mr. Speaker, . . .

Mr. DELAY. Mr. Speaker, I demand that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. STEARNS). The gentleman from Missouri will be seated. The Clerk will report the words.

For what purpose does the gentleman from Missouri rise?

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent to withdraw the words in which I used the word ''liar'' to the gentleman from California. I regret that, and I apologize to the gentleman from California.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri [Mr. VOLKMER]?

Mr. THOMAS. Reserving the right to object, Mr. Speaker, and I will not object, I appreciate very much the gentleman from Missouri's words. This is the beginning of a new Congress with a new structure. All of us are testing limits. It seems to me what we ought to do is do the people's business, instead of what has been happening for the last half hour. I thank the gentleman.

Mr. Speaker, I withdraw any reservation of objection.

Mr. BONIOR. Mr. Speaker, reserving the right to object, and I will not object, but I make a reservation, Mr. Speaker, to get the attention of the Members of the House and the Speaker's attention.

Mr. Speaker, what we are seeking here is a clarification of the original ruling. Members have come to the floor, and they do not understand the ruling that has been made by the Speaker and the broad implications it will have on speech in this institution today and in the future. At the proper point, I would appreciate the Speaker recognizing me so I could pose that question and we could get on with the issues that we are concerned with here today.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

PARLIAMENTARY INQUIRIES

Mr. BONIOR. Mr. Speaker, I have a parliamentary inquiry. Mr. Speaker, there is parliamentary confusion. There is deep confusion about the ruling just rendered by the Chair. We have sat here for 10 years while the Speaker has accused this Democratic leadership of being corrupt, and now we find ourselves in a situation in which we cannot even address the issues in which the Speaker is engaged which have raised controversy in this institution and around the country. I would like the Chair to be specific with respect to the ruling which he has just rendered this body.

The SPEAKER pro tempore. The Chair has stated this a number of times previously, what the position has been. It has been voted on in the House of Representatives that basically through innuendo what appears to be a degradation of the character or personal reference to a Member is not within the decorum of the House of Representatives. So the Chair has ruled and the House has voted.

Mr. BONIOR. Mr. Speaker, a further parliamentary inquiry. Would the Speaker please tell us what was innuendo in the statement that was made by the gentlewoman from Florida?

The SPEAKER pro tempore. The Chair has already ruled on this. The Clerk has read certain words, and there has been a decision in the House. The Chair's position was sustained. References to personal improprieties are not within the decorum of the House.

Mr. BONIOR. There was no language of impropriety. Mr. Speaker, I would like to know where the language of impropriety is that the Speaker cites. What part of the statement refers to the impropriety?

The SPEAKER pro tempore. The Chair has ruled, it has been voted on, and the Clerk has read those words.

Mr. HEFNER. Mr. Speaker, a further parliamentary inquiry. Would the Speaker do some clarification for me. Under the new rules of the House, have there been any changes that have altered rules that we operated under on 1-minute speeches and special orders 10 years ago in this House?

The SPEAKER pro tempore. No.

Mr. HEFNER. That is a contradiction of what you have ruled, Mr. Speaker, in all fairness.

Mr. LINDER. Mr. Speaker, a further parliamentary inquiry. Since this entire issue has been disposed of through a majority vote of the House, is it appropriate to get on with the business of the House?

The SPEAKER pro tempore. The gentleman is correct.

Mr. TORRICELLI. Mr. Speaker, a further parliamentary inquiry.

Mr. Speaker, while the Chair has ruled, it must now be clear to all Members that the comity of this House and our ability to proceed depends upon an understanding of the Chair's ruling. I would therefore inquire as to what precedents the Chair has relied upon is finding that involved an innuendo.

Clearly there are Members of the institution who recall that Mr. GINGRICH as a Member of this institution came to the floor raising questions about former Speaker Wright's publishing activities. Did therefore the Parliamentarian at any time rule that those inquiries were inappropriate? Can the Chair cite in support of his ruling any instance in the history of this institution when such a similar inquiry about a financial matter, stated upon the facts, in all instances relying upon the truth, was ever inappropriate? Indeed, Mr. Speaker, can the truth ever be inappropriate on the floor of this institution?

The SPEAKER pro tempore. A Member alleging it is true does not make it in order.

Mr. TORRICELLI. Mr. Speaker, therefore, is it indeed true that the Chair never ruled Mr. GINGRICH'S comments inappropriate in his inquiries about Mr. Wright's publishing activities and his $12,000 profit?

The SPEAKER pro tempore. The Chair would state that on June 15, 1988, Speaker pro tempore at that point Tom Foley cautioned all Members to avoid personal references to the conduct of the Speaker and to those who brought charges.

Mr. TORRICELLI. Mr. Speaker, my parliamentary inquiry was this: Was the Member from Georgia's words, Madam President, Mr. GINGRICH's words, ever taken down when he rose on the floor and raised questions about the $12,000 publishing deal of Mr. Wright?

□ 1220

My memory, Mr. Speaker, is those words were never taken down.

The SPEAKER pro tempore (Mr. STEARNS). The gentleman from New Jersey, as he can imagine, the Speaker pro tempore announced a standard but, did not rule in response to a point of order on that occasion. And more importantly, those words were not challenged at the time.

Mr. TORRICELLI. Mr. Speaker, I believe that my point has been made and that it stands. There has been an inconsistency. The precedents of the House have not been maintained, and the truth has been ruled out of order.

Mr. DINGELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DINGELL. Mr. Speaker, the Chair has made the ruling that it is not parliamentary language to raise questions by innuendo. May I inquire of the Chair what that means with regard to the right of Members to raise questions about the propriety of the behavior of other Members of this body under either the rules or the statutes of the United States and the House of Representatives?

The SPEAKER pro tempore. Personal references to Members are clearly not in order.

Mr. DINGELL. What about questions, though, Mr. Speaker, relative to the propriety of the behavior of Members under the rules of the House of Representatives and the laws of the United States? Are those questions still permitted to be raised under the rules and have the rules of the House been changed with regard to those matters?

The SPEAKER pro tempore. The Chair will enforce the rules of the House as those demands come forward.

Mr. DINGELL. Well, am I permitted or is another Member of this body permitted to raise questions about the propriety of the behavior of Members of this body under the rules and under the statutes of the United States? Or does the ruling of the Chair preclude Members from raising questions of that kind in appropriate fashion on the floor of this body?

The SPEAKER pro tempore. The gentleman realizes, there are rules and proper channels for bringing conduct of Members before the House.

Mr. DINGELL. And I appreciate that, Mr. Speaker, but that does not respond to my question. I asked, are Members now precluded from raising questions about the behavior of other Members of this body?

The SPEAKER pro tempore. It would depend upon whether it was a personality in the debate.

Mr. DINGELL. Have the rules been changed to effect a different order of precedents and dignity to the Speaker? Is he now treated differently than other Members of this body so that questions about propriety of behavior of other Members may be raised but questions about the propriety of the behavior of the Speaker may not now be raised?

The SPEAKER pro tempore. Simply put, personalities in regard to all Members should not be part of the debate.

Mr. THOMAS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS. Under the rules, if a Member, in fact, speaks words that under the rules could be taken down and no one asks that they be taken down, then, in fact, words could have been spoken that would have been taken down but no one asked that they be taken down; is that correct under our rules? Or does the Chair have the prerogative to ask the words be taken down?

The SPEAKER pro tempore. The Chair does have that prerogative. The Chair does have the prerogative of taking a Member's words down.

Mr. THOMAS. If the Chair does not exercise that right and no Member of the House exercises that right, words indeed may have been spoken that could have been taken down but were not because the proper request was never made; is that correct under our rules?

The SPEAKER pro tempore. The gentleman is correct.

Mr. BONIOR. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BONIOR. Mr. Speaker, I have two parliamentary inquiries to pose to the Speaker. The first deals with the concern that the Speaker raised with respect as to how this should be dealt with. The Speaker, as I recall, suggested that this should be dealt with in proper order and in a proper forum. How can we deal with this in the proper forum if we do not have an Ethics Committee, Mr. Speaker, when there is none that has been appointed?

And, second, I would like to ask the Speaker this question: The gentleman who spoke, the distinguished gentleman from Georgia [Mr. LINDER], I believe, made reference to the Vice President in his remarks. Are those remarks with respect to his conduct, the Vice President's, out of order as well?

The SPEAKER pro tempore. References should not be made to the personal conduct of the Vice President.

Mr. RANGEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANGEL. Mr. Speaker, my friend and colleague, the gentleman from California [Mr. THOMAS], made inquiry of the Chair as to whether or not the Chair could rule on a remark that was made by a Member if, indeed, that remark was not taken down and not challenged by another Member. I believe the Chair ruled in the affirmative.

My first parliamentary inquiry is, Is not a Member entitled to know, before he or she is challenged, as to what the rules are of this House before they make any statement?

The SPEAKER pro tempore. Members can seek advice before they intend to speak on any issue. The rules of the House are clear on this matter.

Mr. RANGEL. Mr. Speaker, obviously, the House is seeking clarification of the rules. The Chair has ruled that he will give rulings only when the Member is challenged. Until we can really find out what is said and what is not said, it is going to be acceptable conduct, forgetting this present subject. My predecessor, Adam Clayton Powell, was voted out of office 25 years ago because of allegations made on this floor. I would like to know what restrictions do I have as a Member that I would know that no one could ever challenge this statement successfully. And the only way I would know is by the Chair clarifying its ruling.

The SPEAKER pro tempore. The Chair cannot anticipate all references. The House has ruled on this question. It is pretty clear and evident what the Speaker's decision has been. And it was confirmed.

Mr. OBEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OBEY. Mr. Speaker, would it be in order for an individual Member such as myself to indicate his agreement with the words just stricken?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Mr. OBEY. The Chair does not care to answer that.

MOTION TO ADJOURN

Mr. MFUME. Mr. Speaker, this Member believes that the Chair today has demonstrated a very clear inconsistency with respect to the rights of Members of this institution in an unfair and biased way. As such, Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. MFUME].

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

RECORDED VOTE

Mr. MFUME. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 247, not voting 36, as follows:

[Roll No. 19]

AYES—152

Abercrombie
Baldacci
Barcia
Bentsen
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Dicks
Dingell
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Klink
Lantos
Laughlin
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Nadler
Neal
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Scott
Serrano
Skaggs
Skelton
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tauzin
Taylor (MS)
Tejeda
Thompson
Thurman
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waxman
Williams
Wise
Woolsey
Wyden

NOES—247

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McInnis
McIntosh
McKeon
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Oxley
Packard
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stump
Talent
Tanner
Tate
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—36

Ackerman
Andrews
Becerra
Berman
Chapman
Collins (MI)
Deutsch
Dixon
Flake
Gekas
Gingrich
Gutierrez
Gutknecht
Hayes
Hefner
Istook
Kennedy (MA)
Kennedy (RI)
Lincoln
Manton
McHugh
McNulty
Murtha
Pelosi
Quillen
Reynolds
Ros-Lehtinen
Rose
Salmon
Slaughter
Stockman
Torres
Wilson
Wynn
Yates
Young (FL)

☐ 1242

Mr. ENSIGN, Mr. ROEMER, and Mrs. CHENOWETH changed their vote from ''aye'' to ''no.''

Mr. MARKEY and Mr. HINCHEY changed their vote from ''no'' to ''aye.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

A CALL FOR OPENNESS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute.)

Mrs. SCHROEDER. Mr. Speaker, I am delighted we stayed in session because I think this is a very tragic, tragic, historic day.

First of all, I must say we heard comments about we had to get on to the people's business. I must say if there were some people's business today, no one on our side knew it because the schedule we were handed said pro forma. That usually means they did not have anything scheduled. So if there was something, we were the last to know.

If there is some people's business, I hope the people on that side would tell us what it is that we are supposedly delaying. But I must say, I am very troubled to see what has happened to truth in this Chamber today.

We came here hoping there was going to be much more openness. We heard all these stories about openness and debate and all of that, and so far we have constantly seen people choked and gagged and cut off over and over again.

Today, I see that as one more example. I am very concerned about how we are going to proceed if we cannot bring issues to this floor and debate them openly and in the manner that we have in the past.

ONE EXPLANATION OF HOUSE PROCEEDINGS

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

Mr. DELAY. Mr. Speaker, I want to announce to the entire House that we are once again going to send every Member a copy of the rules so that they can understand the rules of the House as we passed them a couple of weeks ago.

It is very evident to me what is happening here, and we will inform the Members more. We know that the Committee on Rules is meeting on a rule in order to bring the unfunded mandate bill to the floor. You have to be in pro forma session in order to file that rule if there is no other business on the floor.

That is what is happening here. The other side of the aisle is trying every tactic that they can to stop the Contract With America. That is quite evident to the American people.

Mr. VOLKMER. Mr. Speaker, I ask that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. STEARNS). The gentleman from Texas [Mr. DELAY] will be seated while the words are being taken down.

☐ 1250

The Clerk will report the words.

The Clerk read as follows:

> That is what is happening here. The other side of the aisle is trying every tactic they can to stop the Contract With America. That is quite evident to the American people.

The SPEAKER pro tempore. In the opinion of the Chair that is not an improper personal reference to any Member.

The gentleman from Texas may proceed.

Mr. VOLKMER. I appeal the ruling of the Chair.

The CHAIRMAN. The gentleman wishes to appeal the ruling of the Chair.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Speaker, I withdraw that then and ask, if I may, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VOLKMER. Before the gentleman from Texas continues, what I am hearing from the Chair, and correct

me, in the previous ruling it is impermissible to say anything about another Member, or insinuate by innuendo anything about the private life or aspects of a Member.

But now what the Chair is saying is it is all right to impugn motives by innuendo of a whole group. Is that correct? So he can say it about the whole group, but not to a Member, because that is by innuendo he implied our motives and my motives.

The SPEAKER pro tempore. It is the opinion of the Chair that the words do not engage in personal innuendo against any one Member, and Members can engage in debate on political motivation which is not——

Mr. VOLKMER. A book deal is not a political motivation.

The SPEAKER pro tempore. Let the Chair finish—which is not personal.

The gentleman from Texas [Mr. DELAY] may proceed.

Mr. DELAY. I think we all ought to take a deep breath. It is quite evident to the American people that from January 4 we have been working tirelessly to get to the Contract With America.

GRIDLOCK REPLACED BY TOTALITARIANISM

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. WATT of North Carolina. Mr. Speaker, on last Wednesday at approximately 6 o'clock the Judiciary Committee, after 1 day of markup on the balanced budget amendment, and with the Democratic members of that committee having in excess of 20 amendments to the bill that was pending, closed debate and went home on Wednesday afternoon.

On yesterday, congressional accountability came to the floor without the benefit of any deliberations or debate in committee. Today we stifle debate on the floor of the Congress.

I would just say to the American people that gridlock is being replaced in this body by totalitarianism.

ADDITION OF NAME OF MEMBER AS AN ORIGINAL COSPONSOR OF HOUSE JOINT RESOLUTION 1

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to add the name of our distinguished Democratic colleague, the Honorable RALPH HALL of Texas, as an original cosponsor to House Joint Resolution 1, the tax limitation balanced budget amendment congressional plan. His name was inadvertently left off the original list turned in on the day the bill was introduced.

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

There was no objection.

THE GAG RULE

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today freedom of speech on this floor is at stake. Two weeks into this Congress we see what gag rules are all about when no Ethics Committee has been appointed by the Speaker, when Members are purposefully muzzled in committees, when no hearings are allowed, when witness lists are completely controlled, we understand what a gag rule is.

In doing our people's business we have a right to know where a new author's personal interests, financial interests get tied up with his public duties. The deal for a $4.5 million advance for three books not written, plus royalties are signed with a company owned by Rupert Murdock, the very man who owns Fox News Network and could directly benefit by the obliteration of public television and radio, positions that the top official in this House has already publicly said he supports.

So we trade Big Bird and Barney for the gag rule.

THE MINORITY IS ATTEMPTING TO GAG THE AMERICAN PEOPLE

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

Mr. PAXON. Mr. Speaker, the previous speaker mentioned a gag rule. It is the minority party that is attempting to put a gag rule on the will of the American people.

The American people want the unfunded mandates legislation brought to the floor today. But what is the minority party trying to do? Adjourn the House so that legislation cannot come to the floor of this august body.

□ 1300

Since election day, it is the game the minority party has tried to play. They did not understand what happened on election day. The contract will continue to move ahead.

And one other point, the distinguished gentlewoman brought up the point of the ethics committee. We are waiting on the minority leader to move that body forward, not the Speaker or the majority.

THE GAG RULE

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

Mr. STUPAK. Mr. Speaker, I came here today to speak of unfunded mandates, but I must point out to the American people that there was no legislation ready to come to the House floor this week or today or tomorrow. It will not be until Friday.

But now I must speak of a new gag rule which is being implemented in this House. The gag rule in this House, and this Chamber, is that the media can truthfully report to the American people, but a duly elected Member of this body, of this Congress, cannot report from this floor to his or her constituency the latest press reports on the Speaker's book deal.

So let me remind any Speaker in this chair that the Members of this side of the aisle will not be gagged, we will not be silenced, we will not be intimidated, we will continue to question all actions of anyone who does not conform to the high standards expected by the American people and of this institution.

Free speech will not be squelched to protect anyone.

WE REMAIN DETERMINED

(Ms. MOLINARI asked and was given permission to address the House for 1 minute.)

Ms. MOLINARI. Mr. Speaker, there have been a lot of facts that have been ignored in this recent debate.

Fact No. 1, there was, up until this point in time, a lot of work that was going on, no, not on the House floor but in committee meetings.

Five subcommittees of Appropriations were attempting to meet today; the Economic and Educational Subcommittee was meeting on welfare reform; National Security, the Resources Committee. Rules is meeting to deliver the unfunded mandates bill to the floor. Small Business and Ways and Means. Those are important motions that are going on outside the House floor that have been delayed.

Fact No. 2, the people who ruled the so-called gag order was the Parliamentarian that was hired by the minority party, not by the Republicans.

And, fact No. 3, we, the Republican Party, admit our work today has been delayed, but the fact is we remain determined.

A GAG RULE IS BEING IMPOSED

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

Mr. DINGELL. Mr. Speaker, I came here to the House floor to discuss the unfunded mandates question. But a much more important question is before this body.

This is not the Duma, this is not the Reichstag. This is the House of the people, and in the 40 years that I have served here, it has been my pride that we have had free and open debate, and that great questions, including questions of the propriety and the behavior of Members of this body, could be discussed on the floor in an appropriate fashion.

Today we find that that cannot be. Members on this side get the distinct impression that a gag rule is being imposed and that Members of this side

may not raise questions about the behavior of the Speaker.

It is interesting to note that there has been no appointment of an ethics committee. The behavior of the Speaker cannot in any way be addressed in that body.

It is interesting to note that the ruling of the Speaker has precluded a discussion of that question here in this body.

We need the appointment of an ethics committee, because perhaps that is the only place we can address it, and we also need the appointment of a special prosecutor to inquire into matters that cannot be addressed on the House floor.

DISRUPTIVE TACTICS

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

Mr. WALKER. Mr. Speaker, it is disappointing that what we have had is a resorting to disruptive tactics in order to keep the Contract With America from coming to the floor, and the gentleman who spoke just before me, the gentleman from Michigan, indicates that the problem is that an ethics committee has not been appointed.

The problem is the gentleman from Missouri [Mr. GEPHARDT], the minority leader, has not yet appointed the minority side of the ethics committee. It would help if the minority would cooperate with getting forward with the legislative business of the House of Representatives.

We also are disappointed that today, in an effort to stop the Committee on Rules from reporting down the rule that will bring up the unfunded mandates legislation, the House moved to adjourn. Those are the kinds of disruptive tactics, I think, we can expect from the minority.

It is clear now that they cannot discuss these ideas well and so, therefore, what they are going to do is resort to disruptive activities on the floor.

That is a disappointment, and we would hope that maybe we could get back to the legislative business of the country.

AMERICANS BELIEVE IN FUNDAMENTAL FAIRNESS

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

Mr. RUSH. Mr. Speaker, it seems now that the Republican leadership has resorted to a new low in a shallow and shameful effort to stop discussion regarding the Speaker's avaricious book deals.

The majority has succeeded in gagging the minority Members of this House. Mr. Speaker, the American people believe in fundamental fairness. The gagging of Members of the House of Representatives and the House minority flies in the face of that fundamental belief.

To gag a Member of the House of Representatives is a first step toward a dictatorship of the majority which I am afraid my Republican colleagues have brought lock, stock, and gag.

Is the Republican leadership afraid to shed light on the book deal? Are they willing to kill off open discussion in order to protect Rupert Murdoch, the Speaker, and the infamous and outrageous book deal?

THE GANG THAT WOULDN'T SHOOT STRAIGHT

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

Mr. BARR. Mr. Speaker, House Democrats, searching vainly for an issue to sidetrack the Contract With America, have now decided to attack the Speaker regarding a book he has not written yet. Instead of attacking Republicans for writing books, I suggest the Democrats write their own book. The suggested title might be ''The Gang That Wouldn't Shoot Straight.''

After all, Democrats are not being straight with the American people regarding their own agenda. They are not being straight on why they do not want to pass the balanced budget amendment. In fact, they want to spend more money. They are not being straight with the American people on why they opposed the unfunded mandates bill. In fact, they like unfunded mandates.

Mr. Speaker, the Democrats are the gang that will not be straight with the American people.

Republicans want to change the way Government works. Democrats want to change the subject.

WHAT HAS HAPPENED TO A BRIGHT NEW DAY?

(Ms. JACKSON-LEE asked to address the House for 1 minute.)

Ms. JACKSON-LEE. Mr. Speaker, I came this day to support unfunded mandates. But unfortunately it is not on the floor today.

Mr. Speaker, a crisis abounds in the House, an institution the American people look to to protect the sanctity of a Nation founded on democratic ideals.

Yet we come today facing the most egregious denial of the first amendment in a body sworn by oath to uphold it.

What has happened to a bright new day? What has happened to an open House, a direct reach to the American people to ensure their full participation?

Today we have been gagged, pierced by the sword of secrecy, keep from simply inquiring on behalf of the American people of the true facts of a pending issue, the book deal of the Speaker.

The House Committee on the Judiciary was shut down.

Mr. Speaker, when I go into a third-grade class in Houston, TX, help me, please, help me convey in good conscience and in truth that there is no gag rule in the U.S. House of Representatives, and in fact that we do uphold the first amendment of the Constitution of the United States.

THE AMERICAN PEOPLE SENT A CLEAR MESSAGE

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

Mr. CHRISTENSEN. Mr. Speaker, the American people sent a clear message to us in November. They elected a Republican majority to change the way Congress does business.

After 40 years of liberal big government, big spending politics, the American people said enough is enough. They want us to start working in a bipartisan fashion to solve the problems that Americans are facing each and every day.

We need to pass the unfunded mandates legislation. We need to pass a balanced budget amendment with a three-fifths supermajority.

Some do not seem to have gotten the message. They are going on about book deals and ghost historians, but they are missing the message. I have heard the people's message. They want us to change the culture of Washington.

It is too bad that some just want to change the subject.

WHAT ARE REPUBLICANS AFRAID OF?

(Ms. MCCARTHY asked and was given permission to address the House for 1 minute.)

Ms. MCCARTHY. Mr. Speaker, I planned to speak today on the need for this body to amend our Constitution to require a balanced Federal budget and to urge my colleagues to support the bipartisan consensus version offered by the gentlemen from Texas and Colorado and cosponsored by a majority of House Members including me.

Instead, I have been subject to remarks by Members of this body that I am attempting to thwart balancing the budget and unfunded mandates, adopt a line-item veto and other reforms I support.

□ 1310

The committees are meeting as we on this floor are attempting to speak freely. Gagging the book deal on the House floor is not going to make it go away. It is an issue that has captured the public's attention. Why are Republicans so afraid of people talking about this? The Chair's ruling has made this the only house in the country where this issue is not being discussed.

LET US REFORM THIS CONGRESS

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

Mr. TATE. Mr. Speaker, why are the Democrats scared of discussing the real issues of the day? Why are the Democrats scared to engaged in a real discussion about the issues of importance to the American people—like the balanced budget amendment and unfunded mandate legislation.

The American people sent a clear message to us in November to clean up Congress. We are working hard to do just that. Republicans will keep their promise to the American people to change the culture of Washington.

I'd say to my Democrat colleagues, start working to change Congress, and stop working so hard to change the subject.

FREEDOM OF SPEECH

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

Mr. EDWARDS. Mr. Speaker, while there is no scheduled business on the floor of this House today, I can think of fewer issues more important to discuss here than freedom of speech. I believe debate on this floor should be conducted with respect and dignity. Yet if this House were to impose a gag rule on free and open debate, it would be a genuine tragedy for our democracy.

Mr. Speaker, this is the people's House and the people have the right to have their voice heard through their elected Representatives.

If Members of this House were to fear that honest expressions of fact and philosophy might be denied on this floor, then we will have done our democracy and the freedom of speech so deeply embedded in our Constitution a great disservice.

ARGUE SUBSTANCE, NOT SMOKESCREEN

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

Mr. KINGSTON. You know, if you cannot argue substance, attack the person; if you cannot argue substance, you make outrageous and frivolous claims; and if you cannot argue substance, you throw out smokescreens and red herrings. That is what seems to be the tack of the Democrat Party today.

You know, we need your help, we need it on the balanced budget amendment. You cannot balance the budget by frequent flyer points. We need your help on unfunded mandates. Granted, most of them came from your party. The mayors and the county commissioners across America want relief. We need your help on ethics. Maybe you can find time to talk to Mr. GEPHARDT to get your side of the aisle moving on ethics. We need your help on welfare reform. Maybe you have some ideas. you have great rhetoric. We are now interested in your ideas. I hope you will put your ideas in front of your party interests and work for the betterment of America.

WE COULD HAVE VOTED TODAY ON SUBSTANTIVE LEGISLATION

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

Mr. DEFAZIO. Mr. Speaker, referring to a couple of speakers before us, they somehow claim that we are delaying the activities of the House. The House is in pro forma session today. That means those of us who flew across the United States to attend this session, there will be no recorded votes or there should be only procedural matters. There is no substantive legislation before us. The unfunded mandates bill is not before us, because it has been delayed by the majority. The majority told us all bills will come before the House with open rules. Well, if you want to bring your unfunded mandate bill up with a open rule, what is the problem? We could be in session right now doing unfunded mandates, but you have us waiting for the Rules Committee because they want to restrict debate on unfunded mandates.

Where is the balanced budget amendment, the balanced budget amendment we were promised you would come forward with?

I am a cosponsor of a bipartisan version. Where is it? It is hung up by the majority because they want to insist on a super majority for taxes in that proposal. It is your holdup, not ours.

WHERE IS THE BEEF?

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

Mr. LIVINGSTON. Mr. Speaker, I have come late to this debacle on the floor today, but I cannot resist commenting on the irony of the concern about the much-vaunted Speaker's nonbook deal.

Now, find me one American citizen who has turned down $4.5 or $3 million, perhaps, or even $1 million when they might have gotten such a good deal. The fact is Speaker GINGRICH turned it down, and yet to avoid confronting the issues important to the American people that they voted for in the last election, the minority party—excuse me, the minority party—has now said that this is the most important thing that must be discussed. No comment about Speaker Wright's problems with his sales of his book to lobbyists; no comment about the Vice President's very lucrative book deal, but let us concentrate on this that is a nonbook deal. There has been no money here.

Where is the beef, folks? Get real.

FREEDOM OF SPEECH IN CONGRESS

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

Mr. MENENDEZ. Mr. Speaker, I am not quite sure under your ruling that I can even refer to the Speaker in any respect, but as someone who came to the floor today to vote when the vote was called, I did not expect to speak. But as someone whose family has fled from oppression in search of freedom and democracy, I am appalled at what could happen in the greatest hall of democracy in the world. But I have seen it today.

You can question the motives of a whole group of people, put their motives in question, but you cannot question the motive of an individual who is in a leadership position and determines the agenda of this House.

You can pass a Congressional Accountability Act, yet you cannot call for the accountability of an individual who leads the House and seek its disclosure. This is not about an individual's book deal who may be paid by royalties and the $4 million is coming. But it is about public licenses, public airwaves. It is about our national treasures, and you are denying one of the greatest national treasures, the ability of Members to speak in this House freely.

WE HAVE BEEN GAGGED

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

Mr. WISE. Mr. Speaker, today, in 14 years of legislative work that I have done in State and Federal out of legislatures, is the saddest day I have ever seen. I feel effectively gagged.

Let me ask a question, Mr. Speaker: If anyone was reported to have signed a $4.5 million deal to write a book, if any Member was reported to have met with an interested party who possibly had interests affected by the Congress, if any Member had had legitimate questions raised in the public media and in editorials about his or her conduct, should it not be discussed on this floor?

But now we have to tell the American people, ''Read your newspapers, watch your television, they can tell you what is happening. They can ask questions about the conduct of any Member of this House, including its Speaker. Follow your media, they can tell you what your elected House Members,'' myself included, ''cannot tell you because the Republican gag rule says that we are out of order.''

WE ARE FOLLOWING THE RULES OF THE HOUSE

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

Mr. SENSENBRENNER. Mr. Speaker, yes, today has been a debacle, and a debacle because I think of people not the reading the rules that we have been living under for as long as I have been

in the Congress of the United States. The rule that has been voted upon today and the Speaker's rulings have been in the precedent book of the House of Representatives for decades. It has never been in order for one Member to impugn the motivation of another Member. Speakers throughout the years, whether they be Democrat or Republican, have always enforced that rule in a uniform manner, and that is what happened today.

I do not see why my friends on the other side of the aisle object to that. They should not, because their Speakers enforced their rules just like our Speaker today has enforced the rules that we adopted in the first day of the session. Let us get down to legislation instead of talking about this.

THIS IS THE CENTER OF FREEDOM

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

Mr. ROEMER. Mr. Speaker, I believe in his very first speech to this body, in his eloquent words, Speaker GINGRICH talked about bringing a Russian delegation to the floor of the House, and he was very moved by the words of one of those Russians who said, ''This is the center of freedom.'' This body, this seat, this podium, that podium shared by Democrats and Republicans alike, is the center of freedom.

We are free to debate, to dialogue and to discuss and, hopefully, in bipartisan ways, and I would say that all the American people watching today are moved, and not moved in the right direction about what has happened in this body today to limit that dialog and debate and discussion.

□ 1320

Justice Brandeis said, ''The best antidote to offensive speech is more speech.''

Let us continue to debate more speech in this body.

GUARANTEEING LOANS TO MEXICO IS IN OUR NATIONAL INTERESTS

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

Mr. RICHARDSON. Mr. Speaker, the issue of guaranteeing loans for Mexico is not the S&L bailout. It is not NAFTA once again. It is not bailing out big businesses and corporations. Let us not politicize an issue where we have no choice but to act in a responsible and bipartisan manner.

The issue of guaranteeing loans to Mexico is in our national interests. Surely we are helping a friend, but it also means keeping a hundred one million jobs in exports. It means stopping an influx of additional illegal immigrants. It means stopping an erosion of Third World economies.

Mr. Speaker, let us not impose some conditions that preserve taxpayers exposure. Let us make sure there is an up-front fee and that we are paid in full. But again, Mr. Speaker, let us not politicize an issue that we need to act on in a bipartisan and responsible manner.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HOBSON). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. LEWIS] is recognized for 5 minutes.

[Mr. LEWIS of Kentucky addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

FACTS AND THE NEW SPEAKER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I am delighted to be able to take the floor and review some of the things that I think have made this day so confusing to a lot of us.

I am a historian, as is the new Speaker, and the new Speaker wears that button with great pride. I always thought that historians were very, very proud about the fact that what we dealt with were facts. We try to deal as much in facts as possible, and I think today we all got a little confused as to what became factual, what became image. Were the image police working on the floor today? Were there new rules? Where were we going with all of this?

I know I was troubled when I read about yesterday's press conference when a reporter had asked the Speaker when he charged taxpayers' money had funded a PBS viewer opinion poll; the reporter asked, ''Well, show us proof,'' and he said, ''I don't have a clue, I don't have any proof.''

Mr. Speaker, I ask my colleagues, ''What does that mean? Shouldn't you have to have facts if you make those kinds of allegations?''

Many of us were troubled when the recommendation had been made by the new Speaker that Government economists who would not change statistics to their way of keeping statistics should be zeroed out. Well, again should we not be dealing in facts? And where do we go?

But then today I picked up the paper, and I am even more troubled. I feel like I am taking the floor to defend men and women. I read in today's paper some new facts that I certainly did not know about, and I would love to have the basis for these. In today's paper they take direct quotes from the Speaker's text that he is teaching on different campuses, and he is talking about men and women in combat. He says, ''If combat means being in a ditch, then females have biological problems being in a ditch for 30 days because they get infections.''

Well, I do not know of any medical status for this, and I would be very interested in having those facts because I know this will be a very debated issue as we come forward.

He says further, ''When it comes to men, men are like little piggies. You drop them in a ditch, and they will wallow and roll around in it. It doesn't matter, you know.''

Well, I am standing here defending my husband, my son, my uncles, my father. I mean I have seen them in ditches, but they do not roll around like little piggies, and I do not know anything in the facts that are based on that. So, that I found very troubling.

I read further in this lecture and found a statement that males do not do as well sitting as women, that women are maybe doing better with, as my colleagues know, laptop computers because supposedly he has some information that males get very, very frustrated sitting in a chair. I say to my colleagues, ''That's kind of hard if you're Speaker, because they got to sit in a chair a lot.'' But they got frustrated sitting in a chair because we all know that males are, quote, biologically driven to go out and hunt giraffes.

Now I have been working in a male culture for a very long time, and I have not met the first one who wants to go out and hunt a giraffe. They can sit in chairs. They do not wiggle and so forth, and so I just must say I am very, very troubled by the new factual data that seems to be coming out of our new leader.

□ 1330

And then I must say I was terribly troubled by the proceedings that went on on the House floor today. I do not know exactly what to make of them. I thought what the gentlewoman from Florida was stating was a very factual statement about what she had read in the press, and she was pointing out that the publisher of the book, if they push the book sales, could make more money, which I think is factual. Royalties are based upon how many books are sold. The more books sold, the more money comes in in royalties.

How that becomes an innuendo or how that becomes some kind of illegal utterance on the floor is way beyond my understanding. I have heard much worse things said on the floor. And I must say I am a little shocked that the rules of this House are being used by the image police to try to clean this up.

Thank goodness for the newspapers, because the image police have not been able to get to the newspapers yet, and

I think free speech is becoming more important every day.

Thank goodness that we were able to read about women and men and their biological views, as viewed by the Speaker, but it does scare me to death.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5, UNFUNDED MANDATE REFORM ACT OF 1995

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 104–2) on the resolution (H. Res. 38) providing for consideration of the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HAITI: BELOW THE SURFACE

The SPEAKER pro tempore (Mr. HOBSON). Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, today is day 122 of the American occupation of Haiti, a friendly country just south of our borders. The United States command in Haiti has determined that a secure environment has been established. The United Nations is expected to rule on this question in the coming weeks and the process of transition to a United Nations mission will be online, hopefully for an end of March completion. What will this transition mean? Today, our forces in Haiti have the authority to arrest and detain troublemakers and to respond with force. And in fact they have been doing that.

The U.N. mission in Haiti, which will include approximately 2,500 United States troops, will be a chapter 6 mission—strictly one of providing presence and monitoring. Under current mission parameters, American soldiers provide the security in Haiti, to the degree that that security is real. They are the folks who are enforcing the security there, to the degree that there is any real security.

Today, our soldiers are involved at the local level in the day-to-day running of villages throughout the Haitian countryside. Our soldiers are serving as mayors and judges; they are serving as the electric company and waste disposal management company. In any given day, they might be called upon to deal with a charge that perhaps the local magistrate is engaged in extortion; they will probably buy the food for the prisoners in the local jail and make certain it is delivered; they will probably give out a few speeding tickets and might even confiscate a few guns. As we always expect of them, our troops are doing an outstanding job. Whether or not it is an appropriate or safe job for them to be doing and what sort of track record they are building in the eyes of the Haitian people are questions still open for debate. We have lost one soldier tragically in action in Haiti—he was trying to force someone to pay a toll to an individual who apparently had no official authority to collect it. We are deeply troubled by this death and renew our call for a thorough review of United States policy in Haiti.

Knowing the degree of American financial and personnel involvement in Haiti, Americans were no doubt surprised to read in the national press yesterday that their men and women in uniform are not accepted with open arms by all Haitians. Despite the fact all we are doing for Haitians, apparently there are some problems. This is in sharp contrast to the pictures they remember of jubilant Haitians in Port-Au-Prince welcoming Americans to their shores. But there is more to Haiti than Port-Au-Prince.

It is true that in many Haitian villages, American soldiers are cheered as they drive through the streets, and that gladdens the heart of all Americans. But the feeling that American troops do not belong in Haiti also is real in many areas of the country.

It is a little bit of going back to the old days of the occupation that some remember, the gringoism that we have suffered for so many years in our hemisphere and tried to get away from through the good works we have done in so many countries in our hemisphere.

Haitians from the provinces will tell us that the soldiers have made little difference in their lives. They are disappointed. The farmers will tell us that they still have no one to go to when someone steals their crops or their livestock, or that if they do complain, nothing happens. People will tell us that the American soldiers have let themselves be used in some instances by thugs and vagabonds. Some will also tell us that they would prefer that no foreign soldiers be in their country. I guess we can understand that.

In other places, like Jeremie, they are crying foul because they believe the U.S. troops are too close to the military leaders who once terrorized that population. It is a very thin, delicate line our troops have to walk.

As we make the transition to a U.N. mission, any feelings of insecurity and resentment will continue to grow. We know that. That is not uncommon in a transition. But we have to add into the equation the fact that the Haitian Government is not up to the administrative and financial challenge of providing for its own security right now or for getting government up and running, even with the present monitoring of our United Nations mission. They are not going to be able to do that.

Haitian police forces do not have the respect of the public, and they do not have the weapons or the vehicles to provide for law and order.

The conclusion I reach is that below the surface of the so-called secure environment there remain very serious problems that could become deadly in an instant once the transition is made.

Mr. Speaker, the U.N. mission in Haiti is not the end of the risk for our troops. In fact, it may even up the stakes. I hope the Clinton White House is looking below the surface to ensure the safety of our men and women in uniform.

And while they are thinking about Haiti, the Clinton administration might start thinking about the American taxpayers who are footing the bill for the hundreds of millions committed to bail out the Aristide ship of state, which many observers feel is a boat that will not float no matter how hard you bail.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

[Ms. JACKSON-LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

[Mr. DELAY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

[Mr. KLECZKA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

A CONSTITUTIONAL AMENDMENT TO BALANCE THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, kind of a disturbing thing happened this week in so many ways that makes me wonder if the folks at the White House get it yet.

The President appointed a very liberal member of the Washington political establishment to run the National Democrat Party, and in his first press conference he personally told the Washington press corps elitists that he was against the balanced-budget amendment because he did not want to wait 7 years to balance the budget.

Well, neither does the American middle-class public. They are tired of it. The middle class in America are in a situation where they may need a new carpet, they may need a new washing

machine, or they may need a new car, but at the end of the month, when you do not have the money, you do not get to buy these things. What the middle class said to the U.S. Congress on November 8 is ''We want you to start living under the same constraints that we do. We want you to learn how to say no. We want you to tighten your belt and we want you to balance the budget.''

Under the current course that we are on, the President's budget, as estimated by his own budget folks, will add to the national debt $1 trillion over the next 5 years. That is not what the middle-class public wants. They want a balanced budget amendment, and I will say to the President's newly appointed Democrat Committee Chairman, ''If you don't want the balanced budget amendment, where are you going to cut?'' I have heard from so many Members of the other party who say, ''Show us your cards. What are you trying to hide?'' as if it is the sole responsibility of one party.

□ 1340

We got into this debt situation not because of Democrat irresponsibility, but because of Democrat and Republican irresponsibility. This is a bipartisan debt. It is a bipartisan problem. And I resent members of the minority party saying ''what are you going to do?'' Yes, there are some proposals out there. What are your plans? So far all I have heard is attacks, personal and maliciuous attacks on Speaker NEWT GINGRICH. All I have heard are talks about the Committee on Ethics that haven't been formed because their party has not appointed anyone, and all I have heard is their new frequent flier fetish, as if mainstream America at civic clubs raises their hands, and right after asking about the national debt, they say ''And what are you going to do about the frequent flier problem in America?'' Well, that is real big farsighted legislation.

But I certainly hope that before this debate goes any further, that the Democrat Party will come up with substantive ideas to contribute to the debate, to say ''Hey, here are some ideas that might balance the budget, and, you know, I might not be for a balanced budget amendment, but I think we can get there this way,'' instead of just being against it.

You know, just because a party is not in the majority does not mean they do not have any responsibility to come up with ideas. The best thought, the best concept in America, is when both parties get together and work for the better of the country, rather than just the petty politics as usual.

So, Mr. Speaker, as we approach the balanced budget amendment coming up in a very few weeks, I hope that all members of both parties will come forward and say ''Here are my ideas.'' If I am against the balanced budget amendment, I have an alternative. Rather than just swinging away at NEWT GINGRICH and the book deal, rather than just attacking frequent flier points, and rather than just getting mad at the Committee on Ethics, which their side hasn't appointed yet, let us hear some substance, because that is what we are elected to do, Mr. Speaker. The middle class of America wants a balanced budget. The middle class of America wants less spending. The middle class of America wants a smaller government. And I hope that members of the Democrat Party will join us in that effort.

MATTERS TO BE DEBATED ON HOUSE FLOOR

The SPEAKER pro tempore (Mr. HOBSON). Under a previous order of the House, the gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

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

Mr. VOLKMER. Mr. Speaker, I am disappointed that the gentleman that just spoke has left, because I for one am a strong supporter of a constitutional amendment for a balanced budget and have always done that. I have voted on it repeatedly. I have signed discharge petitions. There are any number of members of the Democratic Party who feel just as strongly as many of the people on the other side about a balanced budget amendment. We just disagree maybe on some of the details.

Mr. KINGSTON. Will the gentleman yield?

Mr. VOLKMER. Yes, I will yield. Even though your people would not yield earlier on 1-minutes, I will be glad to yield.

Mr. KINGSTON. I always yield on special orders because I feel it is a good time to have a little debate, and through the debate some camaraderie. I just wanted you to know I am back if you had any questions or anything that I could add to. If I heard you correctly, you said you are for the balanced budget amendment.

Mr. VOLKMER. I always have been, as the gentleman from New York can tell you.

Mr. KINGSTON. I am pleased to hear that. Can you tell me how many folks on your side of the aisle might be voting in support of it?

Mr. VOLKMER. Quite a few, but they are going to vote for the Stenholm provision, the Stenholm balanced budget amendment, and that is the one that we support.

Mr. KINGSTON. Well, to my friend, I would say that if we can get their vote on the Stenholm amendment, that is a good positive step. I, as you know, am not part of the party leadership over here. Although I do support the Republican version with the three-fifths majority vote provision, I still think that the Stenholm amendment, which I supported last year on the floor, is a good step, and I am glad to hear it.

Mr. VOLKMER. The gentleman has been here long enough. All you have to do is go back in the CONGRESSIONAL RECORD. You can go all the way back to 1982 and see where HAROLD VOLKMER has voted consistently. And, like I said, I even signed a discharge petition when it was necessary to bring one out. I support a line item veto, too, maybe a little different than what you do, but I support the concept.

I also support mandates, that do something about them. I disagree, and I have an amendment that I hope to offer when we bring the bill up Friday, because I think there is a big loophole in that bill, you can drive a truck through, in that mandate bill. So there may be some disagreements on the details.

But what bothers me the most, and we could talk about these, and we have talked about a constitutional amendment for a balanced budget here since 1982. And I have been here 18 years, I am starting on my 19th year, and I have never come here with the idea that HAROLD VOLKMER would ever become rich because he is a Member of Congress. And I think it is improper for any Member to get outside income, to become rich because of his position in this House. We are here to serve the people, not to fill our own coffers and fill our own pockets, and to use our influence in order to do so. And I think Members who do that should have what they are doing all debated on this floor.

What bothers me is that we do not see the other side willing to debate that. We don't see an ethics bill. We think it is all right. We have it in our rules right now. You can take all the vacation trips with lobbyists and have them pay your full way and then you can vote for them on the floor of the House, everything they want on amendment or on a bill. And the other side, the Republican Party says that is the way it should be up here.

We now have a Speaker that had signed a contract for $4.5 million to write a book. Boy, that is really pretty good. I don't think too many people have been able to do that. Now he says he will give that up and take the royalties instead.

Well, as the gentlewoman from Florida attempted to say here today on the floor, it really depends now on the publisher and how many books they sell, how much money he could make. He could make $10 million if enough of his wealthy friends decide to buy a whole bunch of books. They could each buy 1 million books. He could make $10 million off of it. And I don't think any Member of this body, any Member, should be able to do that. I think that is unconscionable. I think that this matter, the book deal, should be debated on this floor.

I welcome the majority party to come forward. I welcome the Speaker himself to come forward and stand in this well and debate his book deal. I think it should be debated.

SERIOUS SAFETY AND HEALTH HAZARDS FOR STAR-KIST WORKMEN IN AMERICAN SAMOA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to express my serious concerns about the health and safety of American workers.

Mr. Speaker, the Occupational Safety and Health Act of 1970 sets forth safety and health standards for businesses which affect interstate commerce. The law was an attempt to correct several inadequacies in the workplace, including an attempt to level the economic playing field between businesses who provided safer and healthier working environments and those companies which did not. This was a bipartisan law, passed by a Democratically-controlled Congress and signed by a Republican President, Richard M. Nixon.

The Occupational Safety and Health Act, together with its regulations, is today applicable to the 50 States, the District of Columbia, and the U.S. territories. American Samoa is one of those territories.

Mr. Speaker, last year the Occupational Safety and Health Administration, or OSHA, began what ended up being a 5-month investigation of one of the two largest private employers in American Samoa, Star-Kist Samoa, Inc. Star-Kist Samoa is a subsidiary of Star-Kist Foods, which is a subsidiary of the $11 billion conglomerate, the H.J. Heinz Food Co. This investigation concluded last month with the signing of a settlement agreement of approximately 100 citations which were issued for violations of Federal law and regulations. The violations included 42 willful, 35 serious, 12 repeat, and 4 failure to abate violations. The violations were for:

Failure to provide adequate machine guards for dangerous points of operation resulting in 11 amputations—5 total finger amputations, 1 total leg amputation, and 5 amputations of at least 1 finger joint;

Failure to provide 1,900 employees the use of puncture resistent gloves to protect their hand from sharp fish bones, knives, and wire racks, resulting in numerous injuries requiring sutures;

Failure to provide basic employee hearing conservation measures, though Star-Kist Samoa was aware that 19 employees had developed significant shifts in their hearing;

Failure to inform employees of the results of noise surveys;

Failure to perform baseline audiograms for over 600 employees;

Failure to conduct annual audiograms for over 1,500 employees;

Failure to evaluate audiograms that had been conducted;

Failure to develop and require the application of lockout-tagout producers for employees engaged in such tasks as cleaning and unjamming machinery;

Failure to enforce the use of confined space permits;

Failure to keep adequate records of worker injuries and illnesses; and

Failure to comply with OSHA regulations on respirators, chemical exposures, eye washes, and bloodborne diseases, resulting in 100 employees being admitted to the LBJ Tropical Medical Center for treatment after being exposed to lethal gas.

Based on these violations, Star-Kist Co. agreed to pay $1.8 million in penalties. This is a substantial penalty and was based on the severity of the violations, the period of time over which the violations occurred, prior knowledge by company officials of the violations, and the number of employees subjected to the unsafe or unhealthy conditions. Based on the formula OSHA uses to determine appropriate penalties, OSHA officials determined that a penalty in the range of $4 to $5 million was supportable. It was determined, however, that based on Star-Kist's willingness to correct the violations, a somewhat lower penalty was acceptable.

Mr. Speaker, the unsafe and unhealthy conditions found at the Star-Kist plant in American Samoa would not have been tolerated in any of the 50 States of the United States. That 42 of the violations were willful, in other words they were violations of Federal laws which Star-Kist management was aware of but purposely chose not to correct, is an indication to me that the management of Star-Kist Foods and H.J. Heinz here in the United States wanted to get away with as much as they could, regardless of the risk to the Samoan employees.

I have heard attacks made recently to the effect that a government which governs best is a government which governs least. In an effort to reduce the number of Federal regulations and make the climate in America more conducive to business, some are talking of doing away with the Occupational Safety and Health Administration.

Mr. Speaker, I believe that would be a grave mistake, and I use the example of what has happened to the Star-Kist employees in Samoa as an example of what would happen to employees in the United States if we do not maintain regulations to protect the safety and health of our workers, and provide sufficient funding to enforce these regulations. I have not heard one complaint, not even from Star-Kist, that OSHA acted improperly or impartially during the course of this investigation. OSHA did an excellent job in enforcing Federal law and regulations during this inspection, and I wish to publicly commend them for their outstanding performance.

Mr. Speaker, I have much more to say on this matter, and I will take the opportunity to do so later in the week.

□ 1350

CRIMINAL ALIEN TRANSFER AND BORDER ENFORCEMENT ACT OF 1995

The SPEAKER pro tempore (Mr. HOBSON). Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, today, I am introducing, on behalf of myself, as author, and the gentleman from Indiana [Mr. BURTON], the gentleman from California [Mr. BEILENSON], the gentleman from California [Mr. CONDIT], and the gentleman from Michigan [Mr. KNOLLENBERG], as coauthors of the Criminal Transfer and Border Enforcement Act of 1995, H.R. 552.

This bill suggests that an integrated approach to border management is needed. This legislation includes the improvement of drug interdiction, controlling illegal immigration and stopping other illegal cross-border activities in California and elsewhere.

The recent election in California made one issue very clear: Taxpayers are fed up with paying for the enormous costs associated with illegal immigration. It is especially disconcerting that the incarceration of criminal aliens is running up a nationwide tab of approximately $1.2 billion annually.

The Federal Bureau of Prisons reports that noncitizens make up approximately 24 percent of the 91,000 total Federal prison population.

The average cost per inmate in the Federal prisons is $20,803 per year. In California, the Governor estimates that we spend over $350 million a year incarcerating aliens in our State prisons.

According to the Bureau of Justice statistics, about 4 percent of the inmates in our State prisons are not U.S. citizens. The estimated cost to California, as I said, is several hundred million dollars.

The Criminal Alien Transfer and Border Enforcement Act urges the President to renegotiate, within 90 days of enactment, the existing bilateral prisoner transfer treaties with Mexico and other source countries, which have sizable numbers of illegal criminal aliens in our prisons.

In 1976, almost two decades ago, the United States established a prisoner transfer treaty with Mexico. This treaty is outdated, and it is time for a change of course.

Alien prisoners come from more than 49 countries in North America, South America, Europe, Africa, and Asia. Almost half of the alien inmate population is of Mexican origin. The Immigration and Naturalization Service has estimated that as of October 1992, the total illegal alien population in our Nation was 3.2 million people and growing at 300,000 annually.

I think that is an underestimate. When you figure that roughly 2,000 illegals a night come over in one 20-mile sector in San Diego, CA, I think you will see what I mean.

The States of California, Arizona, Texas, Florida, and New York have been particularly hard hit. This measure would help relieve U.S. Federal and State prisons of the costs associated with housing the illegal criminal alien population. The incentive for foreign governments which participate in the renegotiated treaty is the benefit of a trained and adequate border patrol and police force trained in the United States at the Border Patrol Academy and the Customs Service Academy. That is also a tremendous benefit to our Nation's borders.

Illegal immigration is not a regional problem. It is a national problem.

Mr. Speaker, it is time for Congress and the President to take joint responsibility for the impact on the States caused by the relentless flow of illegal immigration.

Mr. Speaker, I include for the RECORD a copy of H.R. 552.

H.R. 552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Criminal Alien Transfer and Border Enforcement Act of 1995''.

SEC. 2. PURPOSE.

The purpose of this Act is to relieve overcrowding in Federal and State prisons and costs borne by American taxpayers by providing for the transfer of aliens unlawfully in the United States who have been convicted of committing crimes in the United States to their native countries to be incarcerated for the duration of their sentences.

SEC. 3. FINDINGS.

The Congress makes the following findings:

(1) The cost of incarcerating an alien unlawfully in the United States in a Federal or State prison averages $20,803 per year.

(2) There are approximately 58,000 aliens convicted of crimes incarcerated in United States prisons, including 41,000 aliens in State prisons and 17,000 aliens in Federal prisons.

(3) Many of these aliens convicted of crimes are also unlawfully in the United States, but the Immigration and Naturalization Service does not have exact data on how many.

(4) The combined cost to Federal and State governments for the incarceration of such criminal aliens is approximately $1,200,000,000, including—

(A) for State governments, $760,000,000; and

(B) for the Federal Government, $440,000,000.

SEC. 4. PRISONER TRANSFER TREATIES.

Not later than 90 days after the date of enactment of this Act, the President should begin to negotiate and renegotiate bilateral prisoner transfer treaties. The focus of such negotiations shall be to expedite the transfer of aliens unlawfully in the United States who are incarcerated in United States prisons, to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts, and to eliminate any requirement of prisoner consent to such a transfer.

SEC. 5. CERTIFICATION.

The President shall certify whether each prisoner transfer treaty is effective in returning aliens unlawfully in the United States who are incarcerated in the United States to their country of citizenship.

SEC. 6. TRAINING OF BORDER PATROL AND CUSTOMS PERSONNEL FROM FOREIGN COUNTRIES.

Subject to a certification under section 5, the President shall direct the Border Patrol Academy and the Customs Service Academy to enroll for training certain foreign law enforcement personnel. The President shall make appointments of foreign law enforcement personnel to such academies to enhance the following United States law enforcement goals:

(1) Drug interdiction and other cross-border criminal activity.

(2) Preventing illegal immigration.

(3) Preventing the illegal entry of goods into the United States (including goods the sale of which is illegal in the United States, the entry of which would cause a quota to be exceeded, or goods which have not paid the appropriate duty or tariff).

TOUGH LOVE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, first let me say, we heard about NAFTA, you hafta. Now it is Mexico, bailout or bust. United States taxpayers should not have to become Mexico's insurance company. Why should our taxpayers have to place the full faith and credit of our U.S. Treasury behind the Wall Street speculators who gambled and lost their own money? We have no legal obligation to do that. They are not insured by the Treasury of the United States or any of our respective banking institutions.

So today, I would like to ask on the record our U.S. Treasury Secretary and Chairman of the Federal Reserve specifically which speculators have their hands out to the taxpayers of the United States? Which creditors must Mexico pay off in the first quarter of this year, in the second, in the third, in the fourth, and in years hence? Which investment banks, we want to know who they are and where they are located and how much? Which mutual funds, which multinational corporations who gambled that the fundamentals of that system of government in Mexico were good enough for them to take our jobs south of the border? And which global banks? Who specifically does Mexico owe the $26 billion that is coming due this year, and then the dozens and dozens of billions, $89 billion total public debt, not counting the private debt, and all the creditors that Mexico owes?

Call my approach tough love. There are just some times when you have to say ''no.''

Imagine, we have a U.S. Treasury Department which recently, under the GATT debate, told our savings bondholders in this country that they could not earn 4 percent interest anymore on their U.S. savings bonds. You remember a couple years ago they could earn 6 percent; then they lowered it to 4 percent. Then under GATT, they removed the floor completely. So American taxpayers who buy U.S. savings bonds have no real incentives to buy them anymore.

□ 1350

Then the Federal Reserve Chairman testified here in Washington last week that in order to try to balance our budget, gosh, maybe senior citizens in our country would have to take a $10 a month reduction in their cost-of-living allowance under their Social Security. That is not exactly what I had in mind for the seniors in my district, but the very same organizations, the U.S. Treasury, which cut the interest rates to our bond buyers, and the Federal Reserve, which has told our seniors, ''Sorry, you are getting too much money,'' now they have pledged the full faith and credit of this Government to another nation. I find it very interesting.

What is so reprehensible to me is when I first got here in Congress in the 1980's, I came here because of the high unemployment in my district. I was appointed to the Committee on Banking, Finance and Urban Affairs.

The very first bill that I came up with on that committee was to try to find a way to help the people in my district to hold onto their homes. We had a bill that would have prevented foreclosure.

We had a bill that said, ''Look, we will create a second mortgage, and for those of you where the bankers are at your door, the creditors are at your door, we will give you a second mortgage. It will be short term. After a year you will have your job back and you will be able to stay in your house and continue to earn money at your job.''

They have a good credit history. We were only asking for a short-term add-on to their mortgage. It was guaranteed by the collateral of the house itself. They had to pay it back, and the political situation in Toledo, OH, is pretty stable.

Guess what, we could not get that bill through the Committee on Banking, Finance and Urban Affairs of this Congress. We couldn't help our own people with any kind of guarantee to hold on to their own homes.

Yet, now, another nation comes and is in trouble, and we are willing to pledge $40 billion in loan guarantees plus $18 billion. They already have the lines open to Mexico as of last week. I would find the whole situation absolutely amazing if it weren't so upsetting, because it just goes to prove that those that have a lot have incredible political power in this city and around the world.

I have never seen the kind of people running around here to help my district when it was in recession that I have now seen running around this Congress and up and down Pennsylvania Avenue to try to bail out the Wall

Street speculators who would not listen to us when we debated NAFTA last year. We tried to get provisions in there to protect our people, as well as to have a slower market opening mechanism so we would not have these kinds of dysfunctions as NAFTA kicked in. They wouldn't listen to us then. They have made billions already. We shouldn't pledge the full faith and credit of the taxpayers of our country.

The SPEAKER pro tempore (Mr. HOBSON). Under the Speaker's announced policy of January 4, 1995, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes as the designee of the minority leader.

[Mr. FRANK of Massachusetts addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

JOB CREATION SHOULD BE THE MANDATE FOR THE 104TH CONGRESS

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, during the exit polling following the last election, one thing that consistently was revealed was that most voters, an overwhelming majority of voters, are concerned about jobs and employment. A large percentage of Americans are concerned about the fact that they are working at jobs at substandard wages, wages below what they were receiving prior to their present job.

Large numbers are concerned about the fact that they may lose their present job in an atmosphere and an environment of downsizing and streamlining corporations. Of course, large numbers have not had any jobs for a long time. They are just dying to get a job and end their long-term unemployment.

So jobs must be the No. 1 priority of the 104th Congress. The message is clear. The exit polls showed it. There have been a number of studies which have showed that the American public is concerned about jobs, and of course the polls show that jobs are a No. 1 priority.

Somehow, the elitist leadership of Washington does not seem to hear the voice of the American people. Somehow the Republicans are not listening. The Democrats are not listening either.

We have Republican jobs through capital gains being proposed. The act that is part of their Republican contract talks about creating jobs through a reduction in the capital gains taxes, and also a reduction in other corporate taxes. We have been that route before. It did not work before under Ronald Reagan.

The trickle-down theory did not produce the jobs that were supposed to be produced at the levels that they were supposed to produce them, so why go to the trickle-down theory again? But that is what is being proposed. That is all that is being proposed by Republicans.

Democrats' proposals, on the other hand, are also too timid and too small. We are talking about dealing with jobs through more training and more opportunities for education. It is the correct procedure, the correct process, but it does not go far enough. It does not talk about creating jobs. Job creation is what is needed.

The job programs we are talking about in the Progressive caucus, which has introduced and is preparing a jobs bill, a jobs investment, job creation and investment act, will create a million jobs a year. It requires spending—investing large sums of money, but it is a tried and true approach.

It will be the investment of large sums of money in the areas of the economy where we know there is a great need. We know we need jobs. We need infrastructure. We know we need highways. We know we need improvement of our transportation facilities and bridges.

We know there are large numbers of substandard schools out there that could use some repair. There is a need for new school construction. In higher education they have a great need for infrastructure increase there.

There are a number of places where we know there is a need. We know that if you apply investment to these areas, you will stimulate the economy. It is not Big Government because all you do is make big decisions.

Government makes a big decision: Government decides it is going to stimulate the economy in that direction, and the contracts go out to private contractors. The work is done by workers who are not Government workers.

It is not an increase in Big Government. It is an increase in additional jobs. You will create large numbers of jobs in areas that we know jobs are needed, where we know workers need it, and we know we need to make the repairs and take care of improvements in our infrastructure.

Job investments can be made and they can be made without raising taxes. We are not talking about the need to raise taxes. You can make selected cuts in waste. There is still a lot of waste in Government.

We don't agree as to where the waste is. Some people insist in pursuing children who receive welfare, Aid to Families With Dependent Children, and that is going to be the area where they will make the large cuts; or they want to pursue education. There are a number of areas they want to pursue which would be counterproductive. It would decrease the ability of people to take advantage of jobs. It would create more turmoil in our society than necessary.

On the other hand, if you make the cuts in other directions, selected cuts, there are cuts that can be made which total billions of dollars which could then be used for the job investment. I will talk in more detail about those cuts.

There are cuts in the area of defense. There is a peace dividend we never realized. The cold war is over now. The evil empire of the Soviet Union is gone. We have never realized that dividend that can be realized as a result of all of these things being changed.

□ 1410

We can make cuts is defense. We can make cuts in the corporate welfare area. Some people estimate there is $40 billion being given away to corporations and business, others as high as $50 billion. We can make cuts there. We can make cuts in the CIA, the Central Intelligence Agency, which has no evil empire to spy on anymore, and the most conservative estimates estimate that the Central Intelligence Agency and the other intelligence agencies together have a budget of $28 billion.

So there are areas where you can make cuts and move that money from those wasteful areas into the area of investment and jobs.

We have two economies and most people will tell you, ''Well, the economy is booming, so why are you concerned about creating more jobs?'' Well, go and ask the American people. Why are they so anxious? Why are there so many people out there who are concerned about losing the job that they have now? Why are there so many that are angry because they are getting paid so much less than they were being paid for similar work a few years ago? Why are there so many that are desperately seeking jobs that do not exist?

There are two economies, that is the reason. There is one economy that is booming and that is the Wall Street economy. Large profits are being made. Automated industries are very productive. Even some very fortunate workers are getting tremendous amounts of overtime because they are part of that booming economy and the automated economy. So they are very well off.

But the great majority of people, the great majority of wage earners are living in an economy which is not very well off. It is the other economy, the economy of the wage earner.

There is an economy, in other words, for an oppressive minority. They have all the production, the fruit of production, they have the profits and the fruit of all the productivity.

On the other hand, there is a caring majority out there of people who make up the bulk of American citizens and they are not part of that booming economy. They are struggling, they are anxious, and I call them the caring majority.

We have a philosophical clash that is exhibited in the way we approach the question of jobs, the clash between those who are members of the oppressive minority, and they want more and more and they want to rig the economy, change the rules, in order to

make greater profits without providing jobs, and those who would like to see the wealth of America, the productivity, all of the fruits of stable society, all the fruits of peace, they would like to see them divided so that everybody gets part of the benefits. I call those people members of the caring majority.

We do not have to talk in terms of communism anymore versus capitalism, but there is a social contract which has to be assumed. Whenever there is a society, you should assume that the society is going to provide an environment, going to provide a system, going to be managed in a way which guarantees that every individual will have an opportunity to make a living. That is a social contract, where an individual surrenders to the rules, an individual obeys the laws because he gets something back that he could not get as an individual. If an individual is going to abide by the laws and is going to be a part of the society, the society owes it to him to try to operate in a way which allows him to make a living.

The social contract is sort of an assumption we can make, and that social contract requires that if you are going to be in the leadership, if you are going to be in Congress, if you are going to be in the executive branch, you have an obligation to operate in a way which allows people to earn a living. You have an obligation to manage the economy in a way that provides income for all who want to work.

What we have is a grossly mismanaged economy. We have an economy that is very much managed, that very much is bureaucratized, not so much from the Government sector as also from the private sector. We have an economy that has lots of rules and regulations but they do not redound to the benefit of a majority.

We have an economy which tells us, on the one hand, in this last 10-year period that we should spend billions of dollars, and nobody yet knows how many billions we have spent, to bail out the savings and loan banks. We bailed out the savings and loan banks to the tune of billions of dollars. I do not know what the most recent accounting is, but certainly the taxpayers have lost at least $100 billion already on the savings and loan bailout and it is still going. We ought to call for a report on that and see just where we are, because that is part of the economy that is managed to benefit a handful of people. It is managed to benefit the oppressive minority.

Now we have the same oppressive minority manipulating the economy and the taxpayers' money in ways that will lead to the expenditure of at least $40 billion for Mexico, to bail out the economy of Mexico. We are being called upon to spend at least $30 or $40 billion, they do not give any concrete figure, but it is going to be billions and billions of dollars to bail out the economy of another country.

Why bail out the economy of Mexico? Because large numbers of banks, the same banks that benefited from the bailout of the S&L program, those same banks, many of them are now invested heavily, and the same firms are invested heavily in Mexico and now we are going to go to the aid of Mexico and spend billions of dollars to bail out the economy of Mexico without creating a single job here in this country.

If we have billions of dollars to bail out Mexico, why can we not apply that to an investment in job programs here in this country? Mexico is going to be guilty of a double hit on the wage earners of the United States.

As we clearly explained during the debate on NAFTA, the jobs go where the cheap labor is, and the jobs have moved. Already in the short period of time that NAFTA has been in existence, large numbers of jobs have moved to Mexico. Large numbers of plants are planning to invest in Mexico.

Suddenly there is this bomb that goes off. The bomb goes off and the Mexican economy seems to be in danger and in order now to ensure that this process of draining our economy of jobs is going to keep going, in order to guarantee that nobody in the Wall Street sector of the economy, in the oppressive minority sector of the economy, nobody will lose, we are going to as taxpayers be called upon to bail out Mexico to the tune of billions of dollars. We would like, instead, to see the same kind of attention applied by both the Democratic leadership as well as the Republican leadership to producing jobs here in our own economy.

The Progressive Caucus has a jobs bill that is a well-tested approach. As I said before, it stimulates the economy by providing for basic needs that are there, infrastructure needs, education needs, social service needs, in order to create jobs.

What is happening now is that we have a blind allegiance, a tunnel vision on the Wall Street economy and that tunnel vision is slowly strangling our economy as we follow that. The Wall Street economy is an economy for the minority, it is an economy for the oppressive minority that manipulates the finances of the country and the finances of the private sector in a way as to guarantee greater and greater profits to fewer and fewer people, while more and more people are anxious about their own status and their own employment.

The stakes are very high and the future directions are now being set. As we go toward the new world order, what happens in the next few years must really determine what is going to happen in the next 100 years. It is very important for us to get back on track and fully understand that jobs ought to be the No. 1 priority of the leadership of America. It ought to be the No. 1 priority of the Government. Providing ways for people to make a living ought to still be on the lips of every Member of Congress and of the Government. A jobs bill now should guarantee that the new world order economy is going to be an economy which provides opportunity for all.

Maybe we will not have a jobs bill that can solve all of the problems overnight, because we do have a new world economy, a global economy. One never knows exactly what is going to work and what is not going to work. There are a lot of unpredictable things in such a volatile situation as the one we have now.

We have China, the largest nation in the world in terms of population, China transforming from a socialist economy to a mixed economy. A large part of that economy is capitalist. One does not know what the impact of that is going to be finally on our own economy. We have the nations of Eastern Europe merging into the capitalistic economies of Eastern Europe, of the rest of Europe and also impacting upon this country. Exports coming from those countries, our imports going there.

One does not know in the final analysis what the overall global economy is going to look like in a few years and what all the different breakouts are going to be. You cannot predict it. But you do know that there is a need to keep the American economy strong, there is a need to buttress and to make certain that the magic of our marketplace is never lost. All of the nations of the world were seeking to get into the economy of the United States, to get in our market. Our market since World War II, our market, our consumers, the purchasing power of our workers, that has been the driving force of the post-World War II economic situation. It helped to create the Japanese success. The Japanese were able to come into our markets and sell their products in our market.

□ 1420

It helped to revitalize Europe, because Europe does lean very heavily on our market in selling their products. Not only did we give loans that are open and help them with their recovery, but the market that we created through our consumers allowed them also to prosper and to redevelop their economies.

Now that great consumer market is threatened. Who made up that consumer market? The workers of America, the people. For the first time in history you had a large class, millions and millions of people earning a decent living wage, wages high enough to provide for food, clothing, shelter, and other necessities. And after that they had discretionary income, they had money left over that they could spend for many other things.

The fact that that great consumer market was there allowed the nations of the world to feed upon the economy, the marketplace of the United States, and grow prosperous as a result.

Now we are destroying that great consumer market. The workers earn

less and less, they earn less now per hour than they earned just 10 years ago, and certainly much less than they earned 20 years ago. Many of the workers who were working in good paying manufacturing jobs are now in service jobs making one-third of the amount that they made at that time. The jobs that they had before have been now transported to China, to Hong Kong, to Eastern Europe, to Mexico, to other parts of South America, all over, in search of cheaper labor. We are perpetuating a swindle upon the American people because as they pursue the cheap labor, manufactured products at the cheapest possible costs, bring the products back into our economy and sell them at a cost that is comparable to our standard of living, they make huge profits. The manufacturers and the entrepreneurs make huge profits, but in the meantime they are destroying the consumer market. The people who earn the money to buy the products grow fewer and fewer all the time.

Everybody wants to make their killing, however, and if the Government does not do anything about this, certainly private enterprise will not do anything about it. And that is about what is happening. We are ignoring the working economy, the economy of the workers, the economy of the wage earners, and we are looking at the economy of the big entrepreneurs and manufacturers. They can go and make sneakers in China that are $10 per sneaker, transport them back here and pay the transportation cost, and then sell them for $100 or $120 and make a huge profit in the process, and in the process also deny employment to large numbers of American workers.

So we have to get back to an understanding that that is a problem that cannot be ignored much longer. We have to address ourselves to that problem in the 104th Congress. This Congress has to listen.

Yes, tax cuts are very desirable. I have no problem with a middle income tax cut. I hope we go on with a sensible tax cut. Even if it is symbolic, the tax cut is important. The American people deserve to know that after all of the years of waging the Cold War, after the years of the military buildup, much of which was not necessary but some of which was necessary, after all of those years of expending taxpayer dollars to make the world safe from communism, to make the world safe for democracy, after all of those years they deserve some relief.

So we ought to have a tax cut. There is nothing wrong with a tax cut. A tax cut does not mean we cannot also have a job investments bill and cannot have a job creation bill of the magnitude I am talking about.

We have to have some way for people to earn the income necessary to take care of themselves so that we do not have a drain on the Government one way or another.

There is a great deal of talk about getting people off welfare and that is a great drain on the Government. But take a look at the unemployment insurance and the people who go off unemployment insurance, if they do not get jobs, and you will understand there is another problem. The anger that is out there also leads to many other kinds of problems.

So, in place of a bill which has been proposed by the Republicans, which is basically a bill which calls for the creation of jobs through tax cuts, and we do not hear much about real jobs, in place of that, the Progressive Caucus would like to offer a real bill that talks about physical capital investment. They propose to provide an additional $10 billion in highway and bridge maintenance spending per year over the next 2 fiscal years. As much funding as possible would come from the surplus that is already there in the transit account of the Highway Trust Fund. We estimate as much as $4 billion may be in the Highway Trust Fund. That is one place we could get funds without jeopardizing any other programs or any other aspects of the tax relief program being proposed for middle-income taxpayers.

In 1993 the Federal Transit Administration report noted that to maintain the Nation's highways and bridges at the 1991 level would require an additional outlay of $19.5 billion. To correct overall deficiencies in the highway system would cost $212 billion.

In addition, there are some 118,000 bridges that are defective or deficient. To repair them would cost $7 billion.

I mention highways because, as you see, the largest amount of money expenditures, investments that would stimulate the economy would come through a program like this. It also would provide the greatest amount of activity in terms of jobs for men, jobs for contractors. There are a number of different proven benefits that flow out of contracts related to highways and mass transit. We need $1.6 billion in mass transit investment per year and that is only a small part of what is needed. The American Public Transit Association reports that more than $7 billion above current spending could be used quickly to improve our Nation's mass transit system. This dollar amount would only eliminate the immediate backlogs of mass transit needs. To restore the system to its pre-1980 levels would require an annual investment of about $11 billion.

I do not want to overwhelm anyone who is listening with the billions and billions of dollars of figures. The common sense is that you have got some needs in transportation. Whether you are talking about the construction of highways or you are considering the construction of mass transit facilities, there are clear needs there. You may go to airports; there are clear needs there. Some people would say, well, we have more airplanes than we need now. We are overbooked, our capacity is greater than we need for airlines. Maybe our capacity for mass transit is overbooked. And we certainly do not need railroads. Amtrak is now cutting back.

I think all of this is very shortsighted. It does not understand that one thing that is predicted in the future as far as the global economy is concerned is that in this country there will be one industry that definitely will thrive and will grow no matter what is happening otherwise and that is the industry of tourism. Tourism in New York is the largest industry already, New York City, and it is growing, it is the one industry that is not stagnant. All of the hotels are full right now. They are filled up even before the Chinese middle class starts.

If just for a moment we would think in commonsense terms about the tourism possibilities with respect to people coming into this country who would use our transportation system, they would use a lot of other things besides the transportation system, of course, but those who would use our transportation system in large numbers from outside the country bringing in dollars to spend here in large numbers, think for a moment about the possibilities as we go into the New World Order.

You know China has a population of 1 billion people at least, conservative estimate. If just one-quarter of the Chinese become middle class, and with the thriving economy that they have and the kinds of miracle enterprises that we read about, it is not far-fetched to assume that one-quarter, just one-fourth of the Chinese people could become a Chinese middle class. And let us assume that if just one-tenth, you know one-fourth of a billion is 250 million, if one-tenth of that Chinese middle class decided to travel to America as tourists, that Chinese middle class by itself would produce 25 million more visitors to the United States than we have now, just growth of the middle class in China. Of course the middle class is growing rapidly in other parts of Asia also. We have had the Japanese visitors that are part of the present equation. The largest number of visitors in New York City in terms of tourism, the largest numbers are Germans and Japanese.

□ 1430

They have been around for a long time. So I am talking about not German and Japanese but just the additional tourists that you would realize from other parts of Asia including China would mean 25–30 million visitors coming to the United States. If you add to that number of visitors the people of Eastern Europe who for a long time have not been allowed to travel and there is a growing middle class in Eastern Europe, if you add to that the fact that everywhere in the developing world, no matter how bad conditions are, there are increasing numbers of people there who want to come to the United States either as students or as tourists, and you have a large number of people in the future

who will be a part of a tourism industry on a scale unseen previously by the United States.

So does it make sense to build an infrastructure now which is second to none? Does it make sense to invest in the infrastructure now? Yes, it does. At the same time that you are investing in an infrastructure that we know will be needed, you also are providing jobs at a time when the economy is undergoing a transformation, and there are a lot of things happening that cannot be explained.

So for that reason people are anxious and out of work. You can provide the work in a sure-fire, sure-shot operation.

We know we are going to need transportation. We know we are going to need an infrastructure. Let us spend the money. Let us invest now and guarantee that we will be ready for the boom when it comes later on.

Environmental cleanup also, we know we need it, because neither tourists nor residents will be able, none of us will be able to enjoy our cities and our suburbs unless we clean up some of the environmental mess that has been made. We are talking about $25 to $100 billion which could be spent over a 10-year period. If we begin now, there are large amounts of sound investments, sound expenditures that could be made in the environmental cleanup.

The community development block grant has dealt a number of years with infrastructure problems that exist in the urban centers; extreme hardships faced by communities, very important obvious needs that could be met in building schools and building facilities of various kinds.

Just rehabilitating schools and libraries alone would cost about $3 billion annually over a 2-year period to repair, to renovate, alter, to construct elementary and secondary school facilities, a worthwhile expenditure, very much consistent with our understanding that in the future only the most educated population will be able to take advantage of the jobs that are available.

The tax cut proposals that are being made by the President and the Secretary of Labor all are built around education and young people. Those young people need more than help from their families in order to be able to go to college. They also need some decent schools right now.

There are large numbers of not only elementary and secondary schools that need repair, need to be rebuilt, but the infrastructure of our colleges and our universities, their laboratories, their computer facilities, their infrastructure that allows them to hook up with all kinds of present-day computer facilities, all of that is decaying and needs to be repaired, and in many cases needs to be built from the ground. It would be an investment consistent with what we want.

Along with the jobs, of course, I very much agree with the present emphasis of the Secretary of Labor and the President that job training would be necessary. Much of the training that is going to be done will be done in these school facilities, in the colleges, and they need to have the state of the art equipment, state of the art laboratories, and also the supplies necessary.

We have a crisis right now in this country. In some cities the public school systems are rapidly being abandoned. The local government is moving away from the funding of their own schools. State governments are refusing to come to the aid of schools.

Year before last we had three of the largest school systems in the country, New York, Chicago, and Los Angeles, in grave trouble. The Chicago public school system and the New York City public school systems did not even open their doors until 2 weeks after school was normally supposed to be open.

They had crises of various kinds. New York had a crisis with asbestos. Too many schools had asbestos poisoning or the danger of asbestos contamination. That was a dollar problem. They did not have the money to deal with it fast enough, and the schools were delayed 2 weeks in opening.

Chicago had a more direct fiscal problem. They just did not have the money. They did not have a way to guarantee that they could get through the semester, and they had to wait until certain acts were taken at the State government level before they could open their schools. They were 2 weeks late.

We have not had such a drama in the past fall. We did not have that drama last September. But we do have a situation where both of those systems, and in Los Angeles, the other system in crisis, great reductions are taking place. Schools are no longer able to provide any extracurricular activities. They are now telling parents they should help the kids by sending their own supplies, chalk, erasers, very basic kinds of things which are being requested of parents in terms of helping the schools through a very difficult funding situation.

On top of that, the number of youngsters in each classroom has greatly increased. The number of youngsters that teachers have to face now has gone up as high as 40 in New York City classrooms. So we are moving away from and abandoning our public schools in a period of time when we all admit and all advocate that there must be greater and more education.

Those schools need help. If we cannot help in the operating costs, and we know that schools are not the function of the Federal Government; education is primarily a State function. Education still is a State and local function.

In 1995 the Federal Government at this point spends, is responsible for, only about 7 percent of the total expenditure for education in the country. The other 93 percent is the responsibility of the State government and the local government. So we are not talking about having the Federal Government assume responsibilities of a great magnitude that it does not have responsibility for at the present.

We are talking about one-time expenditures that would help relieve these localities and help relieve our school systems as well as relieve our higher education systems by providing the immediate expenditures for capital equipment, for plant, for the kinds of things that they will not have anything but a one-time expenditure for. It will at the same time provide jobs.

Jobs have to be No. 1. We can talk all we want to about welfare reform. But if we do not accept the responsibility that leaders are supposed to manage the economy so that everybody has an opportunity, leaders have an obligation not to just worry about one sector of the economy or the Wall Street economy, not just to worry about inflation and return on investments and increasing opportunities for people who have higher profits by signing GATT agreements and NAFTA agreements, leadership has to be concerned about what the bottom line is going to be for the people out there who have to go to work every day. We have to be concerned about providing jobs and income first of all.

People solve their own problems. Individuals can solve their own problems. Families can solve their own problems when they have enough income.

You know, a great number of the problems that we face in the areas of crime and the need to help families with children, large numbers of those problems are directly resulting from the fact that there are no income possibilities for the parents.

First, there are no income possibilities for the men, and they leave home. Then there are no income possibilities often for the women who are left to take care of children.

I am 100 percent in favor of welfare reform. There needs to be a change. But the change should be an honest change.

We should recognize and admit from the very beginning that welfare as we know it right now exists in great amount in America because welfare is cheaper than full employment. Welfare is cheaper than providing jobs. Providing jobs that we insist that welfare mothers take, that will cost far more than providing the measly stipend that families receive once a month. Providing a job which is going to cover the costs of food, clothing, and shelter for a family of three will require more than any State presently pays to welfare recipients. Of course, some States pay less than $200 a month as a survival stipend for a family of three.

We need to look at welfare reform in honest terms and say, first of all, we are going to be diligent. First of all,we are going to set priorities in terms of job creation, and when you say that you want every person on welfare to be

off in 2 years and working, that they can look forward to 2 years or less, of course, the majority of welfare, people on welfare, do not stay on for 2 years in a steady stream. They re not on welfare consistently and consecutively for 2 years.

□ 1440

Most welfare recipients get jobs and then they go off welfare for a while and then come back on when those jobs are not able to pay for their food, clothing, and health care. That is a great problem with families who have children, talking about aid to dependent children. Those children have no medical coverage once a person leaves welfare. A large number of people who come back on welfare, who have tried the marketplace, come back on welfare because there is no other way to get medical care for their children.

So let us solve that problem. If we make jobs No. 1, then we are able to solve part of the problem by employment. We have to make health care somehow attached to the jobs that poor people receive, and then we will have made great strides toward solving the problems that we say we want to solve.

I am all for reforming the welfare system, all for people working. But in my district, which has a large number of welfare recipients, I assure you that for every job you produce for a welfare recipient, I will have 10 people standing in line waiting to go to work.

We have had situations where there have been announcements of a few jobs at plants, hotels, various places where long lines have formed. Not only do we have an obligation to provide jobs for people who are on welfare but we have an obligation to provide jobs for those people who do not go on welfare, those people who came off the unemployment rolls who can no longer receive unemployment checks but did not go on welfare. They need a job too.

It does not make sense, it is not common sense to say we are going to provide jobs for welfare recipients if we are not going to address the problem of jobs assisting everybody else. When we say if you go on welfare, if you are receiving aid as a welfare recipient, you get in line first to get a job, you deserve a job, we are going to create jobs for you, provide job training for you. But there are millions of Americans who are unemployed or underemployed who are not a welfare burden on the State or the city or the Nation, and they too deserve jobs. Only a jobs program, a comprehensive jobs program like the one we have proposed in the Progressive Caucus, will solve that problem. It is very important that, as we go through these next 100 days, that we raise our voices.

Yes, the other party has the majority. It is not likely we are going to get a progressive jobs bill passed. It is not likely the Democratic leadership at this point is going to listen to a bill which proposes to do what we tried to do 2 years ago in the stimulus package, when President Clinton first proposed a $19 billion stimulus package, $3 billion in tax cuts and $16 billion in direct expenditures for the same kinds of activities that I am putting forth here. This is nothing new. We do not pretend to have anything creative or innovative in terms of being newly conceived.

Franklin Roosevelt, in the Works Progress Administration [WPA], and later on the other program which went out to private contract, they did the same thing, focusing on obvious needs. They focused on infrastructure, needs that existed everywhere. They paid people to do the work that was there. There was a lot of work to be done, plenty of work.

The problem is work is not a job unless somebody pays you to do it. So our job is to keep the alternative out there. We want the American people to follow us, the taxpayers to follow us. If all the people who went out and told the interviewers at the polls on election day that you were angry about not having a decent job and wages are not decent, follow what we say on the floor of this House, what the Progressive Caucus jobs bill is, and you will hear an answer. You will not hear the answer in the balanced budget amendment. It is not there. The balanced budget amendment, if it were to be changed so that it recognizes, in addition to threats to the security of the country, there are threats that come via warfare, threats to the stability of the country, and recognize that jobs and the need to create jobs is just as important as meeting those threats. So that programs that invest in jobs should be not a part of the whole balanced budget process. We offered an amendment to that effect. We offer an amendment which, in effect, says if unemployment exceeds 4 percent, 4 percent is not a figure that we pulled out of the hat. There is a full employment and gross amendment which was passed in 1978 called the Humphrey-Hawkins bill. The bill does say that the threshold is 4 percent. If we reach a 4-percent unemployment level, the Government should take it seriously and do things to bring down the unemployment and keep it below 4 percent, to never rise above 4 percent. Of course, we have Mr. Greenspan, of the Federal Reserve Board, making his own rules. He considers high employment as an enemy to the economy. As unemployment goes up, he is happy; as employment goes up and unemployment goes down, Mr. Greenspan is unhappy.

We have a part of the Government that was not elected, a part of the Government that nobody can do anything to, they make decisions behind closed doors; they are telling us that high employment is a threat to the economy, high employment is undesirable. As unemployment goes up, Mr. Greenspan wants to raise interest rates so that the activity in the economy which creates jobs is slowed down.

Now, I do not know how you build a civilized society, how you meet the social contract to provide jobs and opportunity for all, if you are going to have bureaucrats of the nature of Alan Greenspan making new rules which say that you have to bring down the investment in the economy, in the job-creation activity, every time employment goes up. That is not the way to go.

Common sense tells us that employment is always a desirable activity. Whatever produces jobs is desirable. You are going to have to understand, as the American people, that these new, complex statistics and new, complex patterns of reasoning behind the scenes in secret sessions, are what drive our economy. The President is listening, the White House is listening, the leadership of both parties are listening, and we are obeying people who do not live by their own rules. If Mr. Greenspan thinks unemployment is highly desirable, then he and members of the Federal Reserve should volunteer to be unemployed once a month. If you want to help the economy, volunteer to be unemployed once a month. If it is a good, if it is a public good, then let everybody participate and not inflict unemployment on large masses of people and say it is highly desirable that you remain unemployed. That is what is happening.

We want a job-creation program. Mr. Speaker, I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I thank the gentleman.

Mr. Speaker, I was listening to the gentleman from New York [Mr. OWENS] in my office, and I ran back over here because I just received a telephone call, a frantic call from the gentleman's home State of New York that for over 700 workers in Medina, NY, at the Fisher-Price plant, which is owned by the Mattel Corp., this morning were given a notice, yesterday were given a notice to come in to work this morning at 7:30. They all came in to work, and they all were fired.

And where did their jobs go? Lo and behold, the jobs of over 700 Americans, manufacturing workers, went to Mexico. Why are they going to Mexico? In the company's own words, and I quote, ''The Medina plant historically has been the higher-cost producer and doesn't have the flexibility of other United States/Mexico manufacturing facilities.''

In short, American workers who asked for a more fair wage for the work that they do are punished for it.

I think it is absolutely reprehensible what is going on here, because it is exactly what the critics of NAFTA, like myself, were most afraid to hear, in fact dreaded to hear: Fired by a multinational corporation, Fisher-Price, owned by Mattel, which has been crying the loudest about its investments. Where? In Mexico.

And in the New York Times, on January 5, there was a story on the business page which indicates that Mattel, the Mattel Co., was concerned and wants

us to bail Mexico out because it is not making as much profits in Mexico as it had hoped to make.

So I want to say to my colleague from New York I am so happy he is down here on the floor. I am sorry that I am the bearer of bad tidings from his State, the northern part of the State. But it was so related to what the gentleman is talking about that I had to run over here and get this on the record.

□ 1450

Mr. Speaker, I just want to say to those who are listening with expected United States taxpayer money in their pocket, ''If Congress passes this Mexican bailout, then Mattel will be firing—they have already fired those 700 workers in upper New York State, and they are going to move those jobs to Mexico, and then we are going to back up their investment in Mexico. How is that one for late in the day on Wednesday afternoon?''

Mr. OWENS. Mr. Speaker, I thank the gentlewoman from Ohio [Ms. KAPTUR] for her timely announcement. I regret very much it is bad news. We have been receiving a lot of that kind of news lately in New York State and States across the country: The streamlining, these cutbacks and wipeout of total plants in order to move to all places, of all places, Mexico, and now we are being told—listen closely, American voter; listen closely, American taxpayer—we are being told now that your taxpayers' money must be used to bail out the Mexican economy.

As my colleagues know, twice in the last 10 years; we are going to now go to bat to bail out the investments of the banking and investment community. Large numbers of American investors have invested in Mexico, the plants in Mexico, taking the jobs away from our people, destroying our own consumer market, and now we, as taxpayers, will have to dig into our pockets and begin to bail out the Mexican economy to the tune of let us begin with $40 billion. I do not want to talk about how much it is, and they say, ''Well, it's off budget, so don't worry about it.''

Nothing is really off budget. That is just nonsense. The Treasury is the same Treasury. Whenever they go off budget, as they did in the savings and loans, it increases the deficit. It is not just in the current budget. I say, ''You don't have to take something out to put that in, but it increases the deficit.''

As my colleagues know, we spent more than a hundred billion dollars on the savings and loan bailout, a hundred billion dollars to the banks. At least those were American banks and American depositors, most of them. A lot of them were from outside of the country, but now we are talking about $40 billion, $40 billion or more, to go to Mexico to bail out the Mexican economy. Those jobs were taken from our economy.

When will it stop, American voter, American taxpayer? Listen closely. We are being manipulated, we are being swindled, twice in a 10-year period.

Ms. KAPTUR. Mr. Speaker, if the gentleman would yield, I am very grateful, and I will not take up much of his time here, but I did want to point out this company, Mattel—that just fired 700 workers this morning in New York State—made $236 million in profit last year, $236.6 million, and one of the toys that they make is the Barbie doll.

Most little girls in America own between 8 and 12 Barbie dolls. There is not a single Barbie doll made in the United States of America, not a single one, even though Mattel makes inordinate profits in our market, and is moving our jobs elsewhere and is making egregious profits off the difference between what it charges us because the price of Barbie dolls did not go down in America. They run from $29.99 all the way up to $200. I know; I used to buy them when they were made here, and they pay their workers very low wages, not just in Mexico, but in Indonesia, in China, in Malaysia, and then they bring all that stuff back here for us, and they think we do not notice.

But I tell you what: Those 700 workers in New York State, we are here for you because we're going to be your voice, and we are going to continue to be your voice through this tough struggle.

Mr. Speaker, I want to thank MAJOR OWENS of New York who came here in the same year as I did and has been a fighter for the people of this country for as long as we have served together.

Mr. OWENS. Mr. Speaker, I thank the gentlewoman from Ohio [Ms. KAPTUR] for her thorough work. Nobody knows better than she does the details of what is happening in terms of products that are being manufactured in other economies with dirt-cheap labor, with cheapest possible labor, sometimes child labor, sometimes slave labor, sometimes prison labor in China, and we accept all this. The evil empire of ''Mere Clichon'' is no longer an evil empire when our buyers and manufacturers can go over there and make deals where they manufacture these products at very low cost, and bring them back over here and sell them. The price is comparable for our standard of living.

We must understand this. There was a study conducted recently which reported that the workers are angry. When I say ''workers,'' wage earners, and the vast majority of American people are wage earners. Whether you belong to a union or not, if you are a wage earner, you are part of that great majority out there which is being neglected. You are not part of the minority that is being taken care of by the Wall Street economy which gets great profits, of course, from these deals that are made on a multinational basis.

So, you have to wake up and understand that instead of being angry at the Government, the study shows that the majority of people are angry at the Government. Yes, it is important to be angry at the Government. We have the power to make the decisions which lead to a large number of the managerial aspects of our economy, sets the rules and regulations. If our Government had not signed GATT, we would not be in more danger than we are—than we were before GATT was signed. If our Government had not pushed us, and the Governments means the Members of Congress, I did not vote for NAFTA, just as the gentlewoman from Ohio did not vote for NAFTA; if that had not been a pass, we would not be locked into the economy of Mexico to the degree that we are.

Mexico, if they want to make Mexico the 51st State, well, let us consider that because then they would have to abide by labor regulations, environmental regulations. They would have to compete on an equal basis with industry here. But they could not undercut the workers of this country. But, no, Mexico has the benefits of not being part of the country, not abiding by the regulations and rules, and yet we are going to take care of their economy.

Listen, taxpayers. Listen, American voters. Listen and understand what you have to be angry at. Do not be broad-based in your anger. Be very specific. The coming bailout of Mexico must be targeted for what it is, and that is a great swindle of the American people to take care of the interests of the investors in Mexico who have made a bad deal, and now, in addition to selling out our workers, they want to sell out the taxpayers further by using taxpayers' money to prop up that economy.

Does the gentlewoman have another statement?

Ms. KAPTUR. Mr. Speaker, I just wanted to mention to the gentleman I was in a meeting this morning with our Secretary of the Treasury, and I very pointedly asked him why we should approve this, why should Congress just go along with the administration and its supporters on both sides of the aisle up here, and he said, ''Well, you know, back in 1982 Mexico had financial problems, and they owed 12 commercial banks, and America had to try to help back then.'' Yes, Mexico had debt then, they have debt now.

And I said, ''Of course, who do they owe the money to now? Where is the specific list of the investment banks on Wall Street that took a gamble in Mexico and now had their tail caught in the wringer?'' I said, ''Could you provide us with that list? What about the big megabanks all over the world that have invested in Mexico and are making huge profits by the way?'' This is a good time to be in the banking industry because the profits are so huge. ''What about some of these corporations like Mattel Corp. that have their hand out to the Government of Mexico through our taxpayers?''

And he said, ''Of course you know it's different now because so much of the investment came through mutual funds.''

And I asked him a very pointed question. I said, ''Are mutual funds insured deposits where we have the kind of promise that we have made to our own depositors?''

He could not answer ''yes'' obviously. They are uninsured speculative investments.

So, what responsibility do we have to take the people's money to bail them out?

Mr. OWENS. Capitalism is creative destruction, and all capitalists are proud of that. You destroy what is inefficient in order to lift up what is efficient and keep the economy moving forward in a most efficient and effective way. So, capitalism involves taking great risks, it involves destruction. The people took great risk in Mexico and now are going to be destroyed, should not have us step in with socialism, force the American taxpayers to participate in a socialistic act to bail them out.

We had socialism in the savings-and-loan bailout. That was enough socialism. We do not need to prop up private enterprise which has been inefficient, negligent, made the wrong judgments and moved off on the wrong assumptions, been greedy, because they were pursuing high maximum returns using Mexican cheap labor in order to get richer and richer, and they temporarily have failed. We should make them sweat it out. Maybe the Mexican economy will right itself in the next 10 or 20 years. Let them wait. Let us not apply an injection of $40 billion more into Mexico at a time when we are saying we do not have the money to invest in jobs here, when we are saying we must cut back the cost of Government drastically.

We have a balanced budget amendment being proposed, but this budget that is coming up right now, Mr. KASICH has promised us there will be gigantic budget cuts. Why are we going to be cutting education, cutting even agricultural subsidies? Some of those make sense. Why are we going to be cutting things that help the American people directly in order to provide more funds to bail out Mexico? It is a form of foreign aid at its worst. It is foreign aid that funnels its way back into the banks of this country.

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We do not want to provide socialism for banks. Let the banks stand on their own two feet. Let us not have any more corporate welfare. The New York Times yesterday had an article on corporate welfare and said when are we going to stop the corporate welfare?

Everybody loves to beat up on the mother out there who has a few kids, who has for various reasons to receive help from the Government. That seems to be the target. We are a nation of bullies. Everybody is excited about it. Get the welfare mothers. They are threatening our economy.

Yet it is a very tiny percentage of the total budget, far less than the corporate welfare, corporate welfare which involves the agribusiness, one of the biggest players in corporate welfare. We are still paying the agribusiness billions of dollars not to grow grain, crop insurance, farm price subsidies, farm home loan mortgages; all kinds of things are being pitched out to the agribusiness.

When I say agribusiness instead of farmers, they are not people. Less than 2 percent of the population of America are now farmers. Those are not human beings we are talking about giving billions of dollars to. The billions of dollars that go into agribusiness go to businesses, agricultural target price programs which means lower price subsidy supports for basic commodities, which is $11.2 billion. We are spending $11.2 billion for that aspect of welfare to the agribusiness, agriculture subsidies to wealthy farmers.

Every person that gets welfare is means tested. That means they check and double check and recheck to see if you really are poor, how much income you have, whether you have a car, whether you own anything, et cetera. It is means tested.

We have programs that go to farmers and the agriculture practice businesses and nobody means-tests them. Whether you are rich or poor, and they are all rich mostly because they are big businesses now, they are not the farmers of the kind Franklin Roosevelt was trying to help, the New Deal farmers. These are big businesses; less than 2 percent of the population now around to get jobs in these big businesses. Millions of dollars go to wealthy farmers. If you eliminated just the subsidy payments for individuals with taxable incomes of more than $120,000, and to business, firms, corporations, with incomes of more than $5 million, if you eliminated just that, you would save $1 billion. Just cut them out.

On and on it goes. We have grazing fees out there. The ranchers who have their cattle and livestock on public lands pay a very tiny percentage of what they pay to private enterprise. These are the same people who want to get Government off their back. They make speeches about welfare recipients, mothers on welfare, and the need for them to have 2 years. Let us institute a 2-year policy; everybody gets help for 2 years.

Rural electric subsidies, 2 years; Tennessee Valley beneficiaries, off after 2 years; clean technology, off after 2 years. CIA, let's close the CIA in 2 years. If not close it up, let us have common sense and understand that the CIA, with a $28 billion-plus budget, does not need to exist anymore. If you add up all of the kinds of savings that you could accumulate from taking away the corporate welfare, making some cuts in the military budget, making some cuts in enormously wasteful enterprises like the CIA, refusing to bail out Mexico.

I am in favor of foreign aid. It makes sense, but program it so it is going to help people. The worst kind of foreign aid is to pump $40 billion into Mexico in order to funnel it back to the banks of this country. It is about to happen; it is on the horizon.

As I close, I would like to warn every American, the possibility of creating a jobs program which could create 1 million jobs per year is very real. The money is there. We could save it out of programs that are wasteful, and we could forgo and refuse to expend it in Mexico. Money is there for the investment in jobs. We should not cast a blind eye to the No. 1 concern of the great majority of Americans. They are worried about their jobs, their income; they are worried about the stability of their family life. They are worried about what is going to happen to their children.

The Progressive caucus has put forth legislation to deal with those concerns. You will hear more from us as the year goes on. We understand that jobs are No. 1, jobs are our highest priority today, and jobs will be our highest priority for the rest of the 104th Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of family illness.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT), for today, on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MFUME) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

Mr. VOLKMER, for 5 minutes, today.

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. HORN, for 5 minutes, today.

Mr. GOSS, for 5 minutes, on January 19.

Mr. DELAY, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. SOLOMON.
Mr. PACKARD.
Mr. FIELDS of Texas.
Mr. EHRLICH.
Mr. WELDON of Pennsylvania.
Mr. CRANE.
Mr. HORN.
Mr. CHAMBLISS.

(The following Members (at the request of Mr. MFUME) and to include extraneous matter:)

Mr. EDWARDS in two instances.
Mr. MOAKLEY.
Mr. TORRES.
Mr. MARKEY.
Mr. ACKERMAN.
Mr. LEVIN in two instances.
Mr. GONZALEZ.
Mr. VENTO.
Mrs. MEEK of Florida.
Mr. COLEMAN.
Mr. BERMAN.
Ms. ESHOO.

(The following Members (at the request of Mr. HORN) and to include extraneous matter:)

Mr. GEKAS.
Mr. MENENDEZ in two instances.
Mr. MCINNIS.
Mr. JOHNSON of Texas.
Ms. WOOLSEY.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. GALLEGLY.
Mr. CRANE.
Mr. MENENDEZ in two instances.
Mr. BILBRAY.
Mr. PASTOR in two instances.
Mr. GEKAS.
Mr. SCHUMER in two instances.
Messrs. GALLEGLY, BERMAN, BEILENSON, and WAXMAN.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2. An act to make certain laws applicable to the legislative branch of the Federal Government.

RULES OF PROCEDURE FOR THE COMMITTEE ON APPROPRIATIONS FOR THE 104TH CONGRESS

(Mr. LIVINGSTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LIVINGSTON. Mr. Speaker, pursuant to and in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit for publication in the CONGRESSIONAL RECORD a copy of the rules of the Committee on Appropriations for the 104th Congress as approved by the committee on January 10, 1995.

COMMITTEE ON APPROPRIATIONS—COMMITTEE RULES, APPROVED JANUARY 10, 1995

Resolved, That the rules and practices of the Committee on Appropriations, House of Representatives, in the One Hundred Third Congress, except as otherwise provided hereinafter, shall be and are hereby adopted as the rules and practices of the Committee on Appropriations in the One Hundred Fourth Congress.

The foregoing resolution adopts the following rules:

SEC. 1: POWER TO SIT AND ACT

For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House of Representatives, the Committee or any of its subcommittees is authorized:

(a) To sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(b) To require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, reports, correspondence, memorandums, papers, and documents as it deems necessary. The Chairman, or any Member designated by the Chairman, may administer oaths to any witness.

(c) A subpoena may be authorized and issued by the Committee or its subcommittees under subsection 1(b) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members of the Committee voting, a majority being present. The power to authorize and issue subpoenas under subsection 1(b) may be delegated to the Chairman pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

(d) Compliance with any subpoena issued by the Committee or its subcommittees may be enforced only as authorized or directed by the House.

SEC. 2: SUBCOMMITTEES

(a) The Majority Caucus of the Committee shall establish the number of subcommittees and shall determine the jurisdiction of each subcommittee.

(b) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee all matters referred to it.

(c) All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks unless, by majority vote of the Majority Members of the full Committee, consideration is to be by the full Committee.

(d) The Majority Caucus of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee. The Chairman is authorized to negotiate that ratio with the Minority; Provide, however, That party representation in each subcommittee, including ex-efficio members, shall be no less favorable to the Majority than the ratio for the full Committee.

(e) The Chairman and Ranking Minority Member of the full Committee are authorized to sit as a member of all subcommittees and to participate, including voting, in all its work.

SEC. 3: STAFFING

(a) Committee Staff—The Chairman is authorized to appoint the staff of the Committee, and make adjustments in the job title and compensation thereof subject to the maximum rates and conditions established in Clause 6(c) of Rule XI of the Rules of the House of Representatives. In addition, he is authorized, in his discretion, to arrange for their specialized training. The Chairman is also authorized to employ additional personnel as necessary.

(b) Assistants to Members—Each of the top twenty-one senior majority and minority Members of the full Committee may select and designate one staff member who shall serve at the pleasure of that Member. Such staff members shall be compensated at a rate, determined by the Member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That Members designating staff members under this subsection must specifically certify by letter to the Chairman that the employees are needed and will be utilized for Committee work.

SEC. 4: COMMITTEE MEETINGS

(a) Regular Meeting Day—The regular meeting day of the Committee shall be the first Wednesday of each month while the House is in session, unless the Committee has met within the past 30 days or the Chairman considers a specific meeting unnecessary in the light of the requirements of the Committee business schedule.

(b) Additional and Special Meetings:

(1) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three Committee Members desire that a special meeting of the Committee be called by the Chairman, those Member may file in the Committee Offices a written request to the Chairman for the special meeting. Such request shall specify the measure or matter to be considered. Upon the filing of the request, the Committee Clerk shall notify the Chairman.

(3) If within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Committee Members may file in the Committee Offices their written notice that a special meeting will be held, specifying the date and hour of such meeting, and the measure or matter to be considered. The Committee shall meet on that date and hour.

(4) Immediately upon the filing of the notice, the Committee Clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at the special meeting.

(c) Vice Chairman To Preside in Absence of Chairman—A member of the majority party on the Committee or subcommittee thereof designated by the Chairman of the full Committee shall be vice chairman of the Committee or subcommittee, as the case may be, and shall preside at any meeting during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting of the Committee or subcommittee, the ranking member of the majority party who is present shall preside at that meeting.

(d) Business Meetings:

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee and its subcommittees shall be open to the public except when the Committee or its subcommittees, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed.

(2) No person other than Committee Members and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed.

(3) The provisions of this subsection do not apply to open hearings of the Committee or its subcommittees which are provided for in Section 5(b)(1) of these Rules or to any meeting of the Committee relating solely to internal budget or personnel matters..

(e) Committee Records:

(1) The Committee shall keep a complete record of all Committee action, including a record of the votes on any question on which a roll call is demanded. The result of each roll call vote shall be available for inspection by the public during regular business hours in the Committee Offices. The information made available for public inspection shall include a description of the amendment, motion, or other proposition, and the name of each Member voting for and each Member voting against, and the names of those Members present but not voting.

(2) All hearings, records data, charts, and files of the Committee shall be kept separate and distinct from the congressional office records of the Chairman of the Committee. Such records shall be the property of the House, and all Members of the House shall have access thereto.

(3) The records of the Committee at the National Archives and Records administration shall be made available in accordance with Rule XXXVI of the Rules of the House, except that the Committee authorizes use of any record to which Clause 3(b)(4) of Rule XXXVI of the Rules of the House would otherwise apply after such record has been in existence for 20 years. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to Clause 3(b)(3) or Clause 4(b) of Rule XXXVI of the Rules of the House, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination upon the written request of any Member of the Committee.

SEC. 5: COMMITTEE AND SUBCOMMITTEE HEARINGS

(a) Overall Budget Hearings—Overall budget hearings by the Committee, including the hearing required by Section 242(c) of the Legislative Reorganization Act of 1970 and Clause 4(a)(1) of Rule X of the Rule of the House of Representatives shall be conducted in open session except when the Committee in open session and with a majority present, determines by roll call vote that the testimony to be taken at that hearing on that day may be related to a matter of national security; except that the Committee may be the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy furnished to each Member, Delegate, and the Resident Commissioner from Puerto Rico.

(b) Other Hearings:

(1) All other hearings conducted by the Committee or its subcommittees shall be open to the public except when the Committee or subcommittee in open session and with a majority present determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or Rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present at a hearing conducted by the Committee or any of its subcommittees, there being in attendance the number required under Section 5(c) of these Rules to be present for the purpose of taking testimony, (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives or (2) may vote to close the hearing, as provided in Clause 2(k)(5) of such Rule. No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or its subcommittees unless the House of Representatives shall by majority vote authorize the Committee or any of its subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public; Provided, however, That the Committee or its subcommittees may by the same procedure vote to close five subsequent days of hearings.

(2) Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

(3) Each witness who is to appear before the Committee or any of its subcommittees as the case may be, insofar as is practicable, shall file in advance of such appearance, a written statement of the proposed testimony and shall limit the oral presentation at such appearance to a brief summary, except that his provision shall not apply to any witness appearing before the Committee in the overall budget hearings.

(c) Quorum for Taking Testimony—The number of Members of the Committee which shall constitute a quorum for taking testimony and receiving evidence in any hearing of the Committee shall be two.

(d) Calling and Interrogation of Witnesses:

(1) The Majority Members of the Committee or its subcommittees shall be entitled, upon request to the Chairman or subcommittee chairman, by a majority of them before completion of any hearing, to call witnesses selected by the Majority to testify with respect to the matter under consideration during at least one day of hearings thereon.

(2) The Committee and its subcommittees shall observe the five-minute rule during the interrogation of witnesses until such time as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

(e) Broadcasting and Photographing of Committee Meetings and Hearings—Whenever a hearing or meeting conducted by the full Committee or any of its subcommittees is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, except as provided in paragraph (f)(2) of the Rules of the House of Representatives. Neither the full Committee Chairman or Subcommittee Chairman shall limit the number of television or still cameras to fewer than two representatives from each medium.

(f) Subcommittee Meetings—No subcommittee shall sit while the House is reading an appropriation measure for amendment under the five-minute rule or while the Committee is in session.

(g) Public Notice of Committee Hearings—The Chairman is authorized and directed to make public announcements of the date, place, and subject matter of Committee and subcommittee hearings at least one week before the commencement of such hearings. If the Committee or any of its subcommittees, as the case may be, determines that there is good cause to begin a hearing sooner, the Chairman is authorized and directed to make the announcement at the earliest possible date.

SEC. 6: PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a) Prompt Reporting Requirement:

(1) It shall be the duty of the Chairman to report, or cause to be reported promptly to the House any bill or resolution approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, a report on a bill or resolution which the Committee has approved shall be filed within seven calendar days (exclusive of days in which the House is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of Committee Members, for the reporting of such bill or resolution. Upon the filing of any such request, the Committee Clerk shall notify the Chairman immediately of the filing of the request. This subsection does not apply to the reporting of a regular appropriation bill or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(b) Presence of Committee Majority—No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(c) Roll Call Votes—With respect to each roll call vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure of matter, the total number of votes cast for and against, and the names of those Members voting for and against, shall be included in the Committee report on the measure or matter.

(d) Compliance With Congressional Budget Act—A Committee report on a bill or resolution which has been approved by the Committee shall include the statement required by Section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the bill or resolution provides new budget authority.

(e) Inflationary Impact Statement—Each Committee report on a bill or resolution reported by the Committee shall contain a detailed analytical statement as to whether the enactment of such bill or resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(f) Changes in Existing Law—Each Committee report on a general appropriation bill shall contain a concise statement describing fully the effect of any provision of the bill which directly or indirectly changes the application of existing law.

(g) Rescissions and Transfers—Each bill or resolution reported by the Committee shall include separate headings for rescissions and transfers of unexpended balances with all proposed rescissions and transfers listed therein. The report of the Committee accompanying such a bill or resolution shall include a separate section with respect to such rescissions or transfers.

(h) Listing of Unauthorized Appropriations—Each Committee report on a general appropriations bill shall contain a list of all appropriations contained in the bill for any expenditure not previously authorized by law (except for classified intelligence or national security programs, projects, or activities).

(j) Supplemental or Minority Views:

(1) If, at the time the Committee approves any measure or matter, any Committee Member gives notice of intention to file supplemental, minority, or additional views, the Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by the Member, with the Clerk of the Committee. All such views so filed shall be included in and shall be a part of the report filed by the Committee with respect to that measure or matter.

(2) The Committee report on that measure or matter shall be printed in a single volume which—

(i) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(ii) shall have on its cover a recital that any such supplemental, minority, or additional views are included as part of the report.

(3) Subsection (h)(1) of this section, above, does not preclude—

(i) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by such subsection; or

(ii) the filing by the Committee of a supplemental report on a measure or matter which may be required for correction of any technical error in a previous report made by the Committee on that measure or matter.

(4) If, at the time a subcommittee approves any measure or matter for recommendation to the full Committee, any Member of that subcommittee who gives notice of intention to offer supplemental, minority, or additional views shall be entitled, insofar as is practicable and in accordance with the printing requirements as determined by the subcommittee, to include such views in the Committee Print with respect to that measure or matter.

(j) Availability of Reports—A copy of each bill, resolution, or report shall be made available to each member of the Committee at least three calendar days (excluding Saturdays, Sundays, and legal holidays) in advance of the date on which the Committee is to consider each bill, resolution, or report; Provided, That this subsection may be waived by agreement between the Chairman and the Ranking Minority Member of the full Committee.

SEC. 7: VOTING

(a) No vote by any Member of the Committee or any of its subcommittee with respect to any measure or matter may be cast by proxy.

(b) The vote on any question before the Committee shall be taken by the yeas and nays on the demand of one-fifth of the Members present.

SEC. 8: STUDIES AND EXAMINATIONS

The following procedure shall be applicable with respect to the conduct of studies and examinations of the organization and operation of Executive Agencies under authority contained in Section 202(b) of the Legislative Reorganization Act of 1946 and in Clause 2(b)(3) of Rule X, of the Rules of the House of Representatives.

(a) The Chairman is authorized to appoint such staff and, in his direction, arrange for the procurement of temporary services of consultants, as from time to time may be required.

(b) Studies and examinations will be initiated upon the written request of a subcommittee which shall be reasonably specific and definite in character, and shall be initiated only by a majority vote of the subcommittee, with the chairman of the subcommittee and the ranking minority member thereof participating as part of such majority vote. When so initiated such request shall be filed with the Clerk of the Committee for submission to the Chairman and the Ranking Minority Member and their approval shall be required to make the same effective. Notwithstanding any action taken on such request by the chairman and ranking minority member of the subcommittee, a request may be approved by a majority of the Committee.

(c) Any request approved as provided under subsection (b) shall be immediately turned over to the staff appointed for action.

(d) Any information obtained by such staff shall be reported to the chairman of the subcommittee requesting such study and examination to the Chairman and Ranking Minority Member, shall be made available to the members of the subcommittee concerned, and shall not be released for publication until the subcommittee so determines.

(e) Any hearings or investigations which may be desired, aside from the regular hearings on appropriation items, when approved by the Committee, shall be conducted by the subcommittee having jurisdiction over the matter.

SEC. 9: OFFICIAL TRAVEL

(a) The chairman of a subcommittee shall approve requests for travel by subcommittee members and staff for official business within the jurisdiction of that subcommittee. The ranking majority member of a subcommittee shall concur in such travel requests by minority members of that subcommittee and the Ranking Minority Member shall concur in such travel requests for Minority Members of the Committee. Requests in writing covering the purpose, itinerary, and dates of proposed travel shall be submitted for final approval to the Chairman. Specific approval shall be required for each and every trip.

(b) The Chairman is authorized during the recess of the Congress to approve travel authorizations for Committee Members and staff, including travel outside the United States.

(c) As soon as practicable, the Chairman shall direct the heard of each Government agency concerned not to honor requests of subcommittees, individual Members, or staff for travel, the direct or indirect expenses of which are to be defrayed from an executive appropriation, except upon request from the Chairman.

(d) In accordance with Clause 2(n) of Rule XI of the Rules of the House of Representatives and Section 502(b) of the Mutual Security Act of 1954, as amended, local currencies owned by the United States shall be available to Committee Members and staff engaged in carrying out their official duties outside the United States, its territories, or possessions. No Committee Member or staff member shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(e) Travel Reports:

(1) Members or staff shall make a report to the Chairman on their travel, covering the purpose, results, itinerary, expenses, and other pertinent comments.

(2) With respect to travel outside the United States or its territories or possessions, the report shall include: (1) an itemized list showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purposes; and (2) a summary in these categories of the total foreign currencies and/or appropriated funds expended. All such individual reports on foreign travel shall be filed with the Chairman no later than sixty days following completion of the travel for use in complying with reporting requirements in applicable Federal law, and shall be open for public inspection.

(3) Each Member or employee performing such travel shall be solely responsible for supporting the amounts reported by the Member or employee.

(4) No report or statement as to any trip shall be publicized making any recommendations in behalf of the Committee without the authorization of a majority of the Committee.

(f) Members and staff of the Committee performing authorized travel on official business pertaining to the jurisdiction of the Committee shall be governed by applicable laws or regulations of the House and of the Committee on House Administration pertaining to such travel, and as promulgated from time to time by the Chairman.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 5 minutes p.m.), the House adjourned until Thursday, January 19, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

177. A letter from the Assistant Secretary of Education, Office of Special Education and Rehabilitative Services, transmitting final priorities—research and demonstration projects, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

178. A letter from the Secretary of Education, transmitting a report concerning surplus Federal real property disposed of to educational institutions in fiscal year 1994, pursuant to 40 U.S.C. 484(o)(1); to the Committee on Economic and Educational Opportunities.

179. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a listing of gifts by the U.S. Government to foreign individuals during fiscal year 1994, pursuant to 22 U.S.C. 2694(2); to the Committee on International Relations.

180. A letter from the Chairman, Federal Labor Relations Authority, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

181. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the agency's annual report for the calendar year 1994 under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

182. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

183. A letter from the Director, Office of Government Ethics, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

184. A letter from the Secretary of Labor, transmitting notification of the Department's intent to award a sale-source contract as required by the Federal Acquisition Regulation; to the Committee on Government reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. H. Res. 38. Resolution providing for the consideration of the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes (Rept. 104–2). Referred to the House Calendar.

Mr. HYDE: Committee on the Judiciary. H.J. Res. 1. Resolution proposing a balanced budget amendment to the Constitution of the United States, with an amendment (Rept. 104–3). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HORN (for himself, Mr. BURTON of Indiana, Mr. BEILENSON, Mr. CONDIT, Mr. KNOLLENBERG, and Mr. SHAYS):

H.R. 552. A bill to provide for the negotiation of bilateral prisoner transfer treaties with foreign countries and to provide for the training in the United States of border patrol and customs service personnel from foreign countries; to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. SHAW, Mr. GIBBONS, and Mr. RANGEL):

H.R. 553. A bill to provide, temporarily, tariff and quota treatment equivalent to that accorded to members of the North American Free-Trade Agreement [NAFTA] to Caribbean Basin beneficiary countries; to the Committee on Ways and Means.

By Mr. CANADY of Florida (for himself and Mr. PETE GEREN of Texas):

H.R. 554. A bill to amend title 18, United States Code, with respect to judicial remedies regarding prison conditions; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Mr. CONYERS, Mr. NADLER, Mr. KENNEDY of Massachusetts, and Mrs. SCHROEDER):

H.R. 555. A bill to amend the Securities Exchange Act of 1934 in order to reform the conduct of private securities litigation, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLEMAN:

H.R. 556. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants to address waste water needs of the residents of colonias in the southwest region of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 557. A bill to permit the State of Texas to use certain previously setaside funds for the provision of grants to colonia residents; to the Committee on Transportation and Infrastructure.

By Mr. FIELDS of Texas (for himself, Mr. DELAY, Mr. LAUGHLIN, and Mr. HALL of Texas):

H.R. 558. A bill to grant the consent of the Congress to the Texas low-level radioactive waste disposal compact; to the Committee on Commerce.

By Mr. FRANK of Massachusetts:

H.R. 559. A bill to amend title XVIII of the Social Security Act to limit the penalty for late enrollment under the Medicare Program to 10 percent and twice the period of no enrollment; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY:

H.R. 560. A bill to reform the immigration laws of the United States; to the Committee on the Judiciary, and in addition to the Committees on Economic and Educational Opportunities, International Relations, Government Reform and Oversight, Ways and Means, Agriculture, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GONZALEZ (for himself, Mr. VENTO, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. KENNEDY of Massachusetts, Mr. FLAKE, Mr. MFUME, Ms. WATERS, Ms. ROYBAL-ALLARD, Mr. BARRETT of Wisconsin, and Mr. HINCHEY):

H.R. 561. A bill to amend the Fair Credit Reporting Act, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. HAYWORTH:

H.R. 562. A bill to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; to the Committee on Resources.

By Mr. HERGER:

H.R. 563. A bill to amend the National Historic Preservation Act to prohibit the inclusion of certain sites on the National Register of Historic Places, and for other purposes; to the Committee on Resources.

By Mr. KIM (for himself and Mr. SHUSTER):

H.R. 564. A bill to provide that receipts and disbursements of the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund shall not be included in the totals of the budget of the U.S. Government as submitted by the President or the congressional budget; to the Committee on Government Reform and Oversight, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOAKLEY:

H.R. 565. A bill to amend the Internal Revenue Code of 1986 to retroactively restore and make permanent the exclusion for amounts received under group legal services plans; to the Committee on Ways and Means.

By Mr. KLECZKA (for himself, Ms. FURSE, and Mr. DEUTSCH):

H.J. Res. 55. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 4: Mr. DREIER, Mr. GALLEGLY, Mr. MCKEON, and Mr. ROBERTS.

H.R. 5: Mr. ENGLISH of Pennsylvania, Mr. HEFLEY, Mr. HUTCHINSON, Mr. TORKILDSEN, Mr. STEARNS, Mr. NEUMANN, Mr. MCCRERY, Mr. KOLBE, Mr. BUYER, Ms. MOLINARI, Mr. REGULA, Mr. FRISA, Mr. WHITE, Mrs. CHENOWETH, Mr. WICKER, Mr. GRAHAM, Mr. ROBERTS, Mr. EHRLICH, Mr. TIAHRT, Mrs. SEASTRAND, Mr. UPTON, Mr. HALL of Texas, Mr. PETRI, and Ms. MCCARTHY.

H.R. 66: Mr. SPRATT and Mr. BARRETT of Nebraska.

H.R. 70: Mr. LAUGHLIN.

H.R. 76: Mr. WICKER and Mr. PETRI.

H.R. 77: Mr. QUINN, Ms. DANNER, and Mr. POSHARD.

H.R. 97: Mr. RANGEL, Mr. ENGLISH of Pennsylvania, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. FLAKE.

H.R. 139: Mr. WOLF, Mr. LIPINSKI, and Mr. FATTAH.

H.R. 142: Mr. FIELDS of Texas, Mr. KNOLLENBERG, and Mr. WALSH.

H.R. 158: Mr. NORWOOD.

H.R. 209: Mr. CONDIT, Mr. LINDER, Mrs. MYRICK, Mr. SAM JOHNSON, Mr. BARTLETT of Maryland, Mr. HUNTER, and Mr. STUMP.

H.R. 214: Mr. LINDER.

H.R. 217: Mr. PAXON.

H.R. 218: Mr. BAKER of California.

H.R. 221: Mr. RUSH, Mr. PORTER, Mr. FRANK of Massachusetts, Mr. LAFALCE, Ms. PELOSI, Mr. GONZALEZ, Mrs. KENNELLY, Mr. HASTINGS of Florida, Mr. GIBBONS, Ms. FURSE, Mr. OWENS, Mr. MATSUI, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FLAKE, Mr. MCDERMOTT, Mr. MILLER of California, Mr. MOAKLEY, Mr. SAWYER, Mr. YATES, Ms. WOOLSEY, Mr. FOGLIETTA, Mr. DELLUMS, Mr. CLAY, Mr. BONIOR, Mr. FILNER, Mr. RANGEL, Ms. BROWN of Florida, Mr. TORRICELLI, and Mr. ABERCROMBIE.

H.R. 304: Mr. POMBO and Mrs. SEASTRAND.

H.R. 384: Mr. MARTINEZ.

H.R. 388: Mr. RANGEL.

H.R. 450: Mr. PETERSON of Minnesota, Mr. BAKER of California, Mr. DAVIS, Mr. BLUTE, Mr. NETHERCUTT, Mr. LINDER, Mr. NEY, Mr. CANADY, Mr. COMBEST, and Mr. ROYCE.

H.R. 519: Mr. FUNDERBURK.

H.R. 520: Mr. HERGER.

H.J. Res. 53: Mr. CHAPMAN, Mr. JEFFERSON, Mr. METCALF, and Mr. MORAN.

H. Con. Res. 5: Mr. PETE GEREN of Texas, Mr. WICKER, and Mr. ROHRABACHER.

H. Res. 33: Mr. MCDERMOTT, Mr. HALL of Ohio, Mr. OBERSTAR, Mr. ACKERMAN, Mr. BROWN of Ohio, Mr. STARK, Mr. TORRES, Mr. DICKS, Mr. ENGEL, Mr. BECERRA, Ms. NORTON, Mr. LEVIN, Mr. CLAY, Mr. LAFALCE, Mr. BEILENSON, and Mr. FRANK of Massachusetts.

AMENDMENTS

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

H.R. 5

OFFERED BY: MR. ALLARD

AMENDMENT NO. 6: In section 202—

(1) in subsection (a), after ''prepare'' insert ''and submit to the Congress''; and

(2) at the end of the section add the following:

(d) LIMITATION ON EFFECTIVENESS OF CERTAIN RULES.—A rule that includes any Federal intergovernmental mandate that may result in the expenditures by States, local governments, or tribal governments of

$50,000,000 or more (adjusted annually for inflation) in any 1 year shall not take effect unless the rule is—

(1) specifically authorized by a law in effect on the date of the issuance of the rule in final form; or

(2) approved by a law enacted after that date.

H.R. 5

OFFERED BY: MRS. CLAYTON

AMENDMENT NO. 7: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) protects worker safety.

H.R. 5

OFFERED BY: MRS. CLAYTON

AMENDMENT NO. 8: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

''(8) protects worker safety.

H.R. 5

OFFERED BY: MR. COOLEY

AMENDMENT NO. 9: Strike out subsection (e) of the proposed section 425 of the Congressional Budget Act of 1974.

H.R. 5

OFFERED BY: MR. COOLEY

AMENDMENT NO. 10: In the proposed section 424(a)(2)(A) of the Congressional Budget Act of 1974, strike ''$100,000,000'' and insert ''$50,000,000''.

H.R. 5

OFFERED BY: MR. FATTAH

AMENDMENT NO. 11: Section 306 is amended to read as follows:

SEC. 306. EFFECTIVE DATE.

This title shall take effect upon the date of its enactment.

H.R. 5

OFFERED BY: MR. FATTAH

AMENDMENT NO. 12: In section 2, strike ''and'' after the semicolon at the end of paragraph (7), strike the period at the end of paragraph (8) and insert ''; and'', and after paragraph (8) add the following new paragraph:

(9) to ensure that—

(A) States do not impose any enforceable duty upon local governments, the private sector, or individuals, and

(B) local governments do not impose any enforceable duty upon the private sector or individuals.

H.R. 5

OFFERED BY: MR. FATTAH

AMENDMENT NO. 13: In section 102(a), after paragraph (1) insert the following new paragraphs (and redesignate the subsequent paragraphs accordingly):

(2) investigate and review the role of unfunded State mandates imposed on local governments, the private sector, and individuals;

(3) investigate and review the role of unfunded local mandates imposed on the private sector and individuals;

At the end of section 102, add the following new subsection:

(e) STATE MANDATE AND LOCAL MANDATE DEFINED.—AS USED IN THIS TITLE:

(1) STATE MANDATE.—The term ''State mandate'' means any provision in a State statute or regulation that imposes an enforceable duty on local governments, the private sector, or individuals, including a condition of State assistance or a duty arising from participation in a voluntary State program.

(2) LOCAL MANDATE.—The term ''local mandate'' means any provision in a local ordinance or regulation that imposes an enforceable duty on the private sector or individuals, including a condition of local assistance or a duty arising from participation in a voluntary local program.

H.R. 5

OFFERED BY: MR. FATTAH

AMENDMENT NO. 14: In section 201, after subsection (b) insert the following new subsection (and redesignate the subsequent subsection accordingly):

(c) PRIVATE SECTOR INPUT.—Each agency shall develop an effective process to permit private citizens to provide meaningful and timely input in the development of regulatory proposals containing significant Federal inter-governmental mandates.

H.R. 5

OFFERED BY: MR. HALL OF OHIO

AMENDMENT NO. 15: In section 301(2), in the matter proposed to be added as a new section 421(4)(B)(ii) to the Congressional Budget Act of 1974, insert ''except with respect to any low-income program referred to in section 255(h) of the Balanced Budget and Emergency Deficit Control Act of 1985,''.

H.R. 5

OFFERED BY: MRS. KENNELLY

AMENDMENT NO. 16: In section 4, add a new subsection (7) to read as follows:

(7) requires compliance with section 402(a)(27) of the Social Security Act, any provision of Title IVD of the Social Security Act and any other federal law relating to the establishment or enforcement of child support obligations.

H.R. 5

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 17: In section 102(a)—

(1) in paragraph (1), before the semicolon insert the following: '', including the role and impact of requirements under section 182(d)(1)(B) of the Clean Air Act (42 U.S.C. 7511a(d)(1)(B))''; and

(2) in paragraph (3), at the end add the following: ''The Commission shall include in recommendations under paragraph (2) recommendations with respect to requirements under section 182(d)(1)(B) of the Clean Air Act (42 U.S.C. 7511a(d)(1)(B)).''.

H.R. 5

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 18: In section 102(a)—

(1) in paragraph (1), before the semicolon insert the following: '', including the role and impact of requirements under the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.)''; and

(2) in paragraph (3), at the end add the following: ''The Commission shall include in recommendations under paragraph (2) recommendations with respect to requirements under the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).''.

H.R. 5

OFFERED BY: MR. MARTINEZ

AMENDMENT NO. 19: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, before ''This part'' insert ''(a) IN GENERAL.—'', and at the end of the section add the following:

''(b) REQUIREMENTS UNDER OTHER LAWS.—This part shall not apply to any requirement in effect on December 31, 1994, under—

''(1) the older Americans Act of 1965 (42 U.S.C. 3001 et seq.); or

''(2) the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.).

H.R. 5

OFFERED BY: MRS. MINK

AMENDMENT NO. 20: In Section 301, ''Sec. 421(4)(A)(i)(II)'' strike ''except as provided in subparagraph (B)''.

In Section 301, Sec. 421(4) strike paragraph (B) in its entirety.

In Section 422, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and insert at the end the following:

(8) requires compliance with certain conditions necessary to receive grants or other money provided by the Federal government in programs for which the States, local governments, or tribal governments voluntarily apply.

H.R. 5

OFFERED BY: MR. MORAN

AMENDMENT NO. 21: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fiscal Accountability and Intergovernmental Reform Act'' (''FAIR Act'').

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares:

(1) Federal legislation and regulatory requirements impose burdens on State and local resources to implement federally mandated programs without fully evaluating the costs to State and local governments associated with compliance with those requirements and often times without provision of adequate Federal financial assistance. These Federal legislative and regulatory initiatives—

(A) force State and local governments to utilize scarce public resources to comply with Federal mandates;

(B) prevent these resources from being available to meet local needs; and

(C) detract from the ability of State and local governments to establish local priorities for use of local public resources.

(2) Federal legislation and regulatory programs result in inefficient utilization of economic resources, thereby reducing the pool of resources available—

(A) to enhance productivity, and increase the quantity and quality of goods and services produced by the American economy; and

(B) to enhance international competitiveness.

(3) In implementing Congressional policy, Federal agencies should, consistent with the requirements of Federal law, seek to implement statutory requirements, to the maximum extent feasible, in a manner which minimizes—

(A) the inefficient allocation of economic resources;

(B) the burden such requirements impose on use of local public resources by State and local governments; and

(C) the adverse economic effects of such regulations on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

(b) PURPOSES.—The purposes of this Act are:

(1) To assist Congress in consideration of proposed legislation establishing or revising Federal programs so as to assure that, to the maximum extent practicable, legislation enacted by Congress will—

(A) minimize the burden of such legislation on expenditure of scarce local public resources by State and local governments;

(B) minimize inefficient allocation of economic resources; and

(C) reduce the adverse effect of such legislation—

(i) on the ability of State and local governmental entities to use local public resources

to meet local needs and to establish local priorities for local public resources; and

(ii) on allocation of economic resources, productivity, economic growth, full employment, creation of productive jobs, and international competitiveness.

(2) To require Federal agencies to exercise discretionary authority and to implement statutory requirements in a manner which consistent with fulfillment of each agency's mission and with the requirements of other laws, minimizes the impact regulations and other major Federal actions affecting the economy have on—

(A) the ability of State and local governmental entities to use local public resources to meet local needs; and

(B) the allocation of economic resources, productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

TITLE I—LEGISLATIVE REFORM

SEC. 101. REPORTS ON LEGISLATION.

(a) REPORT REQUIRED.—(1) Except as provided in paragraph (2), whenever a committee of either House reports a bill or resolution of a public character to its House which mandates unfunded requirements upon State or local governments or the private sector, the report accompanying that bill or resolution shall contain an analysis, prepared after consultation with the Director of the Congressional Budget Office, detailing the effect of the new requirements on—

(A) State and local government expenditures necessary to comply with Federal mandates;

(B) private businesses, including the economic resources required annually to comply with the legislation and implementing regulations; and

(C) economic growth and competitiveness.

(2) EXCEPTION.—The requirements of paragraph (1) shall not apply to any bill or resolution with respect to which the Director of the Congressional Budget Office certifies in writing to the Chairman of the Committee reporting the legislation that the estimated costs to State and local governments and the private sector of implementation of such legislation during the first three years will not exceed $50,000,000 in the aggregate and during the first five years will not exceed $100,000,000 in the aggregate. For this purpose, a year shall be a period of three hundred and sixty five consecutive days.

(b) DUTIES AND FUNCTIONS OF CONGRESSIONAL BUDGET OFFICE.—The Director of the Congressional Budget Office shall prepare for each bill or resolution of a public character reported by any committee of the House of Representatives or of the Senate, an economic analysis of the effects of such bill or resolution, satisfying the requirements of subsection (a). The analysis prepared by the Director of the Congressional Budget Office shall be included in the report accompanying such bill or resolution if timely submitted to such committee before such report is filed.

(c) LEGISLATION SUBJECT TO POINT OF ORDER.—Any bill or resolution shall be subject to a point of order against consideration of the bill by the House of Representatives or the Senate (as the case may be) if such bill or resolution is reported for consideration by the House of Representatives or the Senate unaccompanied by the analysis required by this section.

SEC. 102. EXERCISE OF RULEMAKING POWERS.

The provisions of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 103. EFFECTIVE DATE.

This title shall apply to any bill or resolution ordered reported by any committee of the House of Representatives or of the Senate after the date of enactment of this Act.

TITLE II—FEDERAL INTERGOVERNMENTAL RELATIONS

SEC. 201. GENERAL REQUIREMENTS.

The Congress authorizes and directs that, to the fullest extent practicable:

(1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the purposes of this Act;

(2) all agencies of the Federal Government shall, consistent with attainment of the requirements of Federal law, minimize—

(A) the burden which rules and other major Federal actions affecting the economy impose on State and local governments,

(B) the effect of rules and other major Federal actions affecting the economy on allocation of private economic resources, and

(C) the adverse effects of rules and other major Federal actions affecting the economy on productivity, economic growth, full employment, creation of productive, and international competitiveness of American goods and services; and

(3) in promulgating new rules, reviewing existing rules, developing legislative proposals, or initiating any other major Federal action affecting the economy, whenever an agency identifies two or more alternatives which will satisfy the agency's statutory obligations, the agency shall—

(A) select the alternative which, on balance—

(i) imposes the least burden on expenditure of local public resources by State and local governments, and

(ii) has the least adverse effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods or services; or

(B) provide a written statement—

(i) that the agency's failure to select such alternative is precluded by the requirements of Federal law; or

(ii) that the agency's failure to select such alternative is consistent with the purposes of this Act.

SEC. 202. INTERGOVERNMENTAL AND ECONOMIC IMPACT ASSESSMENT.

(a) REQUIREMENT.—Whenever an agency publishes a general notice of proposed rulemaking for any proposed rule, and before initiating any other major Federal action affecting the economy, the agency shall prepare and make available for public comment an Intergovernmental and Economic Impact Assessment. Such Assessment shall be published in the Federal Register at the time of the publication of general notice of proposed rulemaking for the rule or prior to implementing such other major agency action affecting the economy.

(b) CONTENT.—Each Intergovernmental and Economic Impact Assessment required under this section shall contain—

(1) a description of the reasons why action by the agency is being considered;

(2) a succinct statement of the objective of, and legal basis for, the proposed rule or other action; and

(3) a description and an estimate of the effect the proposed rule or other major Federal action will have on—

(A) expenditure of State or local public resources by State and local governments,

(B) allocation of economic resources, and

(C) productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

(c) ALTERNATIVES CONSIDERED.—Each Intergovernmental and Economic Impact Assessment shall also contain a detailed description of any significant alternatives to the proposed rule or other major Federal action which would accomplish applicable statutory objectives while reducing—

(1) the need for expenditure of State or local public resources by State and local governments; and

(2) the potential adverse effects of such proposed rule or other major Federal action on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

SEC. 203. INTERGOVERNMENTAL AND ECONOMIC IMPACT STATEMENT.

(a) REQUIREMENT.—When an agency promulgates a final rule or implements any other major Federal action affecting the economy, the agency shall prepare an Intergovernmental and Economic Impact Statement. Each Intergovernmental and Economic Impact Statement shall contain—

(1) a succinct statement of the need for, and the objectives of, such rule or other major Federal action;

(2) a summary of the issues raised by the public comments in response to the publication by the agency of the Economic Impact Assessment, a summary of the agency's evaluation of such issues, and a statement of any changes made in the proposed rule or other proposed action as a result of such comments;

(3) a description of each of the significant alternatives to the rule or other major Federal action affecting the economy, considered by the agency, which, consistent with fulfillment of agency statutory obligations, would—

(A) lessen the need for expenditure of State or local public resources by State and local governments; or

(B) reduce the potential adverse effects of such proposed rule or other major Federal action on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services,

along with a statement of the reasons why each such alternatives was rejected by the agency; and

(4) an estimate of the effect the rule or other major Federal action will have on—

(A) expenditure of State or local public resources by State and local governments; and

(B) productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of American goods and services.

(b) AVAILABILITY.—The agency shall make copies of each Intergovernmental and Economic Impact Statement available to members of the public and shall publish in the Federal Register at the time of publication of any final rule or at the time of implementing any other major Federal action affecting the economy, a statement describing how the public may obtain copies of such Statement.

SEC. 204. EFFECT ON OTHER LAWS.

The requirements of this title shall not alter in any manner the substantive standards otherwise applicable to the implementation by an agency of statutory requirements or to the exercise by an agency of authority delegated by law.

SEC. 205. EFFECTIVE DATE AND EXEMPTION.

This title shall apply to any rule proposed, any final rule promulgated, and any other major Federal action affecting the economy implemented by any agency after the date of the enactment of this Act. This title shall not apply to any agency which is not an agency within the meaning of section 551(1) of title 5, United States Code.

H.R. 5

OFFERED BY: MR. MORAN

AMENDMENT NO. 22: Insert at the end of section 201 the following:

(d) LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.—An agency may not issue a rule that contains a Federal mandate if the rulemaking record for the rule indicates that there are 2 or more methods that could be used to accomplish the objective of the rule, unless—

(1) the Federal mandate is the least costly method, or has the least burdensome effect, for—

(A) States, local governments, and tribal governments, in the case of a rule containing a Federal intergovernmental mandate, and

(B) the private sector, in the case of a rule containing a Federal private sector mandate; or

(2) the agency publishes with the final rule an explanation of why the more costly or burdensome method of the Federal mandate was adopted.

H.R. 5

OFFERED BY: MR. MORAN

AMENDMENT NO. 23: At the end of title II insert the following:

SEC. 206. JUDICIAL REVIEW.

(a) REVIEW OF AGENCY ACTIONS SUBJECT TO REVIEW UNDER OTHER FEDERAL LAW.—If an agency action that is subject to section 201 or 202 is subject to judicial review under any other Federal law (other than chapter 7 of title 5, United States Code)—

(1) any court of the United States having jurisdiction to review the action under the other law shall have jurisdiction to review the action under sections 201 and 202; and

(2) in any proceeding under paragraph (1), any issue relating exhaustion of remedies, the time and manner for seeking review, venue, or the availability of a stay or preliminary injunctive relief pending review shall be determined under the other law.

(b) LIMITATION ON PRELIMINARY INJUNCTIVE RELIEF.—The second sentence of section 705 of title 5, United States Code (relating to preliminary relief pending review), shall not apply with respect to review under subsection (a)(2) of an agency action, unless process authorized by that sentence is not authorized by the other law under which the action is reviewed.

H.R. 5

OFFERED BY: MR. MORAN

AMENDMENT NO. 24: Amendment to Section 425(a)(2)(D) by the addition of a new subsection 425(a)(2)(C) to read as follows:

''(D) For purposes of subsection 425(a)(2), 'Federal intergovernmental mandate' shall not mean any provision in legislation, statute or regulation that would be equally applicable to state, local and tribal governments as to private businesses, including any provision that would be equally applicable to state, local and tribal governments and private businesses that are or may be in competition.''

H.R. 5

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 25: Amend Section 301 of H.R. 5 as reported as follows:

Page 23, line 25 strike ''except-'' and insert in lieu thereof ''or''; and

Page 24 strike lines 1 through 6.

H.J. RES. 1

OFFERED BY: MR. KLECZKA

AMENDMENT NO. 5: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

''SECTION 2. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

''SECTION 3. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal. Total receipts shall not include receipts (including attributable interest) of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or any successor funds, and total outlays shall not include outlays for disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or any successor funds.

''SECTION 5. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

''SECTION 6. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

''SECTION 7. Congress shall enforce and implement this Article by appropriate legislation.

''SECTION 8. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.''.